

**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: 2019/61/91638/E

Site Address: land at, Abbey Road North, Shepley, Huddersfield,
HD8 8DY

Description: Reserved matters application for erection of 27
dwellings pursuant to outline permission 2017/92233
for erection of up to 34 dwellings

Recommending Officer: Christopher Carroll

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.

Kate Mansell

AUTHORISED OFFICER

Date: 13-May-2020

Officer Report

SITE DESCRIPTION:

The application site comprises an area of 1.78 ha, and is located on the corner of Penistone Road and Abbey Road North in Shepley. Other than the current access road, the site is Greenfield, with shrubbery and a number of trees across the site.

The north of the site slopes down from Stretchgate to Shepley Dike, which runs across the northern part of the site. To the north of the site, along Penistone Road, are dwellings whose gardens back onto Shepley Dike. To the east are dwellings on Abbey Road North that back onto the site, and in the south west corner is a gated community of seven relatively new detached properties at Abbey Road Gardens, which are in turn adjacent to New Hey Moor Houses (a group of back-to-back dwellings).

There is an existing vehicular access off Abbey Road North that currently serves the seven detached dwellings to the south west corner of the site. This access is capable of being improved and widened to serve the entire site. To the west, the site is flanked by Stretchgate, which extends towards the centre of the village.

Outline planning permission has recently been given for a detached dwelling at land adjacent to The Coach House, 18A Abbey Road North, Shepley, which can be found on the site's south eastern boundary.

PROPOSAL:

This is a Reserved Matters application to effectively discharge Conditions 1-3 of outline planning permission 2017/92233 approved in March 2018. It provides details of the proposal in respect of the outstanding Reserved Matters of appearance, landscaping, layout and scale.

It was initially made for the erection 22 dwelling units. However, following negotiations with officers, particularly with regards to Local Plan policies LP7 and LP11, this was amended to the current provision of 27 dwelling units, of which five units would be affordable. The provision of affordable housing is in accordance with the S106 agreement approved as part of the outline planning permission requiring 20% provision.

The following house types are proposed:

House Type	Number of dwelling units	Number of beds	Size per unit (sqm)
Sandringham (detached, 2-storey)	2	4	125.4
Buckden (detached, 2-storey)	3	4	132.1
Chevin (semi-detached, 3-storey)	6	4	126.1
Woodale (detached, 2-storey)	1	4	128.5

Lilac (detached, 2-storey)	1	3	84.6
Lilac (semi-detached, 2-storey)	6	3	84.6
Lilac (terrace consisting of 3 units, 2-storey)	3	3	84.8
Lilac terrace (terrace consisting of 5 units, 2-storey)	5	3	84.8

The proposal includes 0.83 hectares of public open space to the north of the site, adjacent to Shepley Dike, taking in flood zones 2 and 3, as well as a culvert.

In accordance with outline planning permission 2017/92233, which included approval of the means of access, the site would be served off the existing vehicular access point from Abbey Road North with a pedestrian/cycle link from the site to Stretchgate (designated Bridleway Reference KIR/187/a/10). The proposed layout would create a hierarchy of estate roads, private driveways and footpaths serving the proposed dwellings, connecting Abbey Road, an 'A' road (A629) in the east with a bridleway known as Stretchgate in the west.

The proposed site plan shows how there would be two parking spaces for each 2- and 3-bedroom dwelling, three spaces per 4-bedroom dwelling and one visitor parking space per four dwellings. Some of the dwellings would also have garages.

RELEVANT PLANNING HISTORY:

Outline planning permission (reference: 2017/92233) for the erection of up to 34 dwellings on this site, approved 21 March 2018.

A discharge of conditions application (reference: 2019/91879) has been submitted in relation to the outline planning permission (reference: 2017/92233) concerning conditions 5 (Phase 2 Intrusive Site Investigation Report), 10 (in part) (Internal Adoptable Estate Roads), 11 (Electrical Charging Points), 14 to 19 (Drainage and Flood Risk) on previous permission for outline application for erection of up to 34 dwellings.

An application for a variation of condition 16 (drainage – surface water discharge) of the previous outline permission has also been submitted (reference: 2019/92206).

At the time of writing this report both these applications are pending.

Other relevant site planning history includes:

- 2002/91944 – Erection of 12 flats, 38 residential units and 1 office unit. Granted conditional full permission with associated section 106 agreement.

- 2004/91362 – Erection of two storey office units for letting with associated car parking and hard and soft landscaping. Granted conditional full permission.
- 2005/94621 – Removal of condition 19 (improvements to Stretchgate) on permission 2002/91944.
- 2008/90380 – Erection of 4 office blocks and associated infrastructure. Granted conditional full permission.
- 2012/90078 – Formation of new access road. Granted conditional full permission.
- 2014/90227 – Erection of 4 dwellings with associated access. Granted conditional full permission.
- 2014/92459 – Discharge of conditions 6 (boundary treatment), 7 (sightlines), 10 (remediation strategy), 13 (drainage) & 16 (landscaping) on previous permission 2014/90227. Conditions satisfied.
- 2015/91643 – Outline approval for 4 dwellings. Conditional outline permission.
- 2016/90011 – Reserved matters approval pursuant to 2015/91643 for erection of 4 dwellings.
- 2016/90007 – Discharge of conditions 9 to 12 and 15 to 20 of previous planning permission.
- 2015/91643 – Outline application for erection of 4 dwellings. Split decision.
- 2015/90956 – Outline application for 3 no dwellings – Approved.
- 2019/92258 – Erection of first floor rear extension and alterations to roof form at 12 Abbey Road, Shepley – Approved.
- 2019/90377 – Outline application for erection of detached dwelling and formation of new access at land adjacent to The Coach House, 18A, Abbey Road North, Shepley. Conditional Approval.

HISTORY OF NEGOTIATIONS (including revisions to the scheme):

During the application, the following amendments have taken place in response to comments made by officers:

- Increase in the type and number of residential dwelling units in line with Local Plan policies LP7 and LP11.
- House types amended to take into consideration the Technical Housing Standards – nationally described space standard.
- A revised landscape and biodiversity management scheme that respects the site's existing landscape and ecological features, associated with Shepley Beck and adjacent protected woodland areas to the west.
- Suitable incorporation and clarification of the proposed natural play area within the proposed Public Open Space.
- Clarification regarding land ownership, with dwelling houses at Abbey Road and subsequent design amendments to proposed garden spaces.

- Acknowledgement that the planning application takes into consideration the recently approved planning permission of a proposed dwelling to the rear of 18A Abbey Road (Ref: 2019/90377) and the erection of first floor rear extension and alterations to roof form at 12 Abbey Road (Ref: 2019/92258).
- Changes to the proposed highway design to ensure that a refuse vehicle can safely manoeuvre and that due consideration is given to modes of sustainable transport, bins and visitor parking spaces.
- Suitable pedestrian and cycle connections sought with Stretchgate, at the request of Cllr Taylor and the Public Rights of Way officer.
- Additional information sought at the request from the Environment Agency regarding the proposed layout in relation to the proposed flood compensation area.
- Plots 11, 12, 13 levels amended
- Minor changes to plots 6, 7, 8, 9, 10, 11, 12 and 13.

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).

