
Report of the Head of Planning and Development**STRATEGIC PLANNING COMMITTEE****Date: 08-Dec-2022****Subject: Planning Application 2020/92307 Outline application, including the consideration of access, for erection of residential development (up to 75 units) Penistone Road/, Rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS****APPLICANT**Farnely Estates (No 1)
LLP**DATE VALID**

21-Jul-2020

TARGET DATE

20-Oct-2020

EXTENSION EXPIRY DATE

26-Feb-2021

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

[Public speaking at committee link](#)

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Almondbury

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. **Affordable housing:** 20% of dwellings to be affordable with a split of 55% social or affordable rent to 45% intermediate housing (inc. 25% First Homes);
2. **Open space:** Contribution to off-site open space to be calculated at Reserved Matters stage based upon final number of units and the level of on-site provision at that time
3. **Education:** additional places would be required at Rowley Lane Junior, Infant and Nursery School and King James's School with the contribution to be calculated at Reserved Matters stage based upon final number of units and the projected student numbers at that time
4. **Bio-diversity:** Contribution (amount to be confirmed) towards off-site measures to achieve bio-diversity net gain in the event that it cannot be delivered on site.
5. **Travel plan:** Monitoring of £10,000 (£2,000 per year, for five years).
6. **Metro / Sustainable travel:** £10,000 for Real Time Information display plus Residential Metro Cards
7. **Roundabout contribution:** £285,000 with overage clause if the identifies cost is exceeded.
8. **Management and maintenance:** POS, Drainage, and Ecological features

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

1.0 INTRODUCTION

- 1.1 This is an outline planning application, with access as a consideration, for residential development (up to 75 dwellings).

- 1.2 This application is brought to the Strategic Planning Committee in accordance with the Council's Delegation Agreement, as the proposal seeks a residential development likely over 60 units.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is within Almondbury Ward, sited immediately to the east of Penistone Road and is circa 4.4km west of Huddersfield Town Centre.
- 2.2 To the north of the site, across Rowley Lane, are residential properties. A former railway line runs along the east boundary, beyond which is an office site and residential properties. To the south is an engineering site, and to the west, across Penistone Road, is open land with sporadic dwellings.
- 2.3 The application site has an area of 2.4ha and consists of part of a roughly rectangular field and Rowley Lane (due to proposed highway improvement / access works). The excluded part of the field is included within the applicant's blue line (land owned by the applicant, but not part of the applicant).
- 2.4 The site is sloped, falling from east to west. The north, east, and south boundaries host mature tree belts, with the west boundary hosting smaller and thinner trees.

3.0 PROPOSAL

- 3.1 Outline planning permission (with details of access) is sought for residential development of the site.
- 3.2 A single vehicular access is proposed from Rowley Lane, shown as a priority T junction. This would include the provision of a 2m wide footway along the south of Rowley Lane, which currently has none. The provision of this would necessitate the felling of all trees along the north boundary. Works to improve the Rowley Lane and Penistone Road junction are also proposed. This consists of realigning the road to enable the provision of left and right turn lanes (onto Penistone Road) and improved sightlines.
- 3.3 Other matters (namely appearance, landscaping, layout and scale) are reserved.
- 3.4 The applicant's description of development refers to "up to 75" dwellings. An indicative layout (not to scale) for the development has been provided. This shows a single estate road which branches into two forks with several private drives leading off. Dwellings would be arrayed around the road in a typical fashion. All units on the edge would face out of the site.
- 3.5 In accordance with the requirements of the Local Plan for the development on this Housing Allocation site, the application is supported by a Masterplan Document which details how the full combined allocations of HS2 and HS3 would be developed. The masterplan splits the allocation into four phases;
- Phase 1: the application site, the first half of HS2, to be accessed from Rowley Lane, to host up to 75 dwellings.
 - Phase 2: north-east of allocation HS3, to be accessed from Hermitage Park (itself accessed from Rowley Lane). To host up to 80 dwellings. This would not allow vehicle access into the remainder of the

allocation. There is a live application for this phase, under application 2022/91735.

- Phase 3: The remainder of HS2, to the east of the current application (phase 1) site. Approximately 100 – 200 dwellings. To be accessed via a new roundabout from Penistone Road and road past Phase 1.
- Phase 4: The remainder of HS3, to the west of Phase 2. Approximately 140 – 230 dwellings. Also be accessed via the new roundabout from Penistone Road and road past Phase 1.

The document includes design standards for dwellings, consideration of infrastructure (drainage, roads, footpaths, open spaces etc.), climate change mitigation, amongst other matters.

- 3.6 The proposal is supported by a technical drawing showing the feasibility of the new roundabout's implementation (which does **not** form part of this permission) and new road, which would secure future access to the remainder of HS2 and HS3.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

None.

4.2 Surrounding Area

Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW (Housing Allocation HS1)

2020/90725: Erection of 68 dwellings with associated access, parking and open space (revised plans) – S106 Full Permission

2022/93154: Erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank) – Pending consideration

Land off, Hermitage Park, Lepton, Huddersfield, HD8 0JU (Housing Allocation HS2)

2022/91735: Outline application for erection of 80 dwellings and associated work, including the considerations of access, layout, and landscaping – Pending consideration

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 Negotiations have focused upon two key elements; discussions on the HS2 and HS3 masterplan, and the method of access to the remainder of the allocation.

- 5.2 On submission a detailed masterplan was not included with the application. That what was provided was limited to a 'Draft Constraints and Opportunities Plan'. This failed to achieve the aims of Policy LP5 and requirements of the allocation box for HS2. This concern was raised with the applicant. In collaboration with the land owner of HS3, and in consultation with local stakeholders, the applicant provided a detailed Masterplan. This went through several revisions as officers offered feedback. The final version submitted is considered acceptable and provides a good understanding and framework for the future development of allocations HS2 and HS3.
- 5.3 Regarding the method of access, as the proposal seeks to only develop part of HS2, officers sought comfort that the development would not prejudice (i.e., prevent access to) the remainder of the allocation. This included a new access from Penistone Road, as in accordance with the Local Plan the remainder of the allocation is not expected to be accessed from Rowley Lane. To this end, in addition to the Masterplan, the applicant has provided details of a new roundabout which would connect Penistone Road, Rowley Lane, and the remainder of the allocation. The submitted details are sufficient to clearly demonstrate such an approach is feasible although it does not form part of the current application (as per the Masterplan phasing strategy, it would form part of Phase 3's planning application). While not part of the application, officers expect each phase of the development to contribute financially towards this expected roundabout, in the interest of securing appropriate infrastructure in accordance with master planning principles. This led to negotiations on an appropriate costing of the roundabout works. These have been calculated by the applicant at £3,150,927. This has then been pro-rata'd to the scale of phase 1, to £285,000, with the remainder to come from the latter phases. Officers are agreeable to accept this figure, subject to an overage clause which would allow for additional funds to be sought if the calculated figure is insufficient.

6.0 PLANNING POLICY

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

Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents

- 6.2 The application site is part of Housing Allocation HS2 within the Kirklees Local Plan. Allocation HS2 has an indicative housing capacity of 286 dwellings. The site is adjacent to Housing Allocation HS3 (to the west).
- 6.3 The site represents circa 22.5% of HS2's total area (9.33ha) or 27% of the identified developable area (net area reduced to retain woodland/remove high flood risk areas that are outside of this application's redline).

6.4 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP19** – Strategic transport infrastructure
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP23** – Core walking and cycling network
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, active and safe styles
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP61** – Urban green space
- **LP63** – New open space
- **LP65** – Housing allocations

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

Supplementary Planning Documents

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

Guidance documents

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

National Planning Guidance

6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and the Planning Practice Guidance Suite (PPGS), first launched

6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

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

6.7 Other relevant national guidance and documents:

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

Climate change

6.8 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

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

7.0 PUBLIC/LOCAL RESPONSE

The applicant’s statement of community involvement

7.1 The application is supported by a Statement of Community Involvement (SCI) which outlines the public engagement the applicant undertook prior to their submission. The applicant posted 231 information flyers to addresses on Woodsome Drive, Woodsome Park, Woodsome Road, Penistone Road (nearest properties), Rowley Lane up to and including Hermitage Park, Clough Park, Clough Drive, Beldon Brook Green, Clough Way, Ashford Manor,

Ashford Court, Dogley Lane, Dogley Villa Court, Whitegates Grove, Jumble Wood, and Penistone Road (Fenay Bridge). The flyer gave details of the proposal and directed readers to a website detailing the proposal where comments could be made.

7.2 A virtual meeting was held on the 2nd of July 2020 with local ward Councillors and representatives from Green Alert in Lepton (GAIL).

7.3 In total, 70 people submitted a feedback form. The following is a summary of the comments received from the feedback form and virtual meeting:

- Request for a masterplan for HS2 and HS3.
- Concerns on the impact on Highways and Highway Safety
- Concerns on the impact on Woodsome Hall
- Concerns over the location of the access on Rowley Lane
- Seeking clarification on affordable housing
- Concerns regarding the ability to secure adequate drainage
- Concerns regarding impact on local ecology
- Request for development to be focused on brownfield sites, not Greenfield
- Concerns regarding noise impacts, both during construction and after
- Seeking clarification on the development's active travel merits.

7.4 Within the SCI the applicant details how the above comments have been considered and/or incorporated into the proposal. These will be considered were relevant later within this assessment.

Public representation

7.5 The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.

7.6 The application was amended during its lifetime and a period of re-consultation, via neighbour letters, was undertaken. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation.

7.7 The end date for public comments was the 15th of April 2022. In total, 106 public representations were received in response to the proposal. The following is a summary of the comments received:

General

- The education contribution has not taken into cumulative development in the area, and has applied 'vacant' spaces twice.
- Historical maps show a footpath crossing the site. This must be protected.
- The submitted geo-technical reports are inadequate and have been objected to by K.C. Environmental Health.
- Concerns that the new dwellings will not adhere to the National Described Space Standards.

