

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2018/61/92842/E

Site Address: Former Combs Hostel, Hall Lane, Thornhill,
Dewsbury, WF12 0PL

Description: Reserved matters application for erection of 34 dwellings pursuant to outline permission 2014/92815 for demolition of existing hostel buildings (C1) and erection of residential development

Recommending Officer: Adam Walker

DECISION – Approval of Reserved Matters

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 22-Nov-2021

OFFICER REPORT

Site Description:

The application site comprises the former Combs Hostel complex off Hall Lane at Thornhill. The redundant hostel buildings are located within the eastern portion of the site, with sports playing area located centrally, and an area of amenity grassland to the west. Land levels rise east to west. The site is bound by a hedgerow along Hall Lane.

The site is bordered by Thornhill Cricket and Bowling Club to the north, an area of open space to the east, neighbouring residential properties to the west, and by Hall Lane to the south. On the opposite side of Hall Lane is Thornhill Rectory Park and a number of listed buildings; this land lies within Green Belt. The site abuts the boundary of the Thornhill Conservation Area to the south and west.

The site is allocated for housing in the Kirklees Local Plan (HS60).

Proposal:

Reserved matters application for erection of 34 dwellings pursuant to outline permission 2014/92815 for demolition of existing hostel buildings (C1) and erection of residential development.

The application is seeking approval of the access, layout, scale, appearance and landscaping of the site (the 'reserved matters').

The proposed layout is for 6 terraced houses in the western part of the site (two blocks of three houses), 24 semi-detached dwellings and 4 detached dwellings located in the eastern part of the site.

The dwellings are three storeys in height, with the upper floor being contained within the roof space.

The proposed walling materials are red brick, natural stone and render with a blue/grey concrete tile to the roofs.

A single point of access is proposed off Hall Lane, which is located towards the western extent of the site. A turning area is also provided off Hall Lane in the eastern part of the site.

Relevant planning history:

2018/90238 – Prior notification for demolition of building – Demolition details approved

2014/92815 - Demolition of existing hostel buildings (C1) and erection of residential development – Granted under Reg.4 (Approved by Heavy Woollen Sub-Committee 21st January 2016)

92/02989 – Conversion of part of school into five units to form temporary accommodation for the homes – Deemed permission under Reg 4.

91/05614 – Change of use from school to temporary accommodation units for the homeless – Conditional Full Permission

History of negotiations

The applicant changed planning agent during the application process and substantial amendments were subsequently made to the layout and design.

- Quantum of development increased from 30 to 34 to make a more efficient use of this housing allocation
- Greater mix of dwelling types provided to accord with Policy LP11
- Design of the dwellings altered, including amendments to address comments from KC Conservation and Design
- Road layout amendments to satisfy KC Section 38 team
- Drainage information submitted seeking to demonstrate that the layout provides sufficient space for space
- Supporting heritage information provided to aid the assessment
- Supporting ecological information provided
- Layout amended to remove a proposed connection to the cricket club because this would be onto private land and would not directly connect to a public right of way

Planning policy:

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

The site comprises housing allocation HS60 within the Kirklees Local Plan.

Kirklees Local Plan (2019):

- 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
- LP20 – Sustainable travel
- LP21 – Highway safety and access
- LP22 – Parking standards
- LP24 – Design

LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP35 – Heritage
LP65 – Housing allocations

Supplementary Planning Guidance / Documents:

Highway Design Guide SPD
Open Space SPD
Housebuilders Design Guide SPD

National Planning Guidance (NPPF, 2021):

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

Other material considerations:

Kirklees Interim Affordable Housing Policy (January 2020)
Biodiversity Net Gain Technical Advice Note
Planning Practice Guidance

Representations:

The application has been subject to two separate formal publicity periods. The first publicity period was undertaken in 2018 and publicised the scheme as originally submitted. The second publicity period was undertaken in April 2021 and publicised the amended scheme for 34 dwellings.