Kirklees Local Plan (2019):

Relevant policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- 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
- LP23 – Core walking and cycling network
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP47 – Healthy, active and safe lifestyles

- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space

Supplementary Planning Guidance / Documents:

Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Strategic Housing Market Assessment (2016)
- Highway Design Guide Supplementary Planning Document (2019)
- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy (2020)

National Planning Guidance:

The National Planning Policy Framework (NPPF), first published in 2012 and revised in 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- 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 relevant national guidance includes:

- Planning Practice Guidance for England (First published in 2014)
- Technical housing standards – nationally described space standard (First published in 2015)
- National Design Guide (2019)

PUBLIC/LOCAL RESPONSE:

The application was originally advertised by site notice, neighbour notification letters, and by press notice from 30/05/2019 to 17/06/2019. 12 representations were received, some of which have been made by the same representative. The following comments are summarised below:

- As per the previous outline permission, links with Stretchgate should be provided and Stretchgate itself should be enhanced. This will reduce the development's carbon footprint.
- Request that the proposal will not be a gated community, like the recent Abbey Gardens development as this creates an unnecessary division between the people within the locality and the newer residents.
- Welcome a reduction from 34 dwellings that was given permission at the Outline stage.
- It would be nice to see a children's playground installed in the play area/natural play area as there is none in the local area.
- Highway safety concerns in relation to the proposed vehicular access onto Penistone/Abbey Road.
- Adverse impact on traffic and pollution.
- The infrastructure of the villages of both Shelley and Shepley are already stretched, with the local primary schools, doctors and dentists' surgeries full.
- The proposed development area is the subject of flooding on a regular and yearly basis.
- Adverse impact on wildlife as the site acts as a wildlife corridor that serves as a natural break between the villages of Shepley and Shelley.
- There should be an independent ecological survey of the area to ensure that there are no protected species or indeed invasive species, such as Japanese knotweed, before any building permissions are given.
- Privacy would be compromised by a development on such a scale, as well as the light pollution resulting from the street lighting/housing where previously there was an area of natural unlit land.
- Request that the developer give reassurances that the hole within the boundary stone wall at Abbey Road will not be used as an access point and repaired in full.
- Currently an unsightly wire boundary fencing, which does not prevent intruders and is out of character with the area.
- The design of the three-storey Chevin houses is not in character with the rest of the proposed development.
- It is also not clear how the public open space to the rear of the development can be accessed.
- Request for more direct access to Stretchgate from Abbey Road.
- Residents of Abbey Gardens are responsible for the maintenance of the private access road and grass verges. Residents have requested further discussions with the developer regarding this matter and to mitigate any proposed construction works impact.

- Mounds of rubble have been left on the land, boundary wall treatment removed and damaged during the last site clearance - that should be resolved.
- Concerns about the proposed site levels in terms of impact on flood risk, stone wall boundaries and the culvert that crosses the site.
- Impact on the existing wooded area and how this would be managed.
- Compared with the previous application there is less information regarding remedial works, flood risk and drainage. None are now included.
- Concern about the proposed removal of large trees since they are beneficial to the environment, wildlife and visual amenity.
- Concern about the use of Carpinus Betulus hedging due to its growth rate and would prefer Beech hedging instead.
- Any future landscape management plan needs to include the management of the further growth of invasive saplings.
- Japanese Knotweed has not been completely cleared from the site and a specialist contractor is required to completely remove it to prevent it from spreading – located at plot 16 on the original plan.
- No clarity is offered as to what will happen to the piece of land to the immediate north of the right of way, and to the west of the current boundary wall of the site along Abbey Road. Such clarity would be welcomed.
- Concerns about the proposed impact construction traffic (particularly HGVs) and contractor parking will have on the current access road, verges and kerbs and who will be responsible for remedial works.
- The construction management plan should include other adverse weather conditions.

After negotiations with the council, the application was amended, and a further round of consultation took place between 17/10/2019 and 07/11/2019. 5 representations were received. The following comments are summarised below:

- Location of the proposed visitor parking should be sited within the estate, in a more convenient location for the houses and should not eradicate the footpath.
- The open space should include a play area for children.
- The existing Abbey Gardens residents maintain the current approach to their estate. They are not obligated to do this and do so on their own initiative. They are allowed to do this only at the good will of the respective landowners.
- Investment to Stretchgate for health, safety and environmental reasons.
- Lack of parking for the proposed dwelling houses and therefore should revert back to the 22 dwelling houses scheme.
- Who will be maintaining the private road during the construction period?

- When will the council adopt the private road and become responsible for maintenance of the grassed area?
- It might be difficult for them to build these houses, considering all the trees that are around the back onto the field.
- The proposal needs to take into account planning application reference 2019/90377 in terms of land ownership and design issues.
- Land ownership issues with dwelling houses at Abbey Road.
- Highways identified lack of parking provision on the driveways of 10 properties of the 22 houses originally proposed.
- 27 houses will have a greater impact on flash flooding than 22 houses due to an increase in hardstanding.
- The design of the three-storey Chevin houses is not in character with the rest of the proposed development. In particular, its roof line is significantly above those of the surrounding houses and plots 15 and 16 are positioned forward, i.e. misaligned, relative to the houses on plots 10- 14. As such, the street-scene is detracted.
- The Abbey Gardens stone sign at the entrance of the access road is also owned by the current residents and it would be helpful if the developer discussed how and where it should be relocated.
- Some plans still show 22 houses and not 27 houses.

After the receipt of additional plans and information, a third round of consultation started on 05/02/2020 and ended on 26/02/2020. 2 representations were received. The following comments are summarised below:

- The proposed 3-storey dwelling houses detract from the visual aspect of the development.
- The boundary wall to the site opposite 176 and 178 Penistone Road is in a dangerous condition and residents hopes that repairs would be carried out with the development.
- Flooding on A629 by proposed site – Sunday 9th February 2020 – Storm Ciara.
- Would like to see investment by Camstead Ltd to re-surface the Stretchgate path to Shepley railway station to provide an all-weather route.
- 6 Parking spaces on access road – will not be utilised and could result in an increase in car crime.

6.4 Ward Members were consulted with regard to this proposal.

Cllr Taylor has provided the following comments:

“Further to our recent meeting and conversation I would just like to drop you a line to confirm that I am happy to support this planning application. I am pleased that the developers have listened to our suggestions and adapted the plan to ensure that there is access to Stretchgates from either end of the development, including stepped access as shown in the attached plan.

I am pleased that there will be a Section 106 contribution towards the cost of the improvement of the surface of Stretchgates up towards the station to encourage this route's use for walking and cycling in accessing the station and village facilities.

It is pleasing to see that appropriate affordable housing is included in the development and that the public open space will include some new style play equipment which is a much needed facility for children at the bottom of both the village of Shepley & Shelley.

My one remaining question about this is about the stepped access as to "access" this you need to cross in front of the terraced properties and I would like something in the agreement which ensures that this is a public right of way and that once the properties are occupied that the owners cannot start to prevent this access being used. I am not sure how you condition for this but am hoping that this is something which you can find the appropriate planning condition for.

Many thanks again for all your help with this and the extra work you have done to make this a better development for the wider community."

Kirkburton Parish Council have been consulted and are fully supportive of the application and have recommended that it is approved.

CONSULTATION RESPONSES:

Statutory:

Environment Agency: No objection subject to conditions securing the necessary mitigation measures. Satisfied with the details submitted, and consider that a conservative approach is being taken with regard to the flood risk data associated with the main river. Advise that the applicant seek an Environmental permit for any activities within 8m of a main river or culverted main river.

K.C. Highways DM: No objection. The applicant has resolved issues previously raised in terms of refuse collection and disabled access. This revision features a stepped access from the site onto Stretch Gate. This is in addition to the crushed stone cycle/footpath shown on previous layout drawings. It is proposed to be used to provide an entrance to Stretch Gate and thus offer a pedestrian route to Shepley village and the railway station. Given this, the private driveway serving Plots 1-5 should be brought up to adoptable standard, the steps constructed to conform with Part M4(2) section 2.11 of the Approved Document M of the Building Regulations 2010, and both elements put up for adoption so that public access can be maintained. If assurance from the applicant that this section of road will be adopted is forthcoming, the scheme is now acceptable from a highways perspective. Off-street parking remains in line with the recommendations set out in the Highway Design Guide SPD. In addition to the conditions stipulated at outline stage, additional conditions are recommended regarding surfacing and

drainage of vehicle parking areas, internal adoptable estate road details, road widening and footway to be provided and construction access.