- The Council has failed to demonstrate there is demand in Lepton for dwellings and that they can only be provided within the area. These houses can be provided elsewhere. The Local Plan is based on out of dated figures; using the latest data / assessment measure the districts need would be 6% lower. The Local Plan should be re-reviewed.
- Development should be focused on brownfield sites, not greenfield.
- The masterplan is inadequate and fails to comply with Policy LP5 and main modifications 43 and 46. Furthermore, the applicant has not adequately involved local residents in their consultation, citing that the applicant's engagement only included 0.58% of Lepton.
- Concerns to what extent the submitted masterplan will be applied to HS3 and its separate landowner.
- The applicant's Air Quality Assessment is wrong, and understates traffic by 100%. The report comments that the AADT is 10,000+ while it is commented to actually be 24,000+
- The area exceeds World Health Organisation triggers on air pollution, which the proposal would exacerbate, particularly on Penistone Road and Rowley Lane, near the school.
- Questions over the climate credentials of the new buildings, such as the level of insulation, glazing, whether they'll include solar panels or EVCP. The developer should exceed the legal minimum.
- The area has insufficient amenities and services, such as doctors' surgeries or dentists.
- The increased number of people in the area will harm the living standards of existing residents.
- The roundabout will harm the amenity of residents at 1 Woodsome Road through noise and light, and may affect the stability of its construction. The dwelling and others along Woodsome Road are also susceptible to flooding, which would be worsened.
- The development will lead to light pollution from street lights, houses, and cars.
- It is unlikely that the proposed houses will be really affordable, and be too expensive for young people.
- Local schools are over prescribed and cannot accommodate additional students.
- The development will harm local property prices.
- The site is Green Belt and not should be built upon.
- The development will result in Reliance Precision having to move.
- The development will prejudice Human Rights, including the right to ensure a peaceful enjoyment of life and possessions, and the respect for private family life.
- Construction will affect residents, causing noise, dust, and traffic disruption.

Heritage

- The proposal will cause substantial harm to the listed buildings Woodsome Hall and 1 Woodsome Road. All submitted reports are inadequate in considering their value, the affect upon them, and how the development will adequately mitigate the impact.
- The roundabout will be circa 2m above 1 Woodsome Road and within 35 / 40m of it.

Ecology

- The site is ecologically valuable, hosting flowers, bees, birds and other species.
- The site is adjacent to the Kirklees Wildlife Habitat Network and will harm its function.
- The proposal will result in a loss of habitat for protected species.
- The applicant has failed to demonstrate how 10% net gain will be secured. Furthermore, the masterplan does not adequately consider how to enhance and manage the natural environment. Inadequate assessment has been undertaken to inform the development.

Design

- The proposal represents urban sprawl that is detrimental to the Green Belt.
- The site is an important visual gap between Lepton and Kirkburton.
- Lepton has insufficient green space, which the proposal would even further dramatically reduce.
- The development will inevitably take the form of ribbon development. The development will urbanise an otherwise rural area.
- Housing must be built to be carbon neutral and use renewable energy.
- The development should be 3D modelled to demonstrate the visual impact and impact on residents.

Highways

- The proposal will harm the safe use of the local highway through increased traffic.
- Woodsome Road would be the primary route for new children to access King James School. It is too narrow and difficult to access.
- Penistone Road is too narrow and not suitable for additional traffic.
- The masterplan includes a pedestrian route which is not a PROW and is closed to the public. This leads to Beldon Brook Green which is an unadopted single track road with no footpath or street lighting; it will be damaged by additional footfall.
- Kirklees Highways have calculated the development will generate 45 two-way movements am and 41 two-way movements in the pm. This is disputed. Based on census data and car ownership for the area, 75 dwellings are expected to result in 105 vehicles and a trip factor of 0.8 gives 84 vehicle movements – double what Highways DM consider. This needs to be considered cumulative with the traffic from Phases 3 and 4 (anticipated at 670 movements), and existing movements on Rowley Lane (anticipated at over 4000 movements), all of which will go through the proposed roundabout. The development fails to consider cumulative impacts of later phases.
- Penistone Road is not suitable for cyclists and therefore cycling is not a viable option from this site.
- Lepton has few amenities, so residents will have to drive to work, entertainment or shopping locations.
- The speed limit on Penistone Road should be lowered to improve safety.

- Traffic accidents on Penistone Road are much worse than recorded within the applicant's Transport Assessment, which underplays the impacts.
- The roundabout should be provided as part of phase 1, not later phases.
- Concerns that the development does not include a footpath along the right-hand side of Rowley Lane up towards Lepton Village.
- Penistone is subject to many road traffic accidents, which the proposal will exacerbate. The proposed mitigation measures will not address this, and may make it worse.
- The applicant has not followed due diligence and spoken to local bus operators to understand existing demand and travel patterns.
- Access to HS3 via Hermitage Park is not acceptable, it's too much traffic and will affect existing residents' quality of life.
- The roundabout will make access into adjacent properties, including business on the road, much more difficult and dangerous. It is also too close to Woodsome Road and will make access into the road difficult.
- The development fails to consider the adjacent disused railway. This is a desired greenway connecting towards Huddersfield. It could host a 3m wide footway. The application should contribute towards its implementation and the road crossing the railway should include grading to access it.

Flood risk and drainage

- The development of HS2 and HS3 will increase runoff into Beldon Brook Green, which does not have highways drainage infrastructure. Neither the flood risk assessment nor any other documents prepared by the developer appear to address what system will be implemented to replace and support any reduction gained from the existing greenfields natural flood management system. Developing these sites will lead to runoff and flooding on Beldon Brook Green.
- Drains in the area are at capacity and cannot cope with more water. Sewers flow into Fenay Beck and pollute the surrounding land, which will be exacerbated. Yorkshire Water have raised issues with their pipes to residents.
- SUDs systems gather stagnant water, leading to flies and danger to children.
- No details of foul sewerage have been provided.
- The Lead Local Flood Authority objected to application 2020/90725, but not the current proposal. This is inconsistent.
- The development will lead to flooding from Fenay Beck to properties along its bank.
- Flood risk in the area has increased in recent years, including the fields at Fenay Beck.

7.8 The site falls within Kirburton Parish. The parish Council objects on the following grounds:

- Highways: the roundabout proposed will result in problems for business and harm traffic flow. Turning right out of Rowley Lane is difficult. The assessment was done during lockdown. Traffic from the development will cause vibrations which will affect Reliance Precision.

- Noise: Reliance Precision creates noise, which will affect residents and lead to future complaints.
- Flood Risk: This is not adequately considered by the submission.
- HS2 and HS3 should come together as a single, full application.

7.9 Responses to the above comments are set out later in this report.

7.10 The site falls within Almondbury ward. The local ward councillors were notified of the proposal. Each has expressed concerns over the proposal and/or requested to be kept informed. This extends to the masterplan for the wider HS2 / HS3 allocations. Cllr Munro has raised the following concerns:

- The application should be determined by an in-person committee, not virtual.
- The applicant has failed to adequately include local residents in the master-planning process. The masterplan was not adequately advertised.
- The masterplan that has been submitted is inadequate and is not joint up between land owners, contrary to the main modification imposed by the inspector.
- The red-line of the application extends beyond the housing allocation and includes Green Belt land.
- Objection to the access to HS3 via Hermitage Park. This has been proposed as 75 units, but inadequate details are provided for a thorough assessment over the impact of this. Rowley Lane cannot accommodate the traffic and there is also no reassurance that more units will not be sought later or that the roundabout will come forward. Its unclear who would build it, and when.
- No additional water should enter Fenay Beck – this was discussed and agreed with the Environment Agency, as it'll lead to more flooding. Yorkshire Water commented they cannot accept more surface water from the site.
- Future residents would suffer from substantial noise pollution from Penistone Road and the new phase 3 road. This will be exacerbated if phase 2 connects to phase 4, leading to a through route onto Hermitage Park.
- Air quality in the area is an issue, and inadequate details have been provided to address this. There is strong connection between poor air quality and serious harm to public health.
- There are no safe crossing places on Rowley Lane.
- The development fails to consider its impact on local listed buildings, with inadequate details provided.
- The development of this site, and the wider allocations of HS2 and HS3, will cause harm to Lepton Great Wood. Considering these sites in isolation is not appropriate. The proposed development site lies within the Kirklees Wildlife Habitat Network which is significant. The submitted Preliminary Ecological Appraisal (PEA) fails to consider ecology outside of the site. The proposal has not demonstrated 10% net gain.

7.11 Cllr Munro has indicated she wishes to provide further comments to the committee. If received in time, these will be uploaded within the committee update.

8.0 CONSULTATION RESPONSES

8.1 Statutory

Coal Authority: The applicant has sufficiently considered the risk of legacy coal features and demonstrated that *'the application site is, or can be made, safe and stable for the proposed development'*. They request no conditions.

Historic England: Comment that the development would impact upon local heritage assets, identifying that *'Development on this site will cause a certain level of harm to the setting of the hall [Woodsome Hall, Grade 1 Listed] through the erosion of the rural character of the area and the visual disruption on to key views from the hall to the east'*. They do not quantify the harm however, and they defer to the Council's Conservation and Design team.

K.C. Highways (Development Management): Have been involved throughout discussions regarding the access arrangements for the site as well as the future connection to the remainder of the allocation. No objection to the point of access and works to Rowley Lane, subject to conditions. Confirm that the roundabout proposed is feasible and the cost exercise undertaken by the applicant is reasonable. Conditions relating to construction traffic access and highway quality survey recommended.

K.C. LLFA: The applicant has provided sufficient details to demonstrate the site is not at flood risk, and that surface water drainage may be adequately addressed. However, technical details demonstrating how this will be achieved will be required at Reserved Matters stage, with conditions to this effect requested.

Yorkshire Water: Identified pipework on Rowley Lane / Penistone Road which would need to be protected / diverted during development. No objection subject to conditions.

8.2 Non-statutory

K.C. Conservation and Design: Acknowledge that the proposal will cause harm to Woodsome Hall as a heritage asset, however the harm would be 'less than substantial'. This harm should be weighed against the proposal's public benefits which are acknowledged to include the provision of housing.

K.C. Crime Prevention: Advice provided, however this relates to matters of detailed design (lighting, overlooking, boundary treatment etc.). These have been shared with the agent to be considered at Reserved Matters stage. No objection to the principle of development.

K.C. Ecology: Initially required further details to be provided. These requirements were discussed with the applicant and officers, and provided. On review, the details are considered sufficient to establish the principle of development on site as they show adequate survey has been undertaken, impacts identified, and feasible mitigation considered. Further / updated details will be required at Reserved Matters stage, to be secured via condition.

K.C. Education: Confirmed that the scale of the development requires a local education contribution and identified the local schools where the contribution would be targeted. Given that the

K.C. Environmental Health: Recommend conditions in the event of an approval covering noise attenuation; decontamination/remediation; air quality; and lighting.

K.C. PROW: No PROWs cross the application site, but fall within the wider allocation / Masterplan boundaries.

K.C. Strategic Housing: Provided advise on local housing market and confirmed scale of the development requires an affordable housing contribution, at 20% of units with expected tenure detailed.

K.C. Trees: No objection to the principle of development on the site, although the Reserved Matters of layout and landscape will require adequate arboricultural details.

West Yorkshire Archaeological Advisory Service: Requested that a pre-determination trenching survey be undertaken. However, advised that this may be addressed via condition if the LPA is so minded.

West Yorkshire Metro: Recommend contribution be secured for bus stop improvements and residential metro cards.

