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**Report of the Head of Planning and Development****STRATEGIC PLANNING COMMITTEE****Date: 23-Jul-2026**

**Subject: Planning Application 2025/92713 Reserved matters application pursuant to outline permission 2023/92079 for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls and discharge of details reserved by conditions 4 (noise), 5 (BEMP), 6 (Arboricultural Impact Assessment), 7 (safety and security), 8 (landscape), 9 (LEDS) Rear of, 23 to 43, Moor Lane, Gomersal, Cleckheaton, BD19 4LF**

**APPLICANT**

Mr Carter, PPJ  
Developments Ltd

**DATE VALID**

10-Oct-2025

**TARGET DATE**

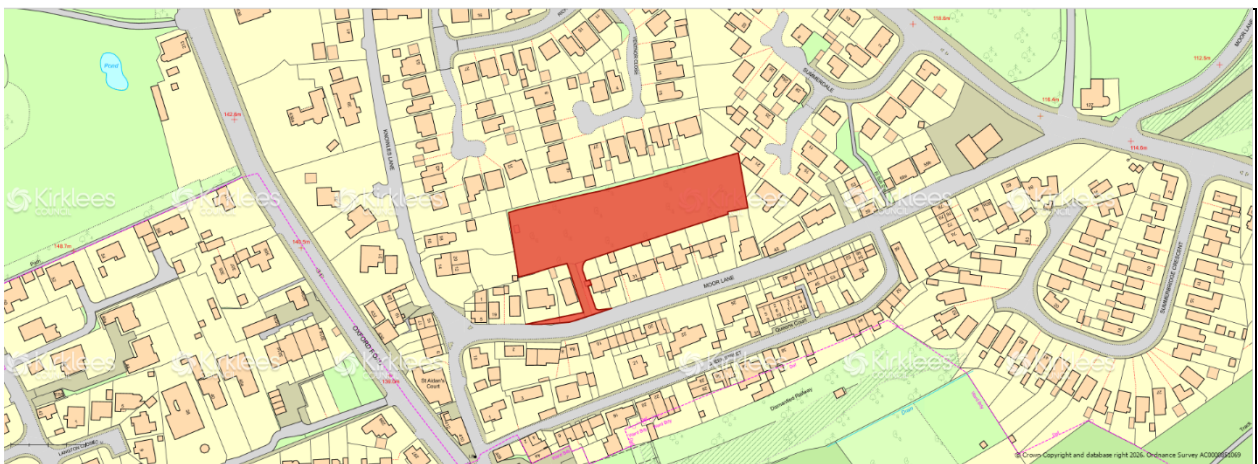
09-Jan-2026

**EXTENSION EXPIRY DATE**

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

[Public speaking at committee link](#)

**LOCATION PLAN**

**Map not to scale – for identification purposes only**

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**Electoral wards affected:** Liversedge and Gomersal

**Ward Councillors consulted:** Yes

**Public or private:** Public

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## **RECOMMENDATION**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

### **1.0 INTRODUCTION**

- 1.1 The application seeks reserved matters approval for the erection of 10 dwellings off Moor Lane at Gomersal pursuant to outline application ref 2023/92079. The reserved matters under consideration as part of this application are appearance, scale, layout and landscaping. The principle of development and access were considered and approved at outline stage.
- 1.2 This application was previously brought to the Strategic Planning Committee on 11/06/2026 for determination under the terms of the Delegation Agreement, due to the significant volume of local opinion received.
- 1.3 At the meeting held on 11/06/2026 the Strategic Planning Committee resolved to defer its decision, and instructed officers to negotiate with the applicant and explore other options for the size and location of specifically plot 10, with general concern also noted regarding the other units, and to consider the length of the unadopted road (including whether the attenuation tank could be relocated) to reduce the bin drag distances for plots on the private drive.
- 1.4 The applicant has made amendments to the proposal, seeking to address the committee's concerns. Section 3 of this report sets out the changes now proposed by the applicant team. Section 4 (onwards) of this report is largely as per the report previously brought to committee on 11/06/2026, albeit updated where necessary, in response to the latest amendments. Paragraphs 7.4 and 7.5 details the additional public representation period undertaken in relation to the amended plans.
- 1.5 For information purposes, a discharge of condition application seeking to discharge several of the conditions attached to the parent outline application (DOC reference 2025/92737) has also been received and is currently pending determination.

### **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site red line boundary measures approximately 0.44 hectares, and comprises an area of vacant, vegetated land to the north of Moor Lane which is bounded on all sides by existing residential dwellings on Moor Lane, Summerdale, Ventnor Close, Richmond Grove, and Knowles Lane.

- 2.2 The site is accessed via land between Nos. 25 and 27 Moor Lane. The blue-line plan for the application (i.e. land owned by the applicant but which does not form a direct part of the application) includes no.27 Moor Lane.
- 2.3 The site has not previously been developed and hosts a number of mature trees, predominately around the boundary. Several of the trees along the northern boundary are protected by Tree Preservation Orders.
- 2.4 The site is unallocated within the Kirklees Local Plan and is located outside of the Cleckheaton Conservation Area, the boundary of which lies to the west of the site, and south of Moor Lane. To the west of the site, is a grade II\* Listed building located within the Conservation Area boundary.
- 2.5 The site is within a Coal Referral Area, and within an area known for Bats.

### **3.0 PROPOSAL**

- 3.1 The applicant is seeking Reserved Matters approval for ten dwellings. The Reserved Matters are appearance, landscaping, layout and scale, pursuant to outline consent (2023/92079), which included the consideration of access, and granted consent for a residential development of ten dwellings, demolition of an existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls.
- 3.2 Subsequent to the previous Strategic Planning Committee meeting held on 11/06/2026 the following amendments have been made:
- Plot 10 has been reduced from a five-bed dwelling to a three-bed dwelling and the garage omitted. This has resulted in a reduced footprint, and reduction in overall size by approximately 35% from 186sqm to 121sqm. Including through a change to the roof pitch, the ridge height has been reduced by almost 1m.
  - The height of the retaining wall structure between Plot 10 and 21 Summerdale (inclusive of a parapet feature) has been reduced from 1.65m to 0.75m.
  - Separation distances and the space between dwellings within the site dwellings have been increased across the site.
  - The number of visitor parking spaces have been increased from three to four.
  - The turning circle between plots 5 and 6 has been widened.
  - The location of bin presentation points and bin storage areas, to serve plots 6 – 10 accessed off the private drive, have been revised. A bin storage area for Plots 9 and 10 is proposed along the southern boundary in the highway verge, with a maximum drag distance of 24m. A bin presentation point for plots 6-10 is proposed at a distance of 25m from the bin collection area, and 8 metres from the end of the adoptable highway.
  - The drainage scheme has been updated, removing the secondary attenuation tank, and now indicatively proposes two box culverts and one attenuation tank.

- 3.3 The applicant has been unable to materially extend the length of the adopted highway, so as to reduce the length of the private drive. They have provided the following reasons:
- *The scheme would have to lose the four visitor parking bays, which are required by Highways.*
  - *Providing a wider adoptable road would remove areas of soft landscaping and bin presentation points.*
  - *Providing a wider adoptable road would squeeze the road up to the walls of Plots 5 and 6. Something we have worked on to increase.*
  - *The presence of the box culverts / attenuation storage in front of Plots 8, 9 and 10 and between Plots 5 and 6 prevents the road from being adopted.*
- However, as per above, the bin presentation point has been designed to follow the guidance in the Kirklees Waste Management Design Guide for New Developments which requires bin presentation points to be no more than 25m from the storage point, and so that collection crews do not have to wheel bins more than 8m to reach the rear of the collection vehicle.
- 3.4 As noted, access does not form a consideration of this application, having been approved at outline stage. However, for completeness, it was approved as being taken between No.25 and No.27 Moor Lane via a new widened access (including via the demolition of an extension at no. 27) approved as part of the outline planning application. This access would connect to an internal estate road (the layout of which does form a consideration of this reserved matter application) which would be part offered for adoption, and part private and maintained by a private management company<sup>1</sup>.
- 3.5 The proposed development (as amended) comprises ten detached dwellings made up of the following house types:
- Type 01 (Plot 3) – two storey dwelling with garage comprising 3 bedrooms
  - Type 02 (plots 4, 6 and 9) two storey dwelling comprising 3 bedrooms (no garage)
  - Type 02a (plot 10) two storey detached dwelling comprising 3 bedrooms (no garage)
  - Type 03 (plot 8) – two storey dwelling with garage comprising 4 bedrooms
  - Type 03A (plot 7) – two storey dwelling with garage comprising 3 bedrooms.
  - Type 04 (plot 1) –two storey dwelling (with habitable rooms in the roof space) and garage comprising 5 bedrooms
  - Type 06 (plot 2) 2 storey detached dwelling with garage comprising 4 bedrooms
  - Type 07 (plot 5) 2 storey detached dwelling with garage (with habitable room in the roof space) comprising 4 bedrooms

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<sup>1</sup> A provision for which was secured within the outline's Section 106 agreement.

In total, the proposal seeks:

- 1 and 2 beds: 0 / 0%
- 3beds: 6 / 60%
- 4+ beds: 4 / 40%

3.6 Each of the dwellings would benefit from private parking, private rear gardens and areas of soft landscaping together with some tree planting to the front of the dwellings. Boundary treatments are proposed as new 1.8m high timber fencing, retention of existing timber boundary treatment, and retaining walls with railings above.

3.7 No on-site Public Open Space is proposed.

3.8 Four visitor parking spaces are proposed. The existing property, no. 27 Moor Lane, would lose its current parking facilities to enable the development; dedicated (replacement) parking for no. 27 Moor Lane is proposed to be located adjacent to plot 3.

3.9 Condition 16 of the outline consent requires that a detailed drainage strategy be submitted as part of a separate Discharge of Condition application. However, in so far as it relates to the matter of layout, two box culverts and an attenuation tank are proposed, with the tank indicatively shown to be located in front of plots 8-10.

3.10 Outline application 2023/92079 included six conditions that required details to be submitted at Reserved Matters stage. These are:

- Condition 4 (noise)
- Condition 5 (BEMP)
- Condition 6 (Arboricultural Impact Assessment)
- Condition 7 (safety and security)
- Condition 8 (landscape)
- Condition 9 (LEDS)

Information pursuant to these conditions has been submitted and therefore will be assessed as part of this application.

3.11 Various other conditions were imposed at outline stage. Where these require the submission of information, but did not require details to be specifically submitted at reserved matters stage, they will be determined under a separate Discharge of Condition application process<sup>2</sup>.

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

##### **4.1 At the site**

2009/93447: Outline application for erection of 5 dwellings - Withdrawn.

2012/92903: Outline application for erection of detached dwelling –Withdrawn

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<sup>2</sup> With Discharge of Condition application ref. 2025/92737 submitted and ongoing at the time of publish.

2022/92100: Outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls – Refused

2023/92079: Outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls – Conditional Outline Permission

2025/92737: Discharge of details reserved by conditions 10 (Phase II Intrusive Site Investigation Report), 11 (Remediation Strategy), 14(a) (coal mining activity), 16, 17, 18, 19, 20 (drainage), 21 (CEMP), 23 (estate roads), 24 (acoustic barrier) on previous permission 2023/92079 for outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls – pending a decision

Adjacent to the site

*16 Ventnor Close*

2007/94079: Erection of detached garage – Conditional Full Permission

2007/94676: Alterations to convert integral garage to a room – Conditional Full Permission

*17 Ventnor Close*

2017/92464: Conversion of garage into living accommodation – Conditional Full Permissions

*23 Ventnor Close*

2008/92398: Erection of conservatory – Conditional Full Permission

2010/91206: Erection of extensions and new roof – Conditional Full Permission

*25 Ventnor Close*

2013/92740: Certificate of lawful use for proposed single storey rear extension – Granted

*25 Moor Lane*

2014/90592: Raising roof and walls to form rooms in roof space to form two storey dwelling – Conditional Full Permission

*33 Moor Lane*

2016/92960: Erection of extensions to the front – Conditional Full Permission

#### *43 Moor Lane*

2012/93142: Certificate of lawfulness for proposed erection of single storey extension – Granted

2014/90697: Prior Notification for single storey rear extension – Not required

#### *14 Knowles Lane, Gomersal*

2006/95395: Erection of single storey extension and formation of first floor window (Listed Building) (Within a Conservation Area)

2006/95429: Listed Building consent for erection of single storey extension and alterations at first floor to form new bedroom with window to side elevation – Consent Refused

2007/92728: Listed Building Consent for internal alterations to form 3<sup>rd</sup> bedroom and installation of velux rooflight (within a Conservation Area) – Consent Granted

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

5.1 Prior to the Strategic Planning Committee meeting held on 11/06/2026 officers had negotiated with the applicant, via meetings and email exchanges, to achieve the following:

- Address concerns over the proposed housing mix, as required by the Council's SPD
- Address highway safety issues including details of forward visibility, visitor parking, waste collection.
- Address the lack of landscaping details
- Address crime prevention issues
- Address residential amenity concerns
- Address drainage issues, including concerns raised by third parties regarding flood routing through neighbouring property
- Address concerns raised by representations regarding trees and separation distances.

