Kirklees COUNCIL

Originator: Nick Hirst

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 02-Mar-2023

Subject: Planning Application 2022/92406 Erection of 10 affordable dwellings, with access from Chapelgate and associated works, including resident play zone Land Adj, 67, Chapelgate, Scholes, Holmfirth, HD9 1SX

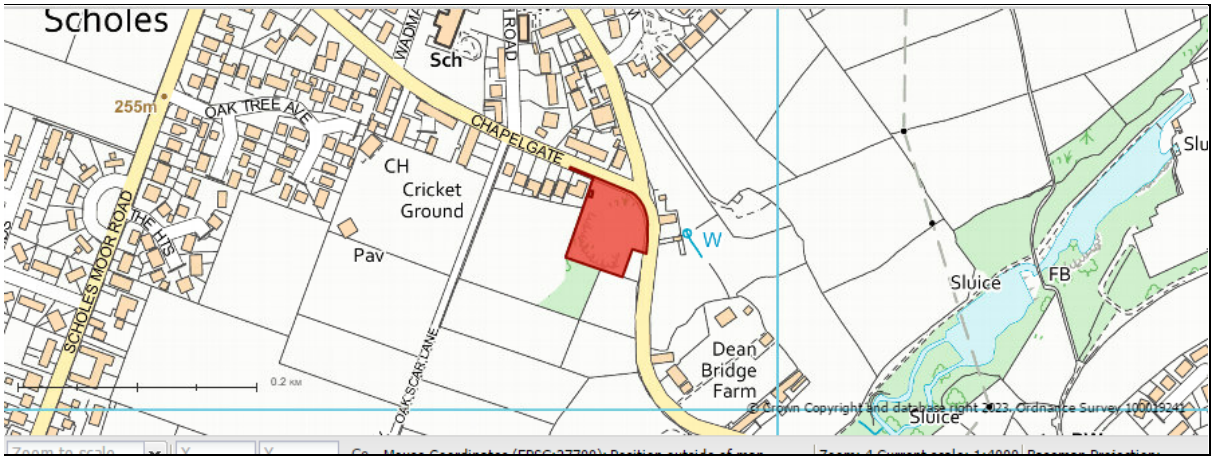
APPLICANT
ECOHOLMES
COMMUNITY LAND
TRUST

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
18-JUL-2022	17-OCT-2022	

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

Public speaking at committee link

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

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 complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matter(s):

- Limit occupation of the dwellings to those with a local connection and in need of affordable housing.
- The provision of 0.8 habitat units within the area, an off-site contribution (£18,538), or a mixture of the two. On-site habitat to be manged for 30 years.
- Management and maintenance of drainage infrastructure (prior to adoption) and ecological features

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

1.0 INTRODUCTION

1