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**Report of the Head of Planning and Development**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 02-Feb-2023**

**Subject: Planning Application 2020/93954 Erection of 42 dwellings and associated works Land at, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY**

**APPLICANT**

Stephen Byram, S B  
Homes Ltd

**DATE VALID**

18-NOV-2020

**TARGET DATE**

17-FEB-2021

**EXTENSION EXPIRY DATE**

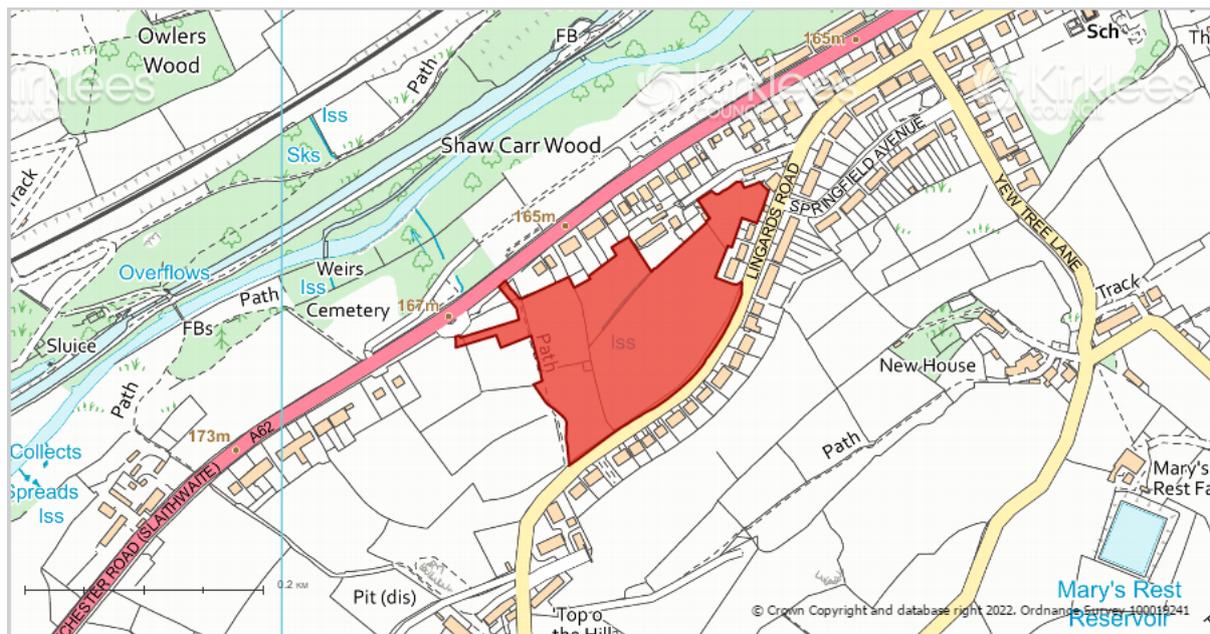
31-DEC-2022

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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:** Colne Valley

**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 and to secure a S106 agreement to cover the following matters:

- a) **Affordable housing:** 8 (20% of total number) dwellings to be affordable, with all 8 to be affordable rent (social rent)
- b) **Open space off-site contribution:** £57,791 towards off-site Public Open Space works within the area.
- c) **Education:** £161,274.66 towards education requirements arising from the development
- d) **Biodiversity:** £99,038 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified;
- e) **Metro / Sustainable travel:** £26,000 for Bus Shelter Improvements (shelters on Manchester Road)
- f) **Management and maintenance:** Retaining wall, POS, Drainage (including culverts), and Ecological features

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

## **1.0 INTRODUCTION**

1.1 This is an application for full planning permission, for a residential development of 42 dwellings.

1.2 This application is brought to Huddersfield Sub-Committee in accordance with the Delegation Agreement as the site area exceeds 0.5ha and due to the level of local representation.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The site is circa 800m west of Slaithwaite and circa 7.8km from Huddersfield Town Centre.
- 2.2 The site has an area of 2.3ha, consisting of agricultural land used for grazing. Drystone walls and other forms of low boundary treatment surround and divide the site. A watercourse, partly open, crosses the site. There are several trees, of varying age and size, in and around the site. Access is from Lingards Road, via a gate in the south-east of the site. The remains of a small structure, associated with a historic agricultural use, is located within the centre of the site's east side.
- 2.3 Land levels vary across the site, but on the whole slope downwards to the north.
- 2.4 Residential properties are sited to the north, east and south of the site. Manchester Road is beyond the houses to the north. The southern boundary is predominantly along Lingards Road, which has dwellings on its southern side.
- 2.5 PROW COL/133/10 runs along the site's west boundary. PROW COL/117/10 is located to the north-east of the site.

## **3.0 PROPOSAL**

- 3.1 The proposal is a full planning permission seeking to erect 42 dwellings. This consists of:
- 1bed (flat): 3 (7%)
  - 2bed (flat): 5 (11%)
  - 3bed: 16 (38%)
  - 4bed: 14 (33%)
  - 5bed: 4 (9%)
- 3.2 Units would be a mixture of detached, terraced, and semi-detached. The units would be predominantly split level, some being one / two storeys, but most being two / three storeys. They are to be constructed with natural stone walls and concrete tile roofs.
- 3.3 A new access is to be formed from Lingards Road. From this, a new estate road would extend through the site, with two branches. Of the new dwellings, 33 would be accessed from the new road. The remaining 10 would front onto Lingards Road and be accessed directly from Lingards Road. A 2m wide footway would be provided along the site frontage to Lingards Road.
- 3.4 Retaining walls will feature through the site. These are to be a mixture of stone walls, gabion walls, and 'green wall' systems. The open watercourse on site would be retained: plots 6 – 8 would have (pedestrian) bridges over it for access.

- 3.5 All dwellings would have dedicated off-street parking, with some house types having garages, although some units would have their parking detached from their curtilage. Plots 6 – 8 would be served by a detached car port. Three dedicated visitor parking bays are proposed.
- 3.6 Several areas of public open space (POS) would be located within the site totalling 2,557sqm. This includes a central route with a footpath running behind the units fronting onto Lingards Road. Boundary fences are to be close boarded timber. Where these are within 2m of the dwellings, they would be 1.8m in height. Elsewhere the height would drop to 1.2m. Where boundary fences back onto the public realm they would be 1.5m close boarded with 0.3m of trellis above.
- 3.7 The site's surface water attenuation tank is to be sited in the adjacent field (circa 0.1ha, within the application's redline). Due to the existing sloping ground levels the tank would partly sit above the existing ground level; the applicant proposes to regrade the land to conceal the tank underground, as would be usual.
- 3.8 Along the north boundary, between the rear of plots 1 – 8 and nos. 52 – 64 Manchester Road, would be a circa 2m wide footpath, to preserve rear access to the properties on Manchester Road.

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

##### **4.1 Application Site**

2014/93946: Outline application for residential development with associated access onto Lingards Road – Outline Permission Granted

##### **4.2 Surrounding Area**

*45, Lingards Road*

2022/90251: Reconfiguration of existing external steps and erection of timber decking – Granted

##### **4.3 Enforcement**

*(part of) Application site*

COMP/22/0424: Alleged unauthorised siting of a portacabin – Ongoing

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

- 5.1 Prior to submission the applicant submitted a pre-application enquiry for the development of the site under reference 2019/20335. Officers advised that the principle of residential development was acceptable, although the site had particular constraints in its levels that an appropriate design response would be required. Advisory commentary was given by technical consultees and officers.

- 5.2 Following the pre-application a full planning application for 57 dwellings was received. This relied on extensive retaining walls and included two primary roads in the site. On receipt of the initial proposal various objections were received from consultees, including highways, drainage, and ecology, as well as planning officers on matters of design. Weighing these issues in the whole, despite the low density relative to the average application, it was still deemed the proposal still represented an overdevelopment of the site given its constraints.
- 5.3 Various meetings took place between the applicant's team, planning officers, and consultees. A reduction in the quantum of development was discussed and agreed. However, concerns remained over the design response of the dwellings. More detailed discussions took place on how the dwellings should be designed to respond to the site's constraints, while still fitting into the character of the area.
- 5.4 In June 2022 a resubmission with a reduced 42 units was provided. This address many of the overarching in-principle objections raised previously. The prominence on retaining walls was reduced and the design of the dwellings was amended to more suitably fit into the area. This was submitted alongside updated supporting information. Despite this progress, technical consultees raised concerns and more focused concerns remained for planning officer. Furthermore, planning officers also recommended that an additional dwelling could be accommodated to the south-west corner without harm, in the interest of promoting an effective use of land.
- 5.5 An amended scheme was received for 43 dwellings. The design principles were considered acceptable and promising progress had been made on technical matters, although final discussions took place in regards to technical matters of drainage, highways, and ecology. During this review, and as noted within the representations, the new road to the rear of no. 45 Lingards Road was identified as being too high, to the detriment of amenity. This led to further revisions on this area of the site, which necessitated a reduction to 42 units, but addressed the identified concern.

## **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) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

[Kirklees Local Plan \(2019\) and Supplementary Planning Guidance / Documents](#)

- 6.2 The application site includes most of housing allocation HS125, but also extends into adjacent Green Belt land.

### 6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP19** – Strategic transport infrastructure
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP23** – Core walking and cycling network
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP32** – Landscape
- **LP33** – Trees
- **LP34** – Conserving and enhancing the water environment
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, active and safe styles
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP63** – New open space
- **LP65** – Housing allocations

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

#### *Supplementary Planning Documents*

- Highways Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)

#### *Guidance documents*

- Kirklees Interim Affordable Housing Policy (2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets® Principles for the West Yorkshire Transport Fund

## National Planning Guidance

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20<sup>th</sup> July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6<sup>th</sup> March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Green Belt
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

6.6 Other relevant national guidance and documents:

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

## Climate change

6.7 The Council approved Climate Emergency measures at its meeting of full Council on the 16<sup>th</sup> 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.

6.8 On the 12<sup>th</sup> 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

### *The applicant's statement of community involvement*

- 7.1 The application is supported by a statement of community involvement which outlines the public engagement the applicant undertook prior to their submission. The applicant posted a letter to neighbouring properties (numbers unknown) that directed residents towards a website where plans were available and where comments could be left.
- 7.2 Approximately 27 No. responses were received in response to the initial application proposals and the main concerns expressed were regarding the number of dwellings proposed, the building heights and the impact on the highway. The applicant sought to address these comments through a variety of amendments. This included changing unit types, lowering the floor levels, and increasing spacing between units.

### *Public representation*

- 7.3 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 adopted Statement of Community Involvement.
- 7.4 The application was amended during its lifetime and a period of re-consultation, via neighbour letters, was undertaken. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation. Final amendments were made after the last public representation period. These were considered minor in scope, and were improvements and/or direct responses to issues raised by the public or officers. As such, it was not considered necessary to readvertise the final amendments.
- 7.5 The end date for public comments is the 24<sup>th</sup> of January 2023. At the time of writing, in total 295 public representations have been recorded. Should any public representations be received on the final day they will be reported within the update.
- 7.6 The following is a summary of the comments received:

### *General*

- The applicant has done insufficient public engagement prior to the application being submitted, or during its process.
- The proposal does not comply with Building for Life 12, and fails several requirements that are considered to be red or amber in the opinion of the author. These include 'Does the development reinforce existing connections?', 'public transport', and 'character' amongst others.
- The most recent amendments (January 2023) are noted, but do not address the main concerns raised by residents.
- The most recent amendments (January 2023) have not included an updated drainage layout and cannot be considered without.

- To enable the development will require substantial landfill (estimated by a resident at 276 tonnes per unit), which demonstrates the proposal would not work with existing land levels.
- The proposal would prevent neighbouring residents from developing their own properties, e.g., via extensions. This results in a loss of future amenity.
- The previous outline on site showed 27 units; this proposal should be for the same number. The Local Plan had a capacity of the site for 36.
- The applicant's submission is misleading and false in places, lacking credibility.
- Brownfield development should be prioritised.
- The applicant bought the site for cheap, based on the outline, and is now trying to fit in too many dwellings. The development has been designed to make a profit.
- The submitted plans are inaccurate and contradictory, which is grounds to have a planning permission overturned and/or removed. For example, the 3D visuals do not show fencing or other domestic paraphernalia and are misleading.
- One of the 3D visual plans shows a substantial retaining wall along the site's north boundary, to the rear of the properties which front onto Manchester Road. This is to provide the rear access to private land; however, this retaining wall would mean the path is on a much higher land than the land its giving access too, which is illogical.
- The proposal does not comply with the Local Plan's policies, and there are no material considerations which justify a departure.
- The Local Plan has an indicative capacity of 36 dwellings for Housing Allocation 125. The proposal exceeds this, which is an unacceptable departure from the Local Plan. The density is cramped and does not fit into the established character.
- New plans have been provided and the application has not been re-advertised to the public. The intended committee date is too soon.
- The applicant's other development at Empire Works is poor quality, particularly the road is unfinished and unsightly 3 years after residents moving in. This raises drainage issues as well as highway safety.
- Concerns that plot 43's inclusion (on the latest plan) was recommended by planners.
- The applicant's public engagement was inadequate, no meeting was held.
- Local services, including schools, dentists, and doctors, are over prescribed and cannot accommodate additional users.
- An increased population in the area will result in more crime and vandalism.
- The site includes tall retaining walls, up to 6m in height, which are a health and safety risk. The open water course is also a risk to people falling in.
- Only one step of stairs includes ramps and does not give the proposal 'disability credentials'. The proposal is discriminatory.
- Concerns over the density of planting and whether the tree planting is feasible.
- The dwellings should incorporate renewable energy features, such as solar panels or turbines.
- The proposed affordable housing is clustered and should be spread through the site. Bungalows should be provided.