5.2 As set out within the introduction above, at the Strategic Planning Committee meeting held on 11/06/2026, the committee instructed officers to negotiate and explore other options for the size of the units, in particular the size and location of Plot 10 and to consider the length of the unadopted road (whether the attenuation tank could be relocated) to reduce the bin drag distances.

5.3 After the committee, officers and the applicant corresponded to work proactively to address the committee's concerns. This cumulated in a meeting, where the applicant presented an amended proposal. While this addressed much of the committee's comments, although the applicant advised they were unable to materially increase the length of the adopted road, officers provided further critique and advise that led to further amendments. On receipt of this further amended proposal, officers confirmed that they considered the proposal to adhere, as far as practical, to the expectations of the committee.

5.4 As a direct result of this negotiation the following amendments were received:

- Plot 10 has been reduced from a five-bed dwelling to a three-bed dwelling and the garage omitted. This has resulted in a reduced footprint, and reduction in overall size by approximately 35% from 186sqm to 121sqm. Including through a change to the roof pitch, the ridge height has been reduced by almost 1m.
- The height of the retaining wall structure between Plot 10 and 21 Summerdale (inclusive of a parapet feature) has been reduced from 1.65m to 0.75m.
- Separation distances and the space between dwellings within the site dwellings have been increased across the site.
- The number of visitor parking spaces have been increased from three to four.
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- The drainage scheme has been updated, removing the secondary attenuation tank, and now indicatively proposes two box culverts and one attenuation tank.

The plans, as amended, were readvertised via notification letters issued to all third parties who had previously made a representation, with the publicity expiring 15/07/2026.

## 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<sup>th</sup> February 2019).

### Kirklees Local Plan (2019)

6.2 The site is unallocated in the Kirklees Local Plan. The following Local Plan policies are considered relevant to the proposal:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place Shaping
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highways and access

- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP35 – Historic environment
- LP52 – Protection and improvements of environmental quality
- LP53 – Contaminated and unstable land

### National Planning Guidance

6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), and the Planning Practice Guidance Suite (PPGS), together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

6.4 A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

6.5 Other relevant national guidance and documents include:

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

### Climate Change

6.6 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 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.

- 6.7 On the 12th of November 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 The application has been advertised as a Major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's Statement of Community Involvement. The initial period of publicity expired 02/12/2025. As a result of this publicity 47 objections were received. A summary of the main concerns is detailed below:

### Highway Safety

- Concern about additional traffic on Moor Lane, a poorly surfaced and narrow rat run between the A651 and A652. Recent temporary traffic lights have highlighted how congested/dangerous the area becomes.
- The proposal will result in more on street parking on Moor Lane, congested due to houses not having off road parking which reduces the road width to one lane, and visibility from driveways is poor.
- The outline application had 3 visitors parking spaces, only 2 are proposed. The spaces are on a private drive and Plots 7-10 will not allow visitors down and they will be used as private spaces. Concern entrance road and roads within the development will become congested, and vehicles will park on Moor Lane.
- The sight line has increased car speeds. Request to consider speed bumps, parking on one side of Moor Lane, resident access only, or a one way system.
- Concern plots 7-10 exceed the recommended bin drag distance. Plot 3 have to drag bins via a gate onto plot 4. Facilities should be provided to allow delivery or service vehicles to turn.
- The drive width in front of plot 9 reduces to less than 4.5 metres.
- Demolition of No.27's extension makes no difference to access due to high hedges. Traffic will not see down Moor Lane and splays are inaccurate.
- Vehicles travelling up Moor Lane straddle the centre line, and some cannot be seen until 10 to 15 metres from the entrance.
- Concern about use of Moor Lane by Construction vehicles.
- 27 Moor Lane is allocated 2 parking spaces, unfortunately residents and visitors may have to enter/exit Plot 2's private property.
- Safety concerns as the visibility splays show that you can see down the street whereas there is vegetation to the front of neighbouring properties. Concern about existing neighbouring driveways or children safely crossing the road

## Drainage

- The site has a steep gradient and flood routing is a significant risk, concern the flood exceedance plan has inaccuracies and an illegal route.
- Plastic crates and a 6-inch pipe will carry surface water and foul sewerage to a Yorkshire Water drain in Moor Lane. Concern over capacity and whether this ensures the site is developed with separate systems of foul and surface water drainage.
- Moor Lane suffers water flow during heavy rain, the drain is struggling to cope from apartments recently connected.
- Query why the developer proposes to tank walls. If tanking is necessary, this confirms surface water is going to be a problem.
- Concern the sewer in Moor Lane will not be sufficient to cope with surface water and foul water and a '1 in 100 year storm event.'
- The area has a high risk of flooding, properties on Summerdale suffer from occasional standing water in gardens.
- Two attenuation installations are proposed across road / drives. Permeable membranes will act as a soak away and surplus water will percolate into the ground and compound flooding. The land has stability issues and could be at risk of settlement, a silt liner could allow water to flood neighbouring property.
- Concern about lack of maintenance access.
- Evidence of a surface water sewer in Moor Lane is not acknowledged. Concern over lack of alternative options, incomplete drainage drawings and discharge rates. It would be premature and unsound to approve Reserved Matters before drainage is properly assessed.
- Concern if further consultation has occurred on amended plans.
- The floodwater route would be past the conservatory of 21 Summerdale or through a wall gate between 19 and 21 or into the garden of 17 Summerdale. Flooding could affect 14 houses.
- System failure will result in flows into third party land. Suggest a raised kerb to intercept flows with a small bund/wall along eastern boundary.
- Concern no third party agreement with owners of affected properties. Yorkshire Water state run off cannot be directed through or over third party land without permission.
- A culvert at 15 Summerdale needs investigating
- If drainage gets approved through 41 Moor Lane, then route overland flood water too. A ground hard surfaced, contained channel with suitable kerbs could be incorporated.
- Plans show a 150mm diameter pipe for foul and surface water to run through No 41 Moor Lane and into a combined drain in Moor lane. Foul and Surface water should be kept separate.
- The area is prone to flooding, and additional hard surfaces will exacerbate this, putting homes/gardens at greater risk.
- Concern due to potential issues of spillage and lack of access, and environmental and public health risks.

## Ecology/ Trees

- There are established trees which support a variety of wildlife. Concern about significant habitat loss and disruption to the local ecosystem.
- The AMS fails to correctly show trees on neighbouring property. A TPO does not seem to have been acknowledged, the status, size and quantity of cherry trees are inaccurate and trees and root balls shown

smaller. Concern the development does not protect the root ball of TPO trees.

- The lower branches of TPO trees are 7 metres over the boundary. Permission must be obtained ahead of work to tree branches, cutting back, lopping, topping and root work.
- Excavation works must be done outside of the root protection area.
- The sycamore trees are no longer worthy of a TPO but the developer should be required to replace them for screening.
- Concern about damage to gardens from removing trees.
- Inaccuracies in the report - The documents make reference to an address, Ings Grove Park, not in this area.

### Environmental

- Concern ground is unstable due to mine workings and works could destabilise neighbouring land.
- Concern about disturbance to the water table from high pressure grouting.
- The geo-environmental report confirms arsenic levels above safe limits in the topsoil.
- The site is within a radon-affected area, with no assessment of how radon gas may migrate towards properties once ground is disturbed.
- The remediation plan lists risks such as inhalation of contaminated dust, dermal contact with polluted soil, and ingestion of contaminated materials, but provides no protections for residents.
- Concern about risk to garden plants/home-grown produce. The application does not include a full remediation strategy or radon mitigation assessment.
- There is a danger to life, especially children playing in gardens.
- Radon has been found in high levels; a radioactive gas that causes lung cancer and kills over 1000 people in the UK every year.
- High levels of lead are present and specialist removal is required.
- The report gives no methods of how remediation is to be done.
- Arsenic and Lead contaminated topsoil will temporarily be piled-up and stacked at the boundary to neighbouring residential properties.

### Residential Amenity

- The plans do not adhere to minimum distances. Plot 10 has two non habitable bathroom windows and a door, the minimum separation distance to 21 Summerdale should be 12 metres. Plot 10 is 8.876 metres from No 21 Summerdale and the conservatory is not shown.
- The gable of Plot 10 will be 2 metres higher than the ridge of 21 Summerdale which will be oppressive and affect daylight.
- Plot 10 will be only 2.00 to 4.00 metres from the boundary of No 21 Summerdale. It would have a floor level 2 metres higher and a ridge height 3.8 metres higher affecting privacy and daylight.
- Plot 10 has a door in the western wall and concern its use will result in loss of privacy.
- Concern about noise and pollution of traffic adjacent to gardens.

### Scale/Appearance and Layout

- A section of Moor Lane is in a conservation area. The local character has been ruined by demolition of walls and splaying of the highway. Building of large new houses will not enhance the aesthetics.
- The indicative outline application had an open feel with communal habitat zones. By reason of the number of dwellings and layout it would be a cramped and intensive form of development.
- Originally 3 open space areas were proposed totalling 465m<sup>2</sup>
- Plot 1 overlooks the Grade II star Listed Building and a 3 storey building will increase the impingement on its setting.
- Plot 1 is 3 storey despite a condition all properties must be 2 storey. Aesthetically this will look different, and at the entrance to the site and the highest point would have a detrimental impact on property.
- Concern about loss of amenity space, and the proposal is a more cramped development with tiny gardens.
- The distance between each property is between 900mm and 1.00 metre and bears no relationship to the outline application.
- Plots 1 and 10 are 5 bed houses (plot 1 is 3 storey), they should be 2 storey smaller 4 bed houses.
- Plots 1 and 2 should be sited further into the development, further from the Grade II listed building and to create more amenity space.
- There is a 1 metre footpath separating all but one house, despite a condition properties must be at least 2 metres apart.
- Reduced garden size along with less areas for grass and planting, and the two "Communal Grassed Zones" have disappeared.

### Other

- Concerns including insufficient natural surveillance of parking areas, climbing aids created by boundary and landscaping proposals and risks relating to external equipment such as heat pumps and EV chargers relevant to Condition 7 remain unaddressed.
- Query if a new application is required due to the changes to the approved outline application.
- The development claims to meet local needs however the local area needs smaller and cheaper housing for first time buyers.
- Concern about the lack of publicity for the application
- Concern about additional noise and pollution.
- Disruption caused by improving the visibility splay was significant and traffic lights made parking dangerous. Noise pollution and pollution caused by stone cutting left cars and property covered in dirt, and lead to loss of privacy. Concern construction workers will create parking issues for residents.
- Query why the corresponding Discharge of Condition application is not open to comments. Concern how two linked applications will be coordinated in the decision-making process.