9.0 MAIN ISSUES

- Principle of development
- The masterplan for HS2 and HS3
- Access and highways
- Urban design
- Residential amenity
- Drainage
- Planning obligations
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

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

Land allocation and quantum of development

- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021). As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 It is recognised that the site is Greenfield rather than Brownfield. However, the allocation of this land and other Greenfield sites through the Local Plan process was based upon a rigorous borough-wide assessment of housing and other need, as well as an analysis of available land and its suitability for housing. It was found to be an appropriate basis for the planning of the Borough by the Inspector. Whilst the KLP strongly encourages the use of Brownfield land, some development on Greenfield land was demonstrated to be necessary in order to meet development needs. Furthermore, whilst the effective use of land by reusing brownfield land is also encouraged within the Framework, the development of Greenfield land is not precluded with the presumption in favour of sustainable development being the primary determinant.
- 10.4 The site falls within a housing allocation, reference HS2, within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. Therefore, residential development is welcomed within the site. However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land.
- 10.5 The proposal represents a partial development of allocation HS2. Consideration must be given to whether the partial development of the allocation is appropriate, and whether this initial development would prejudice the future effective development of the allocation.
- 10.6 The development of HS2 (and HS3) is subject to a Masterplan. This is considered in further detail within paragraphs 10.16 – 10.27. The Masterplan identifies the current application as Phase 1 of the HS2 / HS3 proposal. Phase 3 is the continued development of HS2. Phase 3 and Phase 4 are indicatively shown to be accessed by a new roundabout from Penistone Road. The access road would run along the south and east boundaries of Phase 1, before crossing the old railway line and leading into Phase 3 proper. The roundabout would not give direct access to Phase 1; it would remain accessed from Rowley Lane, which would be re-aligned to connect to the roundabout.

- 10.7 This indicative approach is welcomed by officers, as it allows Phase 1 to be self-contained and limits the number of dwellings accessed from Rowley Lane to circa 150 (Phase 1 plus Phase 2 (accessed from Hermitage Park)). While this requires a notable portion of HS2's land being dedicated to an access road, overall, the proposed phasing and indicative design approach is considered reasonable and necessary given the shape of the allocation, and would not represent an ineffective use of the allocation.
- 10.8 Turning to the application site itself, LP7 requires development to achieve a net density of at least 35 dwellings per ha, where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Within the Local Plan HS2 has an indicative capacity of 286 dwellings. The application is outline and proposes up to 75 dwellings, and seeks to develop only part of HS2 (circa 22.5% of the total area, of 27% of the developable area).
- 10.9 A total of 75 dwellings, across the site area of 2.2ha, would represent a density of 34 dwellings per ha. If calculating the proportionate contribution for the allocation's developable area, 27% of 286 is 77.2. Up to 75 units would, therefore, broadly comply with the indicative capacity and policy LP7. While made at outline, and the proposal is 'up to 75 units', officers are satisfied that the indicative density and maximum sought is an effective, efficient, and appropriate use of the housing allocation land. A lower density may be appropriate, if demonstrates to be 'appropriate' at Reserved Matters stage.
- 10.10 Looking beyond density, LP11 of the Local Plan requires consideration of housing mixture. LP11 requires a proposal's housing mix to reflect the proportions of households that require housing, achieving a mix of house size (2, 3, 4+ bed) and form (detached, semi, terrace, bungalow). The starting point for considering the mixture of housing types needed across the district is the Kirklees Strategic Housing Market Assessment (SHMA).
- 10.11 As the indicative plan provided is not the scale, with layout, appearance and scale reserved, no details on the proposed size or form of dwellings have been provided. This will be a material consideration at Reserved Matters stage; at this time, there are considered no prohibitive reasons why appropriate details could not be provided at that time.

Sustainable development and climate change

- 10.12 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions
- 10.13 The site is within the urban envelope, albeit on the edge of it. Nonetheless the site is considered a location sustainable for residential development. It is accessible, lying within an existing established settlement and close to various local amenities and facilities. Bus stops adjacent to the site give reasonable access to the district centre of Huddersfield, and the smaller centre of Waterloo. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.

- 10.14 Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or are recommended to be secured by condition (referenced where relevant within this assessment). Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.
- 10.15 Subject to further details that would be submitted at Reserved Matters stage, it is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area, its proximity to local facilities, and the measures related to transport that can be put in place by developers. Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

The masterplan for HS2 and HS3

- 10.16 Due to the combined scale and close association of Housing Allocations HS2 and HS3, which have an indicative capacity of 598 dwellings, a master planning approach is necessary. This is to ensure due regard is given to the wide range of relevant planning considerations, the need for significant supporting infrastructure, as set out within the requirements of site allocations' for HS2 and HS3, as well as Local Plan policy LP5.
- 10.17 Masterplans set the vision and implementation strategy for a development. Careful master-planning can ensure efficient use of land, high quality placemaking and properly co-ordinated development, appropriate location of facilities and infrastructure. It is also useful for the prevention of development sterilising adjacent land, appropriate phasing to limit amenity and highway impacts, and fair apportionment of obligations among the respective developers.
- 10.18 The masterplan has been drafted between the (different) land owners of HS2 and HS3, in consultation with local groups and stakeholders. In summary it divides the two allocations into four phases. HS2 consists of Phase 1 and Phase 3, while HS3 consists of Phase 2 and 4. The phasing plan details that these are intended to be delivered sequentially. In terms of access arrangements, Phase 1 (this application) would be accessed via Rowley Lane, while Phase 2 (under consideration by application 2022/91735) would be accessed via Hermitage Park off Rowley Lane. These two phases would be limited to 155 units, and include capacity improvements to Rowley Lane, in accordance with the capacity study undertaken as part of the Local Plan.
- 10.19 Also, in accordance with the assessment made at Local Plan stage, phases 3 and 4 would be accessed via new highway infrastructure from Penistone Road. This has been indicatively designed as a roundabout, and would include the re-alignment of Rowley Lane. Sufficient detail has been provided on the roundabout to demonstrate it is a feasible design approach. To ensure the financial burden of the roundabout is not unduly left to phases 3 and 4, in accordance with master planning principles officers have sought to secure a proportional contribution towards the roundabout's cost from the developers of Phase 1 and Phase 2. Based on the applicant's calculations for the roundabout, for Phase 1 this would amount to £285,000. This contribution has been agreed to be secured via S106: however, given this has been calculated by the applicant, officers sought to include an overage clause, which will allow

the LPA to seek additional funds, should the roundabout be more expensive than calculated. This would run with the developer (not individual landowners, after the dwellings are sold) This has also been agreed to.

- 10.20 The masterplan has achieved the key objective of demonstrating how the delivery and phasing of the combined allocations of HS2 and HS3 would be managed.
- 10.21 Another purpose of the masterplan is to consider the constraints of HS2 and HS3, and respond to them accordingly. While parts of the allocation include land in Flood Zone 2 and 3, the masterplan has designed around these and ensured all units would be sited in Flood Zone 1. Concepts for combined drainage have been considered, including points of discharge; that shown is not opposed in principle, although the arrangements will need to be assessed in greater as each phase comes forward. Parameters for retaining appropriate distance to Lepton Great Wood are detailed, as well as identifying non-development areas on ecological and heritage grounds.
- 10.22 Progressing to the high-level proposed designs, the masterplan demonstrates an indicative layout for the development, demonstrating routes of movement for vehicles, pedestrians, and cyclists. That provided establishes a strong network of interconnected streets and public spaces, both within the site and onto existing outside network, including the several PROWs within the allocations or adjacent to them. The proposed roads follow the transport hierarchy by prioritising pedestrian movements. For access, the masterplan includes demonstrating that Phase 1 and Phase 2 would not be accessible from Phases 3 and 4 for vehicles. Notably, this means that there would be no through route between Penistone Road and Hermitage Park.
- 10.23 In terms of design, the Masterplan shows a highway hierarchy and it designates areas for dwellings and public open space. Green infrastructure, including recreational and exercise areas, are reasonably spaced around the site, ensuring both future occupiers and those in the wider area have access to new open space. While these are not defined as per the typologies identified within the Council's Open Space SPD, it is evident that due regard has been given to different forms of open space; getting into the specific of each typology is appropriate at dedicated application stage.
- 10.24 The masterplan outlines a design code for future dwellings, seeking to respond to local architectural character. The design code defines several different design areas within the site, establishing core design parameters for each area. While each application will need to go into greater detail of the respective design, the parameters established would ensure a development which is of high quality, attractive, and fits into the established character of the area which would create a strong sense of place, ensuring the proposed development makes a positive contribution to local character and distinctiveness.

- 10.25 On the matter of infrastructure and planning obligations, as has been detailed the masterplan directly addresses required highway improvements. Each phase of development would exceed the relevant triggers for affordable housing and education, and therefore provide their own contribution at application stage. As noted, Public Open Space across the site has been considered and recognised, but again this will need to be considered on a per-application basis as each phase comes forward. Likewise, matters of Biodiversity Net Gain (BNG) and ecology will be addressed at a per application level and cannot be master-planned for.
- 10.26 Paragraph 6.25 of the Local Plan states the following objectives of masterplans:

In broad terms, masterplans provide design guidance for areas that are likely to undergo some form of change. They will describe and map the overall vision and concept for the proposed development including proposed land uses, urban design, landscaping, built form, movement and access and infrastructure and service provision providing a clear and cohesive framework for development. They will also set out the intended implementation and phasing of development.

- 10.27 Officers are satisfied that the submitted masterplan complies with the above expectations, and the guidance contained within Policy LP5 of the Kirklees Local Plan. The proposed masterplan for HS2 and HS3 is considered to demonstrate how a high-quality development may be effectively and efficiently undertaken on the allocations, establishing strong design parameters for future phases, and how it will suitably harmonise into the character of the area.

Highways

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

Access and traffic generation

- 10.30 Access has been applied for as a consideration as part of this application.

- 10.31 First considering traffic generation, the application's assessment has been made against a maximum of 75 units. Based on this, the following traffic generation has been identified from the proposal:

	Arrival	Departure	Two-way
AM Peak	11	34	45
PM Peak	26	15	41

- 10.32 In allocating the site (and the adjacent HS3) through the Local Plan process careful consideration was given to each allocation's point(s) of access and traffic generation. To accommodate the traffic impacts of the combined (indicative) 600 units between HS2 and HS3 at Local Plan stage it was expected that *'some form of junction upgrade with Penistone Road to access the local highway network as it is considered that the existing priority junction of Rowley Lane with Penistone Road will at some point become over capacity'*.

- 10.33 Notwithstanding the above, subject to minor improvements to the Rowley Lane / Penistone Road junction it was determined a number of units associated with HS2 and HS3 could be accessed from the Rowley Lane. Within the Local Plan it was stated:

the improvement on the minor arm can clearly mitigate impact of between 100-150 units; and the impact at the junction is unlikely to be severe until a threshold of circa 200 units, although this will be subject to a final agreement on generation, distribution and assignment at pre-application or masterplanning stage.