- The proposal will have a carbon footprint which cannot be overcome.
- Questioning who will be responsible for the management and maintenance of Public Open Space. If its residents, would this preclude non-residents of the site using it?
- The retaining structures and other elements of the design will result in zones without natural surveillance.
- No Health Impact Assessment has been submitted with the application, as noted as being required within the Local Plan.
- Easements cross the site (i.e., for gas pipes and water).

#### *Green Belt (including the siting of the attenuation tank)*

- The proposal has not demonstrated Very Special Circumstances exist to justify the attenuation tank within the Green Belt. To approve the development in the Green Belt would be breaking the law.
- The tank is only located within the Green Belt to accommodate more development.
- The tank would not have vehicle access to it and only accessible on foot. This would put undue pressure on Yorkshire Water should they adopt it and cause them future issues. As the cross section was provided recently, question whether Yorkshire Water are aware of the tank's design.
- The section showing the re-grading shows an unacceptable impact upon the Green Belt.
- The tank being in Green Belt may lead to future development within the Green Belt.
- The proposed development will be right up to the Green Belt boundary and would unduly harm it.
- The applicant intends to place excess soil in the greenbelt from excavation.

#### *Design*

- The developer intends to terrace the land to enable the development, contrary to 'good design' of working with existing land levels.
- The proposed dwellings do not fit into the character of the area, in terms of their design, scale, or overall appearance. It fails to respond to the area's topography or adequately address the site's constraints.
- While the density of the development is low, the individual units are very large, negating the low density, with a floor space much greater than existing neighbouring dwellings.
- The proposed dwellings are much larger than dwellings elsewhere in the area, in both mass and floor space, and would be out of keeping.
- At present, properties on the north side of Lingards Road around the site are lower than those to the south side, to reflect ground levels. The proposed units on the north side would be higher than those to the south.
- The proposal includes flats: flats are not evident in the area already, and therefore out of character in terms of the community and design.
- Reference to 'urban grain' is not appropriate, as the site is rural.
- The proposed dwellings would remove the view for existing residents, while giving a view to future occupiers, which is unfair.

- Roofs in the area are gables or hipped. The proposed roofs are unusual and would not be fitting.
- There is inadequate space between dwellings, including side to side and front to rear.
- Lingards Road includes bungalows, which make up 40% of the frontage on the opposite side of Lingards Road. The proposed dwellings would be three storeys, and therefore not be in keeping with the area.
- The development would affect the unspoiled Upper Valley / Pennine landscape (which is closely integrated with the Peak District National Park & South Pennines Special Protection Area landscapes), the predominantly green belt surroundings in this part of Colne Valley, the moorland fringe and National Character Area 36. Overall, the development does not respect the rural environment.
- The site is within a Green Infrastructure Area.
- “The current proposals completely ignore and ride roughshod over Kirklees Council’s Landscape & Visual Impact Assessment, recommendations and the strong objections lodged over a period of two years by the Council’s own Conservation and Design section.” And “The site is clearly visible from many miles away on the Northern slopes of the Colne Valley and forms the foreground of vistas leading up to the Peak District National Park about 1.7km away.”
- The LVIA recommendations were:
  - “A sensitive approach to reflect the character of the surrounding area and minimise the impact of the development”.
  - “Low density development”
  - “Two-storey units, as can commonly be found within the immediate surrounding area”
  - “Dwellings set back from undeveloped boundaries” (i.e. South and West boundaries).
  - “Sensitive design to ensure unobtrusive inclusion, avoiding hard landscaping”.
- “We are sceptical that the proposed route of foul and surface water sewers, culverts and exceedance flow infrastructure through to Manchester Road, can be delivered without damage to the trees adjoining Manchester Road. Similarly, the high-volume exceedance flows themselves are likely to damage tree roots and tree stability, in that same area.” And a TPO application has been applied for on these trees.
- “Because of the extent of the new land drainage system this requirement will SEVERELY constrain landscaping and planting by the developer and future home owners on ALL parts of the site – especially for larger trees and bushes. It is more likely that the whole land drainage system will quickly become infested with tree roots and vegetation. All the developer’s proposals and arguments about landscaping and mitigation of negative landscape impacts are also null and void.”
- The proposal does not include a comprehensive landscaping strategy.
- No development should be permitted on this site, it is a field.
- The Conservation and Design team have expressed concerns over the proposal which have not been addressed.

- The access road to the rear of no. 45 would be too high and affect their amenity, as well as causing health issues.

### *Amenity*

- The proposal will harm the amenity of residents on all sides of the development through overbearing, overshadowing and overlooking. Overlooking will be exacerbated by the number of balconies proposed.
- Loss of privacy will mean residents have to close their curtains, and in turn have their lights on more, at their own cost.
- Light pollution and noise from the development, from cars and homes, will harm the living of nearby residents.
- Public open space within the site has come at the expense of pushing units closer to the boundary, and in turn closer to 3<sup>rd</sup> party dwellings.
- The application is not supported by sun path calculations to demonstrate overshadowing will not be caused.
- The new access road to plots 13 – 23 would be higher than neighbouring gardens, affecting their amenity.
- The proposal does not include an on-site play area, which is “does not make sense considering the homes are targeted to families”.
- The 3D visuals show that some gardens for the dwellings would be very steep, practically unusable.
- Three storey properties are not suitable for disabled people who have limited mobility. Driveways / parking bays are not accessibly friendly.
- Uncertainty what the ‘future plan’ area on the plans refers to.
- Habitable room windows would be within 21m of neighbouring properties.
- There should be a fence along the path’s boundary with Lower Wood Farm.

### *Drainage*

- The submitted Flood Risk Assessment is inadequate. It fails to assess fluvial flooding and undertake adequate survey of culverts / springs. There are disagreements on many of the points put forward by the applicant’s drainage engineer.
- The proposal will result in surface water gathering rubbish / litter on neighbouring properties boundaries.
- “We remain of the opinion that the proposed surface water discharge point and the downstream receiving watercourse, around and under the bus turn round, are completely inadequate to receive ANY surface water run-off from this development (even an attenuated flow). The attenuation tank has inadequate management and maintenance arrangements.”
- Insufficient detail has been provided regarding the adequacy of the watercourse within the cemetery which will be the discharge point. “Land drainage proposal completely ignores hydraulic capacity of downstream pipework or the legal viability of the proposal. In other words, it may not be deliverable”
- The drainage fails to address exceedance flow channel design and the flows themselves, as they leave site and the damaging overspill arrangement on the open water channel.

- The proposal will cut off the sprint water supply to Lower Wood Farm. New houses will be built upon springs and streams across the site.
- Concerns that the flow of water into Lower Wood Farm's pond will increase, but will hit the limited inlet and therefore build up. Or become blocked by leaf litter / sediment etc. If it backs up, concerns it will then flood into the dwelling.
- Water 'cascades' down Lingards Roads and also pools in the site during heavy rainfall.
- Exceedance events through the east of the site have not been shown.
- It is unclear how the road and parking spaces will be drainage to the east of the site.
- It is unclear why the developer is proposing the pipe the water which currently flows onto Manchester Road; its outside of this site.
- Drainage systems require easements from landscaping; this has not been evidently considered and the landscaping appears to conflict with the drainage.
- Concerns that the development will lead to sediment within the watercourse crossing the site.

#### *Historic environment*

- The proposal fails to protect or enhance the setting of adjacent listed building Far Lower Wood Farm. It is Grade 2 listed and development should not be allowed near to it.

#### *Highways*

- The site should be accessed from Manchester Road and should avoid Lingards Road.
- Due to parked cars Lingards Road is single lane in many places. The proposal would put unreasonable pressure on an already overused road.
- The first driveway on the new road is too close to the access road and will be a danger.
- Inadequate visitor parking spaces would be provided, as the Council require 1 per 4 dwellings.
- The development will increase vehicle movements on Nields Road, which is a school; this is unsafe for children.
- The Transport Assessment is not fit for purpose; it fails to appropriately consider the nature of Lingards Road, such as its gradients, difficult junctions, and how cyclists and pedestrians use it. It contains opinions.
- Lingards Road is a bus route; the development will interfere with this service through blocking the road and extra traffic.
- An increase in traffic on Lingards Road will harm the safety of pedestrians and cyclists. Lingards Road is narrow and cannot accommodate more traffic. It narrows to a single lane towards Chain Road.
- 2011 census data, used to anticipate traffic distribution, is out dated. 2021 data should be used.
- The driveways serving the units fronting Lingards Road do not meet the standards for shared driveways.

- Construction traffic cannot be accommodated on Lingards Road and will affect safe use of the road. This would be exacerbated by contractor parking.
- West Yorkshire Police state, 'Integral garages should be of a size 7m x 3m'. These garages would be at right angles to the road, and unlikely to be used for their intended purpose.
- People do not use their garages for parking, with an RAC survey identified that 70% of people don't use them. Therefore, garages should not be counted as parking spaces.
- Shared drives are unpopular and will lead to arguments and may result in fences being erected to subdivide them, thus negating their effectiveness.
- The proposal ignores its own detrimental impacts on the highway network, including:
  - Lingards Road junction and Nields Road Junction with Manchester Road
  - The very steep lower end of Lingards Road, where there are no footpaths
  - The junction of Nields Road & Lingards Road, exacerbated by the high volume of school traffic on Nields Road
  - Lingards Road below Springfield Avenue – effectively a narrow singletrack carriageway on a blind bend
  - Above Hill Top, including blind bends and terrible junction with Chain Road
- The proposal will lead to more speeding on Manchester Road; more speed cameras on the road should be provided by the developer.
- There are no offsite improvement works, which should be required to facilitate this development.
- The proposal would narrow the carriageway of Lingards Road to 4.85m.
- Plans include proposals to build houses with direct access off Lingards Road and provide a carriageway width of 5 metres. This is completely inadequate given the existing road immediately below the main site entrance is 7.32 metres wide.
- Lingards Road has slipped in the past, including from a gas explosion; the proposal will further make it dangerous.
- The units fronting onto Lingards Road could not reasonably accommodate on-site turning, and may need to turn within the road.
- Residents often have numerous cars per dwelling, with anecdotal evidence of a 4bed house with 4 cars given.
- Additional parking on Lingards Road would interfere with the safe use of the highway, and access by emergency vehicles.
- Dwellings are too distant from turning heads and/or the highway and cannot be adequately served by fire services. The proposal represents a fire safety issue.
- The vehicle sightlines of the units directly onto Lingards Road are unacceptable and fail to take into account the brow of the hill. As a result, visibility will be well below (47%) of what is required. There would also be drystone walls 0.9m in height in the way.
- Wheelie bin storage is inadequate, showing only 1 space per unit. This would also block sightlines.

- Vehicles are typically parked on Lingards Road where residents / visitors park their cars on the road. This will either prevent the site being safely accessed or harm current parking arrangements for residents. The plans show vehicles parked opposite the junction, suggesting the application is encouraging a breach of the Highway Code.
- Vehicle parking bays are below the expected 2.5m x 5.0m. This will lead to vehicles protruding on the pavement.
- The access to plots 34 and 35 would be within 10m of a junction on the opposite side of the road, below required standards.
- Concerns exist that recent appeal decisions, where appeals against refusals were upheld, will factor into officers' assessment of this proposal.
- The entirety of Lingards Road should be widened to 6m along the site's frontage. It is currently too narrow to allow parking on both sides. Vehicles park on the south side of the road and will make accesses the new driveways difficult.

### *Ecology*

- The applicant proposes to offset ecology on-site with a woodland 'miles away'. This is unreasonable for local residents, who lose the benefit of the openness while gain none of the enhancements.
- Woodland will take decades to grow to any real, impactful size and will not affect the current climate crisis.
- The previous outline application on site did not create a need for ecological enhancement.
- The proposal will remove much of the site's acid grassland, which is valuable habitat. The earlier outline required that it be retained. Alternatively, moving the acid grassland to elsewhere in the Green Belt is unacceptable.
- Deer are known to use the site and would lose habitat. The surveys undertaken are inadequate.
- The updated ecological report fails to re-survey the site and is now out of date. Twite have been spotted around the site.
- The proposal should include sedum roofs, as it did when originally submitted in 2020.

7.7 The site is within Colne Valley ward. Local ward members were also notified of the proposal. Cllr Harry McCarthy expressed concerns over the initial intention of the application being presented at committee in December.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory**

K.C. Highways Development Management: Have been involved in negotiations throughout the proposal. Expressed various concerns which have been addressed through amended proposals, and subject to conditions for improvement works.