7.2 Amended Plans were received and re-advertised by neighbour letter to all third parties who had previously made a representation, with the publicity expiring 26/03/2026. As a result of this publicity 23 further representations have been received. Below is a summary of the concerns raised:

## Residential Amenity Concerns

- Minimum separation distances have not been adhered to and will increase overlooking and overshadowing. Housebuilders Design Guide SPD specifies 12 metres minimum separation distance.
- The ground level of 21 Summerdale is 123.61 but only Finished Floor Level is shown for Plot 10 and is not comparing like for like. Plot 10 ground level is 124.45 compared to 21 Summerdale's 123.61. Ridge level difference is 4.15 metres. It does not comply with UDP BE12 (Saved Policy)
- The topography is higher and separation distances should be increased adding 2 metres for every 1 metre of elevation difference. The distance between Plot 10 and 21 Summerdale, should be 13.6 metres, 12 metres + 1.6 metres measured from 21 Summerdale's conservatory.
- The ridge should be vertical distance from a fixed datum, not floor level
- Taller buildings cast shadows, reduce natural light and may overlook.
- Plot 10 is 2.59 metres taller than 21 Summerdale. Add the difference in height of nearly 1 metre and this makes the difference 3.59 metres which will have a significant impact on loss of light, loss of privacy and overshadowing.
- The line between Plot 10 and 21 Summerdale is drawn at an angle of 56 degrees. It should travel horizontally to plot 10's gable wall. The distance should be taken from habitable window to non-habitable window. By measuring at 56 degrees, the distance appears greater. The real separation distance is 8732, not 10717 and should be 12 metres.
- Conservatory to Plot 10 should read 5557. 21 Summerdale's gable wall to plot 10's gable wall should read 7343. There are measurements unrelated to 21 Summerdale. The measurements supplied are calculated incorrectly.
- The distance between Plot 10 and 21 Summerdale are: Conservatory (rear corner) (habitable room) is 6150 Lounge (habitable window) is 10717 Plot 10's gable end wall to 21 Summerdale is 8786. None comply with the minimum distance of 12 metres.
- The window in the gable of 21 Summerdale has been categorised as a secondary window. The house has two primary windows into a through lounge. Secondary windows are fixed glazed, small with no opening. The separation distance should be 12 metres, not 10.717. The distance between the conservatory and Plot 10 should be 12 metres, not 6.150 metres.
- Plot 10 will overlook and overshadow the house, conservatory and gardens at 21 Summerdale and result in loss of light, privacy and be overbearing.
- Building Research Establishment standards for daylight and sunlight impacts include the 25-degree rule and not the 45-degree rule for extensions.
- A line drawn from the window in 21 Summerdale at a 25-degree angle towards Plot 10 does not pass over ridge level of Plot 10. 21 Summerdale will experience an unacceptable loss of daylight and sunlight.
- A 34 degree angle is shown from 21 Summerdale's conservatory instead of the habitable window. This line has been calculated to a point on Plot 10's roof, halfway down, between ridge and eaves level

and does not miss the highest point of plot 10's ridge level. Measurements are contrived and give a false representation.

- The window in the gable of 21 Summerdale has been categorised as a secondary window. The windows in the through lounge are primary. The 25-degree rule should be adhered to and measured from this window.
- Neighbouring' residents have a prescriptive right to light and this development will affect this right.

#### Highway Safety and Waste Collection

- Concern adding properties, cars and parking will make a busy road worse.
- The number of car parking spaces is too small.
- 10 4/5 bedrooms houses will mean each household will own 2,3,4 maybe 5 vehicles adding to congestion on Moor Lane.
- Moor Lane is narrow, has a severe bend just up from the access and at the very end of Moor Lane the junction has difficult visibility with fast traffic travelling along Oxford Road. Concern about impact of construction vehicles.
- Moor Lane has vehicles parked either side which would be difficult for a fire engine. The junction at the bottom onto Bradford road has poor visibility with fast traffic.
- Moor lane is a narrow lane and in poor condition. It has a severe bend above the access to the site, 2 difficult junctions top and bottom, is a cut through and has accidents due to speed and volume of traffic
- The outline application had 3 visitors parking space, and this has 2, located down a private drive and not apparent to visitors to plots 1-6. Lack of spaces will create roadside parking and the entrance road and roads within the development to become congested with more vehicles forced to park on Moor Lane. Many properties on Moor Lane do not have off-road parking.
- For plot 3 bins have to come out via a gate to plot 4's land.
- The bin drag distances do not all comply with regulations.

#### Scale and Appearance

- By reason of the number of dwellings and layout, the proposal would result in a cramped and intensive form of development out of keeping with the character of the area.
- Concern ridge height is in keeping with street scene, and eaves level restricted to keep the mass in proportion with neighbouring properties and maintain the street scene. All houses follow the general land gradient until plot 10. Plot 10 ridge is higher than plot 9 by approximately 500mm.
- Plots 1 and 10 should be smaller 4 bed houses and housing should be no higher than 2 storey
- Plots 1 and 2 are to be built in stone and the remaining houses in Buff Brick despite surrounding properties in Summerdale, Ventnor, Richmond and part of Moor Lane being Natural Stone
- Nothing has changed to the house types and layout
- Plot 1 is 3 storey but they should be 2 storey 4 bed houses. Plot 1 originally had an area of 161.4 sq m now increased to 225.21 sq m excluding garage. Plot 2 was 161.4 sq m in 2023 and now 163.48 sq m excluding garage in 2025. Plot 10 was 153.5 sq m in 2023 and now 185.8 sq m.

- Plots 1 and 2 should be sited further into the development in deference to the Grade II listed building and create more amenity space in the south-western corner.
- The application bears little resemblance to the outline application. 10 large houses will look cramped and cluttered. The outline application had a GWA of 1461 m2 and the planning application proposes 1528.42 m2.
- Manor House/Peel House, 12 & 14 Knowles Lane is a Grade II Starred Listed Building, west of the site. Plot 1 overlooks this listed building. As Plot 1 has now been increased to 3 storeys, this will increase the impingement on the setting of this listed building.

#### Drainage /Flood Risk

- Concern if drainage documents are accurate and people have been given opportunity to comment on them.
- Under "Foul water strategy" the rear garden of plot 43 is mentioned. Presume this should say 41.
- Concern the development is not honouring outline planning conditions.
- The flood exceedance route is still directed towards the garden and house of 21 Summerdale. Align are playing the flood occurrence down to 1 in a 100 years. Yorkshire Water have said this route cannot happen without permissions, and Policy LP28 concurs.

#### Other

- No consideration given to affordable housing.
- Does Gomersal really need more 4&5 bedroom houses
- The village is overpopulated, concern about schools/doctor provision.
- Concern how the entrance to the site has been left. Walls were moved back and No 25 is left in limbo as the sides have not been finished.
- The single storey part of No 27 was to have been removed within 2 years of the planning agreement. The driveway is a messy building site. Require a date for the making good of the driveway or for it to be put back to a reasonable state,
- PPJ have failed to adhere to outline planning conditions and section 106 conditions.
- PPJ have not yet had reserved matters condition 8, Landscaping, accepted
- Query why they have cleared the site and taken trees down

7.3 Further amended plans were received and re-advertised by neighbour letter to all third parties who had previously made a representation, with the publicity expiring 04/06/2026. As a result of this publicity 10 further representations have been received. A summary of the main concerns is raised below:

#### Residential Amenity

- The ground level of 21 Summerdale is 123.61 but only the Finished Floor Level (FFL) is shown for Plot 10 and is not comparing like for like.
- Plot 10 is going to be a minimum of 10 foot higher than 21 Summerdale and will result in 21 Summerdale being overlooked and overshadowed.

- Minimum separation distances have not been adhered to and will increase overlooking and overshadowing on 21 Summerdale.
- Plot 10 ground level is 124.45 compared to 21 Summerdale's ground level of 123.61. This gives 0.84 metres difference, Plot 10 will be higher than 21 Summerdale and increase the difference between Plot 10 and 21 Summerdale's ridge levels. This ridge level height differences is:  $3.31 + 0.84 = 4.15$  metres height difference. Plot 10 will be more than 13.5 feet higher than 21 Summerdale which will result in loss of amenity of 21 Summerdale through loss of light, overshadowing and privacy.
- This application does not comply with Kirklees Unitary Development Plan BE12 (Saved Policy) regarding minimum separation distances.
- Separation distances should be increased to allow for extra elevation.
- The measurement of a roof's ridge height should be measured as the vertical distance from a fixed ground-level datum to the highest point of the roof and not to Finished Floor Level. Measurements should be taken from the highest point of the roof and lowest point of ground level.
- Ridge height should be in keeping with the surrounding street scene, not significantly higher. Eaves Level is restricted to keep the building mass in proportion with neighbouring properties and maintain street scene harmony. Structures near boundaries face stricter height restrictions to prevent shadowing and overlooking.
- The siting of plot 10 is unacceptable, and will cause overlooking, overshadowing, and over-dominance to 21 Summerdale contrary to Policy BE12 of the Kirklees Council Unitary Development (Saved Policy) and Kirklees Housebuilding Design Guide SPD.
- Planners have used terminology to justify why they are not adhering to procedures. The SPD does not differentiate between ground floor windows and 1st floor windows. If a window exists in a wall it should be taken into account as specified in Principle 6 of the Housebuilders Design Guide SPD. The planners have only taken into account the difference between ground and floor levels of the two houses. The difference in the height of the ridge tiles Plot 10 will overshadow 21 Summerdale. Just because window have obscure glazing does not mean the window does not open. Residents can look out of an open window into 21 Summerdale's window. This is why the SPD specify non habitable windows (i.e. bathroom windows) have minimum separation distances applied to them.

#### Highway Safety Issues / Waste Issues

- Moor lane cannot withstand additional traffic either from construction traffic or future residents The lane is narrow with a severe tight bend metres from the access. It has difficult junctions with restricted views at the top and bottom. Vehicles park both sides of Moor lane and there have been many accidents because it's used as a 'rat run' cut through from Oxford Road & Bradford road.
- The bin drag distance for plots 8, 9 and 10 exceed the allowable maximum of 25 metres.
- Two visitors parking spaces have been relocated into the head of turning area between Plot 5 and Plot 6, and the 3rd space has been located opposite the turning area, such that the turning area is not long enough to accommodate a delivery/service vehicle.

- RCV's are shown travelling forward between Plot 2 and Plot 3 and reversing past Plots 3, 4 and 5. The RCV will need to reverse 47.4 metres to the Bin Collection Point, exceeding a 12 metre maximum reversing distance. The private drive is 20 metres and facilities are needed to allow delivery or service vehicles to turn.
- Bin Drag Distance- Concern how planners describe this excessive distance as "This is not an ideal situation, however the drag distance is not so significant to amount to significant material harm". In excess of 15 metres more than the maximum is significant especially when dragging a bin up an incline. Putting the onus on the developer to ensure future residents are aware, does not make this issue comply with Kirklees Housebuilders Design Guide SPD. What a blatant disregard of planning rules, for everyone to see.
- Visitors parking spaces - Concern general planning officers acknowledge K.C. Highways have shown concerns but planners feel they know better than the expert department and just accept the best option for the builder rather than recognise that the plans do not comply with planning regulations. In 10.4, here we have the term again "considered acceptable", even though K.C. Highways do not consider it acceptable.

#### Other

- Bin areas in full view from plots 9 and 10 will spoil the street scene
- Concern how long the development has been going on and why the planning application isn't refused
- The housing mix is too big for the site.
- Concern about whether the developer is a responsible builder
- The latest plans bear no resemblance to the outline approval, and a new application should be submitted.
- Query if meetings have taken place between Kirklees Planners and PPJ developments.
- PPJ have not adhere to the Section 106 agreement.
- Difficult to distinguish between the two greens on the landscaping plan.
- The proposal is a cramped, contrived development.
- The development is not workable because the house sizes and footprint have substantially increased compared to the plans approved by outline permission.
- Concern about dirt and inconvenience from the works.
- TPO trees have not been accurately plotted.
- Concern the acoustic barrier can only achieve noise reductions at ground floor level. Noise reductions at first floor level could only be achieved by installing acoustic glazing. Concern about the specification of the acoustic fence as a 5 decibel noise reduction will only reduce the sound level of a Diesel Truck from 84 dB to 79 dB. To provide any significant sound reduction requires an acoustic fence installation to achieve a reduction of 20 to 32 dB. Concern this has not been addressed and a new Planning Application should have been submitted as some of what they inherited is proving unworkable.
- Concern about the number of times Kirklees planners have not followed their own SPD's and LP to try and push this application through on behalf of this builder. It is not a justifiable reason to not follow their own rules and procedures by using the term "planners find this acceptable".