K.C. Highways Structures: Request additional conditions regarding retaining walls/wall next to the highway and surface water attenuation culverts/tanks located in the highway. Regarding the proposed staircase - the existing retaining wall supporting Stretchgate (unadopted) is considered to be a private wall as it supports an unadopted road. If the section of retaining wall under consideration is located within the site boundary then it is likely to be the maintenance responsibility of the adjoining landowner (i.e. developer). This will need to be verified through the examination of land registry title deeds. Moreover, if the proposed steps are to be included as part of the adopted highway, the design of new retaining walls (approx. 1.8m high) supporting the steps will be subject to a formal technical approval by the structures team.

Lead Local Flood Authority: No objection to a reserved matters application and will deal with outstanding issues under conditions imposed on the outline application. (Advice: Unless already agreed, there may well be an adoption of roads issues if 1500mm pipework is used. Contact Highways Structures for more detail.)

Non-statutory:

K.C. Biodiversity: No objection subject to conditions regarding lighting design, works to be undertaken in accordance with Biodiversity Management Plan and Construction Environmental Management Plan.

K.C. Environmental Health: The proposed site plan 00-103 revision J indicates the location of EV charge points across the site. However, the note proposes either a 32 Amp socket or a 13Amp socket that can later be converted to 32 Amp socket to be installed. Assurances are expected from the developer that 32Amp sockets with Type 2 Mennekes connections, Mode 3 (on a dedicated circuit) will be installed in all properties with dedicated parking prior to first occupation of the dwellings. We will not accept 13 Amp sockets that can be converted at a later date.

K.C. PROW: No objection. Officers welcomes the cycle/pedestrian link to public bridleway Kirkburton 187, Stretchgate, at the north of the development site. The link should be provided as a 3 metres wide crushed sandstone (not limestone) surface. Officers also welcome the pedestrian link through the estate with the stairs being constructed to adoptable standards. A condition for the provision and the retention of these links is requested.

K.C. Public Health: No objection. Having applied the Public Health Screening tool, this application does not require a rapid HIA.

K.C. Strategic Housing: Five affordable units are sought and a mixture of dwellings would be appropriate for this development. The affordable homes should be “pepper-potted” evenly throughout the development and not in clusters and must be indistinguishable from market housing in terms of both

quality and design. An affordable housing tenure of three social or affordable rented dwellings and two intermediate dwellings would be suitable for the development.

K.C. Trees: No objection.

Natural England: No comments.

Northern Gas Networks: No objection.

The Coal Authority: No objection. The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. The Coal Authority's Standing Advice should be included within the Decision Notice.

West Yorkshire Police Designing Out Crime: Concerns raised about proposed 'leaky cul de sac' arrangement with Stretchgate. Advice is given regarding boundary treatments and shared rear footpaths for the proposed terrace dwelling units.

Yorkshire Water: No objection in principle to: 1) The proposed separate systems of drainage on-site and off-site 2) The proposed amount of domestic foul water to be discharged to the public combined sewer network 3) The proposed point of discharge of foul water to the public combined sewer in Abbey Road.

Yorkshire Wildlife Trust: No objections, subject to there being no discrepancies between the landscape proposals and the Biodiversity Management Plan, and conditioning of a sensitive lighting scheme and CEMP to be submitted and approved prior to commencement of any works on site

MAIN ISSUES

- Principle of development
- Layout
- Scale and Appearance
- Landscape
- Climate Change
- Representations
- Planning Obligations
- Other Matters

APPRAISAL

Principle of development

The principle of residential development for this site was established with the outline permission reference 2017/93648. The outline application had all matters reserved apart from access, which was approved. This reserved

matters application therefore considers layout, scale, appearance and landscaping of the development.

Since the outline planning application was approved, the Local Plan has been adopted and the National Planning Policy Framework has been updated. However, it is considered that these new policy requirements do not materially impact upon the principle established by the outline permission. Similarly, no recent development has taken place in the local area which would materially impact upon the principles established by the outline permission.

Layout

The proposed layout consists of an existing single vehicular access point with Abbey Road to the south east. The proposal would utilise the approved access arrangements. However, it would require the widening of the existing private access road that currently serves a gated community known as Abbey Gardens to the south west of the site. This road would be developed to adoptable standards with two footways and visitor car parking spaces. It would also eventually serve a dwelling house recently given outline planning approval to the south east of the site (Ref: 2019/90377).

The access road would connect with an internal estate road that would, in turn, split into three private driveways, two of which would then connect with Stretchgate, a public right of way (PROW). One of these connections would be a stepped access for pedestrians designed to adoptable standards, while the other connection has been designed to encourage cycle as well as pedestrian travel.

The proposed road layout has been dictated by the point at which access can be achieved and the shape of the site. The layout shows a hierarchy of streets and spaces, with the use of shared street principles and some streets including visitor car parking. The proposed Public Open Space (POS) is located at the lowest point of the site, to the north, where flood zones 2 and 3 are also located. It is considered that the proposed design and layout of the streets and spaces would aid legibility, create a 'sense of place' and would enhance pedestrian and cycle connectivity. The proposed layout would also enable the houses to be orientated so that they have a positive relationship and outlook over the streets and spaces.

The Designing out Crime Officer expressed concerns about the proposed connections and relationship between new development and Stretchgate. However, it is the view of Officers that the proposed footpath/cycle connections would be well overlooked, be dementia friendly and would help create a walkable neighbourhood in line with Local Plan policy LP24(d)(ii). Also, Stretchgate is set on higher ground to the proposal site and it would prove difficult for the houses to be re-orientated and designed so that they had a more positive relationship with the public right of way. The layout is therefore considered acceptable in this respect.

At outline application stage, an indicative layout showed how 34 dwellings could be accommodated. However, this layout would have resulted in some of the proposed dwelling gardens being located within flood zone 2. The layout proposed initially for the reserved matters application showed 22 dwelling houses with garden spaces outside flood zones 2 and 3. However, officers considered that the proposed density and housing mix would have been contrary to Local Plan policies LP7 and LP11. The latest layout proposal for 27 dwellings achieves a good mix of residential dwellings, including 20% of affordable houses, outside flood zones 2 and 3. The layout would have a net density of 28 dwellings per hectare which is lower than the 35 dwellings per hectare referred to in Local Plan policy LP7. However, the proposed density is considered appropriate when considering the flood risk and biodiversity constraints, the shape of the developable area and the surrounding context, without compromising design quality.

The site layout plan also shows an area designated for flood compensation to accommodate an area taken by a turning head within Flood Zone 2 and 3. Initially, the Environment Agency placed a holding objection, seeking further information regarding volumes of compensatory flood storage from the applicant. This information has now been provided by the applicant and addresses the Environment Agency concerns.

With regard to the living conditions of existing and future occupiers, Local Plan policy LP24 does not specify minimum separation distances to protect residential amenity. The rear façade of 3 Abbey Gardens would face the rear of dwelling plots 3-5 at approximately 11 metres. However, section drawings and floor plan drawings have been submitted to demonstrate that 3 Abbey Gardens is set on higher ground to the south of the proposal site. Additionally, its rear façade has been shown to consist of a limited number of higher level windows to ancillary rooms and the new dwellings would lie to the north. Taken together, it is considered that on balance, this relationship is sufficient to ensure that there is no undue loss of privacy or overshadowing nor a harmful impact on daylight or sunlight to warrant a refusal.