K.C. Lead Local Flood Authority: No objection to the proposed surface water drainage details. Concerns have been raised on elements relating to flood routing from Lingards Road. A design response has been discussed with the applicant's consultant and agreed, although officers are currently awaiting review of the amendment in plan form: further details may be provided within the update. Notwithstanding this, the concern raised is not on a fundamental matter and an adequate design response has been agreed verbally. Therefore, the matter may be adequately addressed via condition.

The Environment Agency: No objection. Note the site's proximity to historic landfill sites which may have contaminated the site, however they comment that 'Given the nature of the materials permitted to be deposited in these sites and how long-ago waste was last deposited in them it can be considered unlikely that they pose any environmental risk to the proposed development. However, the developer may wish to undertake, and / or the planning authority may wish to require, a further risk assessment as they see fit'. Ground contamination, including gas, is considered by K.C. Environmental Health.

The Canal and Rivers Trust: No comment.

K.C. Conservation and Design: Conservation and Design officers have been included in negotiations on the site's design throughout. It is noted that the last consultation response from Conservation and Design officers is an objection, relating to the proposal's impact upon the setting of listed buildings. This was authored by a different Conservation and Design officer, following the departure of the original who was involved in the discussions. While the objection is noted, it does not comply with the previous officer's advice. Notwithstanding this, further details have been provided in response to the concerns raised. This is considered further within the report.

## 8.2 **Non-statutory**

K.C. Crime Prevention: Provided advice and feedback through the design process. Expressed concerns to certain parking areas lack of surveillance.

K.C. Ecology: Required further details to be provided by the applicant regarding the impact on the South Pennine Moor Special Protection Area. These have been provided and are considered acceptable.

Other discussions resolved around how 10% net gain would be secured. The proposal initially sought to provide woodland habitat nearby to off-set the loss. This was not considered acceptable, as different habitat to the site and due to its proximity to the SPA. No objection to an off-site contribution to address the shortfall, equating to £99,038. No objection to the proposal, subject to condition.

K.C. Education: Confirmed that an education contribution is necessary for the development. Based on 38 2bed+ units (as education contributions are not sought for 1bed flats of which 4 are proposed) at the time of assessment, a combined contribution of £ 161,274.66 is required (£93,900.66 to Nields junior, infant and nursery and £67,374 to Colne Valley High).

K.C. Environmental Health: Have considered the status of the land regarding contamination. Have also considered other environmental matters, such as noise pollution and air quality. No objection to the proposal, subject to conditions.

K.C. Landscape: Outlined the current provision and standard of open space within Colne Valley ward and how this development may factor into it. Reviewed the proposed open space and welcomed its inclusion. Based on the on-site provision, an off-site provision of £57,791 remains necessary. Also provided a commentary on the landscaping and recommendation for conditions to govern the landscaping.

K.C. Policy: Provided an overview of the relevant policy context for consideration. It is acknowledged that the density is low, but this was expected within the Local Plan due to the site's constraints. Noted that the application extends into the Green Belt, and that this would need to be fully considered within the assessment.

K.C. Strategic Housing: Kirklees Rural: At 42 dwellings, identified that 8 (20% of 42) affordable units are required per policy. The starting point for tenure is Kirklees 55% of the affordable homes being provided as social or affordable rent, and 45% being provided as Intermediate affordable housing (with 25% first homes). Expressed some concern over the location of the affordable homes, which are clustered together and of a specific house type, as opposed to the same house types as market houses, and spread through the site. This is addressed within the report.

K.C. Trees: Note trees are not proposed within the street, as expected by current policy, however acknowledge that this development was submitted prior to the NPPF revision. Trees of value within the site have been retained, however conditions will be required for an Arboricultural Method Statement and a Tree Protection Plan to reassure that the proposed levels and required tree protection will be compatible.

Natural England: No comment, advised follow standard practise and guidance.

## **9.0 MAIN ISSUES**

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

## 10.0 APPRAISAL

### Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

### *Land allocation and quantum of development*

- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
- 10.3 The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local Authorities should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.4 The site falls within a housing allocation, reference HS125, within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. Therefore, residential development is welcomed within the site. However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. LP7 requires development to achieve a net density of at least 35 dwellings per ha (dph), where appropriate. However, Local Plan allocations have indicative capacity figures. Within the Local Plan Housing Allocation HS125 has an indicative capacity of 36 dwellings. This represents a density of 15dph. This is notably lower than the typical density established elsewhere within the Local Plan.

- 10.5 The previous outline on the site, ref. 2014/93946, was an outline application with all matters (bar access) reserved. The application was unnumbered but included an indicative layout of 27 dwellings on part of HS125. Compared to the later housing allocation, the red-line for 2014/93946 excluded land to the north and east. A lower than typical density was considered necessary on the site given its topography and sensitive location on the edge of a settlement. In concluding the principle of development, in the 2014/93946 committee report, the case officer stated:

*Officers consider low density development, with generously proportioned areas of amenity landscaping, screen planting or public open space incorporated into the design where appropriate would be key to the success of assimilating the new housing into the landscape and minimising the effects on the surrounding setting.*

- 10.6 The Local Plan's indicative capacity for HS125 was based on the indicative capacity of 2014/93946 (27 units) plus a comparable density extrapolated over the additional land (9 units).
- 10.7 The red line for 2014/93946 was 1.78ha, compared to the current application's 2.3ha. Based on the smaller area of 1.78ha, at 27 dwellings the indicative density of 2014/93946 was 15.2dph. At 42 dwellings the proposal has a density of 19 dwellings per ha (excluding the Green Belt land (circa 0.095ha)). For information, at 35dph the site would be expected to accommodate 80.5dwellings.
- 10.8 Comparing a density of 19dph to the indicative capacity density of 15dph, the difference is considered not to be substantial and is not deemed a cause for concern. It remains substantially lower than the starting point expected by LP11, however that policy includes a provision of 35dph 'where appropriate'. Such a high density would be inappropriate for this site, as demonstrated when this proposal sought 57 units (which equated to 29.9dph). A full assessment of the visual impact, and other implications of the density as proposed on the environment, will be considered elsewhere within this report, when looking at the detailed impacts.
- 10.9 The application's red line does not extend to the entirety of HS125's boundary, excluding several areas. Notably, this includes the garages along Lingards Road of the east of the site being excluded. The applicant has left land behind these garages vacant, as 'plot for future development'. Officers are satisfied that the combined area of the garages and 'plot for future development' is a practical development plot, should the landowner wish to bring it forward in the future. With this provision, and the minor nature of the other areas excluded, officers are satisfied that the areas excluded would not be representative of ineffective land use (i.e., the proposal would not sterilise land which could otherwise be built upon).

- 10.10 Looking beyond density, LP11 of the Local Plan requires consideration of housing mixture. LP11 requires a proposal's housing mix to reflect the proportions of households that require housing, achieving a mix of house size (2, 3, 4+ bed) and form (detached, semi, terrace, bungalow). The starting point for considering the mixture of housing types needed across the district is the Kirklees Strategic Housing Market Assessment (SHMA). The following housing mixture is proposed:
- 1bed (flat): 3 (7%)
  - 2bed (flat): 5 (11%)
  - 3bed: 16 (38%)
  - 4bed: 14 (33%)
  - 5bed: 4 (9%)
- 10.11 Within this, the proposal includes a proportionate mixture of flats, semi-detached, terraced, and detached units. The proposed housing size mixture is welcomed and are considered representative of the needs for the area. Accordingly, the proposal is considered consistent with the expectations of LP11.
- 10.12 The site is a housing allocation in the Local Plan, with the proposal considered to represent an effective and efficient use of the allocation, in accordance with relevant planning policy. The proposal would aid in the delivery of the Council's housing targets and the principle of development is therefore found to be acceptable.

#### *Green Belt*

- 10.13 The proposed attenuation tank would be sited in an adjacent field, which is land allocated as Green Belt.
- 10.14 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 149 (buildings) or 150 (other works) of the NPPF, and as built upon within the Local Plan.
- 10.15 Paragraph 150 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The paragraph specifies what types of development can be considered in this way, and the prescriptive list includes engineering operations. An attenuation tank, as a retained void, and re-grading works are considered to be engineering options.
- 10.16 First considering the harm of the tank installation, it would protrude above the existing ground level, but the ground would be re-graded as grassland to prevent it being visible when completed. The topography in the area is defined by sloping land, of varying steepness. Post implementation the ground is not expected to appear materially different or identifiable as altered, beyond necessary maintenance access hatches. These would not be conspicuous from any public vista or beyond a very short distance. Management and maintenance access would be rare and is not expected to result in a material intensification of movements within the Green Belt which could be deemed detrimental to openness.

- 10.17 Paragraph 138 of the NPPF identifies five purposes of the Green Belt. These are:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

A subterrain attenuation tank, with minimal prominence above ground level and rare access is not considered to contradict any of the above.

- 10.18 Concluding on the above, while works are proposed within the Green Belt, they are considered appropriate development which would not harm the openness of the Green Belt. Nor would it conflict with the purpose of the Green Belt. As such the development is considered to fall within the exemption of Paragraph 150 and is considered consistent with the aims of Chapter 13 of the NPPF.

#### *Sustainable development and climate change*

- 10.19 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions
- 10.20 The site is within the urban envelope, albeit on the edge of it. Nonetheless the site is considered a location sustainable for residential development. It is accessible, lying within an existing established settlement and close to various local amenities and facilities. Bus stops adjacent to the site give reasonable access to the district centre of Huddersfield, while Slaithwaite and its various amenities are within 1km walking distance. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.21 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.

## Urban Design

- 10.22 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; 'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.
- 10.23 There is development to the north, east and south around the site, so the proposal would not appear as a rural extension (i.e., encroaching into open countryside). Nonetheless, the site is on the edge of the urban environment, where the environment is transitioning into the open rural environment. Furthermore, as a sloped site on a valley side the development will be visible from short- and long-distance vistas. Inevitably, the development of the site from greenfield to a residential estate would have notable impacts upon the appearance of the environment; therefore, a considered design is required.
- 10.24 Ten of the proposed dwellings would front onto Lingards Road, reflecting the established layout of dwellings fronting onto the road opposite the site and to the east. These units are to be a mixture of detached and semi-detached, likewise replicating the established form of dwellings along Lingards Road.
- 10.25 The remaining 32 units would be accessed via a new road from Lingards Road, branching into two cul-de-sacs. The initial proposal included the access splitting into two primary roads in the main body (west portion) of the site, which necessitated extensive retaining walls, plus a third road to the east. This was considered excessive on the site and harmful to the rural-transition character.
- 10.26 The proposed road design is considered a more suitable response to the site. The road bends slightly; while units front it, their angles onto the road and their set-back distance are more varied than is evident elsewhere in the area, where dwellings are perpendicular to the road, set at strict angles to one another and at regular setbacks. This would not be so substantial a difference to appear out of keeping and combined with the lower density would be a suitable transition from urban to rural environment.
- 10.27 Plots 6 – 8 also face toward the road but are set back behind the open watercourse on the site. The dwellings would be accessed via (private) bridges. Their parking would be via a car port comprising of a simple structure, open to the front / rear with solid stone side walls with pitched roof. This is an interesting design response to the constraint of the watercourse. While unusual, it is not an unattractive design, nor would it be prominently visible from the area so would not result in an incongruous feature. Likewise, the communal carport is not a feature typical in the area, but it is low impact and designed to fit into the character of the development, without detriment to the wider area's aesthetics.
- 10.28 It is accepted that the proposal would introduce development adjacent to the site's west boundary. This boundary serves the double purpose of being the Green Belt boundary as well as urban edge, with open countryside beyond. The proposal has sought to keep density towards the west lower; three

dwellings would have side elevations facing the edge, plus a turning head. Officers are satisfied that the proposal has achieved a reasonable response to the edge, through keeping a lower density of development and landscaping works. The units on the boundary are in line with those on Lingards Road and Manchester Road, therefore not projecting beyond the established 'line' of the rural edge. The boundary treatment along this edge is considered further below.

- 10.29 Following comments from officers, the applicant has demonstrated that careful consideration has been given to the shape, form and massing of the dwellings, including their roof forms. The design of the units and wider site has had to balance several constraints, including reducing the reliance on retaining walls, keeping the heights of units to a minimum, and harmonise with the established built environment. The result of this is evident in the varied number of housing types, many of which have bespoke designs to respond to different parts and challenges of the site. Split level properties are not uncommon in the area, with many units fronting onto Lingard Road having underbuild and/or more floors facing into the valley.
- 10.30 Retaining walls have been kept to a minimum and units heights kept lower through units being split level. Facing north (uphill) units are predominantly one or two storeys, while facing south (downhill) units are either two or three storeys. This allows the dwellings to partly act as retaining structures and allows them to screen retaining elements elsewhere on the site. Where retaining walls are needed, many of these are to be 'green' retaining walls that incorporate living elements. The implementation of these green walls may be secured via condition. The condition may also seek management and maintenance details, although it is also recommended that the management of the 'green' retaining walls be linked to the site's management company (where outside of curtilage) within the S106 agreement.
- 10.31 In appearance, the units would have many traditional design features, such as fenestration layout and materials (considered further below), however it is accepted that the roof forms have a largely unique design to address the constraints. Many roofs are asymmetrical, to keep as low a profile as possible, and includes cut-ins to accommodate terraces, to keep the massing of the roofs low. Despite this, the roofs follow the established characteristic of sloped roofs or gables facing into the valley, and it is not considered the identified roof features would cause the roofscape to appear incongruous or unattractive, while they do achieve their objective of breaking up the roofs and lowering the evident heights.
- 10.32 For materials, buildings in the area are pre-dominantly natural stone. Render and brick properties are evident, but they do not form a defining character and may be considered secondary. Roofing materials are more varied and include natural and artificial slate and tiles of differing colour. The proposed dwellings are to be faced in natural coursed stone, which is welcomed as a high-quality material and character of the area. Roofing is to be concrete tiles, which will likewise fit into the area. Nonetheless, for both the walling and roofing materials, samples are to be required via condition to ensure suitable end products are used.