- Plot 1 (HT04) is referred to as a 5 bed, 7 person at 3 storeys 125m2 Proposal 225.21m2. In 10.44 Plot 1 is referred to a 2 storey building. Planner's advise this plots' eaves will be higher, consequently the ridge tiles will be higher. This makes Plot 1 taller than a 2 storey building. Planning are bending the rules and not adhering to the principle on which the previous committee meeting passed the original outline planning permission. This plan is placing a 3 storey building in the vicinity of a grade 2\* listed building which contravenes previous concerns raised at outline.
- The site is within a radon-affected area, with no assessment of how radon gas may migrate once ground is disturbed. The remediation plan lists risks such as inhalation of contaminated dust, dermal contact with polluted soil, and ingestion of contaminated materials, but provides no protections for residents. The report gives no method for remediation. Arsenic and Lead contaminated topsoil will temporarily be piled-up and stacked at the boundary to neighbouring properties. The geo-environmental report confirms arsenic levels above safe limits in the topsoil. Kirklees planning should be aware of this danger as residents in Cleckheaton are suffering from contamination entering their properties.
- Kirklees have stated the level of arsenic is safe. There is no such thing as a safe level, arsenic is deadly poison. The issues at Corby confirms the fact; cases of birth defects and miscarriages.
- Kirklees planners are not adhering to planning procedure, what is "acceptable to planners" is not acceptable to Kirklees residents. Kirklees planners are more interested in providing homes but ignoring issues affecting 38 homes. Query why planners can't follow the original approved outline permission and rules about separation distances and flooding.
- Why do planners find it acceptable to advise it is legal to direct flood exceedance into a private residents garden providing it does not enter the building. This is not true, it is illegal.
- Support this prospective building works behind Number 25 Moor Lane. The builder has been communicative, helpful and promised to complete the works to 25 Moor Lane as soon as the planning has been approved. These include new gates and an acoustic fence. We are anxious this work is completed soon as the preliminary work has left our property exposed, with no boundary for privacy or safety. Support this application.

7.4 Following the strategic planning committee held 11/06/2026 the amended plans, as detailed in paragraph 3.2 of this report, were advertised by a further round of publicity, expiring on the 15<sup>th</sup> of July. Note that this is the day the report is due to be published: should any further representations be received in the afternoon / evening of the 15<sup>th</sup>, or after this date, they will be reported in the committee update.

7.5 In response to the publicity following the first committee meeting, at the time of writing, three representations have been received. The following is a summary of the comments made:

- Plot 1 is still a tall 3 storey house, and another 3 storey house is planned for Plot 5. Whilst plot 5 has the 2nd floor within the roof, Plot 1 will have eaves level 1m higher to allow for traditional height rooms at 2nd floor. The driveway is approximately 1.35 metre lower than the level by the entrance door, this will add to the overall height when

viewed from the site entrance. This will impact on Peel House, the Grade 2 listed building, and adjacent properties. Three storey houses were not part of the outline and should not be permitted.

- Concern plot 1 will dominate the area and be detrimental to 21 Moor Lane (a bungalow), 23 and 25.
- Moor Lane is a Rat Run between Dewsbury Road and Oxford Road. Concern the previous analysis of the sight lines is flawed as motorists travel the centre line and vehicles cannot be seen until they are 10 metres from the entrance. Concern that to achieve the sight line will require removing part of the wall and the hedge of No 29. KC Highways need to consider current traffic and traffic calming measures.
- The access is totally unsuitable. The traffic count in May 2022 was conducted outside 23 Moor Lane, too near the tight bend and part of the wire failed, so it was not counting everything. The sight lines were based on the traffic count but figures were rounded down. Had they been rounded up you would expect the visibility splays could not be achieved.
- The delegated officer's reports for the Committee meeting were written to influence Members into approving development. Concern that much within these reports does not need to be adhered to and the Planning Committee were mislead.
- Concern there are anomalies regarding the house types.
- A bin store for plots 9 and 10 is in the street and on bin days these plots have to take their bins further to a collection point. Future occupiers will expect bins to be within their own land. This has been done to overcome the bin drag maximum distance but it does not seem much of a solution.
- It is misleading to say plans have been changed from a housing mix of 1 three bed, 7 four bed and 2 five bed dwellings. At 11 June the plans were for 6 three bed, 2 four bed and 2 five bed. At 24 June the proposal is for 6 three bed, 3 four bed and 1 five bed dwelling.
- There are lots of changes re drainage, attenuation tanks and the roads so it seems odd there are no superseded documents.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory**

The Mining Remediation Authority – No objections; there are no recorded coal mining features present at the site that could affect the layout, no specific comments to make on this reserved matter application or the specific conditions that the applicant is seeking to discharge.

Yorkshire Water – Yorkshire Water has no objection to the approval of the reserved matters, in so far the details provided in relation to the discharge of conditions 19 and 20 are now acceptable. Drawing PV2511-APP-92-XX-DR-C-2500 shows separate systems discharging foul water to the public combined sewer in Moor Lane and a surface water connection with flows limited to 3.5 litres/second discharging to the dedicated surface water sewer also in Moor Lane.

K.C Lead Local Flood Authority – This application regarding Conditions 4 to 9 is not related to drainage. Please refer to 2025/92737 for the LLFA's Consultation comments on the recently revised drainage plans regarding Conditions 16 and 17.

K.C Highways Development Management – No objections subject to ensuring the road achieves a suitable gradient for adoption.

## 8.2 Non-statutory

K.C Conservation & Design – No objections subject to conditions. Plots 1 & 2 should be natural stone, with slate roofs. The other houses could be a good quality artificial stone or buff coloured brick, not red brick. The small number of red brick houses on the frontage are an anomaly in this area. There is a strong local distinctive character of natural stone within the Conservation Area and most of the surrounding houses. The use of more red brick would dilute the character of the area and would be visible through houses. Landscaping on the boundary could include natural stone wall and native tree planting.

K.C Trees – No objections, the AMS is acceptable and the development shall be completed in accordance with the advice and directions contained in the above-mentioned AMS and Tree Protection Plan.

K.C Ecology – No objections, Consider the details for conditions 6, 8 and 9 is acceptable.

K.C Landscape – No objections

K.C Environmental health – The details to satisfy the noise condition is acceptable.

K.C. Highways (Waste) – The plan shows that plots 9 and 10 are within 25 m from their dwelling to their bin store. Plots 8 -10 are within 25 m of their BCP. The proposed joint BCP for plots 6-10 are within 8 m of the adopted highway. This means that these properties are in line with the Design Guide parameters. If parked cars on site inhibit the reversing of the refuse vehicle the BCP will revert to being collected from Moor Lane.

West Yorkshire Police Liaison Officer – No objections, the proposals from a designing out crime and security perspective are acceptable. Condition 7 can be discharged provided that the development is delivered in full accordance with 'Safety and Security Measures' document.

## 9.0 **MAIN ISSUES**

- Principle of development
- Layout
- Appearance
- Landscaping
- Highway issues
- Drainage issues
- Representations
- Other matters

## 10.0 **APPRAISAL**

### Principle of development

- 10.1 As this application relates to an application for reserved matters approval pursuant to outline consent 2023/92079 only matters relating to appearance, layout, scale and landscaping are being considered as part of this application.

The principle of the development has been approved by permission 2023/92079 and it is therefore not considered necessary to re visit the principle of development as part of the consideration of this application.

- 10.2 Application 2023/92079 included the consideration and approval of access. For completeness, access is defined as:

*the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;*

Therefore, access does not form part of this reserved matter application.

#### Layout

- 10.3 Layout is defined as:

*the way in which buildings, routes and open spaces within the development are provided situated and orientated in relation to each other and to buildings and spaces outside the development.*

#### *Housing Delivery and Density*

- 10.4 National and local policy each establish principles to ensure development delivers an effective and efficient use of land. Policy LP7 relates to ensuring the 'efficient and effective use of land and buildings'. Specific to residential proposals, the policy also seeks to promote a density of 35 dwellings per ha (dph), where appropriate.
- 10.5 The proposal is for 10 dwellings on a site of c. 0.44ha which equates to a proposed housing density of c. 23 dwellings per hectare. In the committee report to the outline planning application, it was reported that this is considerably lower than the policy requirement and at the lower end of existing densities in the surrounding area. Nonetheless, it was concluded that the site would be incapable of accommodating a residential development of 35 dwellings per hectare due to its size, shape, site constraints, and visual and landscape character impacts on the surrounding area given the nature of the surroundings developments' densities and built form/dwelling types. A proposal for 10 dwellings was therefore previously considered to be acceptable and included within the approved description of development.

#### *Urban design (layout)*

- 10.6 Policy LP24 of the Kirklees Local Plan requires all proposals to promote good design by ensuring that the proposed layout respects the character of surrounding development and landscape. It also expects development to provide adequate outdoor space and be visually attractive. The Kirklees Housebuilder Design Guide SPD sets out 'Principles' and expectations for development to respond positively to topography, existing building lines, and settlement patterns. Officers note the concerns raised in the representations received, that the proposal would result in a cramped and intensive form of development with limited separation distances between plots, and that previously shown communal open spaces in the indicative outline layout have been omitted as part of the reserved matters application.

- 10.7 The proposal is for ten dwellings to be accessed from a part adopted and part private driveway, with off-street parking to serve each dwelling, and private amenity space to the rear. The dwellings would be arranged to achieve a consistent building line and an ordered frontage to satisfactorily integrate with surrounding development. As part of the amendments received post the 11<sup>th</sup> of June Strategic Planning Committee, the applicant has increased the separation distances between the individual plots, and there is considered to be sufficient space about dwellings, both those within the site and to existing neighbouring dwellings, from an urban design perspective. Given the layout and size of the site, and that ten dwellings have been consented at outline stage, the general layout proposed is considered to be the most logical approach to developing the site from a design perspective. It would suitably reflect and harmonise with the established urban grain and neither detract from the visual amenity nor character of the area.

#### *Tree Constraints*

- 10.8 Policy LP33 of the Kirklees Local Plan seeks to protect and enhance existing trees particularly those of significant amenity value and ensure that new development integrates appropriately with existing natural features. The site has several trees, and along its northern boundary the trees are protected by Tree Preservation Orders.
- 10.9 The Councils Tree Officer was consulted on this application and considers the draft tree protection plan is acceptable and there are no objections to the proposed layout of the site from an Arboricultural perspective. An Arboricultural Method Statement (AMS) has been submitted and assessed by K.C Trees who recommend the development be completed in accordance with this document. Accordingly, subject to the imposition of a condition to secure adherence to the AMS, the proposal is considered to appropriately safeguard existing trees of amenity value in accordance with Policy LP33 of the Kirklees Local Plan. Further comments on the amended layout have been requested, and an update to Members will be provided.
- 10.10 Concerns have been raised in the representations received that the trees protected by TPO 05/25/g1 along the northern boundary have not been accurately recorded within the tree survey and therefore that the tree protection measures would be inadequate. K.C Trees have confirmed no structures or hardstanding are proposed within (or close to) the RPA or canopy-line of the protected trees and there will be no adverse impact on the protected trees and notices are to be affixed to the tree protection fencing as shown within the AMS. Notwithstanding this, for the neighbouring property trees to be afforded the same protection as tree T16, the applicant was asked to amend the method statement so that the Tree Protection Fencing is adjusted to bring it in-line with the position of the fence protecting T16. An updated AMS has been submitted and K.C Trees have confirmed that this adequately addresses this matter and is satisfactory. As a further protection, a condition requiring that no works to trees beyond those specifically identified within the submitted Arboricultural Reports are undertaken, unless details are submitted and approved, is recommended to be included.

#### *Heritage Impacts (layout considerations)*

- 10.11 The site is situated close to the northern boundary of the Gomersal Conservation Area, which also wraps around the west of the site. To the west of the site and within the conservation area is the Grade II\* listed Peel House, Manor House at 14 Knowles Lane, a mid-late 17th century manor house constructed in stone with some timber framing. Section 66(1) of the Planning

(Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Section 72 states that with respect to buildings in a conservation area 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the area'. Concern has been raised in the representations received that Plot 1 will overlook the Listed Building and its scale will infringe on its setting.

- 10.12 K.C Conservation and Design raise no objections to the proposed layout and position of plots. This is giving due regard to the separation distances between the new plots and both the listed buildings and Conservation Area, and lack of prominent shared vistas and lines of sight. They note the proposed access to the site, which would be the more prominent new feature from the Conservation Area, is between mid-20th century semi-detached properties with no historical or architectural significance and the widening of an existing narrow access would cause no harm to the setting of the conservation area. Where the front garden boundary wall of 25 Moor Lane is altered, they recommend existing copings are reclaimed and re-bedded on the lowered wall, and instead of a fence on the front garden boundary of 27 Moor Lane, they recommend a natural stone wall with deep copings to reflect the local vernacular character of the traditional boundary features found in this area. It is recommended that the details of this be addressed by condition. Overall, it is considered the proposed layout and the position of the plots and road would not have a detrimental impact on heritage assets in accordance with policy LP35 of the Kirklees Local Plan and chapter 16 of the NPPF.