- 10.34 The improvement works to Penistone Road / Rowley Lane identified within the Local Plan have been developed further by the applicant and are proposed as part of this application. This includes both junction visibility splay improvements and increased stacking space on the minor arm (from 3 to +9 vehicles). These impacts of these works on local network capacity have been assessed, and found to be acceptable and in accordance with the assessment undertaken during the Local Plan.

- 10.35 With the identified improvement works to the Penistone Road / Rowley Lane junction, which are recommended to be secured via condition, K.C. Highways are satisfied that Rowley Lane and the wider network can comfortably accommodate the proposed development's traffic generation. As shown within the Masterplan, Rowley Lane would also provide access to 80 units of HS3 (from Hermitage Park): the proposed improvements would be sufficient to comfortably accommodate the cumulative 155 units.

- 10.36 From the improved Rowley Lane, a new vehicle access into the site would be provided into the development. It would be a priority-controlled junction that would accommodate a 5.5m wide carriageway with a 2m footway on either side. This design is in accordance with the adoptable standards for a development of this scale, as set out in the Council's Highway Design Guide SPD. The applicant has also demonstrated that the access could accommodate an 11.85m refuse collection vehicle. Appropriate visibility splays have been demonstrated from the proposed works to the frontage.

- 10.37 At present the south side of Rowley Lane adjacent to the site has no footpath, with the road being directly onto natural ground, with the exception of a cleared area for a bus stop. The proposal includes the provision of a 2m wide footway along the site's north boundary to Rowley Lane, which would tie into the new access. The new footway would connect to the existing footway along Penistone Road to the west. Going east along Rowley Lane, it would narrow to 1.5m before providing a drop crossing which would connect to the existing footway which runs along the north of Rowley Lane. This would necessitate the reposition of the bus stop.
- 10.38 The above works have gone through the Stage 1 Road Safety Audit process and been updated accordingly. Full technical details of the access and footway, to an adoptable standard, are to be sought via condition. The access would connect to a new estate road to serve the development, the layout of which would be detailed at Reserved Matters stage. Nonetheless, as it is expected to be an adoptable road it is considered appropriate to impose a condition's technical details at this stage.
- 10.39 The access works, consisting of the new highway access, footway, and improvements to the junction between Rowley Lane and Penistone Road, would require the removal of circa 20 mostly mature trees along the site's north boundary. Careful consideration has been given to this and whether an alternative design could save some, or all, of the trees. It is concluded that their removal is a fundamental necessity to enable both an adequate access into the site from Rowley Lane as well as the improvements to the Rowley Lane / Penistone Road junction. While an access could be formed direct from Penistone Road, this would prejudice the future access later phases of the development (the remainder of HS2 and HS3).
- 10.40 The trees in question are mostly mature in age and, as a grouping, due contribute to the character of the area. Their loss does weigh against the proposal. However, officers reiterate that their loss is considered necessary to enable the development and achieve a safe access arrangement. To alleviate the loss, adequate mitigation would be expected at subsequent Reserved Matters stage (landscaping).
- 10.41 Considering the internal layout of the site, the indicative plan (not to scale) shows a traditional estate road. Commentary on the detailed design of the internal estate roads is not necessary at this stage. Matters such as gradients, carriageway widths, forward visibility and refuse storage would be considered when a layout and quantum of development is proposed. There is no prohibitive reason why adequate space within the application site for policy compliant provision of on-site parking (including visitor parking) and cycle parking could not be achieved; such details would be considered at Reserved Matters stage. Details of refuse storage and collection need not be considered at this outline application stage; however, it should be noted that space for the storage of three bins per dwelling would need to be provided at Reserved Matters stage, and opportunities to minimise the need for reversing refuse collection vehicles should be explored.
- 10.42 A pre-commencement condition is recommended, requiring the submission of a Construction Management Plan. This would need to include details of construction traffic routes, seeking to ensure they avoid unsuitable routes, as well as contractor parking and hours of access.

- 10.43 No Public Rights of Way cross the site or are immediately adjacent to it. The wider HS2 and HS3 allocations do host several PROWs, but these would not be affected by the current proposal. These are adequately considered within the masterplan.

Sustainable Travel

- 10.44 LP20 of the Kirklees Local Plan states *‘The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day-to-day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area.’*

- 10.45 In terms of accessibility within the site for cycles and pedestrians, this will be assessed at Reserved Matters stage as part of ‘layout’. Regarding external connections, the application’s Transport Assessment notes the typical walking standards of:

- Desirable: 500m / 6 minutes
- Acceptable: 1000m / 12 minutes
- Preferred maximum: 2000m / 24 minutes

The above are consistent with Manual for Streets, which suggests that a distance of circa 2km typically represents an acceptable maximum walking distance for the majority of land uses. Within this context, there are a range of existing amenities within these relevant walking distances (measured from the centre of the site and at a speed of 1.4m/s) including:

Local Amenity	Distance
Rowley Lane Junior Infant & Nursery School	550m
The White Swan, Public House	950m
Convenience store (McCols) at Highgate Lane, Lepton	1km
Fenay Bridge Pub and Grill	1.1km
Convenience store (Fenay Bridge Stores) at Penistone Road	1.1km
Lepton C.E. (VC) Junior, Infant & Nursery School	1.2km
Lepton Surgery	1.3km
Morrisons supermarket	2km

- 10.46 When considering cycling, the typically accepted maximum distance for local amenities extends to 5km. Whilst there are no specific cycling facilities within the immediate vicinity of the site, approximately 1.6km to the north on Penistone Road there is a dedicated bus/taxi/cycle lane that provide a dedicated lane to Huddersfield town centre, which is approximately 5km ride from the site (approximately a 20-minute ride). A condition for details of secure cycle facilities, per unit, to be detailed at layout stage is recommended.

- 10.47 It is recognised that the disused railway line to the rear of the site is identified within the KLP as part of a core walking and cycling network. Policy LP23 of the KLP advises that they provide an opportunity for alternative sustainable means of travel throughout the district and provide efficient links to urban centres and sites allocated for development in the Local Plan. Proposals should seek to integrate into existing and proposed cycling and walking routes by providing connecting links where appropriate. This has been considered in the course of this planning application, however as layout is a reserved matters options are limited at this time and may be explored further at reserved matters stage. Conversely, it must be acknowledged the railway embankment and line are in separate private ownership and the steepness of the railway banking made it unlikely that a direction connection from the site onto this route will be feasible. The most likely appropriate point of connection will be where the access into phase 3 / phase 4 cuts through the railway line. The masterplan indicates a 'proposed footpath connection' in this place, which may be explored further as part of a phase 3 application. Consideration was also given to securing a contribution towards this route. However, at this stage, given that it remains in private ownership without a clear strategy to bring it forward as a walking and cycling route, a contribution could not be justified at this point in time.
- 10.48 Considering local public transport, the site is considered well served. Bus stops are located on Rowley Lane and Penistone Road that are all within walking distance the site (maximum distance of 220m from the proposed site access). These provide frequent (through the day) services into Huddersfield (via Waterloo) and towards Denby Dale, and a low frequency service to Penistone. West Yorkshire Combined Authority have commented that the scale of the development would not affect local bus frequency nor affect their routes.
- 10.49 West Yorkshire Combined Authority have requested a contribution towards the improvement of bus stop 16774, through the provision of a Real Time Information display system at a cost of £10,000. In addition, they seek metro cards for the proposed units. These contributions have been agreed, although the exact figure of the metro cards cannot be established as the final number of units is unknown. However, the figure would be £511.50 per unit.
- 10.50 The applicant has submitted a draft Travel Plan to support the application. This identifies possible measures to influence the behaviour towards more sustainable methods of travel. These include providing up to date information on measures such as bus timetables, where to access up-to-date real time bus times, local car share schemes, the potential impact of working from home opportunities and the impact of online shopping in reducing travel. These core principles are welcomed, and demonstrate that sustainable travel measures may be implemented at the site. However, a more detailed final travel plan will be required via condition. A Travel Plan monitoring fee of £10,000 (£2,000 per annum, for five years) would be necessary, to ensure the effective implementation of the Travel Plan, and this would be secured via a Section 106 as part of this outline application.

- 10.51 Overall, it is concluded that the proposal is acceptable with regard to the matter of access and highway impact. Subject to relevant conditions and the planning obligations specified above, it has been demonstrated that the proposed development can accommodate sustainable modes of transport and be accessed effectively and safely by all users and that any significant impacts from the development on the transport network can be viably and appropriately mitigated. It is concluded that the development would not result in a severe cumulative highway impact given the proposed mitigation. It would therefore comply with Policies LP20 and LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

Urban design

- 10.52 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the National Design Guide.
- 10.53 The matters of layout, appearance, scale, and landscaping are reserved for a subsequent Reserved Matters application. While specific details are not available for consideration, officers must consider whether any prohibitive reasons exist why appropriate details could not be provided later.
- 10.54 The application site is located at the edge of an existing, well-established settlement. While to the west, across Penistone Road, is open countryside there is residential development immediately to the north and east, with commercial development to the south. Being surround to three sides, with a major road to the fourth, the proposed development would sit comfortably within its context without appearing as a sprawling, inappropriate enlargement to Lepton. As such, the development is expected to sit comfortably within the context of the landscape, built environment and established urban grain.
- 10.55 Details of elevations, house types, materials, boundary treatments, landscaping and other more detailed aspects of design would be considered at Reserved Matters stage. Existing dwellings in the area have varied designs, although typically based upon traditional Pennine architecture. There are no concerns
- 10.56 It is accepted that typography will be a challenge for the site, given its existing levels. Nonetheless, Lepton is characterized as a settlement built upon a hillside. In this setting, there are no concerns that an appropriate design response to the levels could not be realized. Full details of any levelling and regrading works, and of any necessary retaining walls and structures, would also need to be provided at Reserved Matters stage.
- 10.57 As noted within paragraph 10.24, the indicative details of how the site may be developed provided within the Masterplan provide an overview of layout, appearance, scale, and landscaping. The details included within the masterplan are considered high quality and set out strong design parameters for future proposals.

- 10.58 Given the above considerations, officers are satisfied that there are no probative reasons why appropriate details of landscape, scale, appearance, or layout could not be provided at reserved matters stage. It is considered that the relevant requirements of chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5 and LP24 and would be sufficiently complied with.