- 10.33 Overall, the appearance and layout of the proposed dwellings is considered acceptable. The design, while including atypical features to some of the roofs, is considered to suitably balance an innovative approach to the site's constraints with traditional Pennine vernacular to fit into the established character of the area.
- 10.34 Several areas of Public Open Space are spread through the site, and notably include two substantial portions within the east side of the site. These would be attractive features of the site that would also assist in breaking up the mass of development through introducing open landscaped areas as you transition from the built environment to the east, to the western open countryside. An indicative landscape masterplan has been provided which shows that the Public Open Spaces are to be landscaped and are to include numerous trees; full landscaping details, including species mixture etc., are to be secured via condition along with management and maintenance details.
- 10.35 Trees within the site are limited however, two notable trees are located within the ruins of the old pump house. These are intended to be retained; a condition requiring Arboricultural Method Statements and a Tree Protection Plan will be imposed demonstrating how these will be retained; if unfeasible to retain them, commensurate re-planting would be expected with the landscape details. It is acknowledged that trees are not proposed within the Highway. This application pre-dates that policy requirement, as negotiations have been ongoing for some time. Despite this, the streets (including Lingards Road) will be tree-lined by trees within front gardens. The footpaths through the Public Open Space would also be tree-lined. Ultimately, officers are satisfied that sufficient tree planting is proposed within the Public Open Space and front gardens to ensure a verdant character which achieves the overall aims and objectives of current street planting policies.
- 10.36 Rear boundary treatments are to consist of 1.8m close boarded fencing where within 2m of the dwellings, before dropping to 1.2m elsewhere. This will secure privacy while also keeping boundary treatment low; this is welcomed on the rural edge and will prevent distant views being dominant by fencing. Plots 1 – 8 would have a vegetated rear boundary, which is considered acceptable in principle, subject to full details as part of the landscaping details. Where rear gardens abut the public realm (footpath or highway), boundaries are to consist of 1.5m close boarded with 0.3m trellis atop. This balances privacy and security, while also keeping the evident massing of the boundary fencing lower.
- 10.37 The western boundary is shown to be retained as the existing low drystone wall. Low stone walling to gardens (as opposed to fencing) is not unusual within the rural environment. Conversely, while welcomed from a design perspective, the Council's Police Liaison officer has raised concerns over the lack of security of this boundary. This is considered further in paragraph 10.125 – 10.127.
- 10.38 The above assessment has been based on the proposal as submitted. Given the topography of the site it is considered further development on the site, via extensions or outbuildings, could notably affect the quality of the design. It is therefore considered prudent to remove permitted development rights for outbuildings and extensions for all units within the site.

- 10.39 Further to the above assessment, residents have highlighted that the previous application on the site (ref. 2014/93946) was supported by a Landscape & Visual Impact Assessment (LVIA), written by K.C. Landscape. It should be noted that, as an outline application with all matters reserved, the design elements of 2014/93946 were speculative. The undertaking of a LVIA at that time was therefore considered reasonable, to consider the potential impacts. As a full application, with details of design available, a repeated LVIA is not deemed necessary, nor is it a stipulation within the Local Plan allocation for the site. Nonetheless, residents have raised that this proposal is contrary to the last LVIA's recommendations. For completeness, these are below:

*Future design will need to ensure a sensitive approach to reflect the character of the surrounding area and incorporate mitigating elements to filter views and minimise the impact of the development. We would expect the following:*

- *In terms of scale - At this outline stage the scale of the proposal has not been indicated however it is anticipated that the majority of dwellings within the site will comprise of two storey units, as can commonly be found within the immediate surrounding area and as shown in the photographs.*

**Officer comment:** This anticipation for 2 storeys is noted. However, at detailed design it was noted that to facilities two storeys would require extensive retaining structures that would be unduly prominent. In response to this, the proposal has been designed with split level units, to enable the dwellings to retain much of the land. Most dwellings are split level, presenting either one / two storeys up the valley, or two / three down. This has been considered in paragraphs 10.29 and 10.30 And is considered acceptable as proposed.

- *Building materials shall be carefully selected to aid integration with the surroundings and character of the area.*

**Officer comment:** This has been achieved, as noted in paragraph 10.32.

- *Low density development with generously proportioned areas of amenity landscaping, screen planting or public open space incorporated into the design where appropriate.*

**Officer comment:** At 19 dwellings per ha the proposal is low density and there are notable areas of open space and landscaping, including screen planting.

- *The proposed layout must carefully consider the site constraints, in particular the topography and the surrounding built environment.*
- *Dwellings set back from undeveloped boundaries and the clever use of existing landform and topography with the creation of bunds or mounds together with mitigating structure planting to soften outlines of the new built form.*

**Officer comment:** The proposal is a highly bespoke design which has addressed the site constraints well. The 'undeveloped boundaries' refers to the west boundary, into the Green Belt. It is acknowledged that units would be adjacent to this boundary, however these have been spread out and are at a

low density, being only three units. Bunds and mounds have not been included, as they are not considered necessary nor would they add to the proposal. Planting is proposed throughout the site which will soften the massing of the units.

- *The location and setting of vehicular access, parking, garages and bin store locations requires sensitive design to ensure unobtrusive inclusion, avoiding swathes of paving and hard landscaping.*

**Officer comment:** This is considered to be achieved. The listed facilities are well spread through the site and would not be unduly prominent. There would not be large *swathes of paving and hard landscaping*.

- *Existing trees retained and incorporated into the design where appropriate.*

**Officer comment:** The prominent trees within the centre of the site, those deemed to be of most value, are to be retained.

- *Substantial, sensitive design and appropriate planting incorporating native species and ensuring the maintenance and development of green corridors throughout the site. Reference should be made to Kirklees Council UDP, EP11 – ecological landscaping*
- *Creative use of the existing stream to improve and enhance the existing biodiversity with inclusion of species rich grasslands, native hedgerows and native tree and shrub planting.*

**Officer comment:** These two points are considered to be achieved via the proposal. The lower density allows for a green corridor through the site and the stream has been retained, with path running alongside. Native trees, shrubs and hedgerow are to be provided throughout, however the retention of *species rich grasslands* was not feasible. In discussions with K.C. Ecology, who do not object, such grassland was not considered compatible with residential development. However, an off-site ecological enhancement sum has been secured and may be put forward to such improvements (as identified by K.C. Ecology) to secure the 10% ecological net gain in the area.

- 10.40 The previous LVIA is not part of this application, and each application must be assessed on its own merits. The previous LVIA carries very limited, if any, planning weight for this application. It is reiterated that officers must assess the proposal on its own merits: when the LVIA was drafted, no substantial details were held and it was intended as guidance only to determine the potential impacts of developing the then Provisional Open Land site, not strict parameters. However, residents have raised it and as such it is considered reasonable for officers to consider its recommendations the points. In conclusion the LVIA states:

*the proposed scheme could conflict with the local pattern and character, and cause an adverse effect on the landscape if not carefully mitigated, however, the landscape could accept the addition of elements not uncharacteristic of the area if carefully designed.*

It must be accepted that any development would affect the character of the site. Nonetheless, as identified above, officers are satisfied that the proposal complies with the general findings of the LVIA and, more importantly, would not harm the landscape setting of the area through the careful design proposed.

- 10.41 In summary, the proposed works would notably change the character and appearance of the site and wider area, while being visible from long vistas within the valley and opposite valley side. Nonetheless, the proposed development is considered to be well designed to a high standard. While including atypical design elements, these do not define or dominate the proposal. The lower density has allowed for a considered design that appropriately responds to the topographical constraints of the site. The proposal would represent an attractive continuation of the residential environment, while appropriately transitioning to the rural landscape to the west. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the KLP, and Chapter 12 of the NPPF.

### *Heritage*

- 10.42 Two listed buildings are adjacent to the site; Lower Wood Farm (Grade 2 Listed) and nos. 25 – 31 Lingards Road Grade 2 Listed. The site is not within a Conservation Area. Section 66 of Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting the LPA should 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.
- 10.43 The listed buildings comprise of C18th farmhouse and associated barns (Lower Wood Farm), as well as workers' cottages (nos. 25-31 Lingards Road). The heritage value of the buildings comprises of their historic architectural form, representative of local vernacular at their time of construction, and their setting adjacent open pastureland, particularly for Lower Wood Farm which has association with the application site.
- 10.44 The proposed development is not to the heritage asset itself. Therefore, there would be no direct harm to the architectural fabric of the building. Nonetheless, as identified the setting of the buildings is of importance.
- 10.45 First considering nos. 25-31, the open fields to the rear (e.g., the site) play less of an important role to their setting. Worker's dwellings are sited where needed, in this case there being considered not intrinsically link to open fields etc. Furthermore, the fields are set more to the side, with the closest area proposed to be kept as open POS. The closest new units (house type J and flats 13 – 18), have been designed with a more traditional architectural design comparative to the rest of the site, to more closely reflect the design of the listed buildings. While it is accepted any new development within the setting of a listed building will cause a degree of harm, the proposal's impact on nos. 25-31 would be on the lower end of less than substantial.

- 10.46 Turning to Lower Wood Farm, it is a historic farmstead which presumably farmed the surrounding land thus inferring historic connection with the site. Historic maps (1893) show the surrounding land as subdivided fields around the site. Any development on the farmstead's former farmland would affect its setting. However, as a no longer operational farmstead, the site's agricultural association with the adjacent agricultural land has functionally been severed. Dwellings rising above the farmstead and visible alongside it is already established, which the proposal would mimic albeit closer. The layout has incorporated a sizable gap between Lower Wood Farm and plot. 8 (22m) to the side, and plots 9 – 12 (34m) and flats 13 and 14 (29m) to rear. Flats 15 – 18 would also be sited to the side / rear of the farmstead (30m). These would be maintained through the removal of Permitted Development rights, to prevent new outbuildings and/or extensions encroaching into the gap. The farm's watercourse would be retained. As has been noted these units have an attractive design which, while including innovative features, is rooted in Pennine vernacular. The flats particularly have complementary designs, with simple form and architectural detailing reflective of the farmhouse's own.
- 10.47 Overall, the fabric of the listed building would be wholly unaffected. While its setting would be somewhat eroded, this is mitigated by appropriate spacing and good design. Accordingly, the proposal would not cause substantial harm to the heritage value of Lower Wood Farm. The harm to the heritage asset would be categorised as less than substantial. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 10.48 The delivery of residential development, at a time of national crisis, is considered a substantial public benefit. The proposal would be secured with a full complement of S106 obligations, to the benefit of the public, and planning conditions are imposed to ensure quality elements of the development are delivered.
- 10.49 The proposed development would cause less than substantial harm to the identified heritage assets. However, an appropriate design and good spacing the harm is kept to a minimal. The public benefits are considered to outweigh the identified less than substantial harm. Accordingly, the development is deemed to comply with the requirements of S66 of the Planning (Listed Buildings & Conservation Areas) Act 1990, national Policy in Chapter 16 of the NPPF and the guidance contained within Policy LP35 of the Local Plan.

#### Residential Amenity

- 10.50 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.51 Existing residential properties neighbour the application site to the north, east and south.