#### *Separation Distances and Residential Amenity*

- 10.13 Policy LP24(b) requires that proposals provide a high standard of amenity for future and neighbouring occupiers. The site is surrounded, on all sides, by existing dwellings. Predominantly these either back onto or have side elevation facing towards the site and therefore most of the existing neighbouring dwellings face onto the site via their rear or side gardens.
- 10.14 Principle 6 of the adopted Housebuilders Design Guide SPD sets out the typical minimum separation between new and existing dwellings, presuming levels are not significantly different between properties. These are:
- 21m metres between facing windows of habitable rooms at the backs of dwellings;
  - 12 metres between windows of habitable rooms that face onto windows of a non-habitable room
  - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land;
  - and for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.
- 10.15 The SPD requires that longer distances between buildings may be necessary where there is steep topography on the site, which presents challenges relating to overlooking. However, it also identifies that lower distances may be achievable via design solutions, such as the angle of elevations, the layout of

rooms, and size of windows. The site topography slopes from west to east with existing levels ranging from 133.197 to 123.62. The level difference between the site and properties at Summerdale is 123.61 (21 Summerdale) and the Finished Floor level of Plot 10 is proposed to be 125.25. This is not considered so significant a height difference as to necessitate additional distance requirements.

10.16 For Plot 1 the following distances are achieved:

- To 25 Moor Lane, located to the south of the site, a distance of 17.7 metres from the proposed garage of Plot 1 (with bedroom above lit by a roof light, therefore not offering a direct line of view), and a distance of 13.5 metres from the gable wall of Plot 1 to the rear elevation of this neighbouring property.
- To 23 Moor Lane, also located to the south of the site, a distance of 14.6 metres from the gable of Plot 1 to the rear of No.23 Moor Lane. There is a habitable window proposed on the side elevation of Plot 1 however as a ground floor window this would be screened by existing/proposed boundary treatment.
- To Manor House (to the west) a distance of 35 metres between this property and the rear elevation of Plot 1.

The above distances are considered to be acceptable to avoid loss of privacy or overshadowing. The house type is a storey property, with habitable rooms in the roof space predominately served by rooflights and a window on the northern side facing gable. Due to the distances which would be achieved to neighbouring property it is not considered the additional accommodation in the roof and the associated moderate increase in height of this property to facilitate this would have a detrimental overbearing impact.

10.17 For Plot 2 the following distances are achieved:

- To Manor House (to the east) a distance of 33 metres between this property and the rear elevation of Plot 2.
- To No. 33 Richmond Grove a distance of 18.9 metres from the side gable to their rear elevation

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.18 For Plot 3 the following distances are achieved:

- To No 16 Ventnor Close a distance of 18 metres from ground floor, and a distance of 20 metres at first floor.
- To properties on Moor Lane, a distance of 23 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.19 For Plot 4, the following distances are achieved:

- To No 16 Ventnor Close a distance of 18 metres from Plot 4 ground floor, and a distance of 20 metres at first floor.
- To No 27 Ventnor Close a distance of 20 metres from Plot 4 ground floor, and a distance of 22 metres at first floor.
- To properties on Moor Lane, a distance of 23 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.20 For Plot 5, the following distances are achieved

- To properties on Ventnor Close a distance of over 21 metres.
- To properties on Moor Lane a distance of 23 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.21 For Plot 6, the following distances are achieved

- To properties on Ventnor Close a distance of over 21 metres.
- To properties on Moor Lane, a distance of over 21 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.22 For Plot 7, the following distances are achieved

- To properties on Ventnor Close a distance of over 21 metres.
- To properties on Moor Lane, a distance of over 21 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.23 For Plot 8, the following distances are achieved

- To properties on Ventnor Close a distance of over 21 metres.
- To properties on Moor Lane, a distance of over 21 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.24 For Plot 9, the following distances are achieved

- To properties on Ventnor Close a distance of over 21 metres.
- To properties on Moor Lane, a distance of over 21 metres

The above distances are considered to be acceptable to avoid loss of privacy, overbearing, or overshadowing.

10.25 For Plot 10, specific concern was raised by members at the 11<sup>th</sup> of June Strategic Planning committee, regarding the relationship with no. 21 Summerdale. Following the post-committee amendments, the following distances are achieved:

- To properties on Ventnor Close a distance of over 21 metres.
- To properties on Moor Lane, a distance of over 21 metres
- To 21 Summerdale the separation distances range (due to their divergent layouts) from circa 11.5 metres to 15 metres.

10.26 Neighbouring property 21 Summerdale is located towards the end of a cul-de-sac and is positioned at an angle relative to the application site boundary. It is oriented with its primary elevation fronting south-east and its rear elevation fronting north-west. It is understood from plans of the original property

(pursuant to planning application ref 89/05584) that the lounge and dining area is of an open plan style, and that it has a separate kitchen. The primary lounge window is a bay window to the south-east (front elevation) with the primary window to the dining area being on the rear elevation (north-west). The property has an additional secondary habitable room window on the side elevation at ground floor level facing the application site. The property has also been extended with a conservatory across part of the rear elevation

- 10.27 In the side elevation of Plot 10, at first floor level is a landing window proposed to be obscurely glazed. Residents have raised significant concern regarding the impact on the amenity of occupiers of 21 Summerdale relating to loss of privacy and overshadowing, concern about the way the distance measurements are taken and shown on the plan, that the distances are inaccurate and that the differences in levels should require a greater distance than 12 metres in any case. Reference is also made to Rights to Light.
- 10.28 In terms of overshadowing, by virtue of plot 10 being due west of no. 21 Summerdale there would be some limited overshadowing of 21 Summerdale when the position of the sun moves around to the west of the site in the afternoon, taking into account the level difference with Plot 10 having a higher ridge level and ground floor level. The amendments to reduce Plot 10, to reduce the plot from a 5-bed property to a 3-bed property, and with a reduced ridge height, have significantly mitigated any impacts which may arise from overshadowing. The Council's SPD requires a distance of 12 metres between windows of habitable rooms that face onto windows of a non-habitable room. In this case, there is no direct relationship of windows being that Plot 10 would have no ground floor windows facing the ground floor openings of 21 Summerdale, and at first floor, Plot 10's landing would not directly front onto any first-floor windows in 21 Summerdale. Notwithstanding this relationship between windows, the overall distance from plot 10 to 21 Summerdale's ground floor window is 15 metres, and to the later conservatory extension a minimum distance of approximately 11.5 metres. The main outlook and light for the habitable rooms in 21 Summerdale is from the south-east and north-west of the site and it is considered the separation distance is sufficient not to have an undue detrimental overshadowing impact.
- 10.29 In terms of privacy and potential overlooking, for Plot 10 no windows are proposed at ground floor level in the side elevation which would face the ground floor windows in 21 Summerdale. The side facing upper floor windows of Plot 10 would a landing and would be obscurely glazed (to be secured by condition) to avoid potential overlooking of this neighbouring property. In additional it is noted 21 Summerdale does not have any first-floor windows in its side elevation fronting the application site.
- 10.30 In terms of the other plots and daylight and sunlight, the proposed dwellings would be situated to the south of some of the neighbouring dwellings which raises potential for overshadowing impacts. However, due to distances proposed to these neighbouring properties it is not considered the proposed dwellings would result in an unacceptable loss of overshadowing or that they would appear unduly overbearing. Taken into account the separation distances and window placements, it is considered that the proposed dwellings would not give rise to adverse impacts on privacy, light, or general residential amenity of neighbouring occupiers. The scheme therefore complies with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

- 10.31 The impact of the proposed site access on existing properties Nos. 25 and 27 Moor Lane, located either side of the proposed access was fully considered at outline stage with a condition to secure acoustic timber fencing. The rear garden of No. 27 Moor Lane would be significantly reduced to facilitate internal forward visibility splays for the internal estate road which was also considered at outline stage. Officers concluded the residential amenities of neighbouring occupiers would be affected by the proposed access arrangements; however, this would not be unduly significant and on balance would be acceptable to facilitate the proposed development.

#### *Future Occupiers*

- 10.32 The Governments Technical Housing Standards – Nationally Described Space Standard (NDSS) sets out minimum internal space requirements for new dwellings to ensure good levels of functionality and amenity for future occupiers. The proposal (as amended) meets the standards as follows:

| <b>Plot and House Type</b> | <b>Nationally Described Space Standard</b>        | <b>Proposal</b>      |
|----------------------------|---------------------------------------------------|----------------------|
| Plot 1 (HT04)              | 5 bed, 7 person at 2 storeys<br>119m <sup>2</sup> | 225.21m <sup>2</sup> |
| Plot 2 (HT06)              | 4 bed 6 person at 2 storeys<br>106m <sup>2</sup>  | 163.48m <sup>2</sup> |
| Plot 3 (HT01)              | 3 bed 5 person at 2 storeys 93m <sup>2</sup>      | 129.81m <sup>2</sup> |
| Plot 4 (HT02)              | 3 bed, 5 person at 2 storey 93m <sup>2</sup>      | 118.85m <sup>2</sup> |
| Plot 5 (HT07)              | 4 bed 6 person at 2 storey 106m <sup>2</sup>      | 179.16m <sup>2</sup> |
| Plot 6 (HT02)              | 3 bed 5 person at 2 storey 93m <sup>2</sup> .     | 118.85m <sup>2</sup> |
| Plot 7 (HT03a)             | 3 bed 5 person at 2 storeys 93m <sup>2</sup>      | 143.98m <sup>2</sup> |
| Plot 8 (HT03)              | 4 bed 6 person at 2 storeys<br>106m <sup>2</sup>  | 148.76m <sup>2</sup> |
| Plot 9 (HT02)              | 3 bed 5 persons at 2 storey 93m <sup>2</sup>      | 118.85m <sup>2</sup> |
| Plot 10 (HT02a)            | 3 bed 5 person at 2 storey 93m <sup>2</sup>       | 121.48m <sup>2</sup> |

- 10.33 Internally, the dwellings would provide conventional family layouts across two floors for eight of the plots, and two and a half floors for Plot 1 and Plot 5 with gross internal areas and bedroom sizes exceeding the minimum requirements set out in the Nationally Described Space Standards, as set out above. The dwellings as a whole would provide a good quality of accommodation with sufficient light, outlook and privacy consistent with policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and the National Planning Policy Framework.
- 10.34 Externally the proposed layout would provide each dwelling with its own private outdoor amenity space. Although the gardens would in some cases be tiered, each would contain sufficient level space immediately adjoining the rear elevation, comprising a mix of hard and soft landscaping. These garden areas would provide sufficient and usable private amenity space for future occupiers.

#### *Highway Safety*

- 10.35 Policy LP21 seeks to ensure that new development does not adversely impact highway safety or the efficient operation of the road network. It requires proposals to demonstrate safe and suitable access for all users, adequate parking provision, and integration with sustainable travel opportunities, in

accordance with the Councils adopted highways design guidance. Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant. Officers note the significant concern raised by residents regarding highway safety including the impact on Moor Lane from additional traffic, and concerns about the visibility splays. Concerns are also raised about the proposed visitor parking, and the bin storage and collection arrangements.

- 10.36 Details of access were approved as part of the outline application, as were matters such as traffic generation and the proposal's impact on the local network. In terms of layout each dwelling has an integral garage and would benefit from adequate, per the council's Highway Design Guide SPD, off-street parking spaces. Four visitor parking spaces are proposed, two along the southern boundary, and two at the head of the second turning head. Replacement parking spaces for No.27 Moor Lane (removed to provide sightlines at the entrance) are proposed, adjacent to Plot 3.
- 10.37 K.C Highways Development Management and K.C Waste Collection Authority have considered the proposals. They initially raised issues of concern, including providing adequate forward visibility at the first bend in the estate road, the width of the footway, insufficient visitor parking, the location of waste collection points and bin drag distances. In response to these concerns the application underwent amendments.
- 10.38 The scheme proposes an internal layout that is an adequate specification and layout, for the purpose of this Reserved Matters submission, with full technical details secured to be submitted via condition 23 on the outline permission and the Discharge of Condition process. It is proposed that the first part of the internal estate road would be adopted (as opposed to the original scheme proposing no adoption), to extend from the site entrance through to Plot 5. This would allow for bin collection points to be provided within the site no further than 8 metres from an adoptable highway for Plots 1 to 5. The alternative would have been a bin collection point, to serve all ten dwellings, at the site entrance adjacent to Moor Lane, which would have raised significant residential amenity concerns (re. drag distance and relationship with adjacent properties), visual amenity concerns and potential issues with highway visibility. For some of the plots however, this arrangement would increase the bin drag distances above recommended guidance; following the committee meeting held 11/06/2026 officers have negotiated with the developer/agent regarding options for further extending the adoptable road and thereby reducing bin drag distances. The developer/agent have explored options for extending the adopted highway, stating if the second turning head were constructed to adoptable standards 50% of visitor parking spaces would be lost and the refuse vehicle's maximum reversing distance of 20 metres would be exceeded: therefore additional reversing would be against the relevant guidance and refuse crews are unlikely to utilise additional road. Increasing the size of the second turning head to accommodate a refuse vehicle would require the removal of all landscaping along the southern boundary and all visitor parking spaces. Furthermore, the presence of box culverts / attenuation storage is understood to still prevent the road from being adopted. The Highway Authority is typically unable to adopt roads with structures, such as an attenuation tank, below them. The remainder of the proposed road and second turning head is therefore proposed to remain as

unadopted private road. However, to attempt to address the committee's concern in the absence of the adoptable road being lengthened, the bin storage and collection areas have however been amended and a bin collection point for Plots 5-10 is proposed within 8 metres of the end of the adopted road section, within the site. The amendments have reduced bin drag distance by providing a bin storage area for plots 9 and 10 at a distance of no greater than 24m distance, and the bin collection area is 25m away from this storage area. The Waste Collection Authority has confirmed this accords with the Kirklees guidance on bin collection.

