
Report of the Head of Planning and Development**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 16-Sep-2021**

Subject: Planning Application 2021/91638 Reserved matters application pursuant to outline application no. 2016/91479 (appeal no. APP/Z4718/W/17/3173711) for erection of 22 dwellings Land at Hart Street, Newsome, Huddersfield, HD4 6LS

APPLICANT

Nick Gould, Urban
Developments (York) Ltd

DATE VALID

21-Apr-2021

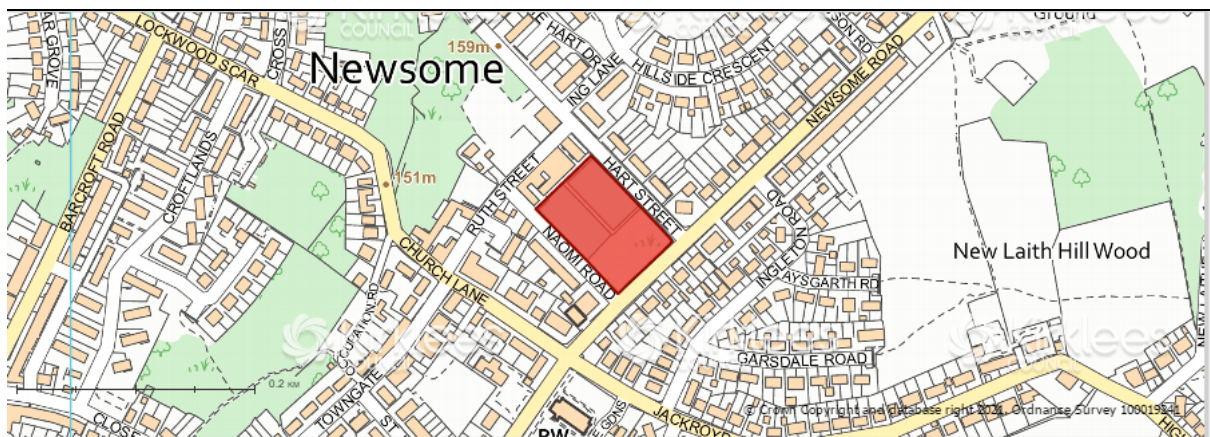
TARGET DATE

21-Jul-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: Newsome

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 to:

1. Await the result of the crayfish survey. If none are found move the application forward to a decision in accordance with points 2 and 3 of the recommendation set out below.

If, in the unexpected circumstance that crayfish are identified within the mill ponds, undertake appropriate negotiation on the matter, with officers to return the application to a subsequent Committee with an updated recommendation.

2. To secure a S106 agreement to cover the following matters:

- a) Public open space provisions including off site commuted sum (£23,798.15) and future maintenance and management responsibilities of the open space within the site
- b) Contribution towards sustainable travel (metro cards) (£11,253)
- c) Four dwellings (20% of units) to be affordable, with all four to have a tenure of affordable rent.
- d) Management and maintenance of drainage and public open space.

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

3. Complete the list of conditions, including those contained within this report, and issue the planning permission.

1.0 INTRODUCTION

- 1.1 This application seeks reserved matters permission for the erection of 22 dwellings. Approval is sought for all reserved matters; access, appearance, landscaping, layout, and scale. Outline permission for the principle of the development, including the quantum of 22 units, was approved via application 2016/91479.

- 1.2 In accordance with the Delegation Agreement the application is brought to the Huddersfield Area Planning Sub-Committee due to the level of public representation (in objection), which is deemed significant. Ward Councillor Andrew Cooper has also requested a committee decision, if officers are minded to approve.

2.0 SITE AND SURROUNDINGS

- 2.1 The site comprises an area of 0.62 ha. It is a rectangular in shape. There are two reservoirs within the north half of the site that originally served Newsome Mills. The south half of the land is largely overgrown. Historically this area of land was used as allotments. Along the west boundary are a number of mature trees that are protected by a Tree Preservation Order.
- 2.2 The site is flanked on 3 sides by roads: Hart Street, Newsome Road, and Naomi Road to the north, east and south respectively. These roads are residential in character. To the north-west, across a private access, is a mix of housing and business units; these units separate the site from Ruth Street. On the north side of Ruth Street is the remains of Newsome Mills, a grade 2 listed building. Further to the west is Newsome local centre.

3.0 PROPOSAL

- 3.1 The outline planning permission, which was granted with all matters reserved, established the principle of development for 22 dwellings. This is reserved matters application seeks approval for all reserved matters; access, appearance, landscaping, layout, and scale.
- 3.2 Of the 22 dwellings, the following sizes are proposed:

2-bed: 6
3-bed: 16

Three distinct house types are proposed. All dwellings are to be two storeys in height. Most units are to be in semi-detached pairs, except for two terraces of three. All dwellings would be faced in artificial stone with concrete roof tiles.

- 3.3 A new shared surface road into the site is to be formed, accessed from Hart Street. It would lead into the centre of the site and provide access to plots 1 – 5, 8 – 9 and 19 – 22. Plots 6 – 7 and 10 – 15 would front onto, and be accessed from, Hart Street. Plots 16 – 18 would face onto, and be accessed from, Newsome Road.
- 3.4 All units are to have two off-road parking spaces, bar plot 8 which has one, and a rear garden area. Rear boundaries are to be 1.8m high timber fencing, with feature stone and timber fencing on prominent edges. Street trees are proposed around the new road. An area of 1,229.9 sqm public open space (POS) is proposed, including along the west boundary, and sited in the south corner. The POS would provide pedestrian access from Newsome and Naomi Road into the site. A pond would be sited within the POS.

- 3.5 The applicant has stated that all units (22) are to be affordable rent, to be managed and operated by the registered provider Yorkshire Housing. They have offered 4 (20%) be secured within the S106 as affordable housing.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2007/91056: Residential development of 24 dwellings and 8 apartments and associated parking, garages, roads and sewers – Refused

2008/92072: Erection of 28 no. dwellings with associated roads, parking, garaging, sewers and creation of new public open space – Refused (Appeal dismissed)

2016/91479: Outline application for erection of 22 dwellings – Refused (Appeal Upheld)

2020/92721: Application for Additional Environmental Approval to restore planning permission 2016/91479 for outline application for erection of 22 dwellings and extend the time limit to implement the development until 1 May 2021 – Granted

4.2 Surrounding Area

Newsome Mills

2017/93009: Listed Building Consent to remove fire-damaged debris from interior of mill building and weaving shed – Granted

2019/91404: Listed Building Consent for internal and external alterations and works – Granted

2019/91633: Outline application for extension and alterations to existing mill remains to create 33no. apartments with parking and services at ground floor level, and change of use of former office building into one dwelling and the existing gate house to cycle parking facilities with ancillary works including the provision of open space – S106 Outline Permission

Land north of Newsome Mills

2019/91630: Outline application for erection of 30 dwellings and 12 apartments with ancillary works – S106 Outline Permission

Connect Day Services Ltd, 1 C, Ruth Street

2019/90198: Change of use from outbuilding, former cart shed and former pump house to adult day care – Conditional Full Permission

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The application was not subject to pre-application discussions. Planning officers and consultants expressed various concerns to the initial proposal. This included matters relating to design, highways, drainage and ecology.

- 5.2 Negotiations took place on the identified issues. Discussions were also required on securing the identified planning obligations. This involved formal meetings, emails, and phone calls. The applicant positively responded to all feedback and incorporated officer requests and recommendations into their design.
- 5.3 Following receipt of the amended proposal, and further supporting documents, the application was re-advertised. On assessment of the amended proposal, final discussions took place on outstanding matters, which the applicant continued to respond positively to. Based on the negotiations undertaken and amendments made, officers were supportive of the proposal.

6.0 PLANNING POLICY

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

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

- 6.2 The application site is unallocated land within the Local Plan. Relevant Local Plan policies are:
- **LP1** – Presumption in favour of sustainable development
 - **LP2** – Place shaping
 - **LP3** – Location of new development
 - **LP7** – Efficient and effective use of land and buildings
 - **LP11** – Housing mix and affordable housing
 - **LP20** – Sustainable travel
 - **LP21** – Highways and access
 - **LP22** – Parking
 - **LP24** – Design
 - **LP27** – Flood risk
 - **LP28** – Drainage
 - **LP29** – Management of water bodies
 - **LP30** – Biodiversity and geodiversity
 - **LP33** – Trees
 - **LP34** – Conserving and enhancing the water environment
 - **LP35** – Historic environment
 - **LP38** – Minerals safeguarding
 - **LP51** – Protection and improvement of local air quality
 - **LP52** – Protection and improvement of environmental quality
 - **LP53** – Contaminated and unstable land
 - **LP63** – New open space

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

Supplementary Planning Documents

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

Guidance documents

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

National Planning Guidance

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

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment
- **Chapter 17** – Facilitating the sustainable use of minerals

- 6.5 Other relevant national guidance and documents:

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

Climate change

- 6.6 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.7 On the 12th of November 2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

Public representation

- 7.1 The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.
- 7.2 The proposal was amended during the course of the application. The amended proposal was re-advertised to neighbouring residents and registered interested parties. The final public representation expired on the 18th of August, 2021. Subsequent minor amendments were made which did not justify an additional public representation period.
- 7.3 In total, across the two public representation periods, 72 representations were received. One was in support with all others in objection. The following is a summary of the comments received.

Design

- The proposed development is unattractive and out of keeping with the area.
- The application should provide more information to demonstrate how it will fit into the existing streetscene.
- The site is of heritage value, being a historic mill pond. The development would also harm the 19th century culvert and setting of nearby historic buildings, such as the coach house.
- The proposal will block views, including towards Castle Hill.
- The mill ponds are an important characteristic of Newsome and their loss is detrimental to local heritage and setting. This view is supported by the 2009 inspector's decision, which cited the development of this

land 'would have an unacceptable impact on the character and appearance of the area'.

- The 2017 inspector stated, in their report, that the proposal would cause harm to the character of the area. He also stated that the proposed outline failed '*to demonstrate that the proposed quantity of development could be accommodated within the confines of the site given the constraint created by the protected trees*'.
- Since the 2017 inspector's decision the Local Plan has been adopted, which does provide a 5-year housing land supply. The previous 5-year housing land supply issue was a determining factor in the inspector supporting the outline application.

Amenity

- Concerns over the amenity of future occupiers, due to fears of the quality of the new houses and their size.
- The proposed development will harm the amenity of nearby residents, through overbearing, overshadowing, overlooking, and noise. This includes windows and garden spaces.
- The site is an open green space in the urban environment; it provides mental and physical wellbeing to local residents. The new Public Open Space will not serve a practical purpose for residents. This has been particularly necessary and evident during lockdown.

Highways

- The new dwellings have insufficient parking spaces.
- The proposal will prevent on-street parking along the south of Hart Street, which will harm the amenity of nearby residents who rely on the on-street parking.
- Concerns over driveways directly onto Newsome Road.
- Newsome is overly congested; the proposal will exacerbate this.
- The walls of the ponds are also retaining structures, which retain parts of Naomi Road and the trees along the road.
- Concerns over the cumulative impact of the proposed development and that approved (at outline stage) at Newsome mills.

Drainage

- The dwellings are on a flood plain.
- Questions over what will happen to the ponds and the water that currently feeds them.
- The ponds are an attenuation feature which helps keep the local watercourse 'in balance'. The development will lead to the flooding of local properties.
- Insufficient understanding is demonstrated by the applicant in regards to the source of water into the mill pond.

Other

- The site should be reverted to an allotment, to enable local people to grow their own food. Local community groups support and wish to do this. Alternatively, the pond should be brought into public ownership.

- The proposal will lead to an increase in pollution through traffic movements.
- The site is not a housing allocation, unlike Newsome mills. The ponds should not be developed before the Newsome mill site, which is an available brownfield site.
- The development will put greater pressure on local institutions, including schools and surgeries.
- Trees are to be removed from Hart Street, to the detriment of amenity and the environment. No replacement trees are proposed along Hart Street.
- An arboricultural method statement is required to demonstrate the trees along Naomi Road will be kept safe.
- The site is of ecological value and its removal, with no adequate mitigation, will harm local ecology. Particular concern is given over the loss of the pond, which benefits fish, birds, insects, and bats.
- The fire service has previously used the ponds to source water.
- The proposal will harm property values in the area.

Support

- The proposed dwellings will help those in need, as there is currently a housing shortage.

7.4 Local ward members were notified of the application. The site falls within Newsome Ward.

7.5 All of the local ward members (Cllrs Karen Allison, Andrew Cooper and Susan Lee Richards) object to the proposal and have put forward shared comments. The following is a summary of the matters raised:

- Notice is given to the LLFA's initial objection to the proposal. Questions over the capacity of the local sewerage infrastructure.
- The proposal would be visually harmful, to the detriment of the area's character, including the heritage value of the mill ponds.
- The proposal will harm local ecology.
- The proposal has insufficient parking for the number of dwellings, nor do dwellings have electric vehicle charging points.

8.0 CONSULTATION RESPONSES

Below is a summary of the consultation responses received in relation to this application. Where appropriate, these are expanded on further in the main assessment.

8.1 Statutory

K.C. Highways Development Management: No objection subject to conditions.

The Coal Authority: No objection.

Yorkshire Water: No objection.

8.2 Non-statutory

K.C. Conservation and Design: Expressed initial concerns over the design and layout of the proposal. They provided advise on aspects of the design, which the applicant incorporated into their proposal. No objection to the proposal as amended.

K.C. Crime Prevention: No objection subject to conditions.

K.C. Ecology: Have been involved in discussions throughout the application process. Subject to the crayfish survey result being the expected negative, no objection subject to conditions. Should the survey identify a crayfish population K.C. Ecology will require further involvement.

K.C. Environmental Health: Comments on review of the ground investigation reports are delayed.

K.C. Landscape: Expressed initial concerns over the design and layout of the proposal. They provided advise on aspects of the design, which the applicant incorporated into their proposal. No objection to the proposal as amended.

K.C. Lead Local Flood Authority: Have provided advise and feedback through the proposal. Expressed initial objections. Following the submission of amended proposal, no objection subject to conditions.

K.C. Strategic Housing: Advised on matters relating to affordable housing.

K.C. Trees: No objection subject to conditions.

9.0 MAIN ISSUES

- Principle of development
- Sustainability and climate change
- Access
- Appearance
- Layout
- Scale
- Landscaping
- Planning obligations
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The outline permission (2016/91479) approved the principle of residential development within the site for up to 22 dwellings with all matters reserved. This application seeks permission for the outstanding reserved matters. These are layout, scale, appearance, access and landscaping, considered below.

- 10.2 Reserved matters are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as the following:

Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

Scale – the height, width and length of each building proposed within the development in relation to its surroundings

- 10.3 Notwithstanding the above, while the quantum of residential units was secured at outline stage, consideration must be given to the housing mixture. LP11 of the Local Plan requires consideration of housing mixture. LP11 requires a proposal’s housing mix to reflect the proportions of households that require housing, achieving a mix of house size (2, 3, 4+ bed) and form (detached, semi, terrace, bungalow). The starting point for considering the mixture of housing types needed across the district is the Kirklees Strategic Housing Market Assessment (SHMA).
- 10.4 The application seeks six 2-bed units and 16 3-bed units. When queried on this proposed mixture the applicant, alongside a statement from Yorkshire Housing, specified the mixture is to address identified shortfalls in affordable housing in the area. To demonstrate this, they included data from Kirklees’ Housing Solutions Service which confirmed local demand against supply. As noted previously, the applicant intends to operate the site as 100% affordable housing (affordable rent). The submitted information has been discussed with K.C. Strategic Housing, who accept the data, with officers likewise raising no objections.
- 10.5 The principle of the proposed development, and the number of units, has been established by the outline permission. Furthermore, the type of housing is considered to address local need. Consideration must however be given to local impacts and assessments made on the reserved matters.

Sustainability and climate change

- 10.6 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.7 The site is within the urban envelope, within a location considered sustainable for residential development. It is accessible, lying within an existing established settlement and close to various local amenities and facilities. Notably the site is within close proximity of Newsome local centre and has Huddersfield Town Centre nearby. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.8 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change. These aspects will be considered where relevant within this report.

Access

- 10.9 There is currently no vehicle access into the site. A new road is to be created with access from Hart Street, a 30mph residential road, which would serve plots 1 – 5, 8 – 9, and 19 – 22. Plots 6 – 7 and 10 – 15 would have direct access onto Hart Street and plots 16 – 18 onto Newsome Road.
- 10.10 For the access road, following initial concerns from HDM and the Council's Section 38 team, amendments have been made and further details provided. Adequate on-site turning has been demonstrated for local service vehicles. It is intended for this road to be built to an adoptable standard and then adopted. Based on the further details, HDM have identified no reason why the access may not be built to an adoptable standard. A condition is to be imposed requiring the submission of technical highway details to ensure the road is built to an acceptable standard.
- 10.11 The proposal would add several driveways onto Newsome Road and Hart Street. Hart Street is a residential road and new access points are not a cause for concern. Residents have raised concerns over the proposal displacing informal road parking on Hart Street. A reduced level of frontage parking will be retained on Hart Street, but as informal street parking, officers are satisfied it may be accommodated elsewhere within the local network. K.C. Highways expressed initial concerns over the proposed driveways onto Newsome Road. However, the new driveways will have clear lines of sight, with Newsome Road already has a high number of dwellings with driveways onto it. In these circumstances, cumulative with the low number of driveways onto Newsome Road proposed (three), the arrangement is not considered unacceptable.

- 10.12 The proposal's traffic generation was considered at outline stage by officers and the inspectorate, who each concluded there was no indication that the local highway network could not accommodate the demand. At 22 dwellings the proposal falls below the thresholds for transport assessments and travel plans. Accordingly, there are no concerns over the proposals impact upon the local network.
- 10.13 Pedestrian access is to be via the new access road from Hart Street, and a footpath through the Public Open Space with separate routes to Newsome Road and Naomi Road. This is considered a good level of pedestrian permeability that would allow strong connectivity for residents, including towards nearby bus stops and Newsome centre.
- 10.14 Considering waste collection, each dwelling has dedicated waste storage facilities (for up to three bins) and sufficient space in curtilage for waste presentation on collection day. As noted previously, adequate turning for a waste service vehicle has been demonstrated. As engineering works would take place adjacent to Naomi Road, K.C. Structures have requested a condition securing more details on works near existing highway retaining walls, which is considered appropriate and recommended by officers.
- 10.15 In the interest of highway safety and amenity during the construction phase conditions requiring the submission of Construction Traffic Management Plan (CMP) and Construction Environmental Management Plan (CEMP) are recommended.
- 10.16 Having regard to the above, the proposal is considered to deliver a safe and suitable access arrangement, which would not harm the safe and efficient flow of traffic on the surrounding highway network. It is therefore considered to comply with Policy LP21 of the KLP.

Appearance

- 10.17 The proposed dwellings are predominantly semi-detached, which is the dominant house form in the area. Two terraces are proposed, located next to the site's north-west boundary. These terraces are adjacent to an existing neighbouring terrace and converted commercial site; the proposed siting of the terraces helps the development transition between semi-detached properties on Newsome Road and the higher density of development near Newsome Mills. Therefore, the proposed forms are considered acceptable.
- 10.18 Regarding architectural form, the proposed dwellings would have a typical, simple modern vernacular. Dwellings in the area have varied appearance, but predominantly can be identified as the vernacular design of their period of construction, with simple aesthetics. During the application window proportions and the addition of feature bay windows (on certain units fronting Hart Street and Newsome Road) have been introduced to reflect prominent characteristics of the built environment. Roof forms in the area are mixed between gabled and hipped: the proposal has a corresponding mixture. As amended, the proposed dwellings design and architectural features would adequately harmonise into the established built environment.

- 10.19 The dwellings would be faced in artificial stone. Materials in the area are varied, with artificial stone, natural stone, render, timber, and brick being evident. In this context the use of artificial stone is not opposed in principle, however a suitably high-quality end product and coursing would be required. Furthermore, appropriate coursing would be required. Samples of the materials and coursing may be secured via condition.
- 10.20 For the given reasons, officers are satisfied that the proposed appearance of the development would not harm visual amenity and it would represent good design in accordance with Policy LP24 of the KLP.

Layout

Residential Amenity

- 10.21 The site is surrounded by existing residential properties, although those to the north, east and south are separated from the site by roads. The proposed dwellings' habitable room windows are in excess of 21m of all neighbouring dwellings, in accordance with guidance contained within the Householder Design Guide SPD. Topography on site and around the site is predominantly level and gives no reason to depart from these recommended distances.
- 10.22 To the north-west of the site are closer spaced neighbouring properties; some of the buildings are commercial and others are residential. Residential units have their side elevations facing the site. No. 8 Hart Street has a first-floor window, however based on its small size and location, it is presumed to serve a non-habitable room. There are no concerns regarding the impact upon commercial properties.
- 10.23 The proposed separation distances to existing neighbouring residential properties are acceptable and do not raise concerns over overbearing, overshadowing, or overlooking.
- 10.24 Consideration must also be given to internal separation distances and the amenity of future occupiers. Internal separation distances meet or exceed the minimums set out within the Householder Design Guide, with the exception of plots 15, which has a rear separation of 6m of plot 14 at a minimum of 6.0m. However, plot 15 is orientated away from plot 14; the proposed angle will allow plot 15's occupiers a predominantly clear view over their own garden and results in no amenity concerns.
- 10.25 The proposed layout, for residential amenity purposes, is considered acceptable and complies with guidance contained within the Householder Design Guide SPD and the aims and objectives of LP24 of the Kirklees Local Plan.

Urban design

- 10.26 Plots 6 – 18 front direct onto Newsome Road and Hart Street; this mimics the form of most dwelling in the area. Plots 15 and 16 are at a 45degree angle compared to other units and face the junction of Newsome Road / Hart Street. This mimics the layout no. 342 Newsome Road on the opposite side of the Newsome Road / Hart Street junction and is considered an appropriate response to local character. The set back of the dwellings from the roads is

considered acceptable; plots 17 and 18 are noted to be closer than most other dwellings in the area, but not unduly so: being well separated from existing dwellings, this closer proximity will not be notable and its impact will be further reduced by the POS being immediately to their side, preserving an open character. Plots 1 – 5 and 19 – 22 front the new road; they have appropriate positioning, orientation, and space around them. Overall, the layout of the dwellings is typical for modern residential development and mimics that of most dwellings in the surrounding area.

- 10.27 The proposed public open space is sited in a suitable location where it will serve the wider community and not just future occupiers. Furthermore, the POS hosts paths from both Naomi Road and Newsome Road into the development which connect into the road through the site, onto Hart Street. This will provide a good level of pedestrian connectivity.
- 10.28 Considering parking layout and provision, there would be a mixture of front and side parking. The mixture is appropriate and allows for some units to have front gardens, preventing an unattractive 'sea of tarmac' arrangement. Bar one exception, all units (which are a mixture of two and three-bed properties) would be served by two dedicated off-road parking spaces, in accordance with the recommended levels on the Highways Design Guide SPD. The exception is plot 8, which has a single parking space. Plot 8 is a two-bed dwelling. During negotiations an agreeable solution, which balanced design, amenity and highway safety, and that provided two parking spaces could not be identified. In mitigation the site is deemed a sustainable location, with the site having strong public transport links (with metro cards proposed), proximity to Newsome Local Centre and Huddersfield town centre, and a condition for cycle storage facilities being proposed. Furthermore, the property is only two-bed; on balance this shortfall is not considered a cause for concern. Four dedicated visitor parking spaces are to be provided upon the new road. Of the proposed units 11 would be accessed from the new road and 11 from Hart Street / Newsome Road. Given this mixture, a reflective combination of dedicated and informal visitor parking spaces is considered acceptable.
- 10.29 The provision of cycle storage facilities and electric vehicle charging points, one per dwelling, are recommended to be secured via condition. This is to promote alternative, low emission, methods of travel.
- 10.30 It is noted that the site is neither within a Conservation Area nor immediately adjacent to a Listed Building. While it is within the Castle Hill Study Area the separation distance would limit the material's impact upon the heritage asset. The site is close to the Grade 2 Listed Newsome Mills. In regards to the ponds, which have historic connection to the mill, in making their decision on the outline application the inspector stated:

I note that the Council accepts that they are neither curtilage listed structures for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990, nor within the setting of the listed mill to the rear. I note also the Council's Officer Report which states that due to their separation from the Mill that the water bodies have little significance as non-designated heritage assets. I am aware too that the water bodies are not mentioned within the listing description of the Mill, and I am conscious of references to an English Heritage report, which considered that the physical separation of the water bodies from the Mill, and the limited architectural interest of the ponds indicated that they were unsuitable for listing.

Accordingly, officers are satisfied that the proposed development – which has raised no concerns over fitting into the established built environment – would not cause harm to any nearby heritage assets.

- 10.31 The application has been assessed based on the submitted plans. Once erected, dwellings benefit from Permitted Development right for further extensions and alterations. There are concerns that Permitted Development works on certain units could lead to an overdevelopment cause harm to residential amenity, visual amenity, and highway safety. This relates to plot 6, given its layout to no.8 Hart Street, and units 15 and 16, due to their comparative small garden size caused by their orientation to the other units. Accordingly, it is recommended to remove Permitted Development rights for extensions and outbuildings for the identified dwellings.
- 10.32 Summarising the above, officers are satisfied that the proposed layout would respect the townscape and landscape such that it is considered to be sufficiently good design and comply with the guidance of the Householder Design Guide SPD and Policies LP24 and LP35 of the KLP.

Scale

- 10.33 The scale of the proposed dwellings, consisting of their height, width and length, is consistent what that of neighbouring properties. Furthermore, the forms of the dwellings, being a mixture of terraced and semi-detached, mimics that predominant within the area. The scale of the dwellings would suitably harmonise into the established built environment and not appear incongruous.
- 10.34 For the amenity off future residents, all units would meet the minimum recommended floor spaces outlined within the Technical Housing Standards, as set out within the below table.

House Type	Number of units	Proposed (GIA, m ²)	NDSS (GIA, m ²)
Type A (2-bed)	6	70	70
Type B (3-bed)	7	85	84
Type C (3-bed)	9	85	84

- 10.35 Garden sizes, both front and rear, are considered commensurate to the scale of their host dwellings, establishing good spacing to the benefit of residential and visual amenity.
- 10.36 The scale of the development is therefore considered to respect the surrounding townscape, while also ensuring an appropriate standard of amenity for future occupiers, in accordance with Policy LP24 of the KLP.

Landscaping

- 10.37 Engineering works will be required to level parts of the site and to facilitate the development. Overall, these will not be substantial and are not a cause for concern. However, some levelling will be required near to the retaining wall of Naomi Street. A condition for technical details of any works close to the retaining wall is recommended, in the interest of highway safety.

- 10.38 The proposed gardens are considered commensurate in scale to their host dwellings. They offer good separation and space about dwellings, while offering private amenity space for residents, securing a high standard of visual and residential amenity. A comprehensive boundary plan has been provided, showing the subdivision of dwellings and other boundaries. Officers are satisfied that the proposed boundary treatment would be visually attractive, while securing the amenity of future occupiers without harming the amenity of neighbouring residents. The implementation of the given boundary treatment is to be secured via condition.
- 10.39 An area of public open space 1,229.9 sqm in size is proposed. This is welcomed and, as noted in the layout section, is in an appropriate location. The application is supported by a hard and soft landscaping strategy which is considered acceptable and would secure a high-quality environment. This was amended during the course of the application to include a pond, for ecological purposes, but would have visual amenity benefits as well. A condition is recommended requiring the implementation of the landscaping as proposed, alongside the management and maintenance details for the open space for a minimum of five years, to ensure plants have adequate establishment opportunity, alongside a S106 agreement to secure long-term management arrangements.
- 10.40 Policy LP33 of the Local Plan establishes a general principle in favour of protecting trees which offer public amenity value. The site hosts numerous trees along its boundary with Naomi Road, which benefit from a group Tree Preservation Order. The application is supported by an arboricultural survey and impact assessment. Several trees around the site are to be removed to facilitate the development. These are predominantly young or in a poor state of health, offering limited public amenity value. Three trees within the TPO group have been identified for removal, on arboricultural grounds due to poor health and likewise are of limited public amenity. Replacement tree planting is proposed, with the landscaping strategy proposing 12 trees across the site. Many of these will be along the street with others in the Public Open Space, which is welcomed.
- 10.41 The submitted reports have been reviewed by K.C. Trees. They do not oppose the development, subject to a condition for an arboricultural method statement (to detail how trees would be protected during construction). This is acceptable to officers, who consider the proposal to comply with LP33.
- 10.42 In summary, officers consider the submitted landscaping details to be acceptable in accordance with KLP Policies LP24, LP32 and LP33.

Planning obligations

- 10.43 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.
- 10.44 The outline approval, which had the set number of 22 dwellings, contained planning conditions requiring the provision of affordable housing and public open space. Officers consider it appropriate and reasonable to secure the provision of these obligations at this stage, via a S106 agreement, as per the below summary.

Affordable homes

- 10.45 LP11 of the Local Plan and the Council's Interim Affordable Housing Policy requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. For this site, a 20% contribution would be 4 units.
- 10.46 The applicant has agreed to 4 units, as affordable rent, being secured within the S106 agreement. They have stated that all units on site are to be affordable rent, with the site being managed and maintained by Yorkshire Housing (a registered provider) moving forward.
- 10.47 Local policy would typically seek a tenure mixture of 55% affordable rent, and 45% intermediate tenure: in this case split two and two. The applicant and Yorkshire Housing have raised concerns over having two intermediate tenure units alongside 20 affordable rents, stating management issues. Furthermore, they have demonstrated a specific local need for additional affordable rent units in this area. This is not disputed by officers or K.C. Strategic Housing. Accordingly, officers are satisfied that the proposed affordable housing officer is acceptable, in compliance with the aims and objectives of LP11 and the Kirklees Interim Affordable Housing Policy.

Education

- 10.48 The scale of the development does not trigger a requirement for an education contribution.

Public open space

- 10.49 In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide public open space, or contribute towards the improvement of existing provision in the area.
- 10.50 The application proposes 1,229.9 sqm of on-site Public Open Space, with an off-site contribution of £23,798.15 agreed, which is in accordance with the Public Open Space SPD. The contribution is recommended to be secured within the S106. This is considered appropriate to comply with policy LP63 of the Kirklees Local Plan.

Sustainable travel

- 10.51 The site is within walking distance of numerous bus stops that connect the development to the wider area, including Huddersfield Town Centre that in turn connects to the greater region. To assist in the promotion of alternative, sustainable methods of travel, as opposed to the primary use of private vehicles, West Yorkshire Combined Authority have calculated a contribution of £11,253 for the provision of metro travel cards (bus only).
- 10.52 The provision of this contribution is considered to comply with the aims of LP20 of the KLP.

Management and maintenance

- 10.53 It is recommended that the S106 agreement include terms for the provision of long-term maintenance and management of the surface water drainage features (until adoption) and the on-site public open space. This is to ensure appropriate responsible bodies are in place to ensure the ongoing management and maintenance of these assets.

Other matters

Air Quality

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

Contamination and coal legacy

- 10.57 The site is within a High Coal Risk Area. The application is supported by a Phase 2 Site Investigation Report which has been reviewed by the Coal Authority. The report concludes that the coal mining risk of ground instability is negligible. The Coal Authority concur with this assessment and offer no objection to the proposal.
- 10.58 Turning to contaminated land, the outline planning permission included a condition requiring the investigation of potential on-site contamination and, subject to the outcome, secures appropriate mitigation, remediation, and validation. This is sufficient to ensure that the proposal complies with the aims and objectives of LP53.
- 10.59 Notwithstanding this, the application is supported by a Phase 1 and Phase 2 ground investigation reports, and a remediation strategy. This is currently being reviewed by K.C. Environmental Health. Regardless, as the aforementioned condition is imposed on the outline it cannot be discharged as part of this reserved matters application. K.C. Environmental Health's comments will inform the applicant prior to the submission as part of a Discharge of Condition application.

Drainage and flood risk

- 10.60 The site is within flood zone 1 and is below 1ha in size. Therefore, neither a site-specific flood risk assessment nor sequential test is required.

- 10.61 The site hosts a pair of artificial ponds. The ponds are fed by a culvert, which crosses the site from Newsome Road and discharges into the ponds. The ponds only overflow into the combined sewer on Hart Street. The applicant proposes to re-direct the feeder culvert, having it discharge directly into the combined sewer on Newsome Road. This has been accepted in principle by Yorkshire Water, subject to a separate sewerage connection agreement process. As the ponds already overflow into the combined sewer there are no anticipated capacity issues. Once the culvert is re-directed the ponds would be drained, possibly via tanker or direct to the sewer (subject to Yorkshire Water agreement). This approach is considered acceptable by planning officers and the LLFA.
- 10.62 The submission of a drainage strategy is secured via condition 9 on the parent outline planning permission. Despite this, the applicant has provided indicative details to demonstrate that an appropriate drainage strategy has been considered and may be accommodated on site. This has been reviewed by the LLFA and is considered acceptable for this stage, with a complete scheme to be provided at discharge of condition stage. The final details relate to the size of the attenuation tank, which has adequate space to be enlarged as required.
- 10.63 The drainage strategy is supported by a flood route plan, should a pluvial exceedance event occur. It demonstrates adequate avoidance of dwellings and their respective curtilages. Foul drainage, which is likewise secured via condition on the parent outline permission, is indicated to be direct into the combined sewer.
- 10.64 The maintenance and management of the surface water drainage system (until formally adopted by the statutory undertaker) is recommended to be secured via a Section 106 agreement. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.
- 10.65 The provision of full surface water and foul drainage details is secured via condition at outline stage. However, the applicant has provided sufficient detail with this reserved matter to demonstrate an acceptable scheme is feasible with due regard to the relevant reserved matters. Accordingly, officers are satisfied that the proposed development complies with the aims and objectives of LP27 and LP28 of the KLP.

Ecology

- 10.66 Development has the potential to cause harm to ecology within any site and in the wider area. Policy LP30 of the KLP states that the Council would seek to enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity.
- 10.67 The Local Planning Authority's refused the outline application (ref. 2016/91479) on ecology grounds. It was considered that the ponds were of local importance to ecology and should be retained. The decision to refuse 2016/91479 was appealed and upheld by the planning inspectorate. In their determination, the inspector gave due regard to the LPA's concerns. However, they were satisfied that the applicant had demonstrated harm to local ecology

would not be significant. The inspector concluded that the habitats present on the appeal site are of importance to nature conservation at the site level only, and their loss could be adequately mitigated via the imposition of the following condition:

7) Notwithstanding condition 4 no development shall take place until details of the on-site mitigation and biodiversity enhancement and of off-site nature and water conservation measures have been submitted to and approved in writing by the local planning authority. The scheme shall include measures for the mitigation of biodiversity impacts of the development hereby approved and details of measures to encourage biodiversity within the site, including potential locations for bird and bat roosting opportunities. Development shall be carried out in accordance with the approved details.

- 10.68 In light of the above, the principle of developing the site for 22 dwellings, without the retention of the ponds, was established at outline stage.
- 10.69 Notwithstanding this, officers have worked with the applicant to ensure adequate consideration is given to on-site mitigation and biodiversity enhancement during the course of this reserved matters application, as opposed to waiting until the discharge of condition stage, as ecological mitigation and enhancement may have a bearing on the reserved matters of scale, landscaping, and layout. However, in accordance with the condition, specifics of the off-site nature and water conservation measures to mitigate for the loss of the mill ponds will be addressed via the subsequent discharge of condition 7 of the outline permission.
- 10.70 The application is supported by an Ecological Mitigation & Enhancement Plan which has been reviewed by K.C. Ecology. The loss of the pond is noted however as per the previous inspector's decision, the condition is considered sufficient to ensure adequate mitigation will be put in place. Nevertheless, as a 'layout' consideration, the application has been amended to include the provision of a smaller pond on site. This will ensure that existing ecological functions are retained for amphibians and invertebrates, as well as those that feed upon them, albeit at a reduced capacity. Full technical details of the pond, to ensure it achieves the intended purpose, would be secured via condition.
- 10.71 The document details other means of mitigation and on-site enhancements, which are welcomed in principle and indicate adequate ecological works may be undertaken. To ensure that the creation and maintenance of these are sufficient to provide adequate on-site mitigation and enhancement, a condition will be applied for a Landscape & Ecological Management Plan.
- 10.72 Notwithstanding the above, at outline stage the application's ecological report suggested a crayfish survey be undertaken as part of the reserved matters application. Initially this was not proposed as part of the application: after a desk-based analysis the applicant considered the likelihood of crayfish being within the site was adequately low for surveys not to be necessary. This was disputed by K.C. Ecology; while it is accepted that the likelihood may be low, surveys have been requested in accordance with legislation. The applicant has agreed to this, and the surveys are currently being prepared. The results of the surveys are not expected until after the committee date.

- 10.73 Given the low expectation of crayfish being present, officers consider it reasonable to recommend approval, subject to delegation back to officers to await the outcome of the survey, with the caveat that in the unlikely event crayfish are found the application will be returned to committee for further consideration by members. Subject to the expected outcome of the survey, the proposed conditions, and the previously imposed condition on the outline application, officers consider the proposal to comply with the aims and objectives of LP30 of the Kirklees Local Plan.

Minerals

- 10.74 Mineral resources are finite and their extraction can only take place where the minerals naturally occur. The application site falls within an area designed as a Mineral Safeguarded Area (SCR with Sandstone and/or Clay and Shale) in the Local Plan. This allocation indicates that there is the potential for these mineral resources to be underlying the site. Policy LP38 seeks to ensure the appropriate management of minerals and consider whether they may be extracted during development
- 10.75 The site is brownfield land within the urban environment, with residential properties in close proximity. Given these factors and the site's relatively small size, there is considered limited prospect of any reasonable method of extraction taking place without causing undue impact to nearby sensitive receptors. Accordingly, officers are satisfied that the proposal does not conflict with LP38.

Representations

- 10.76 In total 72 representations have been received. Most matters raised have been addressed within this report. The following are those matters not already considered.

Design

- The site is of heritage value, being a historic mill pond. The development would also harm the 19th century culvert and setting of nearby historic buildings, such as the coach house.
- The mill ponds are an important characteristic of Newsome and their loss is detrimental to local heritage and setting. This view is supported by the 2009 inspector's decision, which cited the development of this land 'would have an unacceptable impact on the character and appearance of the area'.
- The 2017 inspector stated, in their report, that the proposal would cause harm to the character of the area. He also stated that the proposed outline failed '*to demonstrate that the proposed quantity of development could be accommodated within the confines of the site given the constraint created by the protected trees*'.

Response: The loss of the ponds and the respective heritage impact was considered by both planning officers and the inspectorate as part of the parent outline application. The loss of the ponds, on heritage / design grounds, did not form a reason for refusal by the LPA (although it did for amenity / ecology reasons). On the matter, the inspector stated:

I have taken into account the heritage aspects of the reservoirs, and I note that the Council accepts that they are neither curtilage listed structures for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990, nor within the setting of the listed mill to the rear. I note also the Council's Officer Report which states that due to their separation from the Mill that the water bodies have little significance as non-designated heritage assets. I am aware too that the water bodies are not mentioned within the listing description of the Mill, and I am conscious of references to an English Heritage report, which considered that the physical separation of the water bodies from the Mill, and the limited architectural interest of the ponds indicated that they were unsuitable for listing. I note also that there were no objections from statutory consultees in relation to the proposed development of the reservoir element of the appeal site. However, these considerations only point to a lack of harm to heritage interests rather than a positive benefit of the scheme in this regard and therefore have only a neutral effect on the overall planning balance.

Given the above, officers maintain that the loss of the ponds is not detrimental to the heritage value of the area or Newsome mill complex. Conversely, from a general design perspective, the inspector did accept that the loss of the ponds would cause harm to the character of the area. However, they concluded that the benefits of the proposal outweighed the harm caused through the loss of the ponds in upholding the appeal.

The inspector did not claim that the outline proposal failed '*to demonstrate that the proposed quantity of development could be accommodated within the confines of the site given the constraint created by the protected trees*'. He said he'd been supplied with no layout plans, but an indicative plan which demonstrated how the site could be laid out.

- The proposal will block views, including towards Castle Hill.

Response: There is no individual right to a view in planning. Consideration is required as to whether a proposal would harm the amenity of occupiers through aspects such as overbearing or overshadowing; for the reasons given in paragraph's 10.21 and 10.22 this is not considered the case. Conversely Castle Hill is a heritage asset with public views towards it forming an aspect of its heritage value. The proposed development would not unduly restrict public views towards Castle Hill.

- Since the 2017 inspector's decision the Local Plan has been adopted, which does provide a 5-year housing land supply. The previous 5-year housing land supply issue was a determining factor in the inspector supporting the outline application.

Response: It is accepted that the inspector gave weight in favour of the proposal due to Council lacking a 5-year housing land supply at the time, and that the Council now holds a 5-year housing land supply following the adoption of the Local Plan. These circumstances do not change that the site has an extant outline planning permission, and that this assessment is limited to the reserved matters only.

Amenity

- The site is an open green space in the urban environment; it provides mental and physical wellbeing to local residents. The new Public Open Space will not serve a practical purpose for residents. This has been particularly necessary and evident during lockdown.

Response: The site is not allocated Urban Green Space; however, the benefit of open spaces is accepted. It is noted that the principle of erecting 22 dwellings on this site has been approved and is not a consideration of this application. The proposal includes an adequate provision of on-site Public Open Space as well as an off-site contribution to enable improvements at alternative nearby open space sites.

Highways

- Newsome is overly congested; the proposal will exacerbate this.
- Concerns over the cumulative impact of the proposed development and that approved (at outline stage) at Newsome mills.

Response: The scale of the proposed development, and that committed within the area, does not raise concerns over cumulative impacts within the area.

Drainage

- The dwellings are on a flood plain.
- Questions over what will happen to the ponds and the water that currently feeds them.
- Insufficient understanding is demonstrated by the applicant in regards to the source of water into the mill pond.
- The ponds are an attenuation feature which helps keep the local watercourse 'in balance'. The development will lead to the flooding of local properties.

Response: The site is not within a flood plain or an Environment Agency flood zone. As detailed in paragraphs 10.60 – 10.65 the pond is currently fed by a culvert (only), before flowing into the combined sewer. The culvert is to be re-directed directly into the combined sewer. Rainfall into the site, post removal of the ponds, will be addressed via the proposed surface water drainage strategy.

The submitted information, including the arrangements for the ponds and surface water drainage, has been reviewed by the Lead Local Flood Authority and Yorkshire Water, who offer no objection.

Other

- The site should be reverted to an allotment, to enable local people to grow their own food. Local community groups support and wish to do this. Alternatively, the pond should be brought into public ownership.

Response: These comments go beyond the scope of this planning application.

- The site is not a housing allocation, unlike Newsome mills. The ponds should not be developed before the Newsome mill site, which is an available brownfield site.

Response: The planning system does not prioritise brownfield over greenfield developments, nor allow for Local Planning Authorities to determine the order in which developments take place.

- The development will put greater pressure on local institutions, including schools and surgeries.

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

- Trees are to be removed from Hart Street, to the detriment of amenity and the environment. No replacement trees are proposed along Hart Street.

Response: The trees on Hart Street have been identified within the application's Arboricultural Survey as being poor quality. K.C. Trees do not oppose this and concur they offer limited public amenity.

- The fire service has previously used the ponds to source water.
- The proposal will harm property values in the area.

Response: These considerations do not form material planning considerations.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The principle of 22 residential units on this site has been established by the approved outline planning permission on site (ref. 2016/91479), with this proposal being reserved matters only. The reserved matters propose 22 units, as per the outline, with the dwellings being an appropriate housing mixture that is based on local need. Therefore, the principle of development remains acceptable.

- 11.3 This application seeks approval on all reserved matters; access, appearance, landscaping, layout, and scale. Site constraints including neighbouring residential properties, trees and ecology, and various other material planning considerations. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable. There would be no harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology, and protected trees, have been addressed through the proposal.
- 11.4 The proposal would not harm material planning considerations. Furthermore, it would provide an enhancement to local affordable housing, providing 4 affordable rent units, with the applicant intending to operate the other 18 units as affordable rent also, with Yorkshire Homes as a registered provider. Furthermore, a public open space, with circa 1,229.9 sqm on-site will be created for new and existing residents, with £23,798.15 towards off-site contributions to enhance other local facilities, in line with policy.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**
1. Development to be carried out in accordance with the approved plans and specifications
 2. Material samples, to include proposed coursing etc.
 3. Implementation of boundary plan.
 4. Details on road built to an adoptable standard
 5. Details of works adjacent to retaining wall
 6. Secure cycle storage details.
 7. Further details on highway retaining works
 8. Proposed driveways to be provided and retained.
 9. Removing Permitted Development rights for extensions and outbuildings for plots 6, 15 and 16.
 10. The provision of Electric Vehicle Charging Points
 11. Submission of Arboricultural Method Statement
 12. Landscaping to be provided in accordance with approved details.
 13. Submission of Landscape and Ecological Management Plan (LEMP)
 14. Boundary treatment to be erected in accordance with plans, to be provided prior to occupation
 15. Finished floor levels as per flood routing plan
 16. Temporary surface water drainage details to be provided
 17. Submission of Construction Environmental Management Plan (CEMP)
 18. Construction traffic Management Plan (CMP)

For clarity the following are the conditions attached to the outline application (2016/91379). For the avoidance of doubt, these do not need to be reimposed as part of the reserved matters, but remain active via the outline application:

1. Reserved matters to be approved prior to development commencing
2. Reserved matters to be submitted within 3 years
3. Development to commence within 2 years of reserved matters being approved
4. Development to be done in accordance with plans
5. Development to not commence until affordable housing obligation resolved
6. Development to not commence until ground investigations undertaken
7. Development to not commence until ecological mitigation and enhancement resolved
8. Development to not commence until public open space obligation resolved
9. Development to not commence until drainage strategy approved
10. Development to not commence until sewerage strategy approved

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/91638>

Certificate of Ownership

Not applicable at reserved matters stage.