- 10.52 The development complies with the minimum separation distances outlined within the Housebuilders Design Guide SPD, namely 21m between facing habitable room windows (and 12m between habitable room windows and an elevation that is blank or hosts only non-habitable windows), with one exemption (considered below). However, it is acknowledged that the guidance also states that longer distances may be necessary if there is '*steep topography on the site, which presents challenges relating to overlooking*', which shall also be considered.
- 10.53 Lingards Road, to the south and east, is higher than most of the application site. Dwellings on the south side of Lingards Road that overlook the site are predominantly single storey (with underbuild) or two storeys in height. The new dwellings fronting the north side of Lingards Road would be of equivariant height, or marginally lower, than the units to the south of Lingards Road. All new units would have a minimum 21m separation distance to their opposites on the southside of Lingards Road, with one exemption, plot 42.
- 10.54 Plot 42 and no. 72 Lingards Road would be 20.9m, which is a minimal shortfall that would not, in practise, be perceptible. In further mitigation, the public realm intercedes between these units, with the window-to-window distance exceeding 21m and the elevations being at a slight orientation to one another. As such, there is considered no harm through this arrangement.
- 10.55 Regarding the existing units on the north side of Lingards Road, to the east of the site (nos. 37 – 45 Lingards Road), these are likewise on a higher ground level than the proposed new dwellings. These would have an outlook from their rears, at distances exceeding 21m, towards plots 13 – 22. A road serving plots 13 – 23 would run adjacent to their rear boundaries and would be lightly trafficked. This road has been re-designed during the application to ensure it would not prejudice the amenity of nos. 37 – 45: as now proposed it'd be set an adequate distance away from the identified properties, on a lower level, with intervening open space. The relationship is not considered materially detrimental to the amenities of the existing dwellings.
- 10.56 The dwellings to the north of the site, which front Manchester Road, are on a notably lower ground level than the proposed dwellings. Given the existing steepness, the direct eyeline outlook is into their own gardens, with looking up required to view the site. As elevations fronting the lower ground, the rear elevations of the new units would be three storeys in height. Given the circumstances, it is clear that 21m would be an insufficient separation distance, however that proposed is notably greater.
- 10.57 The lowest separation distance to the units' fronting Manchester Road is 32m (plot 1 to no. 64 Manchester Road), although it ranges up to 50m for other units (plots 4 and 5 to 60 Manchester Road). Furthermore, while three storeys to their rear, the properties have been designed to be architecturally split level, therefore to the rear the third storeys are principally incorporated into the roof space which reduced their evident height. Additionally, the plots have been orientated to primarily not be directly face onto the units on Manchester Road, being at oblique angles. As a final aspect of mitigation, tree planting (using semi-mature standards) is proposed along the boundary to soften the visual impact, the provision of which may be secured via condition.

- 10.58 The proposed development will inevitably change the outlook for existing residents on Manchester Road, who currently have a clear view onto open land from their rear elevations. Nonetheless, it is established in the planning system there is no right to a view. Officers must consider whether the development would cause material harm to their amenity, with due regard given to whether overbearing, overshadowing, overlooking, or other material impacts may be caused.
- 10.59 In regard to overlooking, at a minimum distance of 32m and where the relative angle of the dwellings would be oblique, officers are satisfied the outlook would not be unduly invasive for existing residents. For overbearing, while it is accepted that the new dwellings would be prominently visible from the existing dwellings windows on a higher ground level, giving due regard to the identified separation distances, difference in angles between the existing and proposed units, that the units are semi-detached with reasonable gaps between, and finally the proposed vegetation, officers are satisfied that the relationship would not constitute materially harmful overbearing. Likewise, while it is accepted that the development would be to the south and east of the units on a higher ground level, given the separation distance and spacing of the proposed units, the proposal is not expected to result in materially harmful overshadowing of the existing dwellings to the north.
- 10.60 A retaining wall is proposed between the new dwellings and the properties on Manchester Road. This varied in height, with a maximum of circa 1.5m. It is designed as a sloped 'green retaining wall system', as opposed to a solid, vertical wall. Given its modest height and intended form, and that it would be seen in the scope of the existing rising land level, it is not deemed an overbearing feature.
- 10.61 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.62 In summary, officers are satisfied that the development would not materially prejudice the amenity of existing neighbouring dwellings. Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.
- 10.63 The size of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.

10.64 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.

House Type	Unit Size	Number of units	Proposed (GIA, m <sup>2</sup> )	NDSS (GIA, m <sup>2</sup> )
A1 – 5bed	5bed8person	3	242	134
A2 – 4bed	4bed8person	3	214	130
A3 – 5bed	5bed8person	2	224	134
B1 – 4bed	4bed8person	1	213	130
B2 – 4bed	4bed8person	1	213	130
C1 – 3bed	3bed6person	5	140	108
C2 – 3bed	3bed6person	3	158	108
C3 – 3bed	3bed6person	6	127	108
D1 – 4bed	4bed8person	4	194	130
E – 5bed	5bed8person	1	183	134
F – 5bed	5bed8person	1	183	134
G1 – 4bed	4bed8person	1	203	130
G2 – 4bed	4bed8person	1	200	130
1bed (flat) (plots 15, 16, 20)	1bed2person	3	50 – 55.5sqm	50
2bed (flat) (plots 13, 14, 17, 18, 21)	2bed3person	5	62 – 69 sqm	61
J – 3bed	3bed6person	2	109 – 118.5sqm	102

**Note:** Due to the complexities of the site there is a higher than usual 'bespoke' design approach to dwellings, resulting in a higher volume, but lower number of each, of house types. Responding to these constraints also leads some house-types to have slightly differing internal areas, such as the flats and J type.

10.65 All units exceed the NDSS minimums. All would have well-proportioned habitable rooms, that are served by good sized windows that provide a clear outlook, with one exemption. The 2<sup>nd</sup> bedroom of plot 13 (2bed flat) would have a limited outlook of circa 2.6m to a retaining wall. While this is a negative of the proposal, officers have worked closely with the applicant to encourage a layout which addresses the site's topography and shape, while ensuring appropriate design and integration into the area. Ultimately, as a second bedroom to a new flat, any resident would be aware of the arrangement prior to occupation. Weighing these considerations against the positives of the scheme, on balance, the limited outlook for one flat's second bedroom is considered acceptable.

- 10.66 All units (excluding flats) have a garden and outdoor amenity space; however, it is accepted that these spaces are not all commensurate to the scale of the respective dwellings. For example, plots 9 and 40 would have notably small outdoor private areas compared to the scale of the dwellinghouse. The gardens would also be largely on sloping land. Kirklees Local Plan does not include garden size standards. Policy seeks a balanced appreciation of the amenity standard future occupiers would have. While it is acknowledged that the gardens would be comparatively small to the dwellings, the dwellings are sizable and would provide a high level of amenity in themselves. The examples identified, 9 and 40, as most units on the site would have reasonably sized private patio areas, if not grassed lawns. Beyond this, the site is considered well served by public open space that will be accessible by all, as well as the site being adjacent to the rural environment. Furthermore, future residents will be aware of a dwellings outdoor space prior to purchase, and it is therefore their choice. Considering these factors, while the smaller garden sizes are noted it is not deemed to result in a materially harmful standard of amenity for future residents.
- 10.67 Public Open Space of 2,557sqm would be provided on site and would contribute to the amenity of future and neighbouring residents. However, this falls below the required on-site contribution, calculated in accordance with Local Plan policy LP63 and the methodology set out in the Open Space SPD, nor would a dedicated Local Area of Play (LAP) be provided on site. To offset this shortfall a contribution of £57,791 would be provided, to be spent in the local area. It is recommended that this contribution be secured in the required Section 106 agreement, along with provisions to secure details of the management and maintenance of open spaces.
- 10.68 To summarise, the proposed development is considered not to be detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan.

#### Highway

- 10.69 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.70 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

- 10.71 First considering traffic generation, a proposal of 42 dwellings is expected to generate the following movements:

	<b>Arrival</b>	<b>Departure</b>	<b>Two-way</b>
<b>AM Peak</b>	8	21	29
<b>PM Peak</b>	21	8	29

- 10.72 Census data indicates that generally 90% of the peak time traffic will turn left out of the site towards Slaithwaite and 10% will turn right towards the B6107 and then travel onwards towards Meltham and beyond. This would result in approximately 27 two-way movements (90%) at the two Manchester Road junctions with Lingards Road and Nields Road (equating to 1 vehicle every two minutes). For the other 3 movements (10%), these would approach the Lingards Road / Chain Road junction; spread across an hour this would be negligible. This volume of additional traffic is not considered sufficient to warrant any assessment of the Manchester Road or Chain Road junctions.
- 10.73 Progressing to the internal road arrangements, the submitted road layout details and Stage 1 Road Safety Audit have been reviewed by K.C. Highways, who considered there to be no prohibitive reason preventing a scheme for adoption being brought forward at S38 stage. It is deemed to comply with the standards of the Highways Design Guide SPD. Full technical details of the new access road, to an adoptable standard, are to be sought via condition.
- 10.74 Ten units would be accessed directly from Lingards Road. The proposal includes the provision of a 2m wide footway along the site's frontage with Lingards Road. Currently the north side of the road has no footpath, and that on the south side is below 2m in places. This provision would provide an improvement to pedestrian movements, which welcomed, but also secure the adequate sightlines for the ten dwellings. The provision of this footpath, to an adequate standard, may be secured via condition.
- 10.75 Swept path analysis has been provided which demonstrates acceptable turning arrangements for refuse vehicles. One shared private drive is proposed; each of these would be served by a waste collection area, allowing for effective collection by refuse services. The provision of these waste collection areas may be secured by conditions. Given the scale of the development, which will likely be phased, a condition is to be imposed for a waste collection strategy during the construction phase. This is because refuse services will not access roads prior to adoption therefore appropriate arrangements must be considered and implemented.
- 10.76 All dwellings would have a level of dedicated off-road parking in accordance with the Highways Design Guide SPD. The provision of this may be secured via condition. In terms of visitor parking, the Highways Design Guide recommends one per four dwellings. For the 33 units accessed off the new road this would equate to eight visitor parking spaces. Three dedicated visitor bays have been provided, with sufficient details provided to demonstrate that the remaining five may be accommodated on-road without affecting vehicle movements. For the ten units fronting onto Lingards Road, Lingards Road is capable of hosting visitor parking.

- 10.77 The proposal will require excavation and works adjacent to retaining elements of Lingards Road. A condition is recommended requiring full technical assessments of the retaining wall and works nearby to it. This is to ensure the safety of the adopted highway.
- 10.78 Public Right of Way (PROW) COL/133/10 runs along the site's west boundary. It is largely an unmarked grass track through the open field. While it partly falls within the allocation / red-line boundary, no works are proposed to it. The development would have two connection points onto it. Likewise, no works are proposed to PROW COL/177/10, although the development will connect onto it. The development would bring structures closer each of these footpaths and change their setting when walking along. Nonetheless, this is not considered materially harmful to the amenity of either path's users. New structures would not be unduly close and would not create a tunnelling effect or safety concerns on the PROWs. A note advising the applicant to not interfere or block the PROWs is recommended.
- 10.79 Given the scale and nature of the development officers recommend a Construction Management Plan be secured via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works. K.C. Highways DM have also advised that a 'highway condition survey' be undertaken, via condition. This would include a review of the state of the local highway network before development commences and a post completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable and a condition is proposed by planning officers.

#### *Sustainable Travel*

- 10.80 LP20 of the Kirklees Local Plan states '*The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day-to-day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area.*'
- 10.81 Travel Plans are not required for residential developments below 50 units. Nonetheless, due regard has been given to other methods of sustainable travel and how they may be promoted / improved.
- 10.82 The site is within walking distance of various amenities and services. This includes the local centre of Slaithwaite, the centre of which is circa 800m away from the site. Bus stops with frequent services to Huddersfield centre and towards Manchester are accessible on Manchester Road, with the stops being circa 300m away. Nields Junior, Infant, and Nursery School is circa 400m away.
- 10.83 However, in places the footpath provision to the above facilities has been identified as poor. This includes where the lower section of Lingards Road meets Manchester Road; there is no footpath provision. Indicative designs for the provision of a footpath along here have been undertaken by the applicant which demonstrate that a footpath provision is feasible. In the interest of promoting pedestrian movements towards the bus stops and Slaithwaite, a

condition for the delivery of the scheme is recommended. It should be noted that Highway Safety, in reviewing the indicative proposal, commented it may require the small section of road to become single lane. Given the safety benefits of a footway, along with the other suitable access on Nields Road, this would not be opposed in principle, but would have to be considered further at detailed design stage.

- 10.84 Regarding the route towards Nields Junior, Infant, and Nursery School, crossings at the Yew Tree Lane / Springfield Avenue junction and Yew Tree Lane / Nields Road junction have been identified as being below modern standards. A condition requiring the improved crossing facilities (expected to include dropped crossings and tactile paving) at these junctions are recommended.
- 10.85 It should be noted that each will be subject to Traffic Regulation Order applications, which are subject to separate public consultation and assessment processes. Should the TRO applications be refused, it would demonstrate that the works are unfeasible. Highway improvements should only be implemented to the extent that they are reasonable.
- 10.86 On the matter of public transport, Slaithwaite Train Station is circa 1km from the site, within walking distance. For buses, the above-mentioned improvements to the lower section of Lingards Road would improve connectivity to the bus stops on Manchester Road. West Yorkshire Combined Metro have advised that the closest two bus stops on Manchester Road should be improved with both Real Time Information systems (£10,000 per stop), plus shelters (£13,000) per stop, at a cost of £46,000. Bus only metro cards are requested, at a cost of £21,994.50.
- 10.87 A combined metro contribution of £67,994.50 is considered disproportionate to the scale of the development and would be unreasonable in this case. Giving due regard to the various improvements already identified, and the public benefit this would cause, a reduced metro provision of £26,000 to provide bus shelters would be proportionate to the scale of the development, while being the most effective use of the contribution for the wider public.
- 10.88 In regard to other methods of travel, opportunities for cycle improvement in the area are limited. Nonetheless, the provision of cycle storage facilities and electric vehicle charging points (EVCP), one per dwelling, are also recommended to be secured via condition. This is to promote alternative, low emission, methods of travel.
- 10.89 The site is within a sustainable location. Furthermore, the proposal includes highway improvements that will promote walking towards local facilities as well as a contribution towards public bus infrastructure. Other conditions relating to cycle storage and EVCP are proposed. As such, the development is deemed to comply with the aims of LP20.