There is an outline permission for the erection of a residential dwelling at the rear of 18A Abbey Road, also known as the Coach House (Reference: 2019/90377) The proposed site plan shows that an acceptable separation distance of 10.3 metres can be achieved between the rear façade of dwelling plots 10 and 11 with the approved dwelling unit indicatively shown with a north-south orientation. The final design of the approved dwelling is yet to be secured but given the plot's orientation, it is considered that a design could be achieved that would not impact on residential amenity. As such, the proposal would not prejudice the future development of the neighbouring land.

The site plan shows that the side of dwelling plot 6 would be located at 12 metres from the side of 7 Abbey Gardens. Both elevations would contain windows to bathrooms, which are considered to be non-habitable room windows. Plot 6 would also contain a single storey garage near to 7 Abbey Gardens' garden boundary. Officers consider that given the proposed design

and arrangement, there would be no unacceptable impact on privacy nor would there be a significant overbearing or overshadowing impact.

During the determination of this application, planning permission was given for the erection of a first floor rear extension and alterations to the roof form at 12 Abbey Road (Reference: 2019/92258). As part of that permission, a first floor window to a habitable room would directly overlook plot 21. However, a planning condition was secured that this opening would be obscurely glazed and that the principle elevation of the extension would be to the north where the proposed Public Open Space of this scheme is proposed. The proposed side façade of the dwelling house at plot 21 would be sited at 5.8m from the extension of 12 Abbey Road. The side façade of this proposed dwelling plot would have a door to the kitchen/dining area and a window to the utility room at ground floor level and no windows at first floor level. Therefore, it is considered that both proposals have been designed to ensure that there is no undue loss of privacy or overshadowing nor a harmful impact on daylight or sunlight to existing and future residents.

There would be no direct impact between the proposed dwelling houses and the other existing dwelling houses at Abbey Road as Nos 14 and 16 Abbey Road have rear gardens that measure 40 metres in length.

The rear of existing properties can also be found at Penistone Road to the north of the site at 68 metres from the nearest proposed dwelling house. The front of an existing property known as 'The Lodge' can also be found to the north west of the site at 25 metres to the nearest proposed dwelling unit at plot 25. These separation distances, as well as existing intervening features consisting of garden boundary features and mature vegetation, will ensure that there is no impact on residential amenity in these locations.

It is considered that some of proposed dwellings houses would have modest size private garden spaces, particularly for some of the large dwelling houses. However, Local Plan policy LP24 does not specify a minimum requirement for outdoor amenity space in terms of size or shape for a dwelling house. Furthermore, the existing dwellings at Abbey Gardens have similar sized and uniquely shaped private gardens. Given the above, however, officers consider that permitted development rights for these dwellings should be removed to ensure that there is any impact on residential amenity in the future as a result of future proposals for extensions/alterations can be properly assessed as part of a planning application.

With regard to parking provision, each dwelling would have in-plot vehicular parking space(s), either to the front, side and/or including a garage. The site layout plan indicates that there would be two parking spaces per each 2- and 3-bedroom dwelling, three parking spaces per 4-bedroom dwelling, and one visitor parking space per four dwellings. Some representations have stated that there would be a shortfall of parking spaces for some dwelling houses. However, there are no minimum parking standards within the Local Plan or within the Highways Design Guide Supplementary Planning Document. Additionally, some representations have raised concerns regarding the

convenience of some of the visitor parking spaces sited along the access road. However, Highways Development Management officers have not raised any objections to the latest layout plan in relation to these matters and they are considered to be reasonably sited.

Consequently, having regard to the matters set out above, the layout is considered acceptable in accordance with Local Plan policy LP24.

Scale and Appearance

Local Plan policy LP24(a) states that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Paragraph 21 of the National Design Guide explains how a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including: the layout (or masterplan); the form and scale of buildings; their appearance; landscape; materials; and their detailing.

Proposed unit sizes are outlined in section 3.0 of this report. The proposed dwelling houses would exceed the Government's Nationally Described Space Standards (NDSS) (March 2015, amended May 2016). Although this document is not adopted planning policy in Kirklees, it provides useful standards as to determining the quality of the proposed residential accommodation. The standards are met in this instance, which weighs in favour of the proposal.

The design of the house types are summarised below:

- Type L “The Lilac – Semi-detached” building consisting of two 3-bedroom units at two storeys in height, with a dual pitched roof form, a large front central gable feature with door canopies – Plots 06, 07, 08, 09, 19 and 20.
- Type L “The Lilac” is a detached dwelling house with three bedrooms at two storeys in height with a dual pitched roof form and front projecting side gable feature with a door canopy – Plot 18.
- Type C “The Lilac – Terrace (3)” building consisting of three 3-bedroom units at two storeys in height with dual pitched roofs in a stepped built form and small front projecting side gable features with door canopies – Plots 11, 12 and 13.
- Type C “The Lilac – Terrace (5)” building consisting of five 3-bedroom units at two storeys in height with a dual pitched roof form, and front projecting gable features with door canopies – Plots 01, 02, 03, 04 and 05.
- “The Stepped Chevin” consisting of two 4-bedroom units at three storeys in height with a stepped built form and a full width single storey rear projection. The dwelling houses have a dual pitched roof form with chimney stack and pots – Plots 15 and 16.
- “The Chevin” consisting of two 4-bedroom units at three storeys in height with a full width single storey rear projection. The dwelling

houses have a dual pitched roof form with chimney stack and pots feature – Plots 22, 23, 24 and 25.

- “The Buckden” is a detached dwelling house with four bedrooms at two storeys in height, a front projecting side gable feature with a door canopy and integrated garage – Plots 17, 26 and 27.
- “The Sandringham” is a detached dwelling house with four bedrooms at two storeys in height dual pitched roof form, a large front projecting side gable feature with porch – Plots 10 and 21.
- “The Woodale” is a detached dwelling house with four bedrooms at two storeys in height, with a dual pitched roof form with chimney stack and pots, a front projecting gable and adjoining bay feature, as well as a rear single storey projection – Plot 14.
- Dual pitched roof garages (3.047m in width and 5.972m in length) – Plots 06, 09, 10, 15, 16, 18, 19, 20, 21, 22, 23, 24 and 25.

The plans show that the materials of the dwelling houses would include pitch face natural stone, slate effect concrete roof tiles to match adjacent development, UPVC windows and black rainwater goods, glass reinforced plastic front doors, natural stone jambs, lintels, cills, as well as statutory gas and electric meter boxes.

Residential dwelling houses found along Penistone Road, to the north of the site are mainly 2-storey terraced, semi-detached and detached residential dwelling houses constructed in the 19th century. These dwellings are mainly constructed from stone and slate roofs with dual pitched gable roofs and chimney stacks and pots. Additionally, windows tend to be defined by stone cills and lintels as well as eave stone detailing. Dwelling houses found along Abbey Road to the east of the site are also defined by similar characteristics. However, Abbey Road is more varied in character and appearance, with some of the dwellings being constructed from brick and/or render and some dwelling consisting of front gable and bay features. Also, bungalows can also be found along this road. To the south west of the site are a number of detached dwelling houses with garages at Abbey Gardens, which were constructed in the 21st century. These dwellings are two storeys high with dual pitched roofs and gables as well as single-storey elements. All external wall and roof materials are pointed with natural coursed walling stone with new ashlar dressings, and slates.