The response to the most recent publicity, which reflects the scheme under consideration, resulted in 15 representations in support and 7 objections. A summary of the comments received is provided as follows:

In support:

- Welcome the development
- The area is in need of new homes
- There is a shortage of housing for families in the area

- Thornhill has become a highly sought area and as a result there is a demand for quality housing
- Proposal will ease pressure on neighbouring areas
- Development will be an improvement on the previous use and will improve a redundant site
- Existing site is an eye sore
- Proposal will improve the setting of adjacent heritage assets by tidying up a derelict site
- Existing site attracts anti-social and criminal behaviour – development will remove this problem
- Traffic concerns are unfounded as there was previously a large hostel there which created traffic
- Need for modern, energy efficient housing

In objection:

Highway concerns:

- Traffic concerns resulting from the amount of vehicle movements that would be generated by a development of this size
- The extra traffic will threaten the safety of walkers, children, cyclists and pets
- Local road network unsuitable for additional traffic given the nature of Hall Lane and the area around the junction at the top of Hall Lane which is too narrow with poor visibility
- Hall Lane is already overburdened by existing road users, including visitors to the adjacent park.
- A traffic survey should be undertaken
- Emergency vehicles already struggle to gain access and this will be made worse
- In icy weather the junction is impassable and locals must take a dirt track behind housing to exit the road.
- Farm vehicles will struggle to gain access to the farm at the end of Hall Lane
- Historic wall along the Hall Lane junction is already suffering partial collapse due to the traffic burden.

Amenity impacts:

- Removal of trees will exacerbate effect of noise on existing properties
- Overlooking of existing properties – loss of privacy due to proximity and scale of new dwellings
- Negative visual impact on the landscape and character of the area
- This is a quiet, semi-rural Conservation Area and proposal would completely destroy the character of the neighbourhood
- Development will increase pollution
- Noise pollution from construction

Heritage matters:

- Detrimental impact on nearby listed monument and building/historic park
- Proposal will have adverse impact on setting of listed buildings/Conservation Area.

Ecology:

- Loss of wildlife
- Protected wildlife: tawny owls, bats and woodpeckers inhabit/hunt along established treeline bordering residents car park that is to be destroyed in these plans

Other matters:

- Negative impact on local property values
- Distraction and disruption to the farm, canal and animals
- The private carpark at the top of Hall Lane would be compromised if the trees are removed, thus causing a collapse in land.
- Hall Lane Cottages car park stability at severe risk: car park is nothing more than an earth bank, supported from collapse in heavy rain by the well establish treeline along it. Removing these trees and the roots that hold up this bank could lead to a large scale earth movement that could affect the stability of existing residences
- Adverse effect on designated nature trail - Visual impact of this development will ruin the character of the nature trail.
- Impact on drainage infrastructure - the main sewer becomes overloaded and floods very often especially in heavy downpours

The response to the original round of publicity resulted in 28 representations in support and 34 objections. Comments were also received from the adjacent cricket and bowling club. A summary of the comments received is provided as follows:

In support:

- More quality houses are needed
- There is a shortage of affordable housing
- Demand for new houses so people can get on the housing ladder and stay in the local area
- Development will be positive for the community
- Development will be an improvement on the existing site which is derelict, has been vandalized and is dangerous (only concern is access for this number of dwellings and how much green space will be leftover)
- Good use of land
- Development will address an eye sore
- Existing site is unsafe
- Local road network is capable of accommodating the additional vehicle movements, especially considering the previous use of the site which generated traffic

In objection

Highways:

- Access to the site (Hall Lane) is unsuitable – narrow road, poor junction access (visibility)
- Concerns about damage being caused to the access to Hall Lane, which is privately owned/maintained
- Visibility is poor around the junction to Hall Lane and there have been accidents here
- Access to the farm at the bottom of Hall Lane is needed 24/7. Concerned that the development will inhibit access to the farm
- Uncertainty over any localised highway improvements
- Traffic volumes have increased over the past 20 years since an application for livery stables at Hall Farm (98/62/92906/E2) was approved
- Concerned with the amount of traffic that would be generated
- Highway safety impacts – effect on visitors to the adjacent park, cyclists and horse traffic (most of Hall Lane is a Public Bridleway).
- A lot of the roadway is used as overspill parking
- Impact on emergency service access
- History of accidents at the junction access
- Suggested alterations to the Hall Lane junction - No plan is provided for this 'new junction' so the question of highway safety has not been addressed in any way.