- 10.39 K.C Highways Development Management consider the updated scheme to be generally acceptable. As noted above, four visitors parking spaces are proposed, two at the end of the second turning head, and two as laybys along the southern boundary. While this level of provision is as expected, their preference would be for one of the visitor parking spaces to be located in the adopted part of the highway, due to potential issue of accessing it down a private road, an issue that has also been raised within the representations. However, this would require the replacement of the proposed parking spaces for No.27 Moor Lane to be re-located further into the site, where the visitor laybys are proposed. The re-location of the spaces away from no. 27 raises issues with crime prevention as the occupiers of no.27 Moor Lane would not have good visibility of their vehicles. The S106 to the parent application has a clause requiring a draft management scheme for future maintenance and management of the unadopted roads, and the matter of access to visitor parking for all visitors to the site can be considered through this. Officers acknowledge the concerns from K.C. Highways, however other layout and location options for the visitor parking spaces have been explored and it is considered to be the best option. To address this, it is recommended that a condition be included requiring that the visitor spaces are signed (by signs or road markings), to boost their visibility to prospective visitors and to prevent the spaces being seen as additional parking for residents of the private drive.
- 10.40 In summary, issues of concern have been explored, leading to amended plans to seek the best possible solution to address these issues, having regard to the fact that access has previously been approved. As a result, the proposed layout is considered acceptable, from a highway design perspective, and accords with the approved access details. Therefore, the scheme is considered to comply with Policy LP21 of the Kirklees Local Plan, the council's Highways Design Guide SPD, and Chapter 9 of the NPPF in respect of highway safety, access and parking provision.

#### *Crime Prevention*

- 10.41 The West Yorkshire Police Liaison officer is satisfied with the proposed boundary treatments, but initially raised concerns relating to Plots 1, 6 and 10 as originally presented. In particular there was concern bins for Plot 1 should be located behind a secure boundary line, and that its parking should be overlooked. In response the applicant has proposed a recessed bin store with a lockable gate, and confirmed the parking is in a prominent visible location, the front entrance door overlooks this space and a rooflight to the bedroom provides a level of surveillance. For Plot 6 concern was raised that the parking area did not appear to be overlooked and in response the applicant notes there would be a window on the gable of plot 6, and a new window into the living room has been added to provide additional surveillance. For Plot 10 there was concern a proposed hedge will obstruct the view of vehicles, and the applicant has removed this. The West Yorkshire Police Liaison officer has since confirmed that they are satisfied with the amended proposals, from a designing out crime and security perspective.

## Scale

10.42 Scale is defined as:

*the height, width and length of each building proposed within the development in relation to its surroundings.*

10.43 The proposal comprises 10 detached dwellings. Eight of the proposed dwellings are two storeys in scale with traditional pitched roof forms consistent with the scale of development in the immediate setting. The scale of the development reflects the scale of development in the area and as an infill development, set on land to the rear of existing streets, would not appear as an intrusive or overbearing addition to the streetscape.

10.44 Plot 1 and Plot 5 are two storeys, although with habitable rooms in the roof space. The habitable rooms are to be served by rooflights, with no dormers proposed. The eaves for Plot 1 are nominally higher than the other properties proposed and whilst this inevitably increases the ridge height of the property, it is considered on balance, it's habitable roof space would not make it readily appear materially taller / larger than the other two storey properties proposed, or in the wider area.

10.45 In light of the above, it is considered the scale of development proposed, both in terms of overall height of buildings and floorspace proposed is acceptable. The potential cumulative effect of further additions could materially increase their size and scale and overdevelopment of the compact site. In order to control development in this sensitive context, it is recommended that a condition is attached to ensure that no development included within Classes A through E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall be carried out without the prior written consent of the Local Planning Authority.

## *Housing mix*

10.46 In the interest of providing for the identified needs of the district policy LP11 expects major developments to include a mixture of unit sizes, as is elaborated upon with the Council's Affordable Housing and Housing Mix SPD. The SPD sets out expectations for development's housing mixture, for both market and affordable units, in terms of unit size. For the Kirklees Batley and Spen sub-area:

| <b><i>Batley &amp; Spen</i></b> | <b>Market Housing</b> | <b>Affordable Rent</b> | <b>Affordable Intermediate</b> |
|---------------------------------|-----------------------|------------------------|--------------------------------|
| <b>1 and 2 bed</b>              | 30-60%                | 40-79%                 | 60+%                           |
| <b>3 bed</b>                    | 20-40%                | 0-19%                  | 20-39%                         |
| <b>4+ bed</b>                   | 15-35%                | 0-19%                  | 0-19%                          |

**Table 7 Batley & Spen dwelling requirement (%) by number of bedrooms for Market Housing, Affordable Rent, and Affordable Intermediate tenure types**

The SPD sets out a 'comply or justify' expectation, with any justification typically needing to be undertaken in a way commensurate to the assessment undertaken to inform the SPD.

- 10.47 The application initially proposed 1 x 3 bed, 7 x 4 bed and 2 x 5 bed which would have failed to accord with the requirements set out by the SPD. It is noted that the outline application indicatively proposed 6no 3 bed dwellings and 4no 4-bed dwellings and the committee report stated further consideration of the proposed housing mix would need to take place under Reserved Matters. Officers therefore requested that the proposals be amended to take account of the required mix as set out in Local Plan Policy LP11 and the SPD.
- 10.48 The house type drawings have been revised to reflect the indicative mix proposed in the outline planning permission. The revised mix is for 6 x 3 bed dwellings (60%) and 4 x 4+ bed dwellings (40%). While this is acknowledged to not adhere to the SPD's expectations, particularly being absent any 1 and 2 bed units, due regard must be given to the smaller scale of the scheme and constraints of the site, which add challenges to providing smaller units (particularly bearing in mind the limit of ten dwellings approved at outline stage). Nevertheless, this lack of 1 and 2 bed units does weigh against the proposal. Regardless, on the planning balance, considering the noted factors as well as the council's lack of a five-year housing land supply, officers consider this mix to be acceptable, in line with the assessment of the outline application.

#### Appearance

- 10.49 Appearance is defined as:

*the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*

- 10.50 National Policy attaches great importance to the design of the built environment. Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are also relevant to the proposed development in relation to design, as is the council's Housebuilders Design Guide SPD and the National Design Guide. Local Plan policy LP24 sets out that "Good design should be at the core of all proposals in the district ..." and that 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".
- 10.51 The proposed dwellings are representative of contemporary Pennine residential architecture. They are considered visually attractive and would harmonise well with the properties in the wider area. The proposed dwellings would incorporate traditional pitched roof forms, with projecting gables and generally regular fenestration. The overall proportions would be broadly consistent with those found in neighbouring dwellings of a similar scale, thereby creating a coherent relationship with the wider built context. Due to the topography there would be some level differences in garages but this is not considered to be detrimental to visual amenity.
- 10.52 The amended scheme includes some revisions to the house types, however whilst some of the plots have been reduced in scale, their general appearance remains as detailed above.

- 10.53 There are no details of proposed materials in the Planning Statement or Design and Access Statement. The applicant initially requested that the properties be of a red brick construction. However, in respect of the character of the nearby Conservation Area the use of local natural stone and natural slate is preferred within close proximity to the Conservation Area and adjacent listed building. There are however alternative materials on many new houses in this area and therefore on balance officers accept that subject to Plots 1 and 2 being of natural stone with slate roofs to help to reduce the impact on the setting of this important Grade II\* listed Manor House, being the nearest, the remaining plots can be of a brick buff construction. The applicant subsequently revised the proposal for all dwellings to be of Cromwell pitched walling in a "Yorkshire" colour with Sandtoft Calderdale Edge roof tiles in dark grey, and windows and doors in upvc in a dark grey. The views of K.C Conservation and Design were sought; however, this was not considered to be acceptable on plots 1 and 2 due to the proximity of the adjacent listed building. Notwithstanding the discussion, officers recommended that this matter be addressed by condition to stipulate Plots 1 and 2 materials are natural stone and slate with samples to be agreed, and for samples of the remaining plots to be provided.
- 10.54 Overall, subject to conditions, the appearance of the proposed dwellings would respect the surrounding area, and cause no material harm to the setting of the nearby Conservation Area and Listed Building, and be acceptable meeting the requirements of Policy LP24 and LP35 of the Kirklees Local Plan and Paragraph 135 of the NPPF, which require development to secure good design that is sympathetic of local character.

#### Landscape

- 10.55 Landscape is defined as:
- the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;*
- 10.56 The following condition was imposed on the outline permission:
- 8. Notwithstanding the approved plans, the Reserved Matters referred to in Condition 1 shall include a scheme of hard and soft landscape proposals, including a maintenance and management plan, to first be submitted to and approve in writing by the Local Planning Authority.*
- Reason:** *To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*
- 10.57 The site is currently an unused area of green space between existing residential development, seen only predominantly from the back gardens of adjoining properties. While the principle of residential development on the site has been established at outline stage, it is noted that the site does not provide a high landscape character value to the surrounding area, and the proposed residential development would be largely unseen from the road, with the exception of the new access track between No. 25 and 27 Moor Lane. This is not considered to detrimentally affect the landscape character of the surrounding area due to the predominantly residential nature of the area.

- 10.58 The site plan indicates a broad arrangement of hard and soft landscaping, including private gardens and retained trees, and is considered acceptable in principle. The plan initially lacked sufficient details, and K.C Landscape also previously raised concerns regarding the species mix and positioning. In response to these concerns an amended scheme has been provided and K.C Landscape have been reconsulted and are supportive of the amended scheme.
- 10.59 Overall, the submitted details demonstrate that appropriate landscaping may be achieved on the site, sufficient for the purposes of this Reserved Matters application.
- 10.60 The boundary treatment includes the provision of a hit and miss timber fence along the rear of the plots which would have a height of 1.8 metres. The plots would be divided by either a 1.8m high timber fencing or hit and miss timber fencing above a stone retaining wall. The height and appearance of the retaining walls have not been provided; however, this detail can be secured via condition.
- 10.61 In terms of the impact on Historic Environment, on the western boundary of the site some trees will be removed to facilitate the development, whilst others will be retained. In addition, the landscaping scheme proposes some shrub planting to the rear gardens of Plots 1 and 2. Overall, it is not considered the proposal will have a low impact on the adjacent Conservation Area and Listed Building.
- 10.62 The principle of the landscaping layout is considered to be acceptable. Subject to conditions finalising details of the planting and boundary treatments, it is considered the proposal would preserve visual amenity.

#### Planning obligations

- 10.63 The following obligations were secured, by way of Section 106 agreement, as part of the outline permission:
1. Off-site Biodiversity Net Gain contribution (£43,470)
  2. Incorporation of a Drainage Management Company
  3. Incorporation of a Highways Management Company
  4. Incorporation of a Public Open Space Management Company
- 10.64 As the proposal was for 10 units, contributions for Affordable Housing, Public Open Space, and Education were not required, in line with the relevant Local Policies for contributions.
- 10.65 The original Section 106 agreement covered all pertinent matters and a further Section 106 agreement is not required to support this reserved matter submission. It is noted the Section 106 included a clause to secure areas of Open Space, this detail of open space has not been brought forward with the reserved matters, however as noted above the scheme is not subject to a requirement to provide Public Open Space, and the relevant landscaped areas (highway verge etc.) is subject to a maintenance and management plan.