Officers consider that the applicant has successfully taken cues from the surrounding built vernacular and integrated them into the proposed designs of the dwelling houses where appropriate. Furthermore, the final details of the construction materials will be subject to an appropriately worded planning condition. Given the mix of house typologies within the local area, it is considered that the proposed built forms are suitable and would add the necessary visual interest to the proposed new street scenes. As such, the scale and appearance of the dwelling houses, as outlined above, would be in character with the surrounding local built environment. The proposal would create a sense of place, unique to this area of Shepley in accordance with Local Plan policies LP2 and LP24(b) and National Planning Policy Framework paragraph 127(b).

Some representations have stated that the proposed use of the 3-storey Chevin house type is out of character with the local area and that these house types are awkwardly positioned in front of their 2-storey neighbours. It is acknowledged that the local area is predominately characterised by 2-storey dwelling houses. The proposal would result in six dwelling units at three storeys high (11m to the ridge and 8.3m to the eaves), arranged in three blocks of semi-detached buildings. These dwelling units can be found in and around the proposed cross roads, adjacent to the POS. Officers consider that the use of this house type in this area would aid the proposed housing mix and would provide the necessary building enclosure, as well as creating visual interest within the new street scene. Additionally, officers consider the dwelling units to have been positioned in such a way to not have any adverse impact on visual and residential amenity. As such, officers are of the opinion that the proposal would accord with Local Plan policies LP11 and LP24, as well as paragraph 127 of the National Planning Policy Framework.

Landscape

The site is situated in the bend of the A629 (Penistone Road / Abbey Road North) located in the valley bottom, adjacent the Shepley Dike. The area is also surrounded by Green Belt. The area is very green and is profiled with trees, some of which, to the north of the Beck, benefit from Tree Preservation Orders (TPOs) (References: 04/03/t10, 04/03/t5, 04/03/t11). These can be found to the north of Shepley Dike, within the red line boundary. There is also a historic TPO (Reference: 04/03/t6) at the site's western boundary. There are a number of trees found to the west of the site and Stretchgate, which form part of Wood Lea and Gelder Wood. To the north west of the site is Shepley Mill Wood, which is an ancient and semi-natural woodland. All these woodland areas are protected under the same Woodland Order (Reference: 04/03/w1).

An Arboricultural Plan accompanies the planning application and shows the removal of trees, understorey vegetation and shrubs, predominately within the developable area and to the north east of the site. The plan shows that trees and understorey vegetation to the north would be retained. The plan also provides tree protection details of the vegetation to be retained on site and on the site boundary. The Council's tree officer has raised no objection to the proposal.

The proposed site layout plan, landscape plan and biodiversity plan show how 0.83ha (2.1acres) of the site would be POS. The POS is proposed to the north of the site and includes Shepley Dike and its associated flood zones, the culvert and protected trees that are also part of wildlife corridor. After negotiations with the Council's Biodiversity and Landscape officers, the applicant has now proposed a scheme that shows a POS that would work with the existing natural features, with maintenance of the existing woodland areas. To enhance the biodiversity potential of the site, the plans show a POS with supplementary planting to the woodland and wetland areas with suitable native species of plants and trees, as well as the planting of wildlife-rich grassland areas. The proposed landscaping plan has also proposed sufficient

planting within the red line boundary to mitigate the loss of the historic TPO at the site's western boundary (reference 04/03/t6), in line with policy LP33 of the Local Plan.

The POS also includes timber benches, a self-binding gravel path and a natural play area that consists of a trim trail. These features have been sensitively designed to respect their natural setting but, in turn, would enhance the setting of the proposal and would encourage children's play, social interaction and community cohesion.

The proposed landscape scheme also shows how each residential dwelling would have a rear garden that would include a flagged access path and a lawn area, separated by timber fence panels. Block paving is proposed for the driveways to the front and side of the dwelling houses. All of the dwelling houses would have separate footways from/to the front doors and the carriageway. Where front gardens are proposed, there would be either ornamental planting, flowering meadow grass and/or lawn areas. Some of these front gardens also include trees and boundary hedgerow features.

No objections have been raised by consultees, subject to conditions protecting key landscape and biodiversity features and securing the necessary mitigation and enhancement measures. Therefore, the proposal would secure a landscape scheme that would accord with Local Plan policies LP24, LP30, LP32, LP33 and LP34 as well as NPPF chapter 15.

Climate Change

On 12/11/2019 the council adopted a target for achieving "net zero" carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The applicant's Design and Access Statement does not specifically explain how the proposed development would help to address or combat climate change effects but does refer to achieving a sustainable development.

The statement explains how the proposed development is within an established settlement boundary so has access to local amenities and good public transport routes. Officers, note that a number of connections with Stretchgate, as well as a financial contribution towards its improvement, would encourage walking and cycling rather than the use of the car. Additionally, adequate provision for cyclists (including cycle storage for residents) and electric vehicle charging points would be secured by conditions.

The applicant explains how the site was considered favourable for solar gains due to the east/west exposure of the development and general topography. Thus, the overall layout has been designed so that majority of houses are orientated to maximise passive solar gain. In terms of construction, the statement explains how the dwellings are likely to have high levels of insulation and air tightness in line with the current building control regulations.

The proposed development has taken into consideration the site's flood risks and a sustainable drainage strategy has already been secured by a planning condition. The proposal is therefore considered to sufficiently respond to climate change in accordance with current guidance.

Representations

The majority of concerns raised in representations are addressed earlier in this report. Other matters raised are addressed as follows:

- As per the previous outline permission, links with Stretchgate should be provided and Stretchgate itself should be enhanced. This will reduce the development's carbon footprint.
- Investment by Camstead Ltd to re-surface the Stretchgate path to Shepley railway station.

Response: The latest layout plan now shows a pedestrian and cycle connection link as well as a staircase linking the proposed residential development with Stretchgate. Furthermore, the Section 106 agreement that formed part of the outline approval of application reference 2017/92233 secures monies towards the upgrade of Stretchgate. This financial obligation was considered to meet the tests for a legal agreement set out at paragraph 56 of the NPPF.

- Request that the proposal will not be a gated community, like the recent Abbey Gardens development as this creates an unnecessary division between the people within the locality and the newer residents.

Response: The proposed development is on a larger scale when compared with the Abbey Gardens gated estate. As such, the proposed roads would be developed to an adoptable standard and would therefore be open to the public.

- It would be nice to see a children's playground installed in the play area/natural play area as there is none in the local area.

Response: Working with the Council's Landscape Officer, an acceptable natural play area is now proposed within the latest proposed Public Open Space. A planning condition shall will secure its installation and retention.

- The infrastructure of the villages of both Shelley and Shepley are already stretched, with the local primary schools, doctors and dentists' surgeries full.

Response: The principle of development and whether there is sufficient village amenities for this scale of development, was fully considered as part of the outline approval (reference 2017/92233) which permitted up to 34 dwellings.

- Highway safety concerns in relation to the proposed vehicular access onto Penistone/Abbey Road.

Response: Officers have already considered highway safety concerns in relation to the proposed vehicular access point as part of the outline approval of application reference 2017/92233 for up to 34 dwelling units, which this Reserved Matters application relates too. Furthermore, Highways Development Management has raised no objections.

- Adverse impact on traffic and pollution.

Response: No objections have been raised by any consultees regarding this matter. In accordance with the West Yorkshire Low Emissions Strategy and Kirklees Local Plan policy LP24, a condition has been secured as part of the outline planning permission 2017/92233 requiring the provision of electric charging points for low emission vehicles throughout the site.

- The proposed development area is the subject of flooding on a regular and yearly basis.
- 27 houses will have a greater impact on flash flooding than 22 houses due to an increase in hardstanding.
- Flooding on A629 by proposed site – Sunday 9th February 2020 – Storm Ciara.