#### Drainage

- 10.90 The site is within Flood Zone 1, and is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) and Drainage Management Strategy was submitted by the applicant.

- 10.91 There are two watercourses of note within / adjacent to the site.
- 10.92 There is an open watercourse crossing the site which exits the site on the northern boundary. This is fed by a mixture of spring water and surface water within the site. Flows from this feature are controlled by the adjacent landowners via a small basin with an inlet and outlet structure. The surface water is then routed towards Manchester Road via a culverted section adjacent to the gable of No. 50A Manchester Road. The watercourse is fed by a series of springs which emanate from within the Millstone grit rock on the southern boundary of the site. At present Lingard Road affectively provides a cut-off for overland flows entering the site along the southern boundary. It is unknown whether any culverts run under Lingards Road and contribute to this catchment.
- 10.93 To the immediate west of the site is a culverted watercourse. It runs along the entire western length of the site, before running under Manchester Road and discharging into a watercourse within the cemetery to the north. It is damaged in places.
- 10.94 In addition to the watercourses, an historic water tank is within the site. This is understood to be spring-fed from the surrounding land, and an adjacent landowner takes supply from the tank.
- 10.95 A surface water drainage strategy to address pluvial events has been provided. The applicant has followed the drainage hierarchy. As a sloped site above dwellings with clayey soil infiltration is not feasible. Given the varied levels of the site, two outfalls are proposed.
- 10.96 For the east of the site five of the units and their surrounding area will discharge into a combined sewer already crossing the site (to be partly diverted where it crosses through the site). This would be self-contained, having a nominal discharge rate of 3l/s and would be attenuated via the pipe work itself.
- 10.97 The majority of the site will discharge into the existing culverted watercourse adjacent the west of the site. Where it connects into the existing culvert and further downhill will be made good (as required). The applicant's surface water drainage strategy has demonstrated that via attenuation, an acceptable discharge rate of 6.6l/s may be achieved.
- 10.98 In addition to the above, in their survey work the applicant identified surface water from the western field flowing onto Manchester Road without control, via a retaining wall. The applicant proposes to install a soakaway and drainage pipe within the field which would feed into their new drainage system, thus removing the free-flowing water onto Manchester Road. This would reduce flood risk on Manchester Road and may be seen as a benefit for the proposal; but for the avoidance of doubt the flood risk is existing, is outside the side and would not be made worse by the proposal. Therefore, its inclusion in the proposal is not necessary to make the proposal acceptable in planning terms; nonetheless its inclusion is welcomed.

- 10.99 In regard to the open watercourse which crosses the site, the applicant proposes to make good / renew the existing culverts which feed it and would maintain the level of flow they currently provide. This would maintain the level of discharge they currently provide into this watercourse. The watercourse would receive less surface water from the site, which is to be re-routed to the new surface water systems, which in turn is expected to lower the flow into the neighbouring land (but would not remove it, as the existing culverted inputs are retained). Any change in water from within the site to another, and whether any covenants for water rights, would be a private matter for landowners to resolve.
- 10.100 The submitted surface water drainage design has demonstrated that appropriate arrangements are feasible. A condition is recommended requiring the full technical details of the drainage system, as the scheme developers post planning. The LLFA has advised that further survey work in spring flows is necessary; this would dictate pipe sizes. However, they are satisfied that this may be addressed in the detailed design.
- 10.101 On flood routing, concerns raised by the LLFA have been discussed with the applicant. Via the latest plans, these concerns have been adequately addressed and demonstrate no prohibitive issues relating to flood water routing. Nonetheless, as above, it is recommended that a condition be imposed requiring full updated details, to match the technical details of the drainage system.
- 10.102 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. This is to extend to the culverts / watercourse crossing the site, in accordance with LP29; by default, these would be riparian ownership (whoever owns the land), but this would lead to several owners that would represent a management liability. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.
- 10.103 An adopted combined sewer pipe within the site that serves the adjacent no. 45 Lingards Road is to be diverted; this will also accommodate the surface water from the eastern units. This proposal has not attracted an objection from Yorkshire Water and is considered acceptable by the LLFA and officers.
- 10.104 Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the S106, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

#### Planning obligations

- 10.105 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

### *Affordable Housing*

- 10.106 LP11 of the Local Plan and the Council's Interim Affordable Housing Policy requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. For this site, a 20% contribution of 42 units would be 8 units. This has been offered by the applicant.
- 10.107 The offered units are plots 13 – 18 and 20 – 21, which are a mixture of one and two-bed flats, all as affordable rent.
- 10.108 The 8 units complies with the required 20%. On tenure, Kirklees policy advises 55% of the affordable homes being provided as social or affordable rent, and 45% being provided as intermediate affordable housing (inc. 25% as first homes) as a starting point. The proposal would not comply with this, with all 8 being affordable rent. However, Strategic Housing have made the following comment on local need:

*There's a significant need for affordable 1–2-bedroom housing in Kirklees Rural- West, as well as a need for affordable 1–2-bedroom housing for older people specifically. Kirklees Rural- West has a large number of detached properties, compared to other areas in Kirklees and a high level of home ownership, with 75% of properties being owner-occupied. Around 15% of homes are private rented and around 10% are affordable housing.*

- 10.109 With local need in mind, the provision of 1bed and 2bed affordable rent, which can be maintained so in perpetuity is appropriate for local need, is considered to better respond to local demand. This is considering the existing high level of owner-occupied, and low affordable rent housing. Accordingly, officers consider the tenure mixture acceptable.
- 10.110 Regarding the quality of the units, the offered units all comply with the Nationally Described Space Standards. It is noted that the applicant proposes all of the 1-bed and 2-bed flats that are to be built, and in that regard may be considered 'distinguishable' as a different type of housing to the market units. However, there is no indication that they are any less quality than the market units proposed.
- 10.111 While the flats would be grouped together, this is dictated by the nature of flats as well as the design response to the site. Affordable rent units being located together it also a preference of Registered Providers, who are expected to take these units on. As a smaller offer of only 8 units, officers do not raise concern over the concentrated location of the affordable units.

### *Public Open Space*

- 10.112 In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.

- 10.113 The application proposes 2,557sqm of on-site Public Open Space, with an off-site contribution of £57,791 agreed, which is in accordance with the Public Open Space SPD. The contribution is recommended to be secured within the S106. This is considered appropriate to comply with policy LP63 of the Kirklees Local Plan.

#### *Education*

- 10.114 K.C. Education have reviewed the capacity at nearby schools. The schools assessed were Niels Junior, Infant and Nursery and Colne Valley High.
- 10.115 To address the identified issue K.C. Education have calculated a necessary contribution of £161,274.66 to address capacity shortfalls. This has been agreed by the applicant.

#### *Sustainable travel*

- 10.116 The site is within walking distance of numerous bus stops that connect the development to the wider area, including Huddersfield Town Centre that in turn connects to the greater region. As considered in paragraph 10.87, a contribution of £26,000 is sought to improve local bus infrastructure.
- 10.117 The provision of this contribution is considered to comply with the aims of LP20 of the KLP

#### *Ecology*

- 10.118 An off-site contribution of £99,038 has been identified to secure a 10% ecological net gain. See paragraph 10.136 for details.

#### *Management and Maintenance*

- 10.119 Arrangements for the management and maintenance of drainage infrastructure, green walls, and Public Open Space on site in perpetuity, and any on-site Ecological Net Gain features for a minimum of 30 years.

#### Other Matters

##### *Air quality*

- 10.120 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.
- 10.121 Notwithstanding the above, in accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of electric vehicle charging points, one per dwelling, on new development that includes car parking. The purpose of this is to promote modes of transport with low impact on air quality.

- 10.122 Subject to a condition requiring this provision, the proposal is considered to comply with LP24(d) and LP51 of the Local Plan.

#### *Contamination*

- 10.123 The site is near to a historic landfill site which may contribute to contamination at the site. The site is within the 250m buffer zone of several historic landfill sites. The Environment Agency have been consulted and they raise no objection, however, advise that the Council consider this further internally.
- 10.124 The applicant has submitted Phase 1 ground investigation reports which have been reviewed by K.C. Environmental Health. The Phase 1 has been accepted; however, it identifies that a Phase 2 report is required, and presumably remediation measures. Accordingly, Environmental Health recommend conditions relating to further ground investigations. Subject to the imposition of these conditions' officers are satisfied that the proposal complies with the aims and objectives of LP53.

#### *Crime Mitigation*

- 10.125 The West Yorkshire Police Liaison officer has made several comments and recommendations, particularly with regards to home security, rear access security and boundary treatments. All the comments made are advisory and have been referred to the applicant, with many incorporated into the proposal during the amendments.
- 10.126 The Police Liaison officer has raised concerns over the design of the boundary treatment, ideally seeking 1.8m – 2.0m close boarded fencing to all plots, and the lack of details on lighting. In each case, a balance is required beyond what the Police Liaison officer seeks. Solid fencing / walling up to 2.0m throughout the site, particularly along the boundary to the Green Belt, would prejudice the design of the development and harm the transition into the rural environment. Bright lighting in inappropriate locations may cause amenity and ecological concerns. Street lighting would be addressed via the detailed highway design condition, while the private lighting is to be secured via condition to demonstrate lighting that secures safety without harming amenity or ecology.
- 10.127 Elements relating to secure design standards for the dwellings (i.e., lock specifications) go beyond the scope of planning, however the Police Liaison's advice has been related to the applicant. While the comments from the Police Liaison officer are noted, they must be considered in the planning balance. A condition is recommended to ensure an appropriate balance on private lighting, between security and amenity / ecology while erecting a solid boundary treatment on the west boundary is not considered reasonable.

#### *Ecology*

- 10.128 Policy LP30 of the KLP states that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.

10.129 The application is supported by an Ecological Impact Assessment (EclA) which has been reviewed by K.C. Ecology. While not within the Council's Wildlife Habitat Network, the site consists of areas of acid grassland and marshy grassland, which is of local importance to nature conservation. This habitat would be largely lost by the proposal so due regard to this impact is required. Furthermore, the site falls within the functionally connected land of the South Pennine Moor Special Protection Area (SPA).

10.130 The impact on birds and the SPA is considered first. The South Pennine Moor SPA is 2.4km west of the site and hosts protected birds including merlin, golden plover, short eared owl. While not within the SPA, as functionally connected land the site may be used for feeding and due regard on the potential impact must be undertaken. K.C. Ecology have commented that:

*The proposed development site is more than 2km from both the Peak District Moors (South Pennine Moors Phase 1) SPA and the South Pennines Phase 2 SPA. Taking distance from these SPAs into account together with a consideration of site habitats (heavily grazed grassland) and topography (steep ground) impacts upon bird species for which the SPAs are designated are considered to be extremely unlikely. This assessment concurs with the site assessment undertaken during the Local Plan HRA. In addition to the above, the site provides reduced suitability for Golden Plover (diurnally or nocturnally), which have been shown not to either nest or forage on ground slopes exceeding angles of 10° (Cramp and Simmons, 1982). Furthermore, it should be noted that the site is limited in size and is surrounded on three sides by residential properties which is a strong negative factor affecting its suitability to attract any of the bird species for which the nearby SPAs have been designated. Golden Plover are birds of moorland which do not typically tolerate enclosed sites.*

10.131 Giving due regard to the above, K.C. Ecology are satisfied that the site has limited value to the protected species within the SPA and that the development would have not harmfully impact upon them. Nonetheless, Natural England's comments were sought to ensure conservation objectives within SPAs are adhered to. This has been sent and a response received: Natural England offer no comment, beyond directing the LPA to their standing advice which has been followed by K.C. Ecology in their assessment.

10.132 While no impact on the SPA is identified, the applicant proposes to include swift boxes on all units. This is welcomed, although an additional condition is recommended that clearance be done outside of the bird breeding season (unless appropriate pre-survey is undertaken).

10.133 Due regard has been given to the impact of the loss of habitat on other local and protected species. As moorland that has historically been grazed, with little mature tree cover, the site is of limited value to most protected species and the development is not expected to have undue impacts on local populations.

- 10.134 Notwithstanding the above, mitigation and enhancement is sought. A condition for a Construction Environmental Management Plan: Biodiversity is recommended, to ensure construction activity is managed in a considerate way. For other mitigation, the submitted EclA recommends a 20% provision of bat boxes on units, along with a lighting design strategy, and hedgehog holes in fencing. These may be secured via condition.
- 10.135 Returning to the on-site habitat, policy expects developments to deliver a 10% net gain on site. If this cannot be achieved, improvements in the area may be considered, or an off-site contribution.
- 10.136 The application's Biodiversity Net Gain metric calculates that post-development, the development will result in a 34.63% net loss (loss of 3.35 habitat units), whilst 2.18 hedgerow units will be created at the site, resulting in a net gain of 100%. It is considered that all options to maximise the availability of habitat units within the site and the wider area have been exhausted. As such, off-setting will be required in order for the development to achieve a biodiversity net gain. For the development to achieve a net gain, 4.306 habitat units will need to be delivered. Commuted sums are calculated on the basis of £20,000 per habitat unit (national average taken from DEFRA's latest BNG impact assessment) plus a 15% admin fee (as detailed in the BNG technical advice note). Therefore, a commuted sum of £99,038 would be required for the development to achieve a 10% biodiversity net gain. This would be used for ecological enhancements within the area by the Council.
- 10.137 No invasive plant species were identified within the survey work undertaken.
- 10.138 Subject to the given conditions and securing the off-site ecological contribution, the proposal is considered to comply with the aims and objectives of LP30 of the Kirklees Local Plan.