Landscape

- 10.59 Policy LP47 of the KLP refers to healthy, active and safe lifestyles and recognises that these will be enabled by a number of criteria including (a) access to a range of high quality, well maintained and accessible open spaces and (b) increasing access to green spaces and green infrastructure to promote health and mental well-being. Policy LP63 advises that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, to be provided in accordance with the Council's local open space standards or national standards where relevant. Finally, Policy LP33 of the KLP advises, amongst other matters, that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme
- 10.60 The landscaping of the site is not for consideration as part of this application. It is reserved for consideration as part of a future Reserved Matters application should outline planning permission be approved. The detailed landscaping proposals for the site will therefore be provided at that time.
- 10.61 Notwithstanding the above, the loss of trees along the north boundary is noted. This has been considered in detail within paragraph 10.39 – 10.40, and concluded to be a necessity. However, officers would expect a fully detailed and comprehensive landscaping strategy which, not only details the typical landscaping requirements, but also adequately mitigates for the loss of these mature trees.
- 10.62 The Council's Arboricultural officer has raised no objection to the principle of the development, but requested that any submission of landscape or layout be supported by appropriate arboricultural reports, to ensure trees to be retained are adequately protected.

Historic environment

- 10.63 There are various heritage assets within the surrounding area. Of these, the following are considered most relevant to the proposal; Woodsome Hall (Grade 1 Listed), which has two Grade 2 Listed outbuildings, and 1 Woodsome Road (Grade 2 Listed). The site is also recognised to have potential archaeological interest.

- 10.64 Section 66 of Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a heritage asset or it's setting the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This requirement is mirrored by policy LP35 of the Local Plan.
- 10.65 Consideration must first be given to the heritage value of the identified assets.

Woodsome Hall

- 10.66 First considering Woodsome Hall, the following overview of the building's heritage value has been provided by K.C. Conservation and Design.

Woodsome has been the site of a high-status dwelling since the 13th century, a moated house is known to have existed on the site, but its location and extent are unknown. Woodsome Hall is an extremely fine and well-preserved example of a gentlemen's residence of the early 16th to mid-17th centuries. The house was built in stages for the Kaye family and encased in stone in the 17th century. The principal rooms face east across the valley. The much-altered south service wing may retain fabric of an earlier south facing house. The Kayes occupied Woodsome from 1378 to 1726 when Sir Arthur Kaye died. His daughter married George Legge (Viscount Lewisham) eldest son of the Earl of Dartmouth. The hall was restored and altered in 1870-6 by the 5th Earl of Dartmouth. This family occupied the house until 1911. From 1922 the Hall became the home of the Woodsome Hall Golf Club.

The landscaping of the immediate setting of the Hall strongly reflects its current use as a golf course. The private papers of the Kaye family reveal the extensive works undertaken in the 16th century to transform the landscape around the house. Woodlands were cleared, stone removed from the earth, boundary walls built, and the soil improved with lime. New farmsteads were established to increase rents and productivity.

The submitted heritage statement notes that "whilst it has been claimed that the parkland surrounding the Hall was designed by the celebrated 18th century landscape architect Lancelot 'Capability' Brown... this remains unproven and the veracity of the claim has been questioned." This assessment is of the link to Capability Brown is not disputed.

A deer park is referred to in the 16th century, but its extent is unknown, and it was disparked and the land put to other uses by 1733. The 1843 and 1855 OS Maps show a clearly bounded rectangular area of parkland to the east of the Hall, framed by woodland at its eastern end. This may be a legacy of that earlier deer park and has influenced the layout of the modern golf course (holes 1 and 2) to this day. The woodland was been extended westwards towards the Hall and this now frames views from the principal ground floor and first floor rooms of the club house as well as from its front terrace and lawn and the tees of holes 1 and 2. These areas with close visual relationships with the front elevation and principal rooms are all critical to the setting of the Hall.

The way in which the Hall is approached has changed markedly over time, this is set out in some detail in the submitted heritage statement. The approach from Penistone Road across Woodsome Road Bridge up to the modern entrance to the golf club has been altered but still has historic associations with the Hall and is therefore considered to form part of its setting. The tree lined avenue from Woodsome Road to the Hall has defined the way in which it has been experienced for the last 150 years or more and contributes to its setting.

The surviving rural landscape of Woodsome Hall beyond the current boundaries of the golf club to the east contributes to its setting. This includes the allocations HS2 and HS3 and Lepton Great Wood. The Hall was the centre of an extensive and productive rural estate that included Woodsome Mill and a number of farms. There is no evidence that land to the east of Penistone Road was landscaped to improve views from the Hall, but it is an important part of the way in which it is experienced and reveals the productive nature of the land associated with the Hall. The principle rooms of the Hall all face east across the valley, the terrace and front lawn and the tees of Holes 1 and 2 also provide key viewpoints that all look eastwards. The tree planting of the golf course, which is a legacy and extension of the historic planting shown on early OS maps, contains the view and naturally leads the eye out to that surviving rural landscape. Deciduous trees partly obscure views to that landscape during spring and summer, most notably to the allocation HS2.

To a limited degree, modern development has encroached on views eastwards. The heritage statement notes that 'the views from the Hall have not remained static, and were far more industrialised during the 19th and 20th centuries industrial development'. Whilst this is correct, the western part of allocation HS2 and the allocation HS3 has never been developed. With the exception of the railway line, those parts that were developed for industry in the 19th and 20th centuries have already been redeveloped, except for the eastern part of HS2, which is not visible in key views from Woodsome Hall. It appears that whilst the Kayes and later the Lords of Dartmouth were resident at Woodsome they were keen to develop the productivity of their estate but not unduly industrialise the view from their home.

- 10.67 With consideration of the site's heritage value undertaken, due regard must be given to how the new development would affect it.
- 10.68 The proposed development is not to the heritage asset itself. Therefore, there would be no direct harm to the architectural fabric of the building. Nonetheless, as identified the setting of the building is of vital importance.
- 10.69 The proposed development will not be prominently visible alongside Woodsome Hall. Views of the development and Woodsome Hall will be limited, principally from higher ground to the east of the site which overlook the development and retain a clear view of the hall. Conversely, consideration must be given to the outlook from the hall. As noted above, the east view from Woodsome is its principal outlook over the valley.

- 10.70 Within the Report on the Examination of the Kirklees Publication Draft Local Plan, the inspector stated on HS2 and HS3:

“As seen on my site visit, and as shown in submitted photographic evidence, the sites are visible from the grounds of the listed building of Woodsome Hall. Historic England has indicated that the allocation sites can also be seen from rooms within the Hall. However, there is a considerable distance between the Hall and the Lepton sites, and the sites are viewed as part of a wide vista which includes developed and open areas. Trees also provide some screening. Evidence from Historic England does not identify a clear connection between the Hall and Capability Brown. Taking account of these factors I conclude that any harm to the Hall or its setting would be limited, and could be mitigated through appropriate landscaping and layout. In reaching my conclusions I have taken account of comments received after the hearing session, in response to the submitted photographs. In order to provide appropriate protection for the historic environment I have amended the wording of published SD2-MM46 to refer to heritage assets, rather than just Crow Trees.”

- 10.71 Giving due regard to the identified heritage value, it is considered that any development of the western part of the housing allocation HS2 to the north west of the disused railway viaduct would have an impact on the setting of Woodsome Hall because of the contribution its rural character makes to the setting of the Hall. The trees lining Holes 1 and 2 ‘lead the eye’ from key viewpoints down the course towards the landscape beyond. This does not preclude development, but design aspects including layout, scale, materials and details are all important to mitigating that impact.
- 10.72 The identified aspects of contention form elements of the Reserved Matters. At outline stage consideration must be given to the principle of development, and whether any prohibitive issued to future development exist. The masterplan has provided an overview of the potential development of the site, and officers are satisfied that it has adequately demonstrated that appropriate details which would not be unduly harmful are feasible for the site. The masterplan will be considered further below.
- 10.73 Any development within the site, due to its historic connection with Woodsome Hall, will cause a degree of harm through eroding part of its setting. Based on the available information, and within the constraints of an outline application, officers consider that the site could be developed in a way that, at a minimum, causes less than substantial harm to Woodsome Hall as a heritage asset. The development will not affect its fabric, nor how it appears in its own setting, but would affect important outlooks from the hall. Given that the eastern view already hosts encroaching development, the separation distance, and intervening vegetation, officers are satisfied that the development of the site would not intrinsically cause substantial harm to the identified heritage value.
- 10.74 Notwithstanding the above, careful consideration, mitigation and quality design will be required at reserved matters stage to ensure the harm does not increase to a substantial level.

- 10.75 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 10.76 The delivery of residential development, at a time of national crisis, is considered a substantial public benefit. The proposal will be secured with a full complement of S106 obligations, to benefit off the public and planning conditions are imposed to ensure high quality elements of the development are delivered. At outline other specifics are limited; other public benefits may become apparent at reserved matters stage.

Number 1 Woodsome Road

- 10.77 Progressing to 1 Woodsome Road, the following overview of the building's heritage value has been provided by K.C. Conservation and Design.

This former farmhouse was part of the Dartmouth Estate and therefore has historical associations with Woodsome Hall. It forms part of a group of historic buildings clustered around Woodsome Road Bridge including the former Woodsome Mill all of which appear to predate the mid-19th century. The 1845 Lepton tithe map and records included in the submitted heritage statement notes that the proposed development site (HS2 western part) was in the ownership of the Dartmouth Estate. It is also clear that the land was associated with 1 Woodsome Road, a former farmhouse (Figure 4 1845 – Lepton tithe map). Subsequently, the realignment of the Huddersfield Penistone Turnpike (Penistone Road) in the mid-19th century significantly altered the setting of the 1 Woodsome Road. Today that part of the former farmlands within the allocated housing site (HS2) still remains part of the setting of 1 Woodsome Road. Its open character, pastoral use and drystone boundary walls are important to that relationship. However, it retains a limited visual relationship due to an intervening tree belt. The historical relationship is not readily appreciable on the ground. That part of land to the west of Penistone Road, where the roundabout is proposed, contributes to its setting, the land now forming the private garden to the property is critical to its setting.

- 10.78 The proposal will not affect the historic fabric of 1 Woodsome Road, but will be visible within its setting, both alongside the building and from the building.
- 10.79 Any development of the western part of the housing allocation HS2 will also have an impact on the setting of 1 Woodsome Road, because of its historic functional association with the listed farmhouse. However, given the weaker present-day relationship between the housing allocation and the listed building this does not prevent development. Careful consideration of the boundary treatments and landscaping would be required to mitigate that impact.
- 10.80 As per the assessment on Woodsome Hall, officers acknowledge that the development will affect the heritage value of 1 Woodsome Road through introducing new development into a historically open part of its setting. However, given the presence of Pennistone Road, the level changes, and 1 Woodsome Road's screening which goes some way to isolate the site, officers are satisfied that the harm would be less substantial, subject to appropriate details being received at reserved matters stage. The public benefits identified in paragraph 10.76 are deemed to apply to the above.