## Other Matters

### *Climate Change*

- 10.66 On 12th November 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 will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.67 A Climate Change Statement was submitted with the outline application. This set out various intentions re. climate change mitigation measures, including:
- it is envisaged that some or all of the following will be incorporated into the proposals on a reserved matters application:
    - o Smart energy metering
    - o LED lighting both internally and externally
    - o Thermostatic valves and temperature regulated thermostats to prevent unnecessary energy consumption
    - o Wall and roof insulation - Solar panels and air source heat pumps
  - it is anticipated that where possible, materials will be sourced locally and will be long lasting. Each dwelling would also be provided with separate bins for general and recycling waste, and water butts and composting bins may also feature.
  - It is anticipated that the walls, roofs and floors of the dwellings are insulated, and the windows would be high-quality double glazed units. Glazing on the dwellings will also be installed to maximise solar gain if possible.
  - it is anticipated that features to reduce water stress such as water efficient toilets, low water use dishwashers and water meters will be included within the final proposals at the reserved matters stage.
  - it is envisaged that the installation of bird and bat boxes are likely to be incorporated into the final proposals at the reserved matters stage in addition to some native planting.
  - it is anticipated that materials will be sourced locally to reduce transport emissions and the installation of electric vehicle charging points for each dwelling.

The submitted details would not prejudice the delivery of the above. As part of the reserved matters, the dwellings are (indicatively) proposed to all incorporate solar panels. This is welcomed and represents a tangible contribution to the Council's climate change objectives. Given the nature of the development as

minor residential development, it is considered that the climate change mitigation measures proposed would be proportionate and acceptable in this instance, as such, it is considered the proposal would comply with Policies LP26 and LP51 of the Kirklees Local Plan and paragraph 161 of the NPPF.

### *Drainage*

- 10.68 The outline planning permission includes conditions to secure a detailed design strategy for foul and surface water drainage, overland flood routing and a construction phase surface water flood risk and pollution prevention plans. These are subject to a separate discharge of condition application. The legal agreement secures the ongoing maintenance and management of the surface water drainage system by the incorporation of a management company.
- 10.69 Officers note significant concern has been raised in the representations received including existing drainage issues within the area, whether the drainage proposals would be adequate and the potential impacts on neighboring property. For the purposes of this reserved matter application, namely ensuring an appropriate layout that makes space for water, the LLFA are satisfied that appropriate arrangements for, flood routing and mitigation measures (in this case, attenuation) have been considered and demonstrated. For this site the flood exceedance path is directed (west to east across site), then south towards Kirklees Council property 41 Moor Lane's driveway and onto Moor Lane. A second flood exceedance path was previously shown heading west to east and towards 21 Summerdale garden. This flood route has been omitted with a change in external levels in the location of Plot 10 on the eastern side of the development. The LLFA consider the details are acceptable.

### *Contamination and Unstable Land*

- 10.70 The site falls within the High-Risk Coal Zone, a matter that was considered and addressed at outline stage. In so far as it relates to the reserved matters, the Coal Authority has raised no objections to the proposed layout.
- 10.71 Significant concern has been raised in the representations received about land contamination, and a lack of details for remediation. However, conditions were imposed at outline stage to address this matter, and shall be considered via the separate Discharge of Condition process. Such matters therefore fall outside the scope and remit of this reserved matter application.

### Conditions Discharge

- 10.72 Outline application 2023/92079 was approved with 29 planning conditions. Of those, six conditions required the submission of specific information as part of the subsequent Reserved Matters application. Those conditions are:
- Condition 4: Reserved matters to include a Noise Impact Assessment to protect future occupiers.
  - Condition 5: Reserved matters to include a Biodiversity Enhancement and Management Plan (BEMP)
  - Condition 6: Reserved matters to include an Arboricultural Impact Assessment
  - Condition 7: Reserved matters to include a Crime Mitigation Strategy

- Condition 8: Reserved matters to include a landscaping strategy, to include maintenance and management plan
- Condition 9: Reserved matters to include a Landscape and Ecological Design Strategy (LEDS)

These conditions are assessed, as follows:

*Condition 4 (Noise)*

10.73 Condition 4 reads:

*4. The Reserved Matters referred to in Condition 1 shall include a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (including road traffic), to first be submitted to and approved in writing by the Local Planning Authority.*

**Reason:** *To safeguard the amenities of future occupiers in accordance with part 15 of the National Planning Policy Framework and Policy LP24 of the Kirklees Local Plan.*

10.74 K.C. Environmental Health were consulted on this matter. They have commented:

*The applicant has submitted a Noise Assessment authored by PDA Acoustic Consultants dated July 2025 Ref J005705-9002-CW-01. Figure 1 identifies the site in relation to the neighbouring roads and identifies the M62 motorway located approx. 400m north.*

*A noise survey was conducted between 1000hrs on Thursday the 24<sup>th</sup> and 1000hrs on Friday the 25<sup>th</sup> of July 2025 from a single monitoring position as shown in figure 2. A summary of the findings is given in table 4 and comment is made that the M62 was the dominant noise source.*

*In order to meet with the internal requirements of BS8233, glazing and ventilation is specified in paras 5.3 to 5.5. There is no mitigation necessary for any external amenity space. The findings of the report are accepted.*

*The submitted information is accepted. However, we recommend the condition is not discharged until all of the mitigation measures within the submitted Noise Assessment authored by PDA Acoustic Consultants dated July 2025 Ref J005705-9002-CW-01 are implemented and retained thereafter.*

10.75 Officers support the above assessment and conclude that the submitted details are acceptable. It is therefore recommended that they be approved.

*Condition 5 (Biodiversity Enhancement and Management Plan)*

10.76 Condition 5 reads:

*5. The Reserved Matters referred to in Condition 1 shall include a Biodiversity Enhancement and Management Plan (BEMP), to be submitted and approved in writing by the Local Planning Authority.*

**Reason:** In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process

10.77 K.C. Ecology were consulted on this matter. They have commented:

*The BEMP (JCA, Sept 2025) is acceptable and in line with the requirements of the condition. Condition 5 is met*

10.78 Officers support the above assessment and conclude that the submitted details are acceptable. It is therefore recommended that they be approved.

*Condition 6 (Arboricultural Impact Assessment),*

10.79 Condition 6 reads:

*6. The Reserved Matters referred to in Condition 1 shall include an Arboricultural Impact Assessment, to first be submitted to and approved in writing by the Local Planning Authority.*

**Reason:** To ensure a satisfactory layout can be achieved without resulting in long term harm to trees with public amenity value and to accord with Policy LP33 of the Kirklees Local Plan.

10.80 K.C. Trees were consulted on this matter. They have commented:

*Condition 6 (Arboricultural Impact Assessment) has been satisfied.*

10.81 Officers support the above assessment and conclude that the submitted details are acceptable. It is therefore recommended that they be approved. As considered in paragraphs 10.9 and 10.10 above the draft tree protection plan is acceptable and an Arboricultural Method Statement (AMS) has been submitted and assessed by K.C Trees who recommend the development be completed in accordance with this document. The AMS was updated for the Tree Protection Fencing to be adjusted to give adequate protection to G17 trees.

*Condition 7 (safety and security)*

10.82 Condition 7 reads:

*7. The Reserved Matters referred to in Condition 1 shall include a scheme detailing the full site and dwellinghouse safety and security measures to be implemented, to first be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include details of windows overlooking publicly-accessible areas, details of boundary treatments, external lighting, landscaping and the security measures for any garages or sheds. No part of the development shall be brought into use until the development has been implemented in accordance with the details so approved. Reason: In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework*

- 10.83 The West Yorkshire Crime Prevention Liaison Officer was consulted on this matter. They have commented:

*Condition 7 can be discharged provided that the development is delivered in full accordance with 'Safety and Security Measures' document, Revision A dated 16/11/2025.*

- 10.84 Officers support the above assessment and conclude that the submitted details are acceptable. It is therefore recommended that they be approved.

*Condition 8 (landscape)*

- 10.85 Condition 8 reads:

*8. Notwithstanding the approved plans, the Reserved Matters referred to in Condition 1 shall include a scheme of hard and soft landscape proposals, including a maintenance and management plan, to first be submitted to and approved in writing by the Local Planning Authority.*

**Reason:** *To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*

- 10.86 This condition has been considered previously, within paragraphs 10.56 – 10.62. In short, the submitted landscaping details are accepted.

*Condition 9 (Landscape and Ecological Design Strategy)*

- 10.87 Condition 9 reads:

*9. The Reserved Matters referred to in Condition 1 shall include a Landscape and Ecological Design Strategy (LEDS) to first be submitted to and approved in writing by the Local Planning Authority.*

**Reason:** *To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*

- 10.88 K.C Ecology and Landscape were consulted on this matter. K.C Ecology have commented:

*The Ecological Design Strategy report (JCA, Sept 2025) is acceptable and in line with the requirements of the condition. Condition 9 is met.*

K.C Landscape have been consulted and raise no objections on account of the amended landscaping plan.

### Representations

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

- Query if a new planning application is required due to the changes to the approved outline application.

**Officer Response:** The outline application approved the principle of development and access only. The other details (layout, scale, appearance and landscape) were shown indicatively and are subject to change at reserved matters stage. Therefore, a new outline planning application is not required.

- The development claims to meet local needs however the local area needs smaller and cheaper housing for first time buyers / Does Gomersal really need more 4&5 bedroom houses

**Officer Response:** The house type drawings have been revised to reflect the requirements of the Councils SPD and the indicative mix proposed in the outline planning permission.

- Concern about the lack of publicity for the application

**Officer Response:** The application has been advertised in accordance with the Statutory requirements.

- Concern about additional noise and pollution / Disruption cause by works to improving visibility splay was significant and traffic lights made parking dangerous. Noise pollution and pollution caused by stone cutting left cars and property covered in dirt, and loss of residents privacy. Concern construction workers will create parking issues for residents.

**Officer Response:** Condition 21 of the outline permission requires the submission of a Construction Environmental Management Plan to be submitted,

- Query why the corresponding Discharge of Condition application not open to comments. Concern how the two linked applications will be coordinated in the decision-making process.

**Officer Response:** The discharge of Condition application is not subject to statutory publicity.

- No consideration given to affordable housing.

**Officer Response:** The application does not meet the threshold for an affordable housing contribution.

- The village is overpopulated, concern about schools/doctor provision.

**Officer Response:** There is no Policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. Regarding schools, in accordance with local policy and guidance, the trigger for contributions towards local schools is 25+ 2 bed units, which the proposal would not meet.

- Concern how the entrance to the site has been left. Walls were moved back and No 25 is left in limbo as the sides have not been finished / The single storey part of No 27 was to have been removed within 2 years of the planning agreement. The driveway is a messy building site. Require a date for the making good of the driveway or for it to be put back to a reasonable state.

**Officer Response:** No works should have commenced ahead of approval of Reserved Matters and Discharge of Pre-commencement conditions.

- PPJ have failed to adhere to outline planning conditions and section 106 conditions.

**Officer Response:** No conditions of the outline have been discharged, the application has been submitted prior to the expiry of the time limit to submit a reserved matters application. There would be a timeframe of 2 years for discharge of conditions of both the outline and reserved matters consents from the date of any approval of the reserved matters and a lawful start to subsequently made.

- PPJ have not yet had reserved matters condition 8, Landscaping, accepted.

**Officer Response:** K.C Landscape is satisfied with the amended landscaping scheme.

- Query why they have cleared the site and taken trees down

**Officer Response:** Some general clearance works do not require planning permission, any works to TPO trees require the appropriate consent.

- There are established trees which support a variety of wildlife. Concern about significant habitat loss and disruption to the local ecosystem.

**Officer Response:** A Preliminary Ecological Appraisal (PEA) was submitted at outline stage and considered to be a comprehensive assessment of the site. Conditions were imposed to secure a Biodiversity Enhancement and Management Plan (BEMP) and for works to take place outside of the bird nesting season. Biodiversity Net Gain was also considered at Outline Application stage and a financial contribution for off-setting was secured through the Section 106 agreement.

- The development is not workable because the houses and footprint have substantially increased compared to the plans approved by outline permission.

**Officer Response:** Officers have sought amendments to the scheme resulting in several iterations of plans being submitted. On balance, officers consider the amendments provide a satisfactory scheme.

- Concern if drainage documents are accurate and people have been given opportunity to comment on them.