### *Minerals*

- 10.139 The site is within wider mineral safeguarding area (Sandstone). Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing and affordable housing need, having regard to Local Plan delivery targets) for it. The proposal is therefore not considered to conflict with LP38.

### *Strategic Green Infrastructure*

- 10.140 The whole of the Colne Valley Valls within the Council's identified Strategic Green Infrastructure Network (SGIN). Green infrastructure is defined as networks of accessible green spaces and natural habitats that occur within and form connections between towns and villages. It functions in different ways and provides multiple benefits for wildlife, improved health and wellbeing of people, local food growing, mitigating climate change, such as flood alleviation, and for the local economy by providing a high-quality environment to help attract further economic investment. Policy LP31 of the Local Plan states:

*Within the Strategic Green Infrastructure Network identified on the Policies Map, priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide.*

*Development proposals within and adjacent to the Strategic Green Infrastructure Network should ensure:-*

- (i) the function and connectivity of green infrastructure networks and assets are retained or replaced;*
- (ii) new or enhanced green infrastructure is designed and integrated into the development scheme where appropriate, including natural greenspace, woodland and street trees;*
- (iii) the scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;*
- (iv) the protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.*

*The council will support proposals for the creation of new or enhanced green infrastructure provided these do not conflict with other Local Plan policies.*

10.141 Notwithstanding being within the SGIN, the site is a housing allocation and being within the SGIN does not prohibit development. Paragraph 13.26 states:

*Development proposals within the Strategic Green Infrastructure Network will not necessarily be prevented provided they do not conflict with other Local Plan Policies. However, the Council will seek to ensure that development proposals protect and enhance existing green infrastructure assets; minimise fragmentation of green infrastructure networks and maximise opportunities for new and improved green infrastructure and connecting links into the network where opportunities exist.*

10.142 The site is a former agricultural field with development on three sites. Its development would not materially prejudice the function and connectivity of the network. Nonetheless, there are green corridors through the site to ensure a level of connectivity is retained. Furthermore, it includes new connection points into the PROWs COL/133/10 and COL/117/10. The ecological impacts of the proposal have been reviewed in paragraphs 10.128 – 10.138 and include various improvements and mitigation measures secured via condition. As a result, the ecological impacts have been found to be acceptable.

10.143 Accordingly, the proposal is considered to comply with the aims and objectives of LP31.

## Representations

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

### *General*

- The proposal does not comply with Building for Life 12 and fails several requirements that are considered to be red or amber in the opinion of the author. These include 'Does the development reinforce existing connections?', 'public transport', and 'character' amongst others.

**Response:** There is no requirement for the LPA to review the proposal against Building for Life 12. The application has been assessed against local and national policies, as required.

- The proposal would prevent neighbouring residents from developing their own properties, e.g., via extensions. This results in a loss of future amenity.

**Response:** Each application is assessed on its own merits. Furthermore, officers do not consider that the proposal would prohibit the reasonable development of adjacent properties.

- The previous outline on site showed 27 units; this proposal should be for the same number. The Local Plan had a capacity of the site for 36.
- The Local Plan has an indicative capacity of 36 dwellings for Housing Allocation 125. The proposal exceeds this, which is an unacceptable departure from the Local Plan. The density is cramped and does not fit into the established character.

**Response:** Each application is assessed on its own merits. The previous outline had numbers undetailed, bar the indicative details of 27. This application has full details enabling a more detailed assessment. The Local Plan and its indicative capacity figures considered within paragraphs 10.5 – 10.09.

- The applicant's submission is misleading and false in places, lacking credibility.
- The submitted plans are inaccurate and contradictory, which is grounds to have a planning permission overturned and/or removed. For example, the 3D visuals do not show fencing or other domestic paraphernalia and are misleading.
- One of the 3D visual plans shows a substantial retaining wall along the site's north boundary, to the rear of the properties which front onto Manchester Road. This is to provide the rear access to private land; however, this retaining wall would mean the path is on a much higher land than the land its giving access too, which is illogical.

**Response:** Officers do not consider the submission to be purposely misleading. The comments which raise this issue largely point to the 3D visualisations. These are not to scale, indicative plans used to provide context to the proposal. It is accepted that they are not to the full detail or accuracy of plans and having them marked as indicative may have assisted in this. Fundamentally, while part of the proposal, these are not plans that would be built from.

- Brownfield development should be prioritised.

**Response:** Local and national planning policies does not prioritise brownfield over greenfield, or vice versa.

- The applicant bought the site for cheap, based on the outline, and is now trying to fit in too many dwellings. The development has been designed to make a profit.
- The applicant's other development at Empire Works is poor quality, particularly the road is unfinished and unsightly 3 years after residents moving in. This raises drainage issues as well as highway safety.
- Concerns exist that recent appeal decisions, where appeals against refusals were upheld, will factor into officers' assessment of this proposal.

**Response:** This is not a material consideration. Applications are assessed on their own merits, based on material planning considerations.

- The applicant's public engagement was inadequate, no meeting was held.

**Response:** The pre-engagement took place around the start of the COVID pandemic which prevented such a meeting. Nonetheless, a public meeting would not typically be expected for a development of this size.

- Local services, including schools, dentists, and doctors, are over prescribed and cannot accommodate additional users.

**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. With regard to schools, an education financial contribution is to be at outline secured.

- An increased population in the area will result in more crime and vandalism.

**Response:** This is considered anecdotal; there are no fundamental reasons why this development will lead to increase crime.

- The site includes tall retaining walls, up to 6m in height, which are a health and safety risk. The open water course is also a risk to people falling in.

**Response:** This is considered to be outside the remit of the planning system and is a liability issue for the developer.

- Only one step of stairs includes ramps and does not give the proposal 'disability credentials'. The proposal is discriminatory.
- Three storey properties are not suitable for disabled people who have limited mobility. Driveways / parking bays are not accessibly friendly.

**Response:** It is acknowledged that 4 of the dwellings will only be accessible via steps. LP24(f) states that 'the needs of a range of different users are met, including disabled people', and due regard must be given to the Equalities Act. However, four units represents less than 10% of dwellings and consideration must be given to the topography of the site, and the design efforts undertaken to address various planning considerations. Given this, the small number of units without level access is not considered contrary to LP24(f). Furthermore, part M4(1) of the Building Regulations (Category 1 – Visitable dwellings) has provision / stipulations for stepped only access which is not prohibited, with section 1.4 stating 'The approach route should be level, gently sloping, or, where necessary, ramped. On steeply sloping plots, a stepped approach can be used'.

- Concerns over the density of planting and whether the tree planting is feasible.
- Questioning who will be responsible for the management and maintenance of Public Open Space. If its residents, would this preclude non-residents of the site using it?

**Response:** The landscaping plan at this time is indicative, although it demonstrates that a suitable strategy is feasible, with a condition ensuring a fully detailed Landscape Strategy, to include a management plan. The S106 is recommended to include a clause for a management and maintained company. This is typically resident funded. However, the S106 would also secure the POS as being open to the public.

- The dwellings should incorporate renewable energy features, such as solar panels or turbines.
- The proposal will have a carbon footprint which cannot be overcome.

**Response:** Insisting on such provision goes beyond the scope of current policies, although guidance contained in Principle 18 of the Council's Housebuilders Design Guide SPD (June 2021) and Planning Applications Climate Change Guidance (June 2021) sets out expectations. Both of these documents post-date the submission of the application and it is deemed unreasonable to retroactively insist on compliance with new guidance.

- The proposed affordable housing is clustered and should be spread through the site. Bungalows should be provided.
- The retaining structures and other elements of the design will result in zones without natural surveillance.

**Response:** While best efforts have been undertaken to minimise such instances, it is unfeasible to prevent any and all areas having natural surveillance.

- No Health Impact Assessment has been submitted with the application, as noted as being required within the Local Plan.

**Response:** The Local Plan states that Health Impact Assessments should be provided with all developments on Housing Allocations. However, following the publishing of the Local Plan the Council's HHHIA guidance was updated. HIAs are now only sought for proposals over 50 units and which fail a relevant trigger (ward level health indicators / deprivation standards). The proposal is below 50 units and Colne Valley ward does not fail any of the triggers.

- Easements cross the site (i.e., for gas pipes and water).

**Response:** This is a private matter between interested parties. The granting of planning permission would not overrule separate legal agreements, which would need to be addressed by the applicant.

*Green Belt (including the siting of the attenuation tank)*

- The proposal has not demonstrated Very Special Circumstances exist to justify the attenuation tank within the Green Belt. To approve the development in the Green Belt would be breaking the law.
- The tank is only located within the Green Belt to accommodate more development.
- The section showing the re-grading shows an unacceptable impact upon the Green Belt.

**Response:** As detailed within paragraphs 10.13 – 10.21, the tank is considered to be appropriate development in the Green Belt (as an engineering operation). Therefore, Very Special Circumstances do not need to be demonstrated. Regarding its location, as it is considered acceptable, alternative locations have not been sought.

- The tank would not have vehicle access to it and only accessible on foot. This would put undue pressure on Yorkshire Water should they adopt it and cause them future issues. As the cross section was provided recently, question whether Yorkshire Water are aware of the tank's design.

**Response:** there are no fundamental reasons why the tank could not be appropriately managed and maintained in its proposed location, although it is accepted it may prevent it being adopted by Yorkshire Water. In such a case, as per the recommended S106, a management and management to manage the surface water features, including the tank.

- The tank being in Green Belt may lead to future development within the Green Belt.

**Response:** The attenuation tank would not be considered to result in brownfield status for the land. Regardless, re-development of brownfield land exemptions required there to be no greater impact on openness. It is difficult to

envision any re-development beyond a tank that would not have a greater impact on openness.

- The applicant intends to place excess soil in the greenbelt from excavation.

**Response:** Such an intention would go beyond the scope of this application, being outside of the redline plan and description of development.

### *Design*

- The developer intends to terrace the land to enable the development, contrary to 'good design' of working with existing land levels.
- The proposed dwellings do not fit into the character of the area, in terms of their design, scale, or overall appearance. It fails to respond to the area's topography or adequately address the site's constraints.
- While the density of the development is low, the individual units are very large, negating the low density, with a floor space much greater than existing neighbouring dwellings.
- The proposed dwellings are much larger than dwellings elsewhere in the area, in both mass and floor space, and would be out of keeping.
- At present, properties on the north side of Lingards Road around the site are lower than those to the south side, to reflect ground levels. The proposed units on the north side would be higher than those to the south.
- The proposal includes flats: flats are not evident in the area already, and therefore out of character in terms of the community and design.
- Roofs in the area are gables or hipped. The proposed roofs are unusual and would not be fitting.
- There is inadequate space between dwellings, including side to side and front to rear.
- Lingards Road includes bungalows, which make up 40% of the frontage on the opposite side of Lingards Road. The proposed dwellings would be three storeys, and therefore not be in keeping with the area.

**Response:** The above raises concerns over the design and appearance of the development. Officers have provided a comprehensive assessment of out consideration of the design in paragraphs 10.22 – 10.39. It is acknowledged that the development includes large units on a prominent site.

- The development would affect the unspoiled Upper Valley / Pennine landscape (which is closely integrated with the Peak District National Park & South Pennines Special Protection Area landscapes), the predominantly green belt surroundings in this part of Colne Valley, the moorland fringe and National Character Area 36. Overall, the development does not respect the rural environment.

**Response:** National Character Areas are macro designations covering large areas. The site falls within NCA 36 (Southern Pennines), which includes Littleborough up to Ilkley. It identifies the following:

*The Southern Pennines are part of the Pennine ridge of hills, lying between the Peak District National Park and Yorkshire Dales National Park. This is a landscape of large-scale sweeping moorlands, pastures*

*enclosed by drystone walls, and gritstone settlements contained within narrow valleys. The area contains internationally important mosaics of moorland habitats which support rare birds such as merlin, short-eared owl and twite.*

The NCAs do not look to prohibit development: officers are satisfied that the proposal would not conflict with the above, notably fitting into the *gritstone settlements contained within narrow valleys*' element.

- “We are sceptical that the proposed route of foul and surface water sewers, culverts and exceedance flow infrastructure through to Manchester Road, can be delivered without damage to the trees adjoining Manchester Road. Similarly, the high-volume exceedance flows themselves are likely to damage tree roots and tree stability, in that same area.” And a TPO application has been applied for on these trees.
- The proposal does not include a comprehensive landscaping strategy.