The masterplan and the indicative roundabout

- 10.81 When initially submitted the proposal included the roundabout as part of the application. There was also no detailed masterplan. This led to concerns and objections from Historic England and K.C. Conservation and Design.
- 10.82 Since then, the masterplan has been developed and the roundabout removed, although it remains relevant to demonstrate feasible access.
- 10.83 First considering the roundabout, a full detailed assessment cannot be undertaken at this time. The details provided are to demonstrate that a form of access to the remainder of HS2 and HS3 (phases 3 and 4) is feasible, after phase 1 is developed. It has achieved this.
- 10.84 Giving due regard to the heritage value of the identified heritage assets, officers acknowledge the roundabout would likely affect their setting. Nonetheless, as low-level road infrastructure, seeking alterations to an existing road (albeit, ones that are expected to encroach into adjacent undeveloped land) it would not be unduly prominent or out of character.
- 10.85 As has been identified with the main proposal for residential development, there are considered no prohibitive reasons why the roundabout would cause substantial harm to the heritage assets. The harm is anticipated to be less than substantial. As has been detailed elsewhere in this report, the roundabout (or similar infrastructure) is necessary to deliver phases 3 and 4. As assessed within the Local Plan, Rowley Lane could not accommodate the additional traffic (beyond circa 150 units, with improvements). Furthermore, the roundabout would have the added benefit of improving traffic flows on Rowley Lane and Penistone Road. These public benefits are expected to outweigh the less than substantial harm envisioned.
- 10.86 The merits of the roundabout do not fall to be considered as part of this application, beyond being satisfied that it is a feasible method – subject to later detailed design – to provide access to phases 3 and 4. For the reasons given, the harm is anticipated to be less than substantial.
- 10.87 Considering the masterplan and the historic environment as a whole, additional heritage asset would be relevant. These are Castle Hill (scheduled ancient monument), Victoria Tower (Grade 2 Listed), and Crow Trees (Grade 2 Listed). The masterplan's impact upon 1 Woodsome Road would be contained to Phase 1, as assessed above. Later phases would however have the potential to affect Woodsome Hall, and therefore needs to be considered by the masterplan.
- 10.88 The allocation for HS3 requires that in order to safeguard the setting of the Grade II Listed Building known as Crow Trees, no development shall take place on the field/area marked as moderate significance in Councils HIA to the west of the public footpath that runs across the site. This has been adhered to.
- 10.89 Kirklees Council commissioned the Castle Hill Setting Study, which was completed in 2016. Neither site is identified in the Castle Hill Setting Study (2016) as significant to its setting. The document advises that development of this scale immediately adjacent to the major urban areas is unlikely to pose

and significant issues in relation to impacts on the setting and significance of Castle Hill. It would not affect identified key views to Castle Hill from its surrounding landscape. While further detail will need to be given at application stages for the potential impact on Castle Hill and Victoria Tower, for the purposes of the masterplan officers are satisfied there would be no intrinsic harm.

- 10.90 In regards to later phases and Woodsome Hall, officers refer back to the inspector's comments provided in paragraph 10.70. Nonetheless, in discussions with officers and heritage consultations, the masterplan includes a large area of open space within HS3 to allow for uninterrupted views to/from Woodsome Hall and a better understanding of the heritage asset, while maintaining visual connections with Lepton Great Wood. This would assist in preserving views out of Woodsome Hall towards open land and Lepton great Wood, identified to be of importance to its heritage value.

Archaeology

- 10.91 The site is within an area identified as having archaeological interest. An geophysical archaeological review has been undertaken and identified '*weak anomalies in the north-west of the field*' which may relate to the presence of historic settlement or animal husbandry. The remains of several field boundaries were also found.
- 10.92 The West Yorkshire Archaeological Advice Service (WYAAS) request that a trenching exercise be undertaken to formally identify whether such assets are present. While WYAAS advise this should be undertaken prior to determination, they advise that a condition would also be appropriate. As an Outline application with all matters reserved, officers are satisfied that a suitably worded condition based on the template provided by WYAAS, is in this case reasonable. The presence of archaeological features would not prohibit the development of the site; they'd either need to be excavated, or designed around. Such a condition is therefore recommended.

Heritage; Summary

- 10.93 The site is within a sensitive historic environment. While it is accepted the development will, inevitably, cause less than substantial harm to the identified heritage assets, subject to quality design at reserved matters stage this is not expected to develop to substantial harm. The public benefits of delivery housing at a time of need are considered to outweigh the identified less than substantial harm. The potential presence of archaeological features can be adequately addressed via the imposition of a suitably worded condition.
- 10.94 Regarding the masterplan and roundabout, these have likewise been considered. While subject to future, more detailed applications, there are considered no fundamental reasons why they would unduly harm the historic environment.
- 10.95 Giving due regard to Section 66 of Planning (Listed Buildings & Conservation Areas) Act 1990 and the general duty it introduces in respect of listed buildings, the requirements of Chapter 16 of the NPPF, and LP35 of the Kirklees Local Plan, officers are satisfied that the proposal complies with these policies and would not cause substantial harm to the historic environment.

Residential amenity and living standards

- 10.96 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.97 The principle of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties. While no indicative layout has been provided, given the size of the site, the existing terrain and layout of adjacent dwellings, there are no prohibitive reasons why an appropriate layout could not be achieved which would not harm the amenity of neighbouring residents in regards to overbearing, overshadowing, or overlooking.
- 10.98 In terms of noise generated by the development, although residential development would introduce (or increase) activity and movements to and from the site, given the quantum of development proposed, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.
- 10.99 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.100 Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.
- 10.101 Most matters pertaining to the amenity of future occupiers, such as dwelling size and separation distances for dwellings, fall under consideration at Reserved Matters stage. Again however, there are no prohibitive reasons to consider appropriate details could not be submitted.
- 10.102 Noise pollution of nearby sites and Penistone Road may however be considered at outline stage.
- 10.103 First considering Penistone Road, K.C. Environmental Health have reviewed the applicant's noise report. It considers that Penistone Road (and the new road expected to provide access to phases 3 and 4) would result in noise pollution which would harm the amenity of dwellings facing the road. Therefore, it makes recommendations for noise attenuation via window specifications which would be acceptable to Environmental Health. However, given the final plot locations are unknown, and the submitted details are hypothetical at this time, K.C. Environmental Health advise that an up-to-date noise impact assessment be provided with the Reserved Matter of layout and/or appearance. This is to enable a fully detailed assessment of which of the proposed plots require noise attenuation and to what level (along with appropriate alternative ventilation).

- 10.104 Concerns have been raised by the adjacent engineering business Reliance Precision over the impact new dwellings in close proximity to their site may have. They raise concerns that it would put unreasonable pressure on their operation, by putting receptors who are sensitive to noise too close. The applicant's initial noise report considered the noise impact from Reliance Precision to be 'low significance'. Reliance Precision also raise concerns over the affect of vibration from the new road on their operation; as a precision engineering firm, vibration from passing traffic may affect their work.
- 10.105 Reliance Precision commissioned a noise assessment to refute that provided by the applicant. This document explains that the hours of operation are 05:30-22:45 Monday to Thursday, and 05:30-16:15 on Friday's, with occasionally weekend overtime, but that they have permission to operate 24/7. They contend that a noise attenuating bund, within the application site, is necessary to provide sufficient mitigation to noise and vibration.
- 10.106 Reliance Precision's assessment has been commented on by the applicant in turn, with K.C. Environmental Health reviewing each assessment when making their final comments. On review of all submissions, K.C. Environmental Health offer no objection and are satisfied the issues identified may be addressed via condition and/or reserved matters stage.
- 10.107 In summary, the daytime noise generated by Reliance Precision may be adequately mitigated through noise mitigation in the form of acoustic glazing. A bund is not deemed necessary. However, given the development's layout is not set, it is considered reasonable to condition a further Noise Impact Assessment be undertaken at reserved matters stage (layout and appearance) which undertakes an up-to-date noise assessment, identifies the exact plots which require mitigation, and specifies the exact mitigation.
- 10.108 The Reliance Precision report considers the impact of noise pollution at night, should they begin to operate 24/7, and it is concluded to be potentially significant. Conversely the applicant contends that appropriate, higher specification, mitigation would result in the harm being adequately addressed.
- 10.109 While it is acknowledged that Reliance Precision has no planning conditions preventing its 24hour operation, the submitted report identifies that 24hour operation would detrimentally affect existing residents adjacent to the site, regardless of the new development. Should Reliance Precision consider moving to a 24hr operation, this would mean looking at their operations and/or new noise mitigation to minimise any noise. They would need to consider mitigation measures referred to in the Nova Acoustics report and employ Best Practicable Means at all times to ensure they are operating in such a way so as not to cause a nuisance to any neighbouring properties.
- 10.110 Notwithstanding the above, as detailed officers are satisfied that appropriate acoustic mitigation may be installed. Again, this would be subject to review and full technical details being provided at application stage.
- 10.111 On the matter of vibration, the proposed development is not expected to materially increase traffic on Penistone Road and as a result would not perceptibly increase noise or vibrations from the road. The indicative new road running along the north of Reliance Precision's boundary, which would provide access into Phases 3 and 4. This would not be a through route, and would not typically accommodate HGVs / larger vehicles on a daily basis as

Penistone Rod does, nor host a comparable level of traffic. Given this, the road is not expected to produce an unreasonable level of noise / vibration which would unduly affect the operations of Reliance Precision.

- 10.113 Ultimately the road in question does not form part of this permission. The matter of vibration may be considered further when such an application is received, however, notwithstanding the concerns raised, there are considered no prohibitive issue that would prevent the road being implemented.
- 10.114 Concluding on the above, while an outline application with all matters reserved, officers are satisfied that in principle the development of the site would not cause harm to the amenity of neighbouring residents, and no prohibitive issues, including noise, would prevent residents having an acceptable standard of amenity. Ultimately this will need to be considered in more detail when relevant information is provided at reserved matters stage. Nonetheless, for the purposes of an outline application, officers are satisfied that the proposal complies with LP24 and LP52 of the Kirklees Local Plan.

Drainage

- 10.115 The site is within Flood Zone 1, and is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) and Drainage Management Strategy was submitted by the applicant.
- 10.116 Considering flood risk, being within Flood Zone 1, the site is not at notable risk of river flooding. No other pre-existing sources of flooding are identified.
- 10.117 Turning to surface water drainage, a detailed strategy has not been provided, given the relevant elements are reserved matters (layout). Nonetheless, for this stage of the development due regard has been given to feasible discharge points, following the drainage hierarchy. Because of ground conditions and the topography, infiltration has been discounted. For watercourse discharge, a discharge into Fenay Beck is considered feasible and is to be explored as the design is developed. Alternatively, if discharge to a watercourse is found to be unfeasible, a gravity fed connection into pre-existing public sewers adjacent to the site would be feasible.
- 10.118 Indicative details of attenuation design / size and discharge rate have been provided. Given the lack of full details, these cannot be agreed at this time and there are concerns over that suggested. Nonetheless, the LLFA and officers are satisfied that appropriate details may be provided at Reserved Matters stage, following the applicant undertaking full consultation with the LLFA and Yorkshire Water in drafting their full design of the site's surface water drainage strategy.
- 10.119 Yorkshire Water have identified public water pipes / sewers in Rowley Lane and Penistone Road. They have requested that a condition imposing an easement over these, unless they are adequately diverted, is imposed. In the interest of protecting these assets, this is considered reasonable.

- 10.120 The maintenance and management of the surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. While the details of the design have not been submitted, as a matter of principle it is considered necessary to secure management and maintenance at this stage. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.
- 10.121 It is not considered necessary to pursue further, detailed information regarding drainage and flood risk at this outline stage, given that a proposed site layout, and details of the number of residential units (and their locations in relation to potential sources and mitigation of flood risk) would not be fixed. A detailed drainage scheme would be required at Reserved Matters stage, as would details of flooding routes, permeable surfaces, rainwater harvesting, water butts, and rainwater gardens and ponds. In accordance with LLFA advice, conditions to secure these details are recommended. Subject to the recommended conditions, there are deemed no prohibitive reasons why the proposal could not comply with Policies LP27 and LP28 of the Kirklees Local Plan.

Planning obligations

- 10.123 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.
- 10.124 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.
- 10.125 As an outline application, with all matters (bar access) reserved with no definitive numbers (up to 75), definitive planning obligations (i.e., the exact financial value) that are depending upon final housing numbers cannot be secured within a S106 at this time. However, parameters may be established within the S106, as follows:

Affordable Housing: 20% of units (15 at 75 units). Across the district Kirklees works on a split of 55% social or affordable rent to 45% intermediate housing (of which 25% shall be First Homes). 8 units would therefore be social or affordable rent, 7 would be intermediate (4 of which would be First Homes).

Education: Financial contribution to be calculated with reference to number of units proposed at Reserved Matters stage, unit sizes and projected pupil numbers.

Public Open Space: Financial contribution towards off-site provision, to be calculated with reference to details proposed at Reserved Matters stage.

Ecological Net Gain: Contribution towards off-site measures to achieve biodiversity net gain, to be calculated with reference to details proposed at Reserved Matters stage and opportunities for on-site and near-site compensation.

Roundabout contribution and delivery: £285,000, as detailed within paragraphs 10.19.

Sustainable travel: £10,000 towards improving a local bus stop with Real Time Information, plus metro cards based on the number of dwellings.

Travel Plan monitoring: £10,000 (£2,000 x 5 years), as detailed within paragraphs 10.50

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

- 10.126 In accordance with local and national policy, these contributions are deemed necessary to make the development acceptable in planning terms, directly related to, and fairly and reasonably related in scale and kind to the development. The contributions therefore conform to guidance within the Framework.

Other Matters

Air quality

- 10.127 The application is supported by an Air Quality Impact Assessment (AQIA). This has been reviewed in accordance with West Yorkshire Low Emission Strategy (WYLES) Planning Guidance.
- 10.128 The site is not within an Air Quality Management Area. Furthermore, the scale of the development is not deemed sufficient to cause harm to air quality in the area.
- 10.129 The site is located adjacent to the busy A629 Penistone Road which has an annual average daily traffic (AADT) > 10,000. Therefore, although the development may not in itself add to the existing poor air quality problems in that area, it may introduce vulnerable receptors to existing levels of poor air quality, exposing them to the risk of harm to health. However, during the course of the application and through the submission of the masterplan, it is now clear that new units would not be sited close to the A269. At its closest, the amended red-line is 25m away from the road side; dwellings are highly unlikely to be built right up to the red-line and therefore the minimum distance would be even greater. Considering these separation distances and the guidance within the WYLES, officers are satisfied that the risk of exposure to harmful pollutant levels of any future residents will be minimised.

- 10.130 The AQIA also considers the air quality impact during the construction phase, principally regarding dust generated by construction. The report concludes that the dust impact during the construction phase is considered not to be significant, in accordance with relevant guidance, which has been confirmed by K.C. Environmental Health. However, it recommends that this can be further controlled by the implementation of good mitigation measures as detailed in Appendix E: Dust Assessment Mitigation. The implementation of these measures may be secured via condition.
- 10.131 Notwithstanding the above, in accordance with Policies LP5, LP24 and LP51, all new developments are expected to be served by Electric Vehicle Charging Points. A condition, requiring 1 per dwelling, is recommended.
- 10.132 Subject to the given condition, officers are satisfied that the proposal would not harm local air quality, nor would residents suffer from existing poor air quality.

Contamination, including Coal Legacy

- 10.133 In accordance with LP53, as a major residential development consideration of ground contamination is required. A phase 1 (desktop) contaminated land report has been provided with the application which identifies a potential contamination issue from neighbouring land. The phase 1 report then makes recommendations for investigations; these are not accepted, as they lack sufficient ground gas monitoring. Therefore, notwithstanding the submitted details, a new phase 1 report, is necessary. However, this, any additionally required ground contamination reports, may be appropriately secured via pre-commencing condition.
- 10.134 The site falls within the Coal Authorities High Coal Risk zone. As such, the application is supported by a Coal Mining Risk Assessment, which the CA have reviewed. The report details investigation work undertaken. The CA accept the conclusion, that nearby seams '*lie at sufficient depth so as not to pose a risk to surface stability*'. They offer no objection to the proposal, with no conditions deemed necessary.
- 10.135 Subject to the recommended conditions relating to ground investigation (and any necessary remediation), officers are satisfied that the proposed development complies with the aims and objectives of Policy LP53.

Ecology

- 10.136 The application is supported by a Preliminary Ecological Assessment (PEA), which provides an overview of the site's ecological characteristics. The application site is greenfield land, predominantly consisting of semi-improved grassland with areas of trees and shrubs exist along the site's edges. The site has been identified as having some areas of low ecological value, and some areas of moderate ecological value.

- 10.137 The PEA considers the development's impact upon local species. Of note, the bat survey identifies a bat day-roost (Common pipistrelle) within the stand-alone mature oak tree sited within the east of the site (not along the site boundary). It is unknown at this stage whether the tree would be removed as part of the Reserved Matters. As a day-roost for Common pipistrelles, the removal of the roost would not have a substantial effect on local ecology or the bat population, however appropriate mitigation would be needed. The applicant would also need to apply to Natural England for a roost removal licence, however this is a wholly separate process to the planning system. The tree in question an attractive feature of the site, and its retention is an aspiration for the Reserved Matters stage, but could lead to substantial design issues. It is recommended that a condition be imposed for the Reserved Matters (of layout and landscaping) to include an up-to-date bat survey to determine if the roost is still active. Depending on the outcome of that (and whether the tree is to be removed), appropriate mitigation may then also need to be secured via condition.
- 10.138 The impact of the proposal upon other local and protected species have been considered and found to be acceptable. The removal of the northern boundary tree line is noted. While it provides foraging opportunities, given its location next to the highway and the narrowness of the area, its ecological value is limited and the loss may be appropriately mitigated at Reserved Matters Stage. Nonetheless, officers consider it reasonable to condition an up-to-date survey of the area be provided at Reserved Matters stage, to ensure due regard is given to protected species. Reserved Matters may be received up to 3 years after an Outline is granted, so this approach is considered a reasonable precaution. The loss of the tree belt (and other habitat on site) will need to be mitigated via on-site provision, detailed below.
- 10.139 The application is supported by a baseline net gain calculation. As an outline, with all pertinent matters resolved (layout and landscaping), complete net gain calculations which show how a 10% improvement would be secured on site (or nearby) cannot be undertaken. However, the site's baseline establishes a starting point and identifies no prohibitive reason why future net gain cannot be secured. A condition is recommended requiring the Reserved Matters (of layout and landscape) to demonstrate how a 10% ecological net gain would be secured on site, alongside the submission of an Ecological Design Strategy to demonstrate how on-site provisions will be provided. The net-gain requirement will also be secured within the S106, given that it may include a future financial element if full 10% on-site / site adjacent enhancements cannot be secured.
- 10.140 There are potential ecological impacts on protected species resulting from construction and development of the site. These temporary impacts should be addressed via the production of a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity). This may be secured via condition.
- 10.141 No invasive plant species were identified within the survey work undertaken.
- 10.142 It is considered possible to develop the site for residential use while providing the required biodiversity net gain, in accordance with relevant local and national policy, including Local Plan policy LP30 and chapter 15 of the NPPF.

Representations

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

General

- The education contribution has not taken into cumulative development in the area, and has applied 'vacant' spaces twice.
- Local schools are over prescribed and cannot accommodate additional students.

Response: This was noted and the contribution re-calculated. However, as the numbers are not set, this calculation is for indicative purposes only.

- Historical maps show a footpath crossing the site. This must be protected.

Response: The footpath in question is not a recorded Public Right of Way and appears to not have been in place for several decades. The site will maintain pedestrian connectivity across the site.

- Concerns that the new dwellings will not adhere to the National Described Space Standards.

Response: This will form a consideration of Reserved Matters.

- The Council has failed to demonstrate there is demand in Lepton for dwellings and that they can only be provided within the area. These houses can be provided elsewhere. The Local Plan is based on out of dated figures; using the latest data / assessment measure the districts need would be 6% lower. The Local Plan should be re-reviewed.
- Development should be focused on brownfield sites, not greenfield.

Response: The site is a housing allocation within the Local Plan. The Local Plan went through due process, including review by the inspectorate and was found to be sound. National policies do not establish a preference of brownfield over greenfield.

- The masterplan is inadequate and fails to comply with Policy LP5 and main modifications 43 and 46. Furthermore, the applicant has not adequately involved local residents in their consultation, citing that the applicant's engagement only included 0.58% of Lepton.

Response: Following amendments officers consider the Masterplan to be in accordance with LP5 and the Local Plan. The exact amount of residents notified of the masterplan is unknown, but engagement has been ongoing for some time and that undertaken is deemed sufficient.

- Concerns to what extent the submitted masterplan will be applied to HS3 and its separate landowner.

Response: The masterplan has been drafted jointly by the landowners and is applicable to both allocations.

- The applicant's Air Quality Assessment is wrong, and understates traffic by 100%. The report comments that the AADT is 10,000+ while it is commented to actually be 24,000+
- The area exceeds World Health Organisation triggers on air pollution, which the proposal would exacerbate, particularly on Penistone Road and Rowley Lane, near the school.

Response: The submitted AQIA has been reviewed by the Council's Environmental Health and assessed in accordance with relevant policy and guidance, which concluded it to be acceptable.

- Questions over the climate credentials of the new buildings, such as the level of insulation, glazing, whether they'll include solar panels or EVCP. The developer should exceed the legal minimum.
- Housing must be built to be carbon neutral and use renewable energy.

Response: These are matters for the reserved matters application, although it should be noted that officers cannot insist in exceeding the legal minimum.

- The area has insufficient amenities and services, such as doctors' surgeries or dentists.

Response: There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. With regard to schools, an education financial contribution is to be at outline secured.

- The roundabout will harm the amenity of residents at 1 Woodsome Road through noise and light, and may affect the stability of its construction. The dwelling and others along Woodsome Road are also susceptible to flooding, which would be worsened.

Response: The roundabout does not form part of this application; however, it is indicatively shown for master planning purposes. Nonetheless, there are considered no prohibitive reasons why it would cause undue harm to residents' amenity.

- The development will lead to light pollution from street lights, houses, and cars.

Response: the level of light pollution from residential properties is not expected to cause material harm to the amenity of neighbouring residents.

Due regard to light pollution on ecology will be required at reserved matters stage.

- The site is Green Belt and not should be built upon.

Response: This application is a housing allocation. The indicative roundabout is expected to encroach into Green Belt land. This will be considered in full at that time, however Green Belt policy allows for engineering operations which do not harm openness and/or which demonstrate very special circumstances.

- The development will prejudice Human Rights, including the right to ensure a peaceful enjoyment of life and possessions, and the respect for private family life.

Response: Officers do not consider the development to breach the Human Rights of nearby residents. Further material aspects, such as distance and window locations, will be considered at reserved matters stage.

Design

- Lepton has insufficient green space, which the proposal would even further dramatically reduce.
- The development will inevitably take the form of ribbon development. The development will urbanise an otherwise rural area.

Response: it is acknowledged that the development will dramatically change the character of the site, from open greenfield to developed land. However, it is surrounded by development on three sides and its removal would not unduly prejudice local green infrastructure. As it would not front the road, it would not be typical ribbon development.

Highways

- The masterplan includes a pedestrian route which is not a PROW and is closed to the public. This leads to Beldon Brook Green which is an unadopted single track road with no footpath or street lighting; it will be damaged by additional footfall.

Response: This relates to later phases of the development. This level of detail will be considered as part of the applications for the later phases, and is beyond the scope of this application.

- Kirklees Highways have calculated the development will generate 45 two-way movements am and 41 two-way movements in the pm. This is disputed. Based on census data and car ownership for the area, 75 dwellings are expected to result in 105 vehicles and a trip factor of 0.8 gives 84 vehicle movements – double what Highways DM consider. This needs to be considered cumulative with the traffic from Phases 3 and 4 (anticipated at 670 movements), and existing movements on Rowley Lane (anticipated at over 4000 movements), all of which will go through the proposed roundabout. The development fails to consider cumulative impacts of later phases.

Response: Kirklees Council's approach follows the standard approach using TRICS vehicle movements, i.e., number of units x use class trip factor. The author of the above comment appears to have applied the trip factor to anticipated number of vehicles (i.e., a three-bed having two cars). That is not the standard approach.

- The speed limit on Penistone Road should be lowered to improve safety.

Response: The application has been assessed based on the 40mph speed and found to be acceptable.

- Traffic accidents on Penistone Road are much worse than recorded within the applicant's Transport Assessment, which underplays the impacts.
- Penistone is subject to many road traffic accidents, which the proposal will exacerbate. The proposed mitigation measures will not address this, and may make it worse.

Response: Traffic accidents within the applicant's report are based on available public data. The proposed improvements to Rowley Lane / Penistone Road is to improve traffic efficiency. While the proposal will add more traffic, the proposal would not exacerbate an identified risk factor.

- The roundabout should be provided as part of phase 1, not later phases.

Response: Such a request would go beyond what is reasonable and necessary for this phase of development.

- Concerns that the development does not include a footpath along the right-hand side of Rowley Lane up towards Lepton Village.

Response: Such a footpath is included along the frontage of the site. Beyond the site, further east along Rowley Lane, is outside of the applicant's control and unfeasible to be delivered.

- Access to HS3 via Hermitage Park is not acceptable, it's too much traffic and will affect existing residents' quality of life.

Response: This does not form part of the application, but is shown within the masterplan. With regards to the acceptance of 80 dwellings served off Hermitage Park, it should be noted that some form of development (circa 50 new dwellings) to be served from Hermitage Park came from an assessment of the current standard of the estate roads, which was made at the Local Plan stage. Whilst Hermitage Park does serve existing residential development, it does not conform to current highway design standards contained within the councils Highway Design SPD. Therefore, from an operational and amenity perspective, it was considered desirable to limit the amount of traffic that would use this road, with the bulk of the development served from the new roundabout access, which will provide better quality access arrangements that are in full accordance with current standards. It is also noted that the applicant proposed circa 150-200 dwellings initially at the Local Plan Stage, but following further negotiations, HDM have arrived at an agreed number of a

maximum of 80 dwellings being acceptable without their being a severe impact on highway safety and amenity caused by the development. However, this is subject to the improvements to the junction of Hermitage Park referred to further down in this consultation response, which will help to mitigate the impact of the additional development traffic utilising Hermitage Park.

- The roundabout will make access into adjacent properties, including business on the road, much more difficult and dangerous. It is also too close to Woodsome Road and will make access into the road difficult.

Response: The roundabout does not form part of this application, but is shown for indicative purposes. It will be fully assessed at phase 3. Nonetheless, based on the details held and review from officers and Highways, officers see no cause for concern and it is unclear how it would harm the access arrangements noted.

Flood risk and drainage

- The development of HS2 and HS3 will increase runoff into Beldon Brook Green, which does not have highways drainage infrastructure. Neither the flood risk assessment nor any other documents prepared by the developer appear to address what system will be implemented to replace and support any reduction gained from the existing greenfields natural flood management system. Developing these sites will lead to runoff and flooding on Beldon Brook Green.

Response: Beldon Brook Green is above the current application site, with the above concern relating to later phases. Therefore, it is beyond the scope of this application and, being a technical detail, beyond the masterplan too. Fundamentally however, the site's surface water drainage strategy would be designed to prevent this.

- Drains in the area are at capacity and cannot cope with more water. Sewers flow into Fenay Beck and pollute the surrounding land, which will be exacerbated. Yorkshire Water have raised issues with their pipes to residents.
- SUDs systems gather stagnant water, leading to flies and danger to children.

Response: above ground SUDS systems gather excessive water during flood events, and discharge is slowly. If water is pooling, an issue has occurred, but this should be addressed via suitable management and maintenance details. Such features are typically only full during, or just after, intense rainfall events.

- No details of foul sewerage have been provided.

Response: This is not unusual for an outline application.

- The Lead Local Flood Authority objected to application 2020/90725, but not the current proposal. This is inconsistent.

Response: Application 2020/90725 was a full application, where greater details of drainage were required. While the LLFA objected initially, their concerns were overcome.

- The development will lead to flooding from Fenay Beck to properties along its bank.
- Flood risk in the area has increased in recent years, including the fields at Fenay Beck.

Response: Discharge rates will be limited to greenfield discharge rates (5l/s per ha), unless a greater value is justified, via attenuation systems. This will lower the rate of water into Fenay Beck to the same as the existing greenfield rate.

10.144 Comments from the parish Council have been adequately addressed elsewhere. Outstanding comments from Cllr Munro are as follows:

- The masterplan that has been submitted is inadequate and is not joint up between land owners, contrary to the main modification imposed by the inspector.

Response: The initial masterplan was found to be lacking, but has been substantially enhanced to address the concerns raised.

- No additional water should enter Fenay Beck – this was discussed and agreed with the Environment Agency, as it'll lead to more flooding. Yorkshire Water commented they cannot accept more surface water from the site.

Response: Yorkshire Water were consulted on the application and offer no objection; they raise no such comment. The Environment Agency are not a statutory consultee. The discharge point will be fully assessed at reserved matters stage.

- There are no safe crossing places on Rowley Lane.

Response: A dropped crossing is incorporated into the new footway design.

11.0 CONCLUSION

11.1 The application site is allocated for housing in the Local Plan, and the principle of residential development at this site is considered acceptable. Seeking 'up to 75 units' in outline form, with definitive numbers to be detailed at reserved matters stage, the proposal is considered an effective and efficient use of the housing allocation. It would subdivide a larger housing allocation; however, the application has demonstrated it would not prejudice the remainder of the allocation coming forward. In fact, the submission includes a Masterplan for the wider HS2 and HS3 development which has satisfactorily demonstrated appropriate design consideration and parameters for the future development of the whole site.

11.2 Access is a material consideration; adequate access to the site from Rowley Lane has been demonstrated, along with necessary improvements to the Rowley Lane / Penistone Road junction to support the development's traffic generation.

- 11.3 The site has constraints in the form of adjacent development, topography, drainage, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or will be addressed at Reserved Matters stage or via conditions and the S106 Legal Agreement.
- 11.4 Considering the local impact, the proposal is outline with all matters reserved but access. Based on the provided details, there are considered no prohibitive reasons why an acceptable subsequent application for the reserved matters of landscape, scale, appearance and layout, based on the indicative details provided, may not be provided.
- 11.5 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken constitute the Government's view of what sustainable development means in practice. As detailed in this report, the application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out, it is considered to accord with the development plan when considered as a whole, having regard to material planning considerations. The proposal would therefore constitute sustainable development and accordingly, it is recommended for approval.

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

1. Standard OL condition (submission of Reserved Matters)
2. Standard OL condition (implementation of Reserved Matters)
3. Standard OL condition (Reserved Matters submission time limit)
4. Standard OL condition (Reserved Matters implementation time limit)
5. Full technical details of the proposed access to be submitted, approved and implemented
6. Full technical details of the proposed footway along the southside of Rowley Lane to be submitted, approved and implemented
7. Full technical details of the proposed highway improvements to the Rowley Lane / Penistone Road junction to be submitted, approved and implemented
8. Full technical details of internal road to adoptable standard to be submitted, approved and implemented
9. Structural details provided for retaining walls adjacent to the highway
10. Archaeology investigation works to be undertaken and details of how the findings have informed the design, to be submitted with layout and/or landscape
11. Contaminated land investigation and appropriate remediation pre-commencement conditions
12. Full drainage scheme to be provided prior to commencement
13. Overland flow routing plan to be provided prior to commencement
14. Temporary surface water drainage plan to be provided prior to commencement
15. Noise mitigation measures to be submitted with layout and/or appearance
16. Details of secure cycling to be provided at layout
17. Construction Environmental Management Plan
18. Construction Environmental Management Plan: Ecology
19. Construction Management Plan

20. EV Charging Points to be provided
21. Arboricultural Survey, Impact and Methodology assessments to be submitted with layout and/or landscape
22. Ecological Impact Assessment, to include 10% net gain, to be submitted with layout and/or landscape
23. Repeat Ecological Surveys for the stand-alone tree and north boundary to be submitted with layout and/or landscape
24. Fully detailed Travel Plan to be provided
25. Public sewer easement

Background Papers

Application and history files

Available at:

[link to planning application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92307>

Certificate of Ownership

Certificate B signed.