Response: The latest proposed layout shows that all of the dwelling units would be sited outside of Flood zones 2 (medium probability of flooding) and 3 (high probability of flooding). The site plan also show how Flood zones 2 and 3 would partially overlap the proposed estate roads to the north of the site. A holding objection from the Environment Agency was initially received regarding volumes of compensatory flood storage. This matter has now been addressed by the applicant. Officers acknowledge that there may have been flooding on the A629 but such flooding appears to be outside the red line boundary. Officers are of the opinion that the proposed layout would achieve a quantum of development without having an adverse impact on flood risk in the locality and would be in accordance with policies LP27 and LP28 of the Kirklees Local Plan.

- Adverse impact on wildlife as the site acts as a wildlife corridor that serves as a natural break between the villages of Shepley and Shelley.

Response: There are no objections from the Landscape and Biodiversity officers regarding biodiversity and landscape impacts. The applicant has worked with officers to propose a landscape scheme that addresses their concerns in terms of promoting the necessary biodiversity mitigation and enhancement measures.

- There should be an independent ecological survey of the area to ensure that there are no protected species or indeed invasive species such as Japanese knotweed before any building permissions are given.
- Japanese Knotweed has not been completely cleared from the site and a specialist contractor is required to completely remove it to prevent it from spreading – located at plot 16 on the original plan.
Response: A planning condition will ensure that further investigations and suitable removal of any Japanese Knotweed are carried out, if considered necessary prior to the commencement of development.

- Privacy would be compromised by a development on such a scale as well as the light pollution resulting from the street lighting/housing where previously there was an area of natural unlit land.
Response: Officers consider the proposal to accord with Local Plan policy LP24 in terms of the protection of residential amenity as set out in the report above. A condition regarding the lighting design could be secured to ensure that the habitats to be created are accessible to nocturnal wildlife.

- Request that the developer give reassurances that the hole within the boundary stone wall at Abbey Road will not be used as an access point and repaired in full.
- Mounds of rubble have been left on the land, boundary wall treatment removed and damaged during the last site clearance - that should be resolved.
- The boundary wall to the site opposite 176 and 178 Penistone Road is in a dangerous condition and we would hope this would be carried out with the development.
Response: The proposal shows the removal of the existing mounds of rubble. The proposed site plans do not show the hole in the existing stone wall with Abbey Road to be used as an access point. A planning condition will ensure that the existing boundary wall is repaired and retained thereafter.

- Currently an unsightly wire boundary fencing which does not prevent intruders and is out of character with the area.
Response: It is understood that this boundary treatment is a temporary measure and would be suitably replaced with an appropriate boundary treatment as part of any planning approval.

- It is also not clear how the public open space to the rear of the development can be accessed.
Response: The landscape plan shows how the proposed Public Open Space would be accessed via paths that connect with the proposed estate road network.

- Request for more direct access to Stretchgate from Abbey Road.

Response: Access was considered as part of the outline approval of application reference 2017/92233 and officers now consider that the necessary permeability has been achieved. Furthermore, some residents have requested that no additional access be taken from Abbey Road.

- Residents of Abbey Gardens are responsible for the maintenance of the private access road and grass verges. Residents have requested further discussions with the developer regarding this matter and to mitigate any proposed construction works impact.
- Concerns about the proposed impact construction traffic (particularly HGVs) and contractor parking will have on the current access road, verges and kerbs and who will be responsible for remedial works.
- The construction management plan should include other adverse weather conditions.

Response: A construction access and management plan condition has been requested by Highways Development Management, which would address the above matters. Officers can only encourage the developer to discuss the proposed construction measures with the local community.

- Concerns about the proposed site levels in terms of impact on flood risk, stone wall boundaries and the culvert that crosses the site.

Response: There are now no objections from any consultees regarding these matters. Furthermore, at the request of the Highways Structure team, planning conditions will require further details regarding structural stability.

- Impact on the existing wooded area and how this would be managed.

Response: The landscape plan now shows how an appropriate landscape scheme will integrate with the existing woodland area, within a wider Public Open Space to the north of the site. The Section 106 agreement, as part of the outline approval of application reference 2017/92233 requires the applicant to provide the necessary details as to how the proposed Public Open Space would be managed and maintained in the long-term.

- Compared with the previous application there is less information regarding remedial works, flood risk and drainage. None are now included.

Response: This is a reserved matters application and not a full planning application. It is effectively an application to discharge Conditions 1-3 of application reference 2017/92233. Therefore, the majority of flood risk and drainage matters are currently being considered under a separate discharge of conditions application reference 2019/91879.

- Concern about the proposed removal of large trees since they are beneficial to the environment, wildlife and visual amenity.

- It might be difficult for them to build these houses, considering all the trees that are around the back onto the field.

Response: An Arboricultural Report accompanies the planning application and the Landscape, Tree or Biodiversity officers do not raise any issues with the report. The Tree officer has requested that the trees that are to be retained on and off site should benefit from the necessary protection measures during construction, as outlined in the landscape plan.

- Concern about the use of *Carpinus Betulus* hedging due to its growth rate and would prefer Beech hedging instead.
- Any future landscape management plan needs to include the management of the further growth of invasive saplings.

Response: The proposed species outlined in the planting schedule are for the benefit of biodiversity as well as for visual amenity. The Section 106 agreement, as part of the outline approval of application reference 2017/92233 requires the applicant to provide the necessary details as to how the proposed Public Open Space would be managed and maintained. Planning conditions shall secure the necessary landscape measures are implemented.

- No clarity is offered as to what will happen to the piece of land to the immediate north of the right of way, and to the west of the current boundary wall of the site along Abbey Road. Such clarity would be welcomed.

Response: The planning application is only concerned with the proposed development within the red line boundary. It is unclear whether the said areas are within such red line boundary.

- Location of the proposed visitor parking should be sited within the estate, in a more convenient location for the houses and should not eradicate the footpath.

- 6 Parking spaces on access road – Utilisation & Crime

Response: Officers would have preferred the visitor parking spaces to have been located within the main estate. However, it is still considered that the spaces would be used by visitors as the proposal includes suitable footpath provision between the spaces and the main estate. It is also considered that the proposed spaces would be beneficial for visitors of the adjacent gated community as well. No evidence has been provided showing that there is a vehicle crime issue in the locality and the proposed dwelling associated with application reference 2019/90377 and the existing 'Coach House' would provide some natural surveillance.

- Lack of parking for the proposed dwelling houses and therefore should revert back to the 22 dwelling houses scheme.

Response: The Council have no specific car parking standards. However, Highways Development Management officers have not raised any concerns in relation to the latest proposals.

- When will the council adopt the private road and become responsible for maintenance of the grassed area?
Response: The red line boundary includes the proposed private road and some of the existing grass verge. It is considered that there is sufficient space within this area to enable an adopted road to be established. If the application is approved, the applicant can enter into a legal agreement under Section 38 of the Highways Act 1980 to adopt the highway, provided it has been constructed to a specified standard and to the satisfaction of the local highway authority. It should be noted that not all of the said grass verge is within the red line boundary. As such, its management and maintenance would be the concern of the relevant land owner.
- The proposal needs to take into account planning application reference 2019/90377 in terms of land ownership and design issues.
- Land ownership issues with dwelling houses at Abbey Road.
Response: The applicant has confirmed that the red line boundary is correct and have included the approved dwelling house within the site plan, associated with planning reference: 2019/90377.
- The Abbey Gardens stone sign at the entrance of the access road is also owned by the current residents and it would be helpful if the developer discussed how and where it should be relocated.
Response: This is not a planning requirement but it is understood that the applicant will work with the local community with regards to the relocation of the stone sign at the entrance of the access road.
- Some plans still show 22 houses and not 27 houses.
Response: The relevant plans have now been amended for the determination of this planning application.
- The proposed 3-storey dwelling houses detracts from the visual aspect of the development.
Response: This matter is addressed within the scale and appearance section of the report.