**Officer Response:** The outline planning permission includes conditions to secure a detailed design strategy for foul and surface water drainage, overland flood routing and a construction phase surface water flood risk and pollution prevention plans. These are subject to a separate discharge of condition application, and standalone Discharge of Condition applications are not subject to publicity.

- Bin areas are in full view from Plots 9 and 10 and will spoil the street scene.

**Officer Response:** The bin storage areas are positioned within the highway verge. It is proposed to screen the storage with timber fencing and planting which will adequately preserve visual amenity and additional planting.

- Concern about damage to gardens from removing trees.

**Officer Response:** The responsibility for safe development of the site rests with the developer.

- Concern the acoustic barrier can only achieve noise reductions at ground floor level. Noise reductions at first floor level could only be achieved by installing acoustic glazing. Concern about the specification of the acoustic fence as a 5 decibel noise reduction will only reduce the sound level of a Diesel Truck from 84 dB to 79 dB. To provide any significant sound reduction requires an acoustic fence installation to achieve a reduction of 20 to 32 dB. Concern this has not been addressed and a new Planning Application should have been submitted as some of what they inherited is proving unworkable.

**Officer Response:** The matter of noise was considered at outline stage, and the concerns raised above relate to corresponding Discharge of Condition application ref 2025/92737 and specifically condition 24 (acoustic barrier) of the outline planning permission. Officers note these comments, however at this time, this discharge of condition application is yet to be determined.

- Concern about the number of times Kirklees planners have not followed their own SPD's and LP to try and push this application through on behalf of this builder. It is not a justifiable reason to not follow their own rules and procedures by using the term "planners find this acceptable".

**Officers Response:** The applicant has been given the opportunity to address issues raised by both officers and third parties resulting in several iterations of the plans being submitted. The application has been assessed against National and Local Plan Policy

- Planners have used terminology to justify why they are not adhering to procedures. The SPD does not differentiate between ground floor windows and 1st floor windows. If a window exists in a wall it should be taken into account as specified in Principle 6 of the Housebuilders Design Guide SPD. The planners have only taken into account the difference between ground and floor levels of the two houses. The difference in the height of the ridge tiles Plot 10 will overshadow 21 Summerdale. Just because window have obscure glazing does not mean the window does not open. Residents can look out of an open window into 21 Summerdale's window. This is why the SPD specify non habitable windows (i.e. bathroom windows) have minimum separation distances applied to them.

**Officers Response:** Officers have considered the impact of Plot 10 on 21 Summerdale. The SPD requires a distance of 12 metres between windows of habitable rooms that face onto windows of a non-habitable room. Plot 10 proposes no ground floor windows facing the ground floor openings of 21 Summerdale. As per the amended house type, at first floor, Plot 10's proposed landing windows would not face onto windows in 21 Summerdale. Officers note the comment about windows being opened and occupants overlooking neighbouring property however this is a landing non habitable room window.

- Plot 1 (HT04) is referred to as a 5 bed, 7 person at 3 storeys 125m<sup>2</sup> Proposal 225.21m<sup>2</sup>. In 10.44 Plot 1 is referred to a 2 storey building. Planner's advise this plots' eaves will be higher, consequently the ridge tiles will be higher. This makes Plot 1 taller than a 2 storey building. Planning are bending the rules and not adhering to the principle on which the previous committee meeting passed the original outline planning permission. This plan is placing a 3 storey building in the vicinity of a grade 2\* listed building which contravenes previous concerns raised at outline.

**Officer Response:** Plot 1 is proposed to have two storey elevations and has additional accommodation in the roof space which would be lit by roof lights. K.C Conservation and Design have considered the proposal and do not raise concerns about the impact of this plot, including its massing or height on the setting of the Grade II\* Listed building.

- Concern how planners describe this excessive distance as "This is not an ideal situation, however the drag distance is not so significant to amount to significant material harm". In excess of 15 metres more than the maximum is significant especially when dragging a bin up an incline. Putting the onus on the developer to ensure future residents are aware, does not make this issue comply with Kirklees Housebuilders Design Guide SPD. What a blatant disregard of planning rules, for everyone to see.

**Officers Response:** This matter was discussed with K.C Waste Collection Authority. Officers actively sought amendments to reduce the drag distance in line with recommended guidance, although it has not been possible to extend the adoptable road further into the site due to restrictions of road adoption over attenuation features. The K.C Waste Collection Authority have been re-consulted on the amended plans and have confirmed the amended scheme has been designed in accordance with the Waste Collection Guidance document

- Concern general planning officers acknowledge K.C. Highways have shown concerns but planners feel they know better than the expert department and just accept the best option for the builder rather than recognise that the plans do not comply with planning regulations. In 10.4, here we have the term again "considered acceptable", even though K.C. Highways do not consider it acceptable.

**Officers Response:** Officers do acknowledge the concerns from K.C. Highways and have actively explored other layout and location options for the visitor parking spaces. A condition is recommended that the visitor spaces are signed (by signs or road markings), to boost their visibility to prospective visitors and to prevent the spaces being seen as additional parking for residents of the private drive.

- The site is within a radon-affected area, with no assessment of how radon gas may migrate towards properties once ground is disturbed. The remediation plan lists risks such as inhalation of contaminated dust, dermal contact with polluted soil, and ingestion of contaminated materials, but provides no protections for residents. The report gives no methods of how remediation is to be done. Arsenic and Lead contaminated topsoil will temporarily be piled-up and stacked at the boundary to neighbouring residential properties. The geo-environmental report confirms arsenic levels above safe limits in the topsoil. Kirklees planning should be acutely aware of this danger in view of the problems in the Cleckheaton area after plans were passed on a contaminated site by Kirklees planning. Local residents in Cleckheaton are now suffering from contamination entering their properties through windows, doors etc. On this site in Moor Lane there is arsenic; Kirklees have stated the level of arsenic is safe. There is no such thing as a safe level of arsenic. Arsenic is deadly poison. The issues at Corby and the contamination suffered in that area confirms that fact. There were cases of child birth defects and early miscarriages. If this happens at this site, will all the Kirklees planning management and officers find it acceptable.

**Officers Response:** This matter relates to corresponding Discharge of Condition application ref 2025/92737 and specifically contaminated land conditions of the outline planning permission. Officers note these comments, however at this time, this discharge of condition application is yet to be determined.

- Kirklees planners are not adhering to planning procedure, what is “acceptable to planners” is not acceptable to Kirklees residents. Kirklees planners are more interested in providing homes but ignoring issues affecting 38 homes. Query why planners can't follow the original approved outline permission and rules about separation distances and flooding.

**Officers Response:** As above, the application has been assessed against National and Local Plan Policy. The principle of housing development and the means of access has previously been approved, and officers have assessed the Reserved Matters of Layout, Scale, Appearance and Landscape and recommend that they are acceptable.

- Why do planners find it acceptable to advise it is legal to direct flood exceedance into a private residents garden providing it does not enter the building. This is not true, it is illegal.

**Officers Response:** The outline planning permission includes conditions to secure a detailed design strategy including overland flood which is subject to a separate discharge of condition application. For the purposes of this reserved matter application, namely ensuring an appropriate layout that makes space for water, the Lead Local Flood Authority are satisfied that appropriate arrangements for, flood routing and mitigation measures (in this case, attenuation) have been considered and demonstrated.

- Support this prospective building works behind Number 25 Moor Lane. The builder has been communicative, helpful and promised to complete the works to 25 Moor Lane as soon as the planning has been approved. These include new gates and an acoustic fence. We are anxious this work is completed soon as the preliminary work has left our property exposed ,with no boundary for privacy or safety. Support this application.

**Officers Response:** Officers note the comments in support.

- The delegated officer's reports for the Committee meeting were written to influence Members into approving development. Concern that much within these reports does not need to be adhered to and the Planning Committee were mislead.

**Officers Response:** The officer's report is written using officers' professional judgement of a proposal, setting out their view on the proposal in their professional opinion in an objective manner.

- A bin store for plots 9 and 10 is in the street and on bin days these plots have to take their bins further to a collection point. Future occupiers will expect bins to be within their own land. This has been done to overcome the bin drag maximum distance but it does not seem much of a solution.

**Officers Response:** The proposed solution provides options to future residents. They would be able to keep the bins within the curtilage, with a longer bin-day drag distance, or, if they prefer, use the proposed bin-store for a reduced drag distance. This is considered a reasonable solution and compromise, to address the constraints of the site (i.e., narrow and topographically challenging) that prevent a fully adoptable road being delivered.

- It is misleading to say plans have been changed from a housing mix of 1 three bed, 7 four bed and 2 five bed dwellings. At 11 June the plans were for 6 three bed, 2 four bed and 2 five bed. At 24 June the proposal is for 6 three bed, 3 four bed and 1 five bed dwelling.

**Officers Response:** Officers acknowledge that the summary of changes (provided by the applicant), post committee, includes changes made from the original submission, not just the changes made since the previous planning committee. Officers confirm that the housing mixture has not been changed since the committee meeting.

- There are lots of changes re drainage, attenuation tanks and the roads so it seems odd there are no superseded documents.

**Officers Response:** Officers acknowledge that older plans remained online during the latest publicity period, however, they have since been superseded. Nonetheless, the drainage plans do not form a consideration, directly, as part of this application. The technical drainage strategy is to be assessed via Discharge of Conditions (via conditions imposed at Outline stage). The drainage layout (but not other technical aspects) is, however partly relevant to the Reserved Matter of layout, to demonstrate that adequate space has been provided for an acceptable drainage layout. The correct amended drainage layout was online during publicity. The Lead Local Flood Authority has confirmed the drainage layout to be acceptable, in so far as it relates to the Reserved Matters under consideration.

## **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 principle of development has been established by outline application 2023/92079. This proposed Reserved Matters therefore need to comply with the description of development and conditions imposed by 2023/92079. In this case, for the reasons set out in this report, the details, of appearance, layout, scale and landscaping (the Reserved Matters), adhere to the details approved at outline stage, and are deemed acceptable and comply with the policies of the Kirklees Local Plan.
- 11.3 As set out within the report above, at the Strategic Planning Committee meeting held on 11/06/2026, the committee instructed officers to negotiate and explore other options for the size of the units, in particular the size and location of Plot 10 and to consider the length of the unadopted road (whether the attenuation tank could be relocated) to reduce the bin drag distances. After the committee, officers and the applicant corresponded to work proactively to address the committee's concerns. On receipt of this further amended proposal, officers confirmed that they considered the proposal to adhere, as far as practical, to the expectations of the committee.
- 11.4 In respect of the discharge of conditions, conditions 4, 5 and 6 can be discharged. However, officers cannot support the discharge of conditions 8 and 9 as revisions are required. As stated above, this would not prejudice the recommendation of officers in respect of the reserved matters.

## **12.0 CONDITIONS**

The following is a summary list. It is recommended that full wording of conditions, including any amendments/additions, is delegated to the Head of Planning and Development.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
2. Notwithstanding the submitted details, Plots 1 and 2 shall be constructed of natural stone and slate. No above ground building works shall take place until samples of all external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.
3. Notwithstanding the submitted details, a revised scheme of boundary treatments including details of the scale and appearance of all retaining walls shall be submitted to and be approved in writing by the Local Planning Authority prior to first occupation of any dwelling. The front garden boundary wall of No.25 should use incorporate existing copings on the lowered wall and a natural stone wall (rather than a fence) shall be installed to the new boundary of 27 Moor Lane.

4. The window in the side elevation (east) of Plot 10 shall be obscurely glazed to a specification of 5 or above and retained thereafter.

5. The development shall be undertaken in full accordance with the Arboricultural Method Statement.

6. Details of any additional tree works required during the construction process that is not identified within the Arboricultural Impact / Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no new openings, outbuildings, or extensions shall be permitted in any dwelling.

8. Notwithstanding the submitted details, a strategy for visitor parking spaces to be signed as visitor spaces (by either signs or road markings) shall be submitted and approved.

## **Background Papers**

### Application and history files

2023/92079 – Outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls – Conditional Outline Permission

2025/92737 – Discharge of details reserved by conditions 10 (Phase II Intrusive Site Investigation Report), 11 (Remediation Strategy), 14(a) (coal mining activity), 16, 17, 18, 19, 20 (drainage), 21 (CEMP), 23 (estate roads), 24 (acoustic barrier) on previous permission 2023/92079 for outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls – pending a decision

Application website link: [Planning application details | Kirklees Council](#)