
Report of the Head of Planning and Development**STRATEGIC PLANNING COMMITTEE****Date: 31-Mar-2021****Subject: Planning Application 2020/93358 Erection of 52 dwellings Land east of, Abbey Road, Shepley, Huddersfield, HD8 8FG****APPLICANT**Stewart Brown, Yorkshire
Country Properties**DATE VALID**

16-Oct-2020

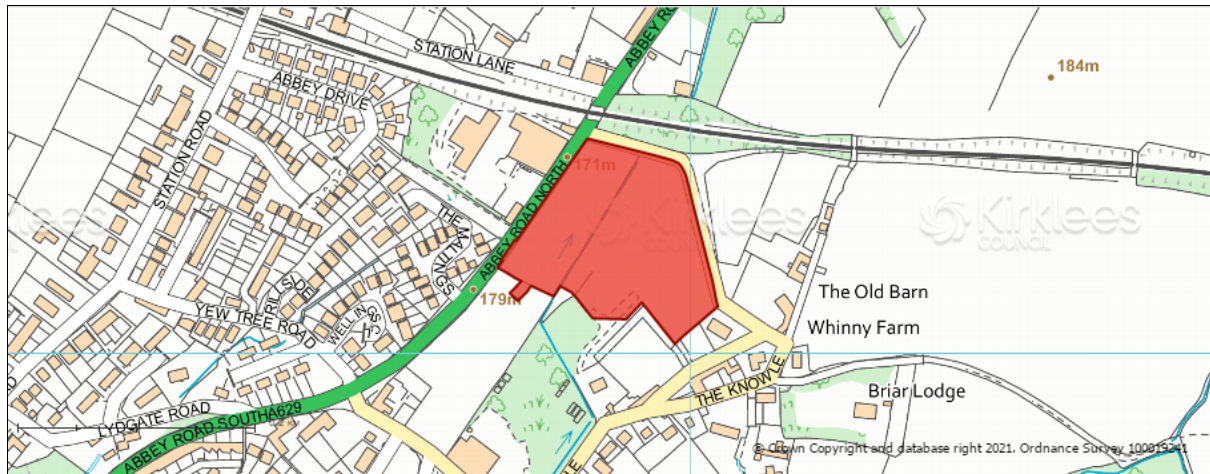
TARGET DATE

15-Jan-2021

EXTENSION EXPIRY DATE

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Kirkburton

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 secure minor amendments to the layout for Highway adoption requirements, complete the list of conditions including those contained within this report and to secure a Section 106 agreement (giving due consideration to the planning obligations secured within the Section 106 Agreement for planning application reference: 2019/91569) to cover the following matters:

- 1) Affordable housing – 10 affordable dwelling houses of which 5 dwelling houses (1-bed) would be starter homes, 2 dwelling houses (2-bed) would be discounted sale and 3 dwelling houses (1-bed) would be for social/affordable rent.
- 2) Education – £64,537 towards Kirkburton Middle School.
- 3) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £35,240.92 financial contribution, and £10,000 towards Travel Plan monitoring.
- 4) Open space – £62,073 contribution towards off-site provision.
- 5) Biodiversity – £43,400 contribution towards off-site measures to achieve biodiversity net gain.
- 6) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- 7) Adjacent land – Agreement to allow vehicular connection to the adjacent land (within allocated site HS203) without unreasonable hindrance.

In the circumstances where the Section 106 agreement has not been completed within three 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 mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission, for a residential development of 52 dwellings.
- 1.2 The application would normally have been presented to the Heavy Woollen Sub-Committee as the site is larger than 0.5 hectares in size but under the 60 dwellings threshold. However, the planning application site forms part of Phase 2 of a housing site allocation (Reference: HS203) and Phase 1 (Reference: 2019/91569) of this site allocation was presented to the Strategic Planning Committee on 24th June 2020. Therefore, for consistency, it has

been decided that this planning application should also be determined at Strategic Planning Committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is located to the east of Abbey Road North (the A629) and to the south of the Penistone railway line. The site has a street frontage to The Knowle to the north and abuts the curtilages of existing residential properties also found on the Knowle to the south. To the south-west is a former agricultural field that has recently been approved for 31 dwelling houses (also known as Phase 1) (Reference: 2019/91569). Further afield, there is a partly-wooded area associated with Eastfield Mills site (currently in employment use) and to the north west there is an employment site used by CTS Bridges.
- 2.2 The application site is irregular in shape and measures 1.91 hectares. It consists of two medium-large agricultural fields and predominantly grassland, denoted by dry stone walls and post/wire fencing. Upon visiting the site, it appeared that it was presently being used for growing of Christmas trees. In the central and eastern areas of the site are several small outbuildings and a concrete floor slab to a former building. A single greenhouse is also located in the south east of the site.
- 2.3 The site slopes from south to north at a grade of approximately 1 in 9, from a high point of 183.75m AOD in the south eastern corner towards a low point of 168.80m AOD in the central northern area.
- 2.4 The site is not within a conservation area and there are no designated heritage assets within or adjacent to the site. The nearest listed building is a 19th century milestone close to the junction of Abbey Road South and Lydgate Road, which is Grade II listed.
- 2.5 There are no significant or TPO-protected trees within the application site, however protected trees can be found in the immediate vicinity to the north of The Knowle and to the south. A Bat Alert and Twite buffer zones cover most of the site. All of the site is within an SSSI Impact Risk Zone.
- 2.6 The western field is within a Development Low Risk Area as defined by the Coal Authority, whilst the eastern field is within a Development High Risk Area. The 250m buffer zone of a historic landfill site (north of The Knowle) covers all of the site.
- 2.7 No public rights of way cross the application site.
- 2.8 Overhead electricity lines start in the north west and head eastwards adjacent the northern boundary. A second set of overhead electricity lines start adjacent the western boundary and head southwards.
- 2.9 A watercourse dissects the site, following the line of a stone wall that divides the two fields and exits the site to the north beneath Knowle Road before being culverted beneath the railway embankment.
- 2.10 The application site is part of a larger site allocated for housing development in the Local Plan (Reference: HS203). The adjacent Eastfield Mills site is also allocated for residential development (site allocation HS197).

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of 52 dwellings.
- 3.2 A single vehicular access to the site is proposed off Abbey Road North, from which a new estate road would extend north-eastwards. The proposed access would eventually be the main access point for the recently approved housing development to the south west. The proposed estate road consists of a hierarchy of streets, with a standard carriageway design with two footways at the site access, which would in turn connect to streets defined by shared principles, some of which connect to private driveways. Footpath links are proposed to the north west and south east corners with Abbey Road North and the Knowle, respectively.
- 3.3 Dwellings would be arranged around the new estate road. There are 10 one-bedroom terrace, 1 two-bedroom bungalow, 13 three-bedroom semi-detached/terrace, 8 three-bedroom detached, 16 four-bedroom detached and 4 five-bedroom detached dwelling houses. Majority of the proposed dwelling houses are two storeys in height (some with attic rooms). To the south eastern corner of the site 7 two/three storey split level dwelling units are proposed. Pitched roofs, gables, quoin and kneeler detailing, chimneys and other features are proposed.
- 3.4 In relation to affordable housing, the applicant has proposed 10 affordable dwelling houses. These would comprise of eight 1-bed dwellings and two 2-bed dwellings located between the site's frontage with Abbey Road and adjacent to the watercourse.
- 3.5 All dwellings would have off-street parking, provided in driveways and garages. The site layout shows how 13 visitor parking spaces would be able to be accommodated within either designated bays and within the carriageway.
- 3.6 Publicly-accessible open spaces are proposed between the site entrance and Phase 1, along the proposed un-culverted watercourse, as well as to the north of the site at The Knowle - Abbey Road intersection.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 For this particular application site:

2010/92063 - Application for planning permission for erection of an agricultural Polytunnel (retrospective application). Conditional Full Permission (15/10/2010)

98/90858 - Outline Application For The Erection Of Extension And Formation Of Site Access. Withdrawn (02/06/1998)

97/91773 - Outline Application For Erection Of Extension And Formation Of Site Access. Withdrawn (10/7/1997)

4.2 For the neighbouring site to the south (Phase 1):

2020/93577 - Discharge of conditions 3 (Construction (Environmental) Management Plan), 5 (internal adoptable road and widened footway) and 11 (Arboricultural Method Statement and Tree Protection Plan) of previous permission ref: 2019/91569 for erection of 31 dwellings. Pending Consideration.

2020/94396 - Discharge of conditions 9 (electric vehicle charging), 10 (waste storage and collection), 12 (drainage scheme), 14 (remediation strategy), 17 (sound insulation), 18 (crime prevention) and 19 (external materials) of previous permission 2019/91569 for erection of 31 dwellings. Pending Consideration.

2020/94398 - Discharge of condition 24 (biodiversity net gain) of previous permission 2019/91569 for erection of 31 dwellings. Pending Consideration.

2021/90188 - Non material amendment to previous permission 2019/91569 for erection of 31 dwellings. Pending Consideration.

2021/90204 - Non material amendment to previous permission 2019/91569 for erection of 31 dwellings. Pending Consideration.

2019/91569 - Erection of 31 dwellings. Section 106 Full Permission (30/09/2020)

4.3 There is a number of minor planning applications and certificate of lawfulness made on land to the south west of the site. However, none are considered relevant for this particular planning application.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 The applicant requested pre application advice on 22nd July 2020 (Reference: 2020/20323). Advice was provided by email correspondence in July 2020. In summary the following key points were raised:

- Consultation - Ward Members should be involved in pre-application discussions.
- Masterplanning - Any masterplan should have buy-in from all parties. Depending on the nature of the deals you have with landowners, those parties may need to be involved in discussions.
- Highways - The emerging proposals would benefit from early input on Highways Section 38 matters from relevant colleagues, and options for through-routes, arrangements for punching a vehicular connection through the north end of the current application site, re-provision of any on-street visitor parking displaced by this connection, and other matters. Highways Development Management have provided the following comments:
 - Visitor parking should be demonstrated to total 21 spaces over the site.
 - Inter-visibility should be shown around the bends, particularly in front of 53 and 62.
 - Swept-path analysis of a car and a refuse vehicle freely passing around the same bends should be provided. Localised widening may be required if this is not currently achievable.

- Affordable housing provision – Reference to paragraph 10.49 of committee report for Phase 1 (Reference: 2019/91569), which notes that a wider range of affordable housing tenures will be required for the larger part of the allocated site. Whilst there is a place for starter homes in the borough's southern villages, there is also a need for social/affordable rent homes, and major developments are expected to include these tenures within their affordable housing provisions.
- Section 106 matters, particularly in relation to how contributions would be apportioned across the permissions.
- Drainage matters – Technical input from the Lead Local Flood Authority would be helpful.
- Open space provision across the site – Depending on the number of units proposed, requirements for specific types of on-site playspace may be triggered.
- Biodiversity matters – Requirements for biodiversity net gains now apply, and every effort should be made to achieve this on-site (and compensatory measures designed into a scheme) before off-site provision or contributions can be considered.
- Local public consultation at pre-application stage – Although this is not mandatory, it is strongly encouraged, particularly for major developments of this scale. Cllr John Taylor has previously mentioned that the village magazine could be used to publicise work on a masterplan, and that a public meeting would be useful.
- Nationally Described Space Standards – In phase II, all units should be compliant (The Starter Homes in the 31-unit scheme were undersized, which is unlikely to be considered acceptable in future proposals).

5.2 The submitted Design and Access Statement, explains that in August 2020 the applicant provided local residents with a mailshot containing a letter of introduction and explanation of proposals for part of the allocated site. This included a satellite image with a red line boundary identifying the parcel of land under consideration, and an early sketched scheme. The letter provided contact details for the applicant. Details of responses from local residents have not been summarised in the application submission.

5.3 During the life of the current application, the applicant has held numerous virtual meetings with officers to discuss masterplanning, highways, biodiversity, affordable housing and other planning matters relevant to the application. Additional information relating to unit sizes, climate change and sustainability, drainage, parking, waste provision and collection and open space were submitted.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

- 6.2 The application site is part of a larger site allocated for residential development in the Local Plan (site allocation HS203). HS203 relates to 3.54 hectares (gross) / 2.61 hectares (net, excluding a since-removed pond, protected trees, existing development and a watercourse from the developable area), sets out an indicative housing capacity of 91 dwellings, and identifies the following constraints:
- The provision of a wider pedestrian footway is required across the site frontage
 - Within a Source Protection Zone
 - Surface water issues
 - Noise source near site – railway noise and noise from industrial uses
 - Part of this site lies within a UK BAP priority habitat
 - Part/all of the site is within a High- Risk Coal Referral Area
 - Protected trees on part of the site
- 6.3 The site allocation also identifies the following other site-specific consideration:
- Pond to be retained (UK BAP priority habitat)
- 6.4 Of note, not all of the above constraints and considerations apply to the application site.
- 6.5 Relevant Local Plan policies are:
- LP1 – Presumption in favour of sustainable development
 - LP2 – Place shaping
 - LP3 – Location of new development
 - LP4 – Providing infrastructure
 - LP5 – Masterplanning sites
 - LP7 – Efficient and effective use of land and buildings
 - LP9 – Supporting skilled and flexible communities and workforce
 - LP11 – Housing mix and affordable housing
 - LP20 – Sustainable travel
 - LP21 – Highways and access
 - LP22 – Parking
 - LP23 – Core walking and cycling network
 - LP24 – Design
 - LP26 – Renewable and low carbon energy
 - LP27 – Flood risk
 - LP28 – Drainage
 - LP30 – Biodiversity and geodiversity
 - LP32 – Landscape
 - LP33 – Trees
 - LP34 – Conserving and enhancing the water environment
 - LP35 – Historic environment
 - LP47 – Healthy, active and safe lifestyles
 - LP48 – Community facilities and services
 - LP49 – Educational and health care needs
 - LP50 – Sport and physical activity
 - LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP63 – New open space
LP65 – Housing allocations

Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highway Design Guide (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)

Climate change

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

National Planning Policy and Guidance:

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

- Chapter 2 – Achieving sustainable development
- Chapter 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 17 – Facilitating the sustainable use of materials.

6.9 Since March 2014 Planning Practice Guidance for England has been published online.

6.10 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – national described space standard (2015, updated 2016)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as a major development.

7.2 The application has been advertised via five site notices posted on 21/10/2020, an advertisement in the local press dated 31/05/2019, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for this initial publicity was 06/11/2021.

7.3 Fourteen letters of representations were received and redacted versions can be found online. The following is a summary of the points raised:

- Unacceptable increase in numbers of children to Shepley First School that is currently full
- Unacceptable increase in numbers on local doctors surgery
- Unacceptable impact on local dentists
- Electricity supply in this area has continual problems with repeated power failures what work is planned to increase capacity and reliability
- Water and sewerage supplies are also on the limits of capacity
- Impact on drainage
- Serious increase in traffic load with risk of increase in accidents with entry/exit almost opposite entry to Maltings. Alternative entry exit is opposite Yew Tree Road which also has visibility problems and HGV use to Shepley Springs
- Unacceptable increase in traffic
- An extra junction onto Abbey Road
- Only 6 visitor parking spaces for 60+ houses
- Request for a 'service corridor' between an existing residents fence/wall and the proposed properties
- Yorkshire Country Properties build in natural stone with stone slate roofs in keeping with the village. Their site at Netherthong is an absolute credit to them showing caring detail to build a dry stone walled entrance which is very attractive. This would be a great improvement to the entrance to the village.
- As a resident on The Knowle I understand the preference to avoid the interference of village building work, I do however believe the end result will be worth it.

- With the multiple ownerships of the site, the small areas of land have never been economically viable for anything and are unsightly and depressing as people drive on the A629 corridor into Huddersfield.
- The combined development of 80+ houses surely warrants a decent playground. Or alternatively, a considerable contribution should be made to completely re-do the playground next to Shepley school
- Complete lack of engagement from the developer with locals and lack of awareness of this development.
- The development will have an effect on the neighbouring properties with the number of proposed dwellings and subsequent impact on highway safety and traffic
- As usual, this development scheme squeezes as many houses it can into the space available
- The development contains the minimum number of smaller properties and only includes one bungalow which is the only 2 bedroom property. Given the need for more suitable accommodation in the area for the elderly who may wish to downsize (subsequently freeing up more houses appropriate for families) and the disabled. Consideration should be given to include more appropriate bungalows in the plans.
- The plans do not appear to follow appropriate planning guidance as they have placed all the one-bedroom properties together. Existing tenure proposals do not match local need.
- Considering the character of the Knowle and surrounding areas, previous developments nearby are more in keeping with the kind of dwellings historically built in the area. It is clear that more consideration has been given to the profitable outcome in developing the land above the benefits of such a development to the area
- It is also our understanding that proposed sites of over 51 dwellings requires some provision of a play area which is not listed on the proposed plans
- The plan shows a direct footpath from the development onto the lane marked as the Knowle, which would be very dangerous as it is near to the corner of the lane. This lane is required to remain open as it is the only other access road to the Knowle in the case of an emergency. If any changes were to be made regarding the safety of the road it should be one way coming from Abbey Road and marked unsuitable for heavy goods
- In heavy and persistent rain this road as a flow of water equal to any fast flowing stream which results in the lane near to Abbey road entrance being flooded. Highways repairs the road due to the rains and flow of water washing away the sides of the road. Surface water is a major problem in this area and is not appropriately noted in the submission documents of the plans.
- The current submission does not have an appropriate ecological assessment of the watercourse.
- Proposal to elevate the plots adjacent to the Knowle lane by 2m above current road level as more of an impact on the landscape and the surrounding properties. It would also add to the run off of surface water down to the area where water currently collects
- One of the submitted reports suggests that there is a flood risk to the north of the development on the Knowle of a potential depth of 1m above existing road level

- Currently the lane noted on the maps as the Knowle is edged with a drystone wall and it is not clear if this will be retained and the fencing of the proposed house gardens will go on the inside of the wall which runs from the top of the lane down to Abbey road and proceeds up Abbey road. This is an old wall and should be retained and repaired in keeping with the area
- The causeway on Abbey road in front of the development is narrow and the plans show a direct pedestrian footpath onto Abbey road which if used by children could result in fatalities
- It is already noted in the submission documents that the proposed site is a UK BAP priority habitat. Presently much wild life can be seen on the land and the surrounding countryside which would be greatly impacted on with the number of proposed dwellings. I have noted that a previous request from Phase 1 is still outstanding for an appropriate updated EclA and EPS surveys and is very relevant to the phase 2 proposed development area.
- The plans of the proposed development show an access road to the edge of the development below the existing property attached to the land near to the marked containers. It appears on the plan that this road is connected to the Knowle and could be interpreted as potential for future development. It should be clearly marked why this access road has been made
- The planning application is accompanied by Phase 1 Geo-environmental Report, October 2020, prepared for the proposed development in phase 2. Appendix B includes a Coal authority report stating a detailed stage 11 ground investigation for the proposed development. Maps included in this section highlight Phase 1 area which are not accurate and needs clarifying
- In the site layout the houses on the lane are described as 'Detached dwellings and changes in topography distinguish 'The Lane' from other character areas. Each dwelling will step up or down responding to ground levels and road gradient as levels change in this steep part of the site'. We would like to understand how this effects views from current surrounding properties and how this may be affected following the investigation of coal seams and potential ground work. The proposal of a series of split-level dwellings arranged along the south east boundary will also have a big impact on adjacent properties and their present outlook.
- I live on The Knowle, very close to the above application, and have no issues with the planned development from information provided. I would actively support it as an improvement to the area. I have never had issue on the side road by viaduct discussed in the comments; I occasionally drive along it and regularly walk along here with my family.
- Firstly, I am relieved to see that the proposed development will not permit vehicular entrance or exit between The Knowle and the new development itself. However, pedestrian access to and from the new development is proposed into the single track tarmac roadway (which I think of as an extension to The Knowle) which leads from The Knowle down to the main road, A629, adjacent to the railway bridge virtually opposite the Cask & Spindle public house.
- This roadway is narrow & the single track road would not be safe usage for pedestrians if they were able to utilise it from the new development. Either pedestrian access to the roadway should not be permitted in the interests of safety, or alternatively, vehicle usage of this single track entry/exit to The Knowle should be stopped with bollards at the bottom by the A629 & a suitable sign at the top indicating no through way for vehicles. In any event, it is already dangerous for traffic to use this roadway as a means of

gaining access to the A629 due to the "blind bend" created by the railway bridge structure itself

- Adverse impact on sunlight and daylight and privacy of neighbouring property with the building of seven split level semi detached houses right up to the boundary and no access channel being afforded
- There are some overhanging trees within the proposed development that are within 3 to 4 metres of my bedroom window which needs to be addressed.
- The noise, dust and general disturbance it will cause will have a significant impact on my family
- The development will have an adverse impact on the character of the most respected and residential area of Shepley
- The impact it may have on traffic could be fatal as speeding vans and cars use the lane as a shortcut and speed onto a blind corner where just below a new footpath is proposed which would be extremely dangerous – serious consideration should be given into making that part of the road from Holmlea to the Bridge pedestrian only.
- The planning application does not meet national and local validation requirements and should be invalid.
- Concerns regarding the modelling and professional assessment within the Flood Risk Assessment, Transport Statement and Geo Desk Study. There is a risk of substantial harm to road users of all modes, a risk to life and property in terms of flood risk from fluvial and groundwater and a risk of harm to human health and controlled waters.
- We like the general concept, as new housing is needed, that there are some smaller properties, the good mix of sizes and styles, the areas of open space, the through walkways, to encourage walking access.
- Concerns: there is insufficient parking, especially for Visitors; Households with adult children (a growing trend) which may have 3 or 4 cars; smaller / starter homes; Road and pavement widths are insufficient to accommodate extra vehicles. The development may meet a minimum standard, but does not reflect reality.

7.4 An adjacent landowner has been in contact with the case officer to discuss masterplanning of the wider allocated site, and to ensure that the future development of his land is not prejudiced by the current proposals. Concerns have been raised in particular about the potential of the creation of a 'ransom strip' situation.

7.5 Ward Cllrs have been consulted as part of this application and Cllr John Taylor has been involved in discussions with officers and the applicant team. During the course of the application Cllr John Taylor has raised the following matters:

- The planning application should include The Knowle and assess whether it should be closed to vehicular traffic to help improve highway safety with the Abbey Road North and to help prevent 'fly tipping' opportunities.
- The masterplan does not show the approved vehicular access to Phase 1 being closed off, if and when Phase 2 is developed.
- Use and design of the public open space.
- Can the proposed transport contributions be used to enhance local footpaths and cycle routes.
- With reference to 'How good is our place' initiative demonstrates that Shepley is in need of affordable starter homes for young adults.

- 7.6 Kirkburton Parish Council – No comment.
- 7.7 Amendments made to the proposals during the life of the current application, and additional information submitted by the applicant, did not necessitate re-consultation.
- 7.8 Responses to the above comments are set out later in this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – No objections, subject to further amendments to plot 60 with regards to forward visibility and further details for the footpath link with The Knowle. The proposed development constitutes the second phase of a residential scheme on land allocated for this use in the adopted local plan. The first phase for 31 dwellings was conditionally approved in September 2020.

KC Lead Local Flood Authority – No objection, subject to the imposition of conditions requiring drainage details, separate drainage systems, watercourse piping, flood risk runoff assessment, overland flow routing and construction phase surface water flood risk and pollution prevention plan. There should also be a planning obligation to secure the necessary management and maintenance of surface water drainage systems.

The Coal Authority – No objection, subject to the imposition of condition requiring intrusive site investigation works, any remediation works and/or mitigation measures to address land instability.

8.2 Non-statutory:

KC Ecology – No objection, subject to securing the necessary planning conditions and obligations.

KC Conservation and Design – The impact of the proposed development on the setting of the Shepley Conservation Area, has been considered and there would be no harm. Conservation and Design therefore have no concerns about the proposed development on heritage grounds. With regards to the general design of the proposed development, Conservation and Design have no particular concerns, the proposals respond suitably to local character.

KC Education – £64,537 education contribution required.

KC Environmental Health – Unable to support the current layout due to likely excessive noise levels at outdoor amenity areas at some plots. Conditions recommended with regards to noise, land contamination, securing electric vehicle charging points, as well as securing a Construction Environmental Management Plan.

KC Landscape – No objection, subject to planning conditions securing the necessary hard and soft landscaping details as well as a financial contribution of £62,073 towards off-site open space provision (taking into account 2,134 sqm proposed on-site). The off-site lump sum will go to existing facilities in the vicinity such as Shepley Rec and/or Jos Lane.

KC Planning Policy – Principle of development on the site for residential is accepted, as the site is allocated for housing development in the Local Plan. The site is part of a wider housing allocation, and it should be planned comprehensively in conjunction with neighbouring parts of the housing allocation, in accordance with policy LP5. Further detailed advice provided regarding other relevant policies.

KC Public Rights of Way – No objection. Welcomes the path link to The Knowle and would welcome the protection of this as part of the adoption process.

KC Strategic Housing – No objection. There is considerable demand for 1 and 2 bed homes in the area. The applicant is now proposing 8 x 1 bed homes and 2 x 2 bed homes as the affordable allocation, which is acceptable.

KC Trees – No objection. There are no protected trees affected by this proposal and none that would meet the criteria for a new tree preservation order to be served. On that basis there are no objections, however we do need to see a detailed landscaping scheme to include a scheme of new tree planting.

KC Waste Strategy – No objection, subject to a condition requiring

Northern Gas – No objection.

The Coal Authority – No objection subject to the imposition of conditions to secure the necessary site investigation and remediation work.

West Yorkshire Police Designing Out Crime Officer – Supports the proposal in principle but requests a planning condition to provide further details regarding boundary treatments and gates for rear gardens, street lighting, panting and vegetation. Specific advice provided regarding proposed windows, fences and lighting. General advice provided regarding footpaths, boundary treatments, open space, planting, lighting, doors, windows, parking, CCTV and alarms.

West Yorkshire Archaeology Service – No objection. The West Yorkshire Historic Environment Record has been checked and there are no apparent archaeological implications to the proposed works.

Yorkshire Water – No objection.

Yorkshire Wildlife Trust – Queries raised regarding the ecological information provided and have requested that the proposal should demonstrate a 'measurable' net gain in biodiversity.

9.0 MAIN ISSUES

- Land use and principle of development
- Climate change and sustainability
- Urban design issues
- Residential amenity and quality
- Noise

- Housing mix and affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Trees and ecological considerations
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Land use and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 Full weight can be given to site allocation HS203, which covers the application site and other land to the north and northeast, and which allocates the site for housing. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land was also demonstrated to be necessary in order to meet development needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector (referring to the site when it was numbered H652) stated:
- “...site H652 mainly comprises a series of open fields, but is contained by development on three sides, and by a railway line and strong field boundaries to the north. As such its relationship with the open countryside is limited. In this context, and having regard to the sustainability of the location and identified housing needs, I conclude that exceptional circumstances exist to justify the release of [this site] from the Green Belt”.*
- 10.4 Given the above, it is considered that the proposed residential use, and the principle of residential development at this site, is policy-compliant.
- 10.5 The 52 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan.

Climate change and sustainability

- 10.6 The applicant's Design and Access Statement briefly refers to relevant planning policies that mention sustainability, but does not explain how the proposed development would help to address or combat climate change effects. In response to an officer request, the applicant provided the following further information in relation to climate change and sustainability:
- *Plots have been orientated to maximum sunlight.*
 - *Garages are 6m x 3m allowing for cycle storage.*
 - *The wall and roof finishes will be in natural materials which are to be sourced locally.*
 - *Other materials will be locally sourced where possible. This will apply mainly to generic and natural materials.*
 - *The buildings will be designed to achieve excellent air tightness and use low U-value materials which will reduce heat loss and require less energy to heat the home.*
 - *Good design and workmanship will lead to reduced thermal bridging. Thermal bridging can have a detrimental effect on the thermal efficiency of a building.*
 - *Any recyclable materials will be properly dealt with on site to reduce waste being sent to landfill.*
 - *Take-back schemes will reduce waste materials on site and reduce the requirement of landfills. These materials can then be recycled back into the production process making normally unsustainable materials more sustainable.*
 - *Concrete will be used, however this provides dwellings with a source of heating energy through its thermal mass, reducing the energy input from the heating source.*
 - *Surface water drainage will be attenuated on site making no greater demand on the existing mains drainage system.*
- 10.6 Some positive weight can be attached to the above information, although this weight is limited by the fact that some of the proposed measures don't go further than the requirements of the Building Regulations and/or could not be secured through the council's decision on the current planning application. Furthermore, the applicant has not provided figures for the amount of energy, water and materials that would be saved, nor confirmed how energy-efficient or close to zero carbon the development would be.
- 10.7 Officers note, however, that measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage for residents) and electric vehicle charging points would be secured by condition, should planning permission be granted. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures will need to account for climate change.
- 10.8 The application site is a sustainable location for residential development, as it is relatively accessible and is adjacent to an existing, established settlement that is served by public transport and other facilities.

- 10.9 Shepley currently has a convenience shop, a pub, a library, a post office, a health centre, a primary school, places of worship and other facilities, such that many of the daily, 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.
- 10.10 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.

Urban design issues

- 10.11 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24 are relevant to the proposed development in relation to urban design, as is the National Design Guide.
- 10.12 The application site is subject to constraints relevant to design. The site is highly visible from Shepley's main road, and also from The Knowle. The visibility of the site from public vantagepoints is further enabled and enhanced by its topography (The application site has a steady fall of approximately 15m from south to north) and the low dry stone wall that encloses it. The amenities of existing neighbouring residents, existing watercourse, drainage and adjacent allocated land (and the need for a masterplanned approach to the wider allocated site) are also factors and constraints that will (or should) influence the design of any development at this site.
- 10.13 The Local Plan Inspector in her report of 30/01/2019 noted that the wider allocated site is contained by development on three sides, and by a railway line and strong field boundaries to the north, and as such its relationship with the open countryside is limited. Although the application site does not extend as far north as the railway line, it still has a degree of enclosure and containment from the open countryside beyond Shepley, it is located at the edge of the settlement's main built-up area, and development of this site would not significantly erode important green spacing between settlements or result in unacceptable sprawl. Although the proposed development would inevitably bring about change to the landscape and character of this part of Shepley, it is considered that the site can be developed without causing significant landscape harm.
- 10.14 Local Plan policy LP5 (regarding masterplanning) is relevant to this application, not least given that land immediately to the north and northeast of the application site is within the same site allocation, and adjacent land to the southeast is also allocated for residential development. Local Plan policy LP7 is also relevant, and states that, to ensure the best use of land and buildings, proposals must allow for access to adjoining undeveloped land so it may subsequently be developed. Paragraph 6.41 of the Local Plan states that the council will continue to positively support measures to ensure the best use of land and buildings, including through the application of relevant policies to ensure land is not sterilised for development.
- 10.15 A masterplanning approach has been applied by officers when assessing the proposed development. Ideally, a single application would have been submitted for the entire allocated site (and, if possible, for the adjacent allocation site ref: HS197). However it must be noted that Local Plan policy LP5 in some cases will need to be applied flexibly where allocated sites are in

fragmented ownership, where different landowners and developers may be working to different timeframes, and where acceptable (yet separately-designed) schemes are (or could be) brought forward in accordance with an indicative masterplan. In this particular case, the council cannot reasonably insist that the various parts of the allocated site be developed simultaneously by the same developer. A co-ordinated, complimentary development, that makes the best and most efficient use of the land, and that does not sterilise (or otherwise compromise) any other part of the allocated site, is considered essential.

- 10.16 The applicant has responded positively to the requirements of Local Plan policy LP5 and has entered into negotiations with the other owners of land within site allocation HS203. The applicant has prepared an indicative masterplan of the majority of the allocated site which illustrates how the wider development could be accessed from a single vehicular entrance off Abbey Road North. The indicative masterplan also allows for later development of the small part of the allocated site which one of the landowners is currently not willing to release. Crucially, in relation to the current application, the indicative masterplan confirms that the current 52-unit scheme can form an integrated part of the wider development and can be built so that it does not sterilise or otherwise compromise any other part of the allocated site.
- 10.17 As previously mentioned, the applicant has already had recent planning permission for a site within the same site allocation to the south west of the site for 31 dwelling houses (Reference: 2019/91569). The masterplan labels this development as Phase 1. If this planning application is approved, the approved vehicular access for Phase 1 would be closed to vehicular traffic. The proposed masterplan and site plan both show a vehicular connection would be established between Phase 1 and the application site, which is recognised as phase 2. This masterplanning approach is consistent with the agreed vehicular permeability, secured by Section 106 Agreement as part of Phase 1. This approach would not compromise highway safety. It would also trigger further financial contributions for public open space, education and travel plan monitoring for this particular phase.
- 10.18 Provision has been made in the current proposals for a future vehicular connection with the rest of the site allocation, to the west between plots 79 to 83. It is considered that there is sufficient space to establish an adoptable access road which would be acceptable from a highway safety perspective. The applicant is willing to include planning obligations in a Section 106 agreement to ensure that the creation of this vehicular connection would not be unreasonably hindered and as such would be compliant with Local Plan policy LP5.
- 10.19 For the 52-unit scheme currently before the council, an acceptable layout has been proposed. The proposal would introduce a loop estate road with a number of private drives and parking. Information has been submitted to demonstrate that this layout would be able to be safely used by refuse collection vehicles. The proposed layout is legible, and includes pedestrian connections between Abbey Road North and The Knowle, via the new estate road. This proposed pedestrian connection accords with Local Plan policies LP20, LP24dii and LP47e, and would eventually provide a convenient route (away from the traffic of Abbey Road North) for residents of Knowle Park Avenue (and other streets) moving to and from Shepley railway station via the existing footpath between Abbey Road North and Abbey Drive.

- 10.20 The proposed site layout has been arranged into several perimeter blocks and units 71 to 78 would appropriately be sited so that the rear gardens faced the rear gardens of existing properties to the south. In the main, the proposal would ensure that streets and spaces would benefit from natural surveillance and activity, with the exposure of vulnerable rear garden boundary treatments to public access kept to a minimum. However, it is acknowledged that the rear gardens of plots 63 to 70 adjacent to the Knowle and plots 82 to 83 would face the public realm. Plans show that a 0.9m dry stone wall with a 1.8m close boarded fence with lattice set behind would define plots 64 to 71 with the Knowle. However, it is unclear as to the proposed relationship between the two boundary treatments and whether there needs to be a suitable soft landscaping buffer between the two boundary treatments. This boundary edge is already defined by a dwarf dry stone wall which in places is in need of repair and it is unclear if this is the applicant's intention. As such, a condition requiring the submission of full details of all boundary treatments is recommended.
- 10.21 Outdoor areas that are not proposed within garden curtilages would need to be defined, landscaped and managed to ensure they do not become ambiguous, leftover spaces at risk of anti-social behaviour such as fly-tipping. This consideration applies to the proposed open spaces, and a number of small landscaped spaces adjacent to footpath links and visitor parking spaces. A condition related to crime and anti-social behaviour prevention measures is recommended.
- 10.22 Some neighbour representations have raised concerns about the number of dwelling houses proposed and the impact this will have on Shepley. To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. Site allocation HS203 sets out an indicative housing capacity of 91 dwellings within a developable (net) area of 2.61 hectares.
- 10.23 With 52 units proposed in a site of 1.91 hectares, a gross density of 27 units per hectare would be achieved. The exclusion of the watercourse would result in a net density of around 30 dwellings per hectare. The applicant has explained how the site's topographical constraints and footpath links has further reduced the net developable area, which are acknowledged. The delivery of 52 units on this site, combined with the delivery of 31 units on the neighbouring site would result in the development of 83 units in total. There would be 0.43 hectares of land remaining as part of this site allocation to be developed. Although, there are a number of tree preservation orders on this remaining area of land, officers believe that an additional 8 units could still be delivered. Therefore, the indicative development of 91 units across the entire site allocation is achievable and as such it is considered that an appropriate density has been proposed in accordance with Local Plan policy LP7.
- 10.24 The site layout has been arranged to work with the site levels to enable the provision of access into the site, usable gardens and acceptable gradients for the development's adoptable highways. The greatest change in levels in the shortest distance can be found to the south east of the site. The proposal

addresses this constraint with a series of two/three storey split level dwelling houses (plots 72 to 78) along the south east boundary. Officers welcome the developers approach to try to work with the existing topography rather than radically re-shape it.

- 10.25 The proposed development's estate road layout would help prevent surface water running into or pooling within residential curtilages, and ground levels and kerbs will need to be designed to direct any surface water flow away from building thresholds.
- 10.26 Like Phase 1, the proposed dwellings would visually respond reasonably well to Abbey Road North, which is the most important area of public realm that these dwellings would abut. Units 41 to 45 would face this road and would have garden gates at the back of its footway. Units 32, 46 and 50 would side onto the road but the proposed side elevations would have habitable room windows which would add the necessary visual interest and natural surveillance. Plans also show that inactive garden boundary edges for plots 32, 46 and 50 would benefit from attractive stone walls and planting areas.
- 10.27 A car parking courtyard is proposed for plots 36 to 45 to enable dwelling houses to provide a strong building frontage with Abbey Road and the watercourse. The car parking courtyard would benefit from natural surveillance from plots 47 and 48 and areas of soft landscaping would also help to break up the visual obtrusiveness of the parked car. Off-site parking is proposed for other dwelling houses in front and side driveways, and in integral or semi-detached/detached garages. With appropriate landscaping, the proposed car parking would not have an over-dominant or otherwise harmful visual or streetscape impact.
- 10.28 Fourteen house types are proposed, and variations to some of those house types are also illustrated in the applicant's submission. There are 10 one-bedroom terrace, 1 two-bedroom bungalow, 13 three-bedroom semi-detached/terrace, 8 three-bedroom detached, 16 four-bedroom detached and 4 five-bedroom detached dwelling houses. Majority of the proposed dwelling houses are two storeys in height (some with attic rooms). As mentioned earlier to take advantage of the level difference a two/three storey split level units are found along the site's southern eastern edge. The proposed mix of unit types and sizes, and the proposed predominate two storeys, would be suitably reflective of existing development nearby and typically found in settlements in southern Kirklees. Conventional massing, roof forms and elevational treatments are proposed. The number of, and variations to, house types would add interest to the proposed street scenes. Pitched roofs, gables, quoin and kneeler detailing, chimneys and other features are proposed, and these details are considered acceptable.
- 10.29 Acceptable materials (natural stone, slate, uPVC and glass-reinforced polyester) are proposed, however a condition requiring details and samples of all external materials is recommended.
- 10.30 Although some information has been submitted by the applicant, a condition requiring the submission of full details of all boundary treatments is recommended. The use of 1.8m timber fencing in locations visible from the public realm would not be considered acceptable, such as plots 80, 82 and 83. The reuse of stone from the existing, attractive dry stone walls that enclose the site would be required. Of note, the existing, attractive dry stone

wall along Abbey Road North and The Knowle. Several neighbour representations have requested that this feature should be retained and repaired, which officers agree. However, adjacent to Abbey Road North, the wall may need to be rebuilt along a new alignment to allow for widening of the footway to 2m, in accordance with the requirements of site allocation HS203, and to accommodate the required visibility splays.

- 10.31 The application site does not have a direct relationship with the nearest listed building (the 19th century milestone close to the junction of Abbey Road South and Lydgate Road, which is Grade II listed) nor the Shepley Conservation Area and does not form a significant part of their settings. It is considered that the proposed development would not cause unacceptable harm to the significance of these heritage assets. No concerns have been raised by Conservation and Design, who consider the proposals to respond suitably to local character.
- 10.32 In light of the above assessments, it is considered that the relevant requirements of chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24, would be sufficiently complied with. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.

Residential amenity and quality

- 10.33 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. Some neighbour representations have raised concerns that the proposed development will have an adverse impact on residential amenity, with an existing property known as Holmlea particularly named.
- 10.34 Officers consider that acceptable separation distances are proposed between the proposed dwellings and existing neighbouring properties. The proposed distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook. The nearest existing property abuts the site's southern boundary and is a detached bungalow set on higher ground to the site and known as Holmlea. It is proposed that plots 72 –78, which are two/three storey split level dwelling units would present a two-storey rear elevation adjacent to Holmlea and other existing properties at The Knowle to the south. The side elevation of Holmlea consists of a window, door and conservatory. It is also partially screened by boundary vegetation. The proposed dwellings would be sited at 18.5m, which is considered by officers to be an acceptable separation distance in protecting residential amenity.
- 10.35 Some neighbour representations have raised concerns that the proposed development would mean an unacceptable additional noise, dust and general disturbance. Although, residential development would increase activity and movements to and from the site, given the quantum of development proposed, the location of the proposed site entrance, and the site's location on the relatively busy Abbey Road North, it is not considered that neighbouring residents would be significantly impacted. Furthermore, the proposed residential use is not inherently incompatible with existing surrounding uses.

- 10.36 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. Details of dust suppression measures and temporary drainage arrangements would need to be included in the C(E)MP, as would arrangements relating to construction traffic (as requested by Highways Development Management officers). An informative regarding hours of noisy construction work is recommended.
- 10.37 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.38 The sizes (in sqm) of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD. In the current proposals, all dwellings would be NDSS-compliant, as set out within the table below table:

House Type	House Type Description	Number of units	Sqm (GIA)	NDSS (GIA)
Affordable				
A1	1-Bedroom Terrace House	8	58.2	58.0
B	2-Bedroom Semi-Detached House	2	71.8	70.0
Market				
A1	1-Bedroom Terrace House	2	58.2	58.0
BU	2-Bedroom Detached Bungalow	1	90.3	79.0
C	3-Bedroom Semi-Detached House	4	85.5	84.0
C2	3-Bedroom Semi-Detached House (RIR)	2	101.0	99.0
D	3-Bedroom Detached House	6	114.1	106.0
D1	3-Bedroom Detached House	3	87.6	84.0
L1	5-Bedroom Detached House	2	186.5	134.0
N	4-Bedroom Detached House	3	164.0	124.0
P	4-Bedroom Detached House	4	146.5	124.0
S	4-Bedroom Detached House	2	145.5	124.0

T	5-Bedroom Detached House (RIR)	2	195.7	130.0
U	4-Bedroom Detached House	2	117.5	106.0
W	3-Bedroom Split Level Detached House	7	130.4	99.0
V	4-Bedroom Semi Detached House	2	129.6	115.0

- 10.39 All of the proposed dwellings would benefit from dual aspect, and would be provided with adequate outlook, privacy and natural light. Adequate distances would be provided within the proposed development between new dwellings.
- 10.40 All dwellings would have WCs at their entrance level, providing convenience for visitors with certain disabilities. No dwellings would have bedrooms on their entrance level, although several units would have habitable rooms at ground floor level that could be converted to bedrooms.
- 10.41 All of the proposed dwellings would be provided with adequate private outdoor amenity space, commensurate to the scale of their host dwellings.
- 10.42 Public open space measuring 2,043sqm in total is proposed at the site entrance and Phase 1, along the proposed un-culverted watercourse, as well as to the north of the site at The Knowle - Abbey Road intersection. The proposal does trigger Local Plan policy LP63 requiring a variety of green space typologies, totalling 5,253.04sqm. The Kirkburton ward is deficient in recreational grounds and natural and semi-natural greenspace. As such, an off-site financial contribution of £62,073 would be required to make up the shortfall in certain public open space typologies. This can be secured by Section 106 Agreement, in accordance with Local Plan policy LP63.
- 10.43 Although some details of landscaping proposals have been shown on the applicant's drawings, a condition is recommended, requiring further details of the development's outdoor spaces and their purpose, design, landscaping, boundary treatment and management.

Noise

- 10.44 A Background Noise Assessment by Clover Acoustics dated 03 Aug 2020 (ref: 4423-R1) has been submitted. The report details an assessment of the existing noise levels at the site which is based on measurements made on 23 & 24 July 2020 at two monitoring locations and includes a 24-hour monitoring period. Road traffic was found to be the main source of noise. The report advises that to achieve satisfactory indoor sound levels noise mitigation measures are required.
- 10.45 Environmental Health have reviewed the report and consider it to make a satisfactory assessment of the existing noise climate and provides satisfactory recommendations for the general noise mitigation measures that will be necessary. However, Environmental Health have explained that the proposed recommended noise mitigation measures only relate to the two monitoring locations and do not consider what specification of noise mitigation, if any, is required across the whole of the site or even for which facades the mitigation

measures are necessary. Therefore, a detailed noise mitigation specification for each plot, where considered necessary will be required, which can be secured by the relevant planning conditions.

- 10.46 The report also considers the noise levels at external amenity areas and advises that the measured levels exceed the guide levels at the Abbey Road boundary of the site. It refers to plots 50 and 44 which are adjacent to this boundary and recommends that these will require acoustic screening with a close boarded fence which will reduce the measured 65dB to around 54dB, just below the 55dB criterion of serious annoyance.
- 10.47 Environmental Health have raised concerns that plots 32, 46 and 50 all have their main outdoor amenity areas immediately adjacent to the Abbey Road boundary. From the monitoring data provided in the report it appears these areas may be exposed to noise levels that exceed the recommended 50dB, even with acoustic screening. It is acknowledged that guidance considers an upper guidance level of 55dB, but this is not considered appropriate when 50dB could be achieved with an improved layout.
- 10.48 Development Management acknowledge Environmental Health concerns. The applicant has explained that the concerned plots are found within perimeter blocks where their design is restricted by either the site's proposed access, an open watercourse and a public open space accommodating the drainage attenuation facilities. Alternative layouts were presented to Development Management by the applicant to address Environmental Health concerns. However, such designs resulted in problems of achieving an efficient use of land and natural surveillance of all streets and spaces. Officers note that this issue relates to a small number of dwelling houses and the Council has already approved similar dwelling plot orientations relative to Abbey Road North at Phase 1. Therefore, Development Management do not consider the concerns raised by Environmental Health to warrant a refusal. In addition, Development Management consider that planning conditions would secure the necessary noise mitigation measures to achieve the appropriate living conditions that accorded with Local Plan policies LP24 and LP52.

Housing mix and affordable housing

- 10.49 Local Plan policies LP5 and LP11 requires masterplanned developments to provide for a mix of housing that addresses the range of local housing needs and encourages community cohesion. Neighbour representations claim the proposed development does not properly cater for the elderly who may wish to downsize nor the disabled. However, the above table demonstrates that overall the proposal would have a sufficiently varied mix of unit sizes that would cater for a range of household sizes. Thus, the proposal would help create a mixed and balanced community and would help to avoid visual monotony across the site, in accordance with these policy objectives.
- 10.50 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. The policy states that the affordable housing provision should:
- “a. cater for the type of affordable need identified in the latest housing evidence in terms type, tenure, size and suitability to meet the needs of specific groups;*

b. incorporate appropriate arrangements to retain the benefits of affordability for initial and subsequent occupiers or for the subsidy to be recycled for alternative affordable housing provision; and
c. be indistinguishable from market housing in terms of achieving the same high quality of design.”

- 10.51 The 20% policy requirement would be equivalent to 10.4 affordable units, therefore this 52-unit development would normally necessitate the provision of 10 affordable units in accordance with the Council's Interim Affordable Housing Policy.
- 10.52 Within Phase 1 six 1-bed affordable dwelling units were secured, all of which would be starter homes. The applicant initially proposed to provide ten 1-bed affordable dwelling units that would all be starter homes for this phase as well. The applicant was informed that this would be contrary to the council's preferred tenure mix of 55% social or affordable rent / 45% intermediate but that this was negotiable. Some of the applicant's justification for the proposed tenure mix relates to the applicant's preferred business model and carries no material planning weight, however the applicant has also argued that starter homes are appropriate in the borough's southern villages as they enable already-local people to get on the property ladder in locations where options may be limited. The applicant has stated that most of the interest in the starter homes under construction at the applicant's site in Miry Lane, Netherthong has been from younger members of existing local families. These points are noted, and it is accepted that providing housing of specific tenures can help foster social sustainability by enabling existing residents to stay local and maintain community. It is also noted that starter homes are indeed a form of affordable housing. That said, it has been negotiated that out of the proposed 10 affordable dwelling houses, 5 dwelling houses (1-bed) would be starter homes, 2 dwelling houses (2-bed) would be discounted sale and 3 dwelling houses (1-bed) would be for social/affordable rent.
- 10.53 All affordable housing would need to be provided in perpetuity.
- 10.54 The proposed size and locations of the affordable housing (units 38 – 45 and 50 - 51) are considered acceptable. It is noted that some neighbour representations have raised concerns regarding the location of the proposed affordable housing. Although the units are found within two development blocks they are located in prominent positions within the development, which will ensure that residents are able to form part of a sustainable community. Similar detailing and the same materials are proposed for all dwellings, which would help ensure that the ten affordable units would not be visually distinguishable from the development's market units.

Highway and transportation issues

- 10.55 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 will 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.

- 10.56 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 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.57 The application site is located on Abbey Road North (the A629), a relatively busy road with footways on both side of the carriageway, central white line markings, and no yellow markings restricting on-street parking. A 30mph speed restriction applies to the A629 where it passes through Shepley. The site is also abutted by The Knowle to the north, which provides access to a number of residential properties.
- 10.58 The planning application is supported by a Transport Statement and highway related plans, prepared by Via Solutions. Visibility splays from the proposed new access of 2.4m x 90m in both directions along Abbey Road North have been demonstrated by the applicant and are deemed acceptable. A condition, requiring the provision of adequate visibility prior to construction works commencing, is recommended.
- 10.59 The Transport Statement claims that there would be no conflict and highway safety concerns between the proposed access point and the access point with Phase 1. Some neighbour representations have raised highway safety concerns about the proposed number of new junctions with Abbey Road North and the potential conflict with other existing road junctions, including adjacent businesses, which generate some HGV traffic. However, once access to the application site from Abbey Road North has been constructed, the applicant will have to close the vehicular access point at Phase 1. This was part of the agreed planning obligation secured by a Section 106 Agreement for planning application reference: 2019/91569. The proposed access would eventually serve all of the dwellings associated with site allocation reference: HS203. The supporting Transport Statement demonstrates that the proposed single access point with Abbey Road North would be able to support all vehicular traffic associated with the site allocation. Highways Development Management have not raised any issues with the proposed location of the junction nor object on highway safety concerns with potential conflict with other existing junctions and neighbouring land uses.
- 10.60 Plans show an appropriately designed access road with Phase 1. In addition, plans show sufficient space for an appropriate access road to be constructed in the future to serve the dwellings on the remaining land not yet released for development but within the site allocation. To accord with paragraph 3.5 of the Highways Design Guide SPD this area of land would either have to form part of the adoptable highway or there would need to be a planning obligation to allow for vehicular connection to the adjacent land (within allocated site HS203) without unreasonable hindrance. This will ensure that this area of land did not preclude future development.

- 10.61 The footway of Abbey Road North would be widened in accordance with the requirements of site allocation HS203. This would involve the dismantling and rebuilding of the existing dry-stone wall at the back of the footway, where considered necessary.
- 10.62 Plans show that the proposal would result in two footpath links with Abbey Road North and a footpath link with The Knowle. As such, the proposed development responds positively to Local Plan policies LP20, LP24dii and LP47e, which promote and require the creation of safer pedestrian environments, walkable neighbourhoods, good connectivity and permeability, and layouts that encourage active and sustainable travel. The footpath link at the south-eastern end of the application site would meet The Knowle at a location where there is no existing footway. Appropriate boundary details and surface treatments will be required to ensure that pedestrians stop and check for oncoming traffic before using The Knowle. These matters can be secured by the necessary planning conditions for boundary treatments and landscaping. During the course of the planning application, some representations were received requesting that the planning application seek The Knowle to be partially closed or restricted to vehicular traffic due to highway safety concerns and fly-tipping. A representation was received welcoming that The Knowle was not going to be considered for any such restrictions. Officers consider that any such restrictions would not be necessary for the determination of this planning application. The applicant has provisionally agreed with the Ward Councillor that they would look into this matter and work with the local community on a Traffic Regulation Order (TRO), if considered necessary. However, officers consider that the TRO would not be necessary as part of this planning application.
- 10.63 The Transport Statement has used industry standard TRICS database to forecast traffic flows for 90 dwelling houses, which is one dwelling short of the indicative site allocation number. The Transport Statement forecasts that there would be an anticipated 67 two way movements during the morning peak period and 75 two way movements during the evening peak period (and measured at robust 0.75 and 0.83 trip generation rates, respectively). Some neighbour representations have stated that the proposed development would generate an unacceptable increase in traffic. However, officers consider that the proposed traffic generated by the development (as well as the other phases) can be accommodated by the existing highway network without causing severe impacts.
- 10.64 Having regard to paragraph 5.19 of the council's Highway Design Guide SPD, the proposed development necessitates the submission of a Travel Plan. However, this can be secured as part of a planning condition. The Travel Plan would be applicable to this development and Phase 1. A contribution towards Travel Plan monitoring would need to be made. It is recommended that relevant planning obligations be secured via a Section 106 Agreement.
- 10.65 The West Yorkshire Combined Authority (WYCA) have requested contributions totalling £35,240.92 to promote sustainable travel initiatives, such as Metro cards for train travel. The amount requested by WYCA may alternatively be put to effective use in improving station facilities (such as cycle parking), pedestrian routes to Shepley station, or other measures related to train travel, all subject to consultation with Ward Members.

- 10.66 Some neighbour representations have raised concerns about insufficient parking for each dwelling. However, officers consider that an acceptable off-street parking has been proposed for each of the proposed residential units, in accordance with council's Highway Design Guide SPD.
- 10.67 Neighbour representations have raised concerns about the development's lack of visitor parking and its potential adverse impact on highway safety. As detailed in paragraph 8.1, Highways Development Management have requested minor changes to the proposed site layout plan. In the most recent proposed site layout, the applicant has illustrated how 13 visitor parking spaces would be able to be accommodated within designated bays or within the proposed carriageway. The applicant has submitted swept paths diagrams illustrating that the manoeuvring of an 11.85m refuse vehicle would not be obstructed by these spaces. The provision of visitor parking across the site is considered adequate and in accordance with the Highways Design Guide SPD.
- 10.68 Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.
- 10.69 Conditions are recommended requiring details of a road safety audit, the surfacing and drainage of areas to be used by vehicles and pedestrians, details of internal adoptable roads, and highways structures.
- 10.70 A more recent site layout plan has showed suitable storage and collection space for bins for all dwelling houses, which is considered acceptable by KC Waste and can be secured by condition, if necessary. A condition is required to secure details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction

Flood risk and drainage issues

- 10.71 The planning application is supported by a Flood Risk Assessment (FRA), prepared by Haigh Huddleston and Associates. The application site is within Flood Zone 1. A watercourse dissects the site and runs in a north western direction and a highway drain runs beneath the footway of Abbey Road North. The application site access point to Phase 1 partially falls within a source protection zone relating to water extraction.
- 10.72 The surface water flood risk map indicates flood routes through the site along the line of the existing shallow existing watercourse and there is a risk of The Knowle to the north flooding to a potential depth of 1m above existing road levels. It is proposed to create a flood route through the central portion of the site. The proposed finished floor levels adjacent to the Knowle have also been proposed to be raised. Any overland flows are therefore not considered to be a flood risk to the site. The FRA recommends that an overland flood route is provided through the site to cater for extreme events, as is normal under the sewers for adoption criteria, and floor levels are to be based a minimum of 300mm above existing ground levels. The current layout includes for this as there is an area of public open space in the northern corner of the site, on the access road into the site where any flood water could gather before discharging into the existing watercourse as is the current situation.

- 10.73 The FRA explains how soakaway testing has been carried out on the adjacent (Phase 1) site. This has demonstrated that infiltration techniques for the site will be unviable. Further testing is planned for the proposed Phase 2 investigation works, however, this is likely to discount soakaways. As such, the proposed indicative drainage strategy shows how surface water run-off could be discharged to an attenuation tank measuring 440m³, located underneath the proposed public open space to the north east of the site. Surface water would then be carried at an attenuated design flow rate of 4.5 litres per second to the watercourse that flows to the north underneath The Knowle. This approach would follow the drainage hierarchy outlined in Paragraph: 080 Reference ID: 7-080-20150323 of the Planning Practice Guidance.
- 10.74 The FRA and plans show that the existing watercourse will have to be re-graded and cascaded to form a suitable route for the watercourse with sufficient capacity (to be able to accommodate Phase 1 and Phase 2 surface water) and to achieve a proposed culvert level at The Knowle. The FRA explains how further investigation works are required to confirm the size of the culvert and that the headwalls will need to be designed to avoid blockages and siltation ponds introduced to assist future maintenance.
- 10.75 The Lead Local Flood Authority has reviewed all of the information and has raised no objections subject to conditions securing: full drainage details, separate drainage systems, watercourse piping, flood risk and runoff assessment, overland flow routing, construction phase surface water flood risk and pollution prevention plan. Furthermore, the necessary planning obligations are required for the long term management and maintenance of the waterbody, which can be secured within a Section 106 Agreement.
- 10.76 Foul water from the proposed development would discharge to the existing combined public sewer beneath Abbey Road North. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.
- 10.77 With adequate arrangements for the collection and disposal of foul, land and surface water from the development, the source protection zone (relating to water extraction) should not be adversely affected. Therefore, subject to the necessary conditions the proposal would accord with Local Plan policies LP27, LP28 and LP29.

Trees and ecological considerations

- 10.78 The application is supported by a Tree Survey, prepared by Iain Tavendale Arboricultural Consultant. There are no significant or TPO-protected trees within the application site. However, trees adjacent to The Knowle are the subject of TPO 43/95/w1 and 43/95/w2. Also, trees to the south east of the site are subject of TPO 06/82/g4. The proposal would not affect these trees and no objections have been raised by the Tree Officer subject to a detailed landscaping scheme to include a scheme of new tree planting, which can be secured by planning condition.
- 10.79 A Bat Alert and Twite buffer zones cover most of the site. All of the site is within an SSSI Impact Risk Zone. An Ecological Impact Assessment (EclA), prepared by MAB Environment and Ecology Ltd. has been provided which identifies likely negative ecological impacts and makes recommendations for mitigative measures to avoid these. A series of conditions will be required in order to secure these measures.

- 10.80 The Yorkshire Wildlife Trust raised concerns about the EclA. The council's Ecologist requested additional information to determine the likely impacts of culverting the watercourse on site based on proposed the submitted layout plans. In addition, a completed Biodiversity Metric of the site was sought in order to quantify the change in biodiversity pre and post development.
- 10.81 Subsequently, a further update to the EclA and a Biodiversity Impact Assessment (BIA) prepared by Futures Ecology were submitted, which includes assessment of the watercourse and mitigative measures to be implemented post development. This information concludes that although some sections of the watercourse are to be culverted, the majority of the length is to be enhanced via native planting and the creation of new pond habitat. Details of the creation and future management of these will need to be secured within a Biodiversity Enhancement Management Plan. An assessment of the habitats on site has also now been included utilising the Biodiversity Metric 2.0.
- 10.82 The proposed development would unavoidably result in a biodiversity net loss (contrary to Local Plan policy LP30 and chapter 15 of the NPPF). To achieve a measurable net gain of 10% on the site, the development has been quantified as resulting in a total net unit change of -2.17 Habitat Units. A cost of £20,000 per biodiversity unit is considered to be an acceptable sum. As such, the applicant has agreed with officers on a proposed financial contribution of £43,400 towards off-site measures to achieve a measurable biodiversity net gain.

Environmental and public health

- 10.83 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of electric vehicle charging points. In addition, measures to discourage high emission vehicle use and encourage modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, would be secured via the recommended Section 106 obligations.
- 10.84 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed dwelling sizes, affordable housing, pedestrian connections (which can help facilitate active travel), measures to be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.
- 10.85 Regarding the social infrastructure currently provided and available in Shepley and the surrounding area (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted 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. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

- 10.86 Local Plan policy LP49 and Kirklees Council Policy Guidance: 'Providing for Education Needs Generated by New Housing' both state that the need for the provision of additional school places will be a material consideration when proposals for new housing developments are considered. The Council will negotiate with developers for a financial contribution to cover the cost of additional school places where the local school has insufficient assessed capacity within available accommodation for the places likely to be generated. The site falls within the catchment areas of Shelley First School, Kirkburton Middle School and Shelley College. Based on a series of calculations, the School Organisational and Planning Team have sought £64,537 for Kirkburton Middle School as a result of a school place deficit and the number of dwellings proposed. No contributions are sought for any other local schools and there are no objections from the School Organisational and Planning Team subject to securing this planning obligation, which can be secured as part of a Section 106 Agreement.

Ground conditions

- 10.87 A Phase 1 Geo-environmental Report by Haigh Huddleston dated Oct 2020 (ref: E19/7465/R003) supports the planning application, which has been reviewed by Environmental Health. Although the site has been recorded as open fields since the 1850s, the surrounding historic land uses, and underlying geology have been identified as possible pollutant pathways with may impact the site. Namely, there is a landfill situated 10m northeast at The Knowle and probable shallow mine workings beneath the eastern two thirds of the site. These are identified as sources of landfill and ground gas. The report concludes by recommending a detailed Phase 2 investigation. This is to include rotary boreholes to assess ground conditions, ground gas monitoring and soil sample analysis. In light of its findings, the necessary land contamination conditions are recommended.
- 10.88 The Coal Authority have also reviewed and concur the Geo-environmental Report findings. The report recognises that there currently is a potential risk to the proposed development from unrecorded shallow coal mining beneath the eastern two thirds of the site. The Coal Authority have raised no objections subject to conditions securing intrusive site investigations to establish the risks posed to the development by past coal mining activity and securing any remediation works and/or mitigation measures to address land instability arising from coal mining legacy.
- 10.89 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.

Representations

- 10.90 A total of fourteen representations were received from occupants of neighbouring properties. The material planning considerations raised in the comments have been addressed in this report. Other matters raised are addressed as follows:

- Electricity supply in this area has continual problems with repeated power failures what work is planned to increase capacity and reliability.
- Water and sewerage supplies are also on the limits of capacity.
Officer response: Noted. The developer would carry out the relevant assessments/ investigations and liaise with the appropriate utility providers to ensure the development can be carried out and accommodated without overburdening the surrounding infrastructure/services.
- Request for a 'service corridor' between an existing residents fence/wall and the proposed properties.
Officer response: Each new home owner will have access to the existing wall to facilitate maintenance.
- With the multiple ownerships of the site, the small areas of land have never been economically viable for anything and are unsightly and depressing as people drive on the A629 corridor into Huddersfield.
- Complete lack of engagement from the developer with locals and lack of awareness of this development.
Officer response: Concerns noted.
- The planning application does not meet national and local validation requirements and should be invalid.
Officer response: The representative has not stated the plan or document which they think should have been provided to invalidate the planning application. Officers can only require information considered to be reasonable having regards to the nature and scale of the development; and to relate to matters that it is reasonable to think will be a material consideration in the determination of the application. During the course of the planning application officers sought additional plans and documents, primarily in relation to consultee concerns. In addition, some documentation not provided but considered not to materially impact the determination of the application, can be secured by planning condition.
- Concerns regarding the modelling and professional assessment within the Flood Risk Assessment, Transport Statement and Geo Desk Study. There is a risk of substantial harm to road users of all modes, a risk to life and property in terms of flood risk from fluvial and groundwater and a risk of harm to human health and controlled waters.
Officer response: Consultees have assessed all of the relevant plans and supporting information, where necessary requested additional information to address their concerns. No concerns have been raised regarding the above matters.

Planning obligations

10.91 To mitigate the impacts of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:

- 1) Affordable housing – 10 affordable dwelling houses of which 5 dwelling houses (1-bed) would be starter homes, 2 dwelling houses (2-bed) would be discounted sale and 3 dwelling houses (1-bed) would be for social/affordable rent.
- 2) Education – £64,537 towards Kirkburton Middle School.

3) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £35,240.92 financial contribution, and £10,000 towards Travel Plan monitoring.

4) Open space – £62,073 contribution towards off-site provision.

5) Biodiversity – £43,400 contribution towards off-site measures to achieve biodiversity net gain.

6) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

7) Adjacent land – Agreement to allow vehicular connection to the adjacent land (within allocated site HS203) without unreasonable hindrance.

10.92 The above Heads of Terms have been agreed with the applicant. The Section 106 Agreement will need to give due consideration to the planning obligations secured within the Section 106 Agreement for planning application reference: 2019/91569.

10.93 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and although the proposed development does not meet the relevant threshold (housing developments which would deliver 60 dwellings or more), any agreement by the applicant to provide a training or apprenticeship programme to improve skills and education would be welcomed. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided.

Other planning matters

10.94 A condition removing permitted development rights from some of the proposed dwellings is recommended. This is considered particularly necessary for the dwellings adjacent to Holmlea due to the level difference. In addition, it is considered necessary for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree.

11.0 CONCLUSION

11.1 The application site is allocated for residential development under site allocation HS203, and the principle of residential development at this site is considered acceptable.

11.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), topography, watercourse, drainage and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage. The applicant has proposed an appropriate quantum of development and an acceptable layout, and has demonstrated that the proposals would not sterilise adjacent allocated land and can form an integral part of a wider, masterplanned development. The proposals respond appropriately to the character and appearance of the surrounding area, and the quality of residential accommodation is considered acceptable. The provision of 52 residential units at this site (including the provision of ten affordable housing units) would contribute towards meeting the housing delivery targets of the Local Plan, and are welcomed. Approval of full planning permission is

recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.

- 11.3 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Submission of a Construction (Environmental) Management Plan (including temporary surface water drainage arrangements).
4. Provision of visibility splays.
5. Submission of details relating to internal adoptable roads.
6. Submission of a Full Travel Plan.
7. Submission of a Road Safety Audit.
8. Submission of details of surfacing and drainage of parking spaces.
9. Submission of details of highways structures.
10. Cycle parking provision prior to occupation.
11. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
12. Submission of temporary waste storage and collection.
13. Submission of details of any retaining walls.
14. Submission of drainage details (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate)
15. The site shall be developed with separate systems of drainage for foul and surface water on and off site
16. Submission of a scheme detailing the piping of the watercourse at the point(s) of access or within the site
17. The development shall only be carried out in accordance with the approved Flood Risk Assessment
18. Submission of an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions
19. Submission of a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip)
20. Submission of a scheme of intrusive site investigations and any remediation works and/or mitigation measures to address land stability
21. Submission of a noise impact assessment with the necessary mitigation measures for identified dwelling plots
22. Submission of an intrusive site investigation report (phase II report).
23. Submission of a remediation strategy.

24. Submission of a validation report.
25. Submission of site investigation and remediation works to address risks posed to the development by past coal mining activity.
26. Submission of details of sound insulation measures.
27. Submission of details of crime prevention measures.
28. External materials (details and samples to be submitted).
29. Submission of details of boundary treatments.
30. Submission of details of external lighting.
31. Submission of a full landscaping scheme and Landscape and Ecological Management Plan.
32. Restriction on removal of trees and hedgerows during nesting season.
33. Removal of permitted development rights for extensions and outbuildings for plots 36-45 and 72-73.

Background Papers:

Application and history files

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93358>

Certificate of Ownership – Certificate B signed