Planning Obligations

It should be noted that there is a completed Section 106 agreement for planning application reference 2017/92233 (outline permission for erection of up to 34 dwellings, dated 12/03/2018). That Section 106 agreement allows for contributions to be calculated according to the quantum of development that is subsequently brought forward at Reserved Matters stage.

Therefore, as part of the Section 106 agreement the following planning obligations would be required in relation to the current proposal for 27 dwelling houses:

- Education – The Section 106 agreement seeks a sum of £3,359 per dwelling house towards improved local educational facilities,

which amounts to £90,693 in relation to this Reserved Matters application. .

- Affordable housing – The Section 106 agreement seeks a maximum of 20% of the number of dwellings provided in the development to be affordable housing, which in this case equates to 5.4 dwelling units. The site plan indicates that 5 dwelling units shall be provided on site. This is in accordance with the Interim Affordable Housing Policy 2020 which states “the 20% affordable housing contribution will normally be rounded to the nearest whole number.”
- Public Open Space – The Section 106 agreement requires the Reserved Matters to secure the necessary on site Public Open Space with the provision of natural play features. As part of the agreement a Public Open Space Scheme would be required to secure an appropriate scheme and the necessary maintenance and management arrangements.
- Sustainable Transport Contribution – The Section 106 agreement requires multiplying the figure £1,079.18 by the number of dwellings authorised. Therefore, a sum of £29,137.86 would be required towards the provision of improvements to the public bridleway known as Stretchgate, Shepley and secondly any surplus to be put towards bus stop improvements and Metrocards.

Other Matters

During the determination of the planning application, Highways Development Management officers initially requested a plan showing bin storage and bin presentation points. A plan was subsequently provided showing where bins would be stored for each dwelling house. The plan also shows a bin collection point to the side of dwelling plot 9, however, it is unclear which dwelling houses this collection point would serve. Additionally, no other bin collection points are shown on the site plan. Officers consider that such bin collection points can be accommodated within the site layout. As such, a suitably worded planning condition is necessary to secure such collection points in accordance with paragraph 6.5 of the Highways Design Guide Supplementary Planning Document.

Furthermore, it is also considered that another condition is necessary to secure details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction.

CONCLUSION

The principle of residential development at this application site was established under permission outline planning permission reference 2017/92233.

The site has constraints in the form of the adjacent residential development (and the amenities of these properties), the protected woodland and trees,

biodiversity, topography, flood risk, drainage and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be considered at conditions stage.

The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

Recommendation:

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2019/61/91638/E

Officer Recommendation: APPROVAL OF RESERVED MATTERS

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, LP22, LP24 and LP33 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

2. Prior to any superstructure works commencing, details of the materials to be used in the construction of the external surfaces of the development including all external fixtures, fittings, facing stonework, roofing and window frames shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained for the lifetime of the development.

Reason: In the interests of the visual amenity and character of the surrounding area and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Prior to the occupation of the first dwelling house within the development, details of the proposed boundary treatment to the site shall be submitted to and approved in writing by the Local Planning Authority to include the following:

- (i) An assessment of the works required to repair/replace the existing stone perimeter wall;

- (i) Details of the proposed height, materials and method for ensuring a continuous stone boundary wall or details of a suitable alternative replacement to stone.
- (ii) In the event of an alternative replacement to stone in accordance with (i), details of its proposed height, materials and justification for using a material other than stone;
- (iii) A timescale for the implementation of the boundary treatment.

The scheme shall be carried out in accordance with the approved details and completed prior to the occupation of the final dwelling house within the development or an alternative timescale as agreed by (iv) above.

Reason: In the interests of highway safety, the visual amenity and character of the surrounding area and to accord with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

4. No above ground works shall take place until a scheme of details of finished floor levels of each dwelling, together with corresponding finished ground levels and of surface and land drainage associated with any works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved details and no dwelling shall be occupied until the works relating to that property have been completed. These shall be retained for the lifetime of the development.

Reason: To ensure the development is in character with its surroundings and to avoid adverse impacts to adjacent land/property, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. Prior to development commencing, protective fencing in accordance with British Standard BS 5837 shall be erected around all protected trees and trees to be retained on the site throughout the construction period.

Reason: In order to protect visual amenity and the long term viability of the trees and to accord with policy LP33 of the Kirklees Local Plan.

6. The approved Detailed General Arrangement and Planting Plan Drawing Reference: RFM-XX-00-DR-L-0003 Revision PL06, as well as the Planting Schedule Reference RFM-XX-00-DR-L-0004 Revision PL02 shall be implemented so that planting is carried out no later than the first planting season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: In the interests of the visual amenity and character of the surrounding area and to accord with Policies LP24 and LP32 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. Prior to the occupation of the final dwelling house within the development, all the works required for the provision of equipped play area(s) shall be completed in accordance with the EN1176 Playground Equipment Standard. Works shall be completed as detailed in the approved Detailed General Arrangement and Planting Plan Drawing Reference: RFM-XX-00-DR-L-0003 Revision PL06 and the Proposed Play Equipment Reference RFM-XX-00-SK-L-0001. The play equipment shall be maintained and if necessary replaced by the appointed Management Company, thereafter.

Reason: To ensure the provision of adequate play facilities within the site at an appropriate time and to guarantee their long term future, in accordance with Kirklees Council Local Plan Policies LP47, LP48 and LP50 and Chapter 8 of the National Planning Policy Framework.

8. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless:

(i) A competent ecologist has undertaken a survey of vegetation for active birds' nests immediately before the vegetation is cleared; and

(ii) The ecologist has provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework

9. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies "Guidance on the permeable surfacing of front gardens (parking areas)" published 13/5/2009 (ISBN 9781409804864) as amended or superseded. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained thereafter, free of obstructions and available for the use specified on the listed plans.

Reason: In the interests of the free and safe use of the highway in accordance with Policies LP22 and LP24 of the Kirklees Local Plan as well as Chapters 9 and 12 of the National Planning Policy Framework.

10. No dwelling shall be occupied, until details showing the provision of bicycle storage facilities to serve the residential properties have been submitted to and approved in writing by the local planning authority and these facilities have been provided and made available for use prior to first occupation and retained throughout the lifetime of the development.

Reason: To comply with the Council's sustainability objectives by promoting modes of sustainable travel in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document, and chapter 9 of the National Planning Policy Framework.

11. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: To meet the operational needs of the Waste Collection Authority and avoid any adverse impact on visual and residential amenity set out in Policy LP24 of the Kirklees Local Plan and Highways Design Guide Supplementary Planning Document.

This is a pre-commencement condition to ensure appropriate measures for waste storage and collection are appropriately designed and agreed to avoid any potential operational, visual and residential amenity issues prior to construction.

12. Before development commences, details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction, shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: To meet the operational needs of the Waste Collection Authority set out in Policy LP24 of the Kirklees Local Plan and Highways Design Guide Supplementary Planning Document. This is a pre-commencement condition as construction works may have an impact on waste collection and the amenity of the locality and therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site.

13. The proposed development shall be undertaken in accordance with the approved boundary treatment details, as shown on Site Plan Drawing Number 00-103 Revision Q and Detailed General Arrangement and Planting Plant Drawing Reference: RFM-XX-00-DR-L-0003 Revision PL06. The boundary treatment shall be installed before the dwelling to which the boundary treatment relates is first occupied and shall thereafter be retained.