**Response:** Sensitive excavations will be required but are not deemed unfeasible. Details of which will be required within the conditions Arboricultural Method Statement and protection plan. The Landscaping Strategy provided is detailed and shows how the site may be developed, although it is standard to condition a full and comprehensive strategy, to include ongoing management and maintenance.

#### *Amenity*

- Loss of privacy will mean residents have to close their curtains, and in turn have their lights on more, at their own cost.
- Light pollution and noise from the development, from cars and homes, will harm the living of nearby residents.

**Response:** Residential developments are considered compatible alongside each other. Any excessive noise beyond that of a typical dwelling would be a matter for the Police and/or the Council's noise pollution team. Lights from within a house are not considered harmful; conditions are proposed for external lighting.

- The application is not supported by sun path calculations to demonstrate overshadowing will not be caused.

**Response:** officers are satisfied that sufficient details have been provided to demonstrate no materially harmful overshadowing would be caused, without the need of formal shadow plotting plans.

- The proposal does not include an on-site play area, which is “does not make sense considering the homes are targeted to families”.

**Response:** Springfield Recreation Ground is within close proximity of the site. The provision of pocket play areas on housing sites, where facilities already exist nearby, is to be avoided.

- There should be a fence along the path's boundary with Lower Wood Farm.

**Response:** This is noted and intended to be addressed via condition for full boundary details, or via amended plan.

- The access road to the rear of no. 45 would be too high and affect their amenity, as well as causing health issues.

**Response:** The road in question has been realigned and lowered, to remove this issue.

### *Drainage*

- The most recent amendments (January 2023) have not included an updated drainage layout and cannot be considered without.

**Response:** The changes to the road have a negligible impact on the drainage layout, not materially affecting the established principles which have been robustly established. An updated drainage layout is expected to address them minor changes.

- The submitted Flood Risk Assessment is inadequate. It fails to assess fluvial flooding and undertake adequate survey of culverts / springs. There are disagreements on many of the points put forward by the applicant's drainage engineer.
- "We remain of the opinion that the proposed surface water discharge point and the downstream receiving watercourse, around and under the bus turn round, are completely inadequate to receive ANY surface water run-off from this development (even an attenuated flow). The attenuation tank has inadequate management and maintenance arrangements."
- Insufficient detail has been provided regarding the adequacy of the watercourse within the cemetery which will be the discharge point. "Land drainage proposal completely ignores hydraulic capacity of downstream pipework or the legal viability of the proposal. In other words, it may not be deliverable"
- The drainage fails to address exceedance flow channel design and the flows themselves, as they leave site and the damaging overspill arrangement on the open water channel.
- Water 'cascades' down Lingards Roads and also pools in the site during heavy rainfall.

**Response:** The FRA is considered acceptable and provides sufficient information to demonstrate a feasible drainage strategy for the site is achievable. Flood routing details have also been provided and accepted by the LLFA.

- Concerns that the flow of water into Lower Wood Farm's pond will increase, but will hit the limited inlet and therefore build up. Or become blocked by leaf litter / sediment etc. If it backs up, concerns it will then flood into the dwelling.

**Response:** This has been addressed via an overflow pipe, shown on the flood routing plan. The pipe will redirect any excess water, preventing it flooding uncontrolled.

- The proposal will cut off the spring water supply to Lower Wood Farm. New houses will be built upon springs and streams across the site.

**Response:** The water supply will be retained.

- Drainage systems require easements from landscaping; this has not been evidently considered and the landscaping appears to conflict with the drainage.
- “Because of the extent of the new land drainage system this requirement will SEVERELY constrain landscaping and planting by the developer and future homeowners on ALL parts of the site – especially for larger trees and bushes. It is more likely that the whole land drainage system will quickly become infested with tree roots and vegetation. All the developer’s proposals and arguments about landscaping and mitigation of negative landscape impacts are also null and void.”

**Response:** This is noted and will be fully considered when the full and detailed drainage strategy and landscaping strategies are submitted. Nonetheless, it is not expected to materially affect the site’s capacity to host landscaping.

- Concerns that the development will lead to sediment within the watercourse crossing the site.
- The proposal will result in surface water gathering rubbish / litter on neighbouring properties boundaries.

**Response:** This may be addressed via the surface water management and maintenance details, to be secured via condition.

### *Highways*

- The site should be accessed from Manchester Road and should avoid Lingards Road.

**Response:** Such an access would be a substantial engineering operation and is unfeasible.

- The Transport Assessment is not fit for purpose; it fails to appropriately consider the nature of Lingards Road, such as its gradients, difficult junctions, and how cyclists and pedestrians use it. It contains opinions.
- 2011 census data, used to anticipate traffic distribution, is outdated. 2021 data should be used.

**Response:** The report has been reviewed by K.C. Highways and accepted. While comments have been made through the process, there is considered no reason to question to competency of the document. The use of 2011 census data is not opposed.

- Lingards Road is a bus route; the development will interfere with this service through blocking the road and extra traffic.
- Additional parking on Lingards Road would interfere with the safe use of the highway, and access by emergency vehicles.

**Response:** The proposed dwellings would have an adequate provision of on-site parking. While it is accepted that some visitor parking would be accommodated on Lingards Road, drivers are expected to comply with the Highway code and not block the flow of traffic.

- The driveways serving the units fronting Lingards Road do not meet the standards for shared driveways.

**Response:** It appears the standards referred to are for 'shared private roads'. That is not proposed, the units fronting Lingards would have shared driveways and turning facilities, not full private roads.

- Construction traffic cannot be accommodated on Lingards Road and will affect safe use of the road. This would be exacerbated by contractor parking.
- West Yorkshire Police state, 'Integral garages should be of a size 7m x 3m'. These garages would be at right angles to the road, and unlikely to be used for their intended purpose.
- Vehicle parking bays are below the expected 2.5m x 5.0m. This will lead to vehicles protruding on the pavement.

**Response:** Council standards seek for garages to be 6m x 3m, which is achieved. External parking bays have a minimum expected size of 4.8m, which the proposal likewise achieves.

- People do not use their garages for parking, with an RAC survey identified that 70% of people don't use them. Therefore, garages should not be counted as parking spaces.

**Response:** Applications are assessed against local and national policy and guidance, which established garages are appropriate to consider as parking spaces.

- The proposal ignores its own detrimental impacts on the highway network, including:
  - Lingards Road junction and Nields Road Junction with Manchester Road
  - The very steep lower end of Lingards Road, where there are no footpaths
  - The junction of Nields Road & Lingards Road, exacerbated by the high volume of school traffic on Nields Road
  - Lingards Road below Springfield Avenue – effectively a narrow singletrack carriageway on a blind bend
  - Above Hill Top, including blind bends and terrible junction with Chain Road

**Response:** The traffic generated by the proposal is not expected to harm the safe operation of the highway, as detailed in paragraphs 10.71 – 10.72. Notwithstanding this, certain pedestrian improvements are proposed to promote walking, as detailed in paragraphs 10.83 and 10.84.

- The proposal will lead to more speeding on Manchester Road; more speed cameras on the road should be provided by the developer.

**Response:** Officers see no link between this site and speeding being materially increased on Manchester Road.

- The units fronting onto Lingards Road could not reasonably accommodate on-site turning and may need to turn within the road.
- Shared drives are unpopular and will lead to arguments and may result in fences being erected to subdivide them, thus negating their effectiveness.

**Response:** Officers are satisfied that they would be able to turn within the site. Nonetheless, turning on Lingards Road is typical for most units so would not be out of character. Anecdotal comments regarding arguments are considered to go beyond the scope of planning.

- Dwellings are too distant from turning heads and/or the highway and cannot be adequately served by fire services. The proposal represents a fire safety issue.

**Response:** Officers and K.C. Highways do not see any reason why the development would be inaccessible to fire tenders or represent a fundamental fire safety issue.

- Wheelie bin storage is inadequate, showing only 1 space per unit. This would also block sightlines.

**Response:** Waste collection points are shown to the front; these are to temporarily accommodate bins on collection day, not on the road or blocking driveways. Bin storage locations have not been shown, however given the scale of the dwellings and curtilage there are no concerns these could not be reasonably accommodated.

- Vehicles are typically parked on Lingards Road where residents / visitors park their cars on the road. This will either prevent the site being safely accessed or harm current parking arrangements for residents. The plans show vehicles parked opposite the junction, suggesting the application is encouraging a breach of the Highway Code.

**Response:** It is accepted that the new access will remove some facility for on-street parking. As existing dwellings opposite the site have dedicated off-road parking, this would not unduly prejudice residents. It is noted that dwellings further north along Lingards Road do not all have dedicated parking, but their frontage will be unaffected.

- The access to plots 34 and 35 would be within 10m of a junction on the opposite side of the road, below required standards.

**Response:** The junction in question is a field access, not a formal highway junction. The field access will be lightly trafficked, and the relationship is not a cause for concern.

- Plans include proposals to build houses with direct access off Lingards Road and provide a carriageway width of 5 metres. This is completely inadequate given the existing road immediately below the main site entrance is 7.32 metres wide.
- The proposal would narrow the carriageway of Lingards Road to 4.85m.
- The entirety of Lingards Road should be widened to 6m along the site's frontage. It is currently too narrow to allow parking on both sides. Vehicles Park on the south side of the road and will make accesses the new driveways difficult.

**Response:** The road along the frontage has been amended to the required 5.5m. Requiring the developer to widen the whole road to 6m is unreasonable, with the 5.5m being acceptable.

### *Ecology*

- The applicant proposes to offset ecology on-site with a woodland 'miles away'. This is unreasonable for local residents, who lose the benefit of the openness while gain none of the enhancements.
- Woodland will take decades to grow to any real, impactful size and will not affect the current climate crisis.

**Response:** The off-site woodland has been removed from the proposal. Net gain is to be partly delivered on site, with an off-site contribution as detailed in paragraph 10.138

- The previous outline application on site did not create a need for ecological enhancement.

**Response:** The outline pre-dates current policies on securing ecological net gain.

- The proposal will remove much of the site's acid grassland, which is valuable habitat. The earlier outline required that it be retained. Alternatively, moving the acid grassland to elsewhere in the Green Belt is unacceptable.

**Response:** Habitat translocation is standard practise and K.C. Ecology have no concerns over its implementation.

- Deer are known to use the site and would lose habitat. The surveys undertaken are inadequate.
- The updated ecological report fails to re-survey the site and is now out of date. Twite have been spotted around the site.

**Response:** Deer are not a protected species. The surveys undertaken have been considered by K.C. Ecology. While their age is noted, they are deemed appropriate for this development.

- The proposal should include sedum roofs, as it did when originally submitted in 2020.

**Response:** This comment is noted but cannot be required.

## **11.0 CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The proposal seeks residential development on a housing allocation. While the proposal does fall below the Local Plan's target density of 35 dwellings per ha this is as expected within the Local Plan. From an 'in principle' perspective, the proposed density and housing mix is considered acceptable.
- 11.3 Site constraints including topography, neighbouring residential properties, trees and ecology, and various other material planning considerations. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable. There would be no undue harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology and protected trees, have been addressed through the proposal.
- 11.4 The proposal has been assessed taking into account material planning considerations and found to be acceptable. Furthermore, it would provide an enhancement to local affordable housing, providing 8 affordable units, and open space, with on-site and off-site contributions to enhance local facilities, in line with policy. Education contributions are also secured to mitigate the impacts of the proposal.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications
3. Walling and roofing material samples to be submitted and approved.
4. Landscaping strategy to be submitted and approved, to include trees along Northern boundary (adjacent properties fronting Manchester Road)

5. Green retaining walls to be detailed, including management and maintenance, and provided.
6. Clarification / details of western boundary treatment and details of treatment along boundary with Lower Wood Farm.
7. Remove Permitted Development rights for outbuildings and extensions for all plots
8. Submission of Construction Environmental Management Plan (CMP)
9. Submission of Construction Environmental Management Plan (CEMP)
10. Details of the road to an adoptable standard
11. Arboricultural Method Statement and Tree Protection plan to be provided.
12. Road condition survey.
13. Construction phase waste collection strategy
14. Technical details of 2m footway along frontage to be provided and implemented
15. Cross sections showing extent of structural impact on Lingards Road
16. Parking spaces to be provided prior to occupation
17. Provision of footpath to lower Lingards Road (adjacent to junction to Manchester Road)
18. Provision of footpath improvements on Yew Tree Lane (expected to include dropped crossings and tactile paving)
19. Sectional details to Lingards Road
20. Electric Vehicle Charging Points
21. Details of cycle storage per plot
22. Waste storage / collection to be provided.
23. Waste collection phasing strategy
24. Contaminated land investigations
25. Full drainage details (including catchment analysis to finalise pipe sizing)
26. Flood routing details
27. Temporary drainage
28. CEMP: Biodiversity
29. EDS, to include habitat units on site, 20% bat boxes, 100% bird boxes, hedgehog holes.
30. Lighting design strategy (crime and ecology)
31. No site clearance within the bird breeding season (unless appropriate survey undertaken).

**Note:** PROWs to be protected and clear during development.

## **Background Papers**

### Application and history files

Available at:

[Link to planning application](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/93954>

### Certificate of Ownership

Certificate B signed.