Amenity

- Overdevelopment/cramped
- The visual impact of the development will have a detrimental effect on the surrounding area. The area is quiet, peaceful and semi-rural and the proposed houses will alter this.
- Loss of trees to the eastern boundary that frame the site
- Increased noise and pollution from the extra traffic
- Impact on air quality
- Modern design of houses not characteristic of the area

Heritage

- Impact on the setting of the adjacent Conservation Area
- Impact on setting of adjacent listed buildings and park
- Suggested alterations to the Hall Lane junction - the junction and wall are within the Conservation area and any alteration would seriously affect the historic wall/stairs.

Ecology:

- Loss of habitat for protected species - Nesting Tawny owls, bats and woodpecker where it is proposed to remove a small band of trees

between Hall Lane Cottages and the proposed construction site. All 3 species are subject to habitat protection under the Countryside and Wildlife Act 1981.

- Detrimental impact on wildlife
- Loss of habitat for wildlife including protected species

Other matters:

- Residential development next to a livestock farm is unsuitable
- Disruption and inconvenience from construction activities
- The removal of a line of well-established trees at the eastern end of the site could affect the stability of the adjacent embankment
- Not against the principle of residential development but the scale of development should be reduced
- Potential for damage to drainage infrastructure
- Traffic may use the private road off Hall Lane as a rat run in order to negotiate the poor access onto the main road. As this private road is maintained by the residents then we will have no option but to gate it off to prevent excessive wear & tear & maintain our privacy.
- Loss of trees may affect drainage
- Additional impact on local amenities and infrastructure
- Potential impact on gas mains under the highway from traffic and construction

Comments received from adjacent cricket and bowling club:

- If access over the club's land is required during construction, then would the club be compensated? And would any damage be repaired/made good?
- There are trees within the site that overhang the club's land; if these trees are cut down, what will happen with the roots that may be located under the cricket club's access?
- The site will need a suitable boundary wall or fence to prevent damage from cricket balls
- Would there be direct access into the cricket club grounds? This could affect insurance liabilities.
- The club has a function room that holds social events in the evening. Residents need to be aware of this and the potential for some noise disturbance to occur.
- Tennis and bowling fixtures can take place in the evening under floodlights up until 10pm.
- Could there be any potential sewerage issues affecting the club?

Ward members were notified of the application when it was first submitted and were notified of the amended plans.

Councillor Masood Ahmed and Councillor Jackie Ramsay have both raised issues with the poor condition of the site. Issues of fly tipping, trespassing, anti-social behaviour and the dangerous state of the buildings have been

mentioned. Enquires have also been made as to progress with the application.

Consultation responses:

KC Highways Development Management - No objection

KC Lead Local Flood Authority – The LLFA advises the Planning Officer that to approve the layout, space must be made for water in terms of attenuation and flood routing.

Summary of verbal comments 19/11/21: There are still concerns with some of the latest drainage information (submitted 29/10/21). The cellular storage tank is not considered appropriate (as per previous consultation response) and it is partly within private curtilage which causes maintenance concerns.

The drainage plans should not be approved under this Reserved Matters and a note should be added to the decision notice so that the applicant is made aware that the drainage scheme shown would not be considered acceptable when it comes to discharging the relevant drainage design conditions on the outline permission.

The latest information appears to show that flood routing is acceptable subject to a condition requiring details of overland flows.

It is proposed to have a box culvert within the estate road; whilst this could be acceptable to the LLFA it may cause issues for road adoption because its size means it would be classed as structure.

KC Conservation & Design – Initial concerns raised with the design of the dwellings and the level of supporting information. Following the submission of amended plans and further information, there are no objections; the changes to the scheme have improved the design.

KC Ecology – Significant ecological impacts can be avoided with the inclusion of mitigative measures. A series of conditions will be required to secure these. The development is not delivering a biodiversity net gain; as this is a reserved matters application relating to a historic outline permission (which therefore pre-dates biodiversity net gain guidance/policy), it is reasonable for the development just to achieve a net gain rather than a 10% net gain which is applied to current applications. However, the development is a long way short of achieving a net gain. Some additional ecological measures could be provided on site but if a net gain is still not achieved then it would be necessary to make this up with an off-site contribution.

KC Strategic Housing – Seven units would be sought from the proposal as amended, although the vacant building credit would reduce some of this requirement.

KC Environmental Services – Recommend conditions for contaminated land and provision of electric vehicle recharging points.

KC Crime Prevention – Clarification sought on:

- The proposed boundary treatments for the site and individual plots. There are concerns about the plots that back onto the Cricket Club access road.
- Site street and plot lighting
- Whether the road is to be adopted
- Whether there is to be a footpath link between the site and the access road to the Thornhill Cricket Club

Assessment

This is a reserved matters application for the erection of 34 dwellings pursuant to outline permission 2014/92815.

The application is seeking approval of the access, layout, scale, appearance and landscaping of the site (the 'reserved matters').

Layout

The application relates to housing allocation HS60, which has a gross site area of 1.11ha. The allocation does not identify any constraints which reduce the developable area. The net site area is therefore 1.11ha.

The housing allocation does however specify the following constraints:

- The provision of a pedestrian footway is required across the site frontage
- Improvements to local highway links may be required
- Site is close to listed buildings
- Site is close to archaeological site

The above constraints are addressed later in this assessment, in respect of highways and heritage matters.

The allocation has an indicative capacity of 38 dwellings.

When the application was first submitted it proposed a total of 30 dwellings which were all detached. It also included a row of properties that backed directly onto Hall Lane.

Officers raised concerns with the housing density and mix as well as the relationship with Hall Lane. There were also concerns with the proposed housing in the western part of the site, which is adjacent to the Thornhill Conservation Area. In response, the applicant revised their proposals.

The layout now provides 34 dwellings with a mixture of 6 terraced houses, 24 semi-detached dwellings and 4 detached dwellings.

The proposed density of development equates to 30.6 dwellings per hectare. This falls short of the target density of 35 dwellings per hectare (where appropriate) as required by LP7 of the Local Plan. However, this density is

considered to be appropriate on this site given the site's setting. The development site is immediately adjacent to the Thornhill Conservation Area, which extends to the south and west, and an area of land on the southern side of Hall Lane (within the Conservation Area) is also classified as an Ancient Monument site (Thornhill Hall). The proposed density of development maintains a degree of openness to these designated heritage assets whilst also delivering a relatively efficient use of this housing land.

The revised layout also delivers a mix of house types which provide 3, 4 and 5 bedroomed properties. The mix comprises of:

- 6 x 4 bedroom terrace (house type A)
- 12 x 3 bedroom semi-detached (house type B)
- 12 x 4 bedroom semi-detached (house type C)
- 4 x 5 bedroom detached (house type D)

This is an improvement on the original submission and is considered an acceptable mix.

The layout incorporates terraced houses in the western part of the site and detached houses in the eastern part, separated by semi-detached dwellings. Having a denser form of development in the western portion of the site and a more spacious form of development to the east is intended to respect the urban grain of the Thornhill Conservation Area. There are back-to-back and terraced houses immediately to the west of the site and so the layout reflects this pattern of development.

The proposal now has properties fronting onto Hall Lane, instead of turning their back to the roadside. This provides an active frontage to the development and a much stronger interface between the development and the street scene.

A high proportion of the plots include parking to the sides of the dwellings. This helps to reduce the amount of parking to the front of houses.

Areas of landscaping are provided at the entrance to the site, which helps to create a more attractive gateway to the development.

A pedestrian link between the site and the adjacent cricket club was incorporated into the layout. Providing opportunities for active travel is important, however, the connection would be onto privately owned land and does not connect directly with the PROW network. As such, this connection was removed.

The layout provides acceptable separation distances to adjacent land and property. The closest neighbouring houses are to the western boundary and also to the north west and south east corners of the site.

Plots 1-6 back onto some back-to-back houses to the west of the site. The separation distance between habitable windows is in the order of 27m plus,

which exceeds guidance in the Housebuilders Design Guide SPD and is considered to be acceptable.

2 Rectory View lies to the north western corner of the site and is separated by an access road for the cricket club. This dwelling is off-set from the nearest new dwelling (plot 6). Plot 6 is side-on to the northern boundary so does not have directly overlook it. It is also set in from the boundary by 3.5m-4m. I consider this relationship to be acceptable.

There is a small group of dwellings towards the south east corner of the site, which include some single storey development. These houses and are separated from the development by Hall Lane and there is an oblique relationship between these properties and the new dwellings. The nearest new dwelling is plot 22, which is side-on to Hall Lane. The separation distance and indirect relationship mean that the amenity of these existing occupiers would not be significantly affected.

New dwellings would face onto the cricket club site at quite close proximity however they would be overlooking an access road, allotments and playing fields and as such I do not consider that the adjacent landowner/s would be unduly prejudiced.

In summary, the proposed layout is considered to be acceptable and satisfies Policies LP7, LP11 and LP24 and guidance in the NPPF.

Scale

Surrounding development is of mixed scale, including bungalows and two and three storey properties. The built-up area to the west is predominantly two and three storeys in height and includes split level buildings.

There are some existing buildings on the site that occupy the easternmost part of the site. These are principally two storeys in height and form two adjoining blocks of development.

The proposed dwellings are all three storeys in height, but the upper floor is contained within the roof space and includes dormer windows, which helps to keep the overall height of the dwellings down.

A mixture of property sizes is proposed (3-5 bed) which is reflected in the footprint of the dwellings.

The topography of the site gradually slopes down from west to east which results in a circa 11m drop across the site (in terms of proposed finished floor levels).

The dwellings are all NDSS compliant.

Garden sizes for the dwellings vary quite considerably but in the main they are of a good size. There are a small number of plots that have constrained

rear gardens but, overall, I do not consider that this would significantly prejudice living conditions, especially when balanced against the need to make an efficient use of housing land.

I am of the opinion that the proposed scale of the development would be in keeping with the character of the area and the application accords with Policy LP24 and guidance in the NPPF.

Appearance

Amendments have been made to the design of the dwellings. These include:

- The removal of dormer windows to the rear of plots 1-6 (house type A) to simplify the roof profile of these dwellings adjacent to the Conservation Area
- Inclusion of windows to the gable end plot 1 to break up the expanse of walling facing Hall Lane
- Changes to the fenestration of plots 19-22 (house type D) to give these dwellings a more consistent design theme
- Inclusion of windows in the gable end plot 22 to break up the expanse of walling facing Hall Lane

House type A includes dormer windows to the front elevation. House types B, C and D include front projecting gables and rear dormers.

The removal of dormers to the rear of house type A has simplified the roofscape of these dwellings and the front dormers are in proportion to the roof area.

The front gables to the front of plots B, C and D provide visual depth and are a welcome design feature. The conservation officer raised a concern that the addition of rear dormers on these plots results in an overly 'blocky' profile and, whilst I understand this point when the elevations are viewed two dimensionally, views of the side profile of the dwellings would be quite limited because of the layout of the site. Furthermore, the front gables and rear dormers are set in from the sides of the dwellings and so there would be some contrasting depth to these features when the dwellings are viewed from the sides.

It is recognised that dormers are not a characteristic feature of the surrounding area, but I am satisfied that the use of dormers as a consistent feature across the development is an acceptable approach.

The proposed walling materials are red brick, natural stone and render with a blue/grey concrete tile to the roofs.

The proposed palette of materials provides contrast across the development. House type A is faced in red brick at the conservation officer's suggestion as it is deemed that red brick would be consistent with the history of the area. The use of natural stone is appropriate within the context of the neighbouring

Thornhill Conservation Area and listed buildings. The use of render to parts of the stone-built dwellings adds visual interest. A condition requiring samples of the proposed materials is necessary.

In summary, the appearance of the development is considered to be acceptable and is in accordance with LP24 and guidance in the NPPF.

Access

A single point of access is proposed off Hall Lane, which is located towards the western extent of the site. A turning area is also provided off Hall Lane in the eastern part of the site.

Amendments have been secured to the site layout to satisfy Highways Development Management and the Council's Section 38 (road adoption team).

Appropriate visibility has been shown at the site access and the gradient and geometry of the internal estate road is acceptable. The applicant has demonstrated that the internal hammerhead provides suitable space for turning.

The proposal provides adequate private parking and visitor spaces.

The tuning area off Hall Lane provides a highway benefit by providing space for vehicles to turn. A condition to ensure that this is provided and kept free from obstruction is recommended.

A footway is shown along the site frontage – in accordance with the requirements of the housing allocation. It is not clear whether this is to be a new footway or the existing footway is to be retained. A condition requiring details of the footway (either new or upgraded) is recommended.

Condition 21 on the outline permission relates to potential off-site highway improvements.

A condition requiring details of the arrangements for bin storage and collection is recommended.

The application is considered to comply with Policies LP21 and LP22 of the KLP.

Landscaping

There is an existing hedge along the site frontage. A section of this would be retained adjacent to plot 1 and sections of new hedge planting would be provided to the front boundaries of plots 23-34 as well as to the side of plot 22. This would help to retain some of the established character of Hall Lane.

A new hedgerow is proposed to the northern boundary, which would supplement some sections of existing hedgerow which are to be retained. The hedgerow would sit adjacent to the cricket club access road, with a 1.8m timber fence on the inside to enclose the plot gardens. This would maintain an attractive edge to the cricket club and also provide a good degree of security.

The eastern boundary would have a native hedge on the inside of a 1.8m weldmesh fence. Here the site backs onto a small field, which is unallocated land in the KLP. The weld mesh fence would enable the hedge to be visible through it and so it creates a relatively soft edge to the development whilst also providing a good degree of security.

The western boundary would have a retaining wall and 1m high post and rail fence along with a hedgerow and tree planting. It is recommended that further details of the retaining wall are secured by condition e.g. construction type, facing materials and height. Here the site backs onto a parking area with houses beyond. The new planting would help to replace some trees that are to be lost along this boundary.

Stone boundary walls are proposed to some plot boundaries at 1.8m and 1.2m in height. This includes a 1.8m wall to the rear of plots 23-34 which would abut the internal estate road. The presence of a wall alongside the access road is a consequence of turning the dwellings to front Hall Lane. To soften the appearance of the stone wall, it is proposed to have climbing shrubs planted against the wall.

A condition requiring the stone boundary walls to match the dwellings is recommended in the interests of visual amenity.

Pockets of soft landscaping are incorporated into the layout, such as the entrance to the development, a buffer to the side of plot 6, around the visitor parking areas and the turning head off Hall Lane. This helps to soften the appearance of the development and provide a degree of openness.

The proposed landscaping details are considered to be acceptable.

A condition is recommended requiring the provision of the proposed soft landscaping and that any shrub, hedge or tree that dies within the first 5 years of completion of the development is replaced.

Heritage

Thornhill Hall moated site (a scheduled monument) lies on the opposite side of Hall Lane and there are two listed buildings to the south east of the site (Thornhill Hall and Thornhill Hall Cottages). Thornhill Conservation Area lies to the south and west.

The proposals have been assessed in the context of these designated heritage assets and I am satisfied that the layout, scale, appearance and landscaping of the site are such that the significance of these assets would be

preserved. As such the application accords with Policy LP35 of the KLP and chapter 16 of the NPPF.

Archaeology is covered by a condition on the outline permission.

Drainage

There have been negotiations regarding drainage and detailed drainage information has been submitted.

The detailed drainage design is covered by conditions on the outline permission.

However, as 'layout' is being considered, it is necessary to ensure that the layout makes sufficient space for water. This includes in terms of on-site attenuation and flood routing in exceedance events.

The LLFA's most recent comments are summarised earlier in this report. No specific objections have been raised to the planning layout however the indicative drainage scheme submitted is not considered to be acceptable, particularly because it relies on a cellular storage create, which is not supported by the LLFA.

The information does indicate that flood routing in exceedance events has been appropriately considered. Condition 14 on the outline permission deals with flood routing and it is considered that the submitted layout would enable this condition to be discharged in the future, subject to acceptable technical information being provided.

The indicative drainage scheme includes a box culvert, and this may prevent road adoption because it would be classed as a structure, but that is a matter for the developer.

It is considered that the proposed layout can be accepted however none of the submitted drainage drawings are to be approved at this stage. The applicant will need to discharge conditions 12-14 on the outline permission to the satisfaction of the LLFA and this will deal with drainage matters. A note is to be added to the decision notice highlighting the concerns that exist with the submitted drainage details.

Ecology and trees

An updated Preliminary Ecological Appraisal (PEA), bat activity surveys and an Ecological Impact Assessment (EclA) have been submitted during the application process. The findings of these reports concur with the surveys undertaken in 2015 and the EclA concludes that significant ecological impacts can be avoided with the inclusion of mitigative measures. Conditions are recommended to secure these.

As part of the EclA, biodiversity metric calculations have been undertaken to address the comments made by KC Ecology. The results indicate that the development is not achieving a biodiversity net gain post development.

In this case, it is accepted that the development need only achieve a net gain to biodiversity – not a net gain of 10%, which is the standard requirement for all applications. The reason for this is because the outline application pre-dates the requirement for a net gain by several years and even this reserved matters application pre-dates the Local Plan. It is therefore considered fair and reasonable to apply a somewhat less stringent requirement on this development.

Notwithstanding the above, the development falls somewhat short of achieving a net gain. It is possible that further biodiversity enhancement measures could be incorporated into the development, although may not be sufficient to realise a net gain. To address the issue of biodiversity net gain, a condition is recommended requiring details of additional enhancement measures. In the event that these are insufficient to deliver a net gain on their own then it would be necessary for the developer to make up the shortfall with an off-site contribution. This would require a Section 106 obligation to discharge the condition.

It is noted that condition 19 on the outline permission requires a Biodiversity Mitigation and Enhancement Plan to be submitted to and approved in writing by the Local Planning Authority before development is commenced. The recommended condition can therefore be linked to condition 19 on the outline permission. Condition 19 includes a requirement for bat and bird boxes on the dwellings and details of artificial lighting.

There are a number of trees along the western boundary that are to be removed. It is noted that some engineering works are necessary in this part of the site and it is likely that these would affect the existing trees and their roots. Under the outline application it was stated that there were no trees on the site that were worthy of preservation. The loss of the trees is compensated for by new tree planting plus a hedgerow in this part of the site.

Subject to conditions, the application accords with LP30 of the KLP and guidance in the NPPF.

Crime prevention

KC Crime Prevention have sought clarification on:

- *The proposed boundary treatments for the site and individual plots. There are concerns about the plots that back onto the Cricket Club access road.*

Landscaping plan now submitted showing hedge and 1.8m fence which is considered acceptable

- *Site street and plot lighting*
A condition is recommended regarding security lighting

- Whether the road is to be adopted
The applicant has indicated that the road will be put up for adoption but that will require separate s38 approval. The condition regarding lighting would address the DOCO's potential concerns in this regard.
- Whether there is to be a footpath link between the site and the access road to the Thornhill Cricket Club
There was but this has been removed.

Representations

There have been two rounds of publicity. There has been a mixture of support and objection to the application.

I have carefully considered all the points raised, particularly the local concerns with the application.

This principle of development has already been established and this application is just seeking approval of the details (the reserved matters). Notwithstanding the concerns raised, for the reasons set out in this report I consider the application to be acceptable. I would add that the development will address a problematic site where there are vacant buildings and so will enhance the environment.

Other matters

Matters of land contamination and a requirement to provide EV recharging points are covered by conditions on the outline permission.

Affordable housing and open space requirements are also covered by conditions on the outline permission. The condition relating to open space would need to include future maintenance and management of the pockets of open space in the site that fall outside of private curtilage.

The site is opposite Green Belt land. I have considered whether the development would harm the visual amenity and openness of the Green Belt. I have concluded that any harm would not be significant. The application is allocated for housing (38 dwelling indicative capacity) and so a change in the amount of built development on the site has been accepted through the Local Plan process. The scale and design of the buildings are deemed appropriate.

Conclusion

For the reasons set out in this report, the application is considered acceptable and in accordance with the KLP policies, SPDs and NPPF guidance listed in this report.

2018/92842
Recommendation: Approval

Conditions and reasons

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

2. Samples of the proposed facing materials (natural stone, brick, render and roof tiles) shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the first dwelling commence. The development shall be constructed of the approved materials and thereafter retained as such.

Reason: In the interests of visual amenity and to preserve the setting of the adjacent Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. Construction details of the proposed retaining wall to the western boundary of the site, as indicated on the approved site layout plan, shall be submitted to and approved in writing by the Local Planning Authority before any works to construct the retaining wall commence. The details shall specify the type of construction, wall height and facing materials. The retaining wall shall be constructed in accordance with the approved details and retained as such.

Reason: In the interests of visual amenity and to preserve the setting of the adjacent Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

4. The vehicle turning area off Hall Lane (in between plots 22 and 23) shall be hard surfaced and drained and provided in accordance with the approved site plan before the development is first brought into use. The turning area shall thereafter be kept free from obstruction and available for vehicle turning at all times.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

5. Details of arrangements for the storage and collection of waste from the dwellings shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The approved waste storage and collection arrangements shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

Reason: In the interests of highway safety and amenity and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

6. The private vehicle parking areas shall be surfaced and drained and provided before the dwelling to which they relate is first occupied and thereafter retained as such.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

7. The proposed stone boundary walls shall in all respects match the stone used on the dwellings and as approved pursuant to condition 2.

Reason: In the interests of visual amenity and to preserve the setting of the adjacent Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

8. The soft landscaping of the site shall be provided in accordance with the approved landscaping plans. Any tree, shrub or hedge that dies, becomes diseased or is removed within the first five years of completion of the development shall be replaced with the same or similar species.

Reason: In the interests of biodiversity and visual amenity and to accord with Policies LP30 and LP24 of the Kirklees Local Plan.

9. The development shall be carried out in accordance with the approved Ecological Impact Assessment.

Reason: In the interests of biodiversity to accord with Policy LP30 of the Kirklees Local Plan.

10. Notwithstanding the approved Ecological Impact Assessment and condition 19 of outline planning permission 2014/92815, a scheme of biodiversity enhancement measures that would deliver a demonstrable net gain to biodiversity shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the 10th dwelling commence. The scheme shall include a timetable for the provision of the enhancement measures. The development shall be provided in accordance with the approved scheme and retained as such.

Reason: In the interests of biodiversity to accord with Policy LP30 of the Kirklees Local Plan

11. Details of the external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The lighting scheme so approved shall be provided before the development is first brought into use (or before the dwelling to which it relates is first occupied) and shall thereafter be retained as such.

Reason: To mitigate opportunities for crime and reduce the fear of crime, in accordance with Policy LP24 and guidance in the National Planning Policy Framework.

12. Design and construction details of the footway to the site frontage shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use, or, where the existing footway is to be retained, details of works to resurface, repair and make good the footway post construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The footway shall be provided in accordance with the approved details before the 17th dwelling is occupied and thereafter retained as such.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

13. A scheme detailing the proposed internal adoptable estate road shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the first dwelling commence. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sightlines, together with an independent safety audit covering all aspects of work. The approved scheme shall be completed in accordance with the approved details and thereafter retained.

Reason: To ensure that suitable access is available for the development to accord with Policy LP21 of the Kirklees Local Plan.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

Note regarding condition 10:

If it is not possible to achieve a demonstrable biodiversity net gain on the site, then an off-site commuted sum would need to be provided in order to satisfy the condition. This would need to be secured through a Section 106 agreement.

Note regarding the indicative drainage design:

Kirklees Lead Local Flood Authority have advised that the use of a cellular storage crate would not be accepted as part of the detailed drainage design required under conditions 10 and 11 on the outline permission.

Please note that the box culvert shown on the indicative drainage scheme may affect the adoption of the estate road.

Plans and specifications schedule:

| Plan Type | Reference | Version | Date Received |
|----------------------------------|--|-----------------|---------------|
| Topographical Survey | 7491/1 | - | 31/8/18 |
| Site Plan as Proposed | 20-095-100F | Rev F | 11/8/21 |
| House Type A Plans & Elevations | 20-095-101-A | Rev B | 21/9/21 |
| House Type B Plans & Elevations | 20-095-102A | Rev A | 13/7/21 |
| House Type C Plans & Elevations | 20-095-103A | Rev A | 13/7/21 |
| House Type D Plans & Elevations | 20-095-104A | Rev A | 13/7/21 |
| Landscape Proposals – Layout | YT/T/608/1 rev A | Rev A | 12/5/21 |
| Landscape Proposals – Details | YT/T/608/1 rev A | Rev A: 04052 | 12/5/21 |
| Preliminary Ecological Appraisal | Ref No: 210150. Date: 8th February 2021 | - | 25/2/21 |
| Ecological Impact Assessment | Ref No: 210150/EcIA/1. Date: 24th | - | 27/9/21 |

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|--|--|---|---------|
| | September 2021 | | |
| Biodiversity Metric Calculation 2.0 | - | - | 27/9/21 |
| Supporting Information: Drainage Statement | Holdgate Consulting Ltd Project 21-05 | - | 6/4/21 |
| Heritage Impact Assessment | Prepared By Code L6 Architecture Ltd July 21 20-095-16 | - | 13/7/21 |
| Design and Access Statement | Prepared by Code L6 Architecture Ltd July 2021 20-095-15 | - | 13/7/21 |

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were secured to the layout and design and additional supporting information was requested.