Reason: In the interests of visual amenity, in order to ensure that character of the area is safeguarded in accordance with Policy LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

14. No dwelling shall be occupied until the works associated with widening the existing access road and provision of the adjacent footway leading to the site hereby approved shall be laid out, hard surfaced sealed and drained in accordance with a specification submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to allow for safe pedestrian access to and from the site, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document and Chapter 9 of the National Planning Policy Framework.

15. No dwelling hereby approved shall be occupied until the access points to the public bridleway Kirkburton 187, Stretchgate (Reference: KIR/187a/10) as shown on approved Site Plan Drawing Number 00-103 Revision Q are constructed to adoptable standards and the steps constructed to conform with

Part M4(2) section 2.11 of the Approved Document M of the Building Regulations 2010. The proposed access points shall be retained for public use thereafter.

Reason: In the interests of highway safety and to allow for safe pedestrian access to and from the site, in accordance with Policies LP20, LP21, LP23 and LP24 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document and Chapter 9 of the National Planning Policy Framework.

16. Prior to the first occupation of each dwelling, an electric vehicle recharging point shall be installed at each house as shown on Site Plan Drawing Number 00-103 Revision Q. The cable and circuitry ratings shall be of adequate size to ensure a continuous current demand of 32Amps. The electric vehicles charging point approved shall be installed prior to the occupation of the building and thereafter be retained.

Reason: To promote sustainable travel and to encourage low carbon forms of transport in accordance with Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

17. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In the interests of the amenity of the locality and in accordance with Policies LP21 and LP24 of the Kirklees Local Plan as well as Chapters 9 and 12 of the National Planning Policy Framework. This is a pre-commencement condition as construction works may have an impact on the amenity of the locality and therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site.

18. Prior to the first occupation of any part of the development, a lighting design strategy for biodiversity referring to the off-site woodland and Kirklees Wildlife Habitat Network areas shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those area or features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- b) Illustrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans, light spill and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority. **Reason:** To prevent significant ecological harm and to safeguard the Kirklees Wildlife Habitat Network in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

19. The development shall be undertaken in accordance with the mitigation enhancement measures set out in the approved Biodiversity Management Plan, Reference R-3626-03.2 and shall be completed prior to the first occupation of the dwelling houses. The measures identified in the scheme shall be permanently retained thereafter.

Reason: To ensure ecological compensation and enhancement in accordance with Policy LP30 of the Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

20. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: to ensure avoidance of ecological and subsequent harm in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

21. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all retaining walls/building retaining walls adjacent to the existing/proposed highways shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the

commencement of the proposed development and thereafter retained during the life of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in accordance with policies LP21 and LP24 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure that any proposed retaining features can be appropriately designed and secured prior to construction.

22. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure an appropriately designed drainage scheme can be secured and incorporated into the proposed highway network prior to construction.

23. The development shall be carried out in accordance with the submitted flood risk assessment by ARP ref 1305/11/ARPjc dated 20 January 2020 and details for Flood Compensation by ARP dated 3/3/20, including the following mitigation measures they detail:

- Finished floor levels shall be set no lower than 148.4 m above Ordnance Datum (AOD).
- Flood compensation storage shall be provided as detailed

These mitigation measures shall be fully implemented prior to first occupation of any of the dwelling hereby approved and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework Chapter.

24. No development shall take place until details of a scheme to eradicate Japanese Knotweed and Giant Hogweed has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied.

Reason: To ensure these invasive species are appropriately dealt with, in the interests of the biodiversity of the site and in accordance with the NPPF Chapter 15 and Circular 06/2005 – Biodiversity and Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to eradicate invasive plant species, prior to construction.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, C, E or F of Part 1, Class A Part 2 of Schedule 2 to that Order shall be made to plots 1 to 6 and plots 10 to 14, as shown on the approved Site Layout Plan, Drawing Number: 00-103 Revision Q hereby permitted, without the prior written consent of the Local Planning Authority.

Reason: In order to ensure that further extensions or outbuildings do not result in harmful overlooking to occupants of neighbouring dwellings, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

FOOTNOTES:

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of 07.30 and 18.30 hours Mondays to Fridays, and 08.00 and 13.00 hours on Saturdays, with no working Sundays or Public Holidays. In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974 (Section 60), Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: All new storm water attenuation tanks/pipes/culverts/manholes with internal diameter/spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements.

NOTE: The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with BD63- Inspection of Highway structures. Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

NOTE: The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer

Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Civic Centre 3, Market Street, Huddersfield (Kirklees Highway Design: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Adoption under Section 38 of the Highways Act: It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

NOTE: The public footpaths and bridleway crossing the site shall not, at any time prior to, during or after building works, be unofficially obstructed or closed without the prior written formal consent of the Council's Public Rights of Way Officers.

Plans and specifications schedule:

Plan / Document Type	Reference	Version	Date Received
Site Plan (Enjoy Design)	00-103	Q	28/2/2020
Site Plan (Reform)	RFM-XX-00-DR-L-0001	PL06	9/3/2020
Tree Retention and Removal Plan	RFM-XX-00-DR-L-0002	PL03	9/3/2020
Detailed General Arrangement and Planting Plan	RFM-XX-00-DR-L-0003	PL06	9/3/2020
Buckden House Type Drawings (Plots 17(Handed), 26(Handed) and 27(Handed))	B-01	A	4/2/2020
Chevin House Type Drawings (Plots 22, 23, 24	C-01	A	4/2/2020

and 25)			
Chevin Stepped House Type Drawings (Plots 15 and 16)	C-02		4/2/2020
Lilac – Detached House Type Drawings (Plot 18 (Handed))	L-01		4/2/2020
Lilac – Semi Detached House Type Drawings (Plots 06, 07, 08, 09, 19 and 20)	L-02		4/2/2020
Lilac – Terrace (3 units) House Type Drawings (Plots 11, 12 and 13)	L-03	1	4/2/2020
Lilac – Terrace (5 units) House Type Drawings (Plots 01, 02, 03, 04 and 05)	L-04		4/2/2020
Sandringham House Type Drawings (Plots 10 and 21)	S-01	A	4/2/2020
Woodale House Type Drawings (Plot 14)	W-01	A	4/2/2020
Proposed Single Garage GA Drawings	GS-01		4/2/2020
Section Drawings	00-104	C	12/05/2020
Refuse Vehicle Tracking Layout	1305/11/15	C	12/5/2020
Section 38 Layout	1305/11/02	B	12/5/2020
Section 104 Layout	1305/11/03	B	12/5/2020
Footpath Link to Stretch Gate	1305/11/17	A	12/5/2020
Typical Section through Private Drive to Plots 17-21	1305/11/16		12/5/2020
Longitudinal Sections	1305/11/06	A	12/5/2020
Statement on Flood Risk Assessment	1305/11		18/11/2019
Flood Risk Assessment	1305/11/ARPjc		11/2/2020
Flood Compensation Letter (ARP, 3/3/2020)			4/3/2020
Contour Plans	1305/11		4/3/2020
Design and Access		1	4/2/2020

Statement			
Biodiversity Management Plan	R-3626-03.2		28/1/2020
Site Inspection Report	SI-3626-01		22/10/2019 -
Planting Schedule	RFM-XX-00-DR-L-0004	PL02	11/3/2020
Landscape Maintenance Specification	RFM-XX-00-RP-L-0001-Management Plan	PL02	11/3/2020
Proposed Play Equipment	RFM-XX-00-SK-L-0001		8/1/2020
Ecological Impact Assessment	R-3626-04		1/11/2019

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 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. Amended plans were secured as detailed in the planning report to addresses comments received as a result of statutory consultation.

Report Dated: 13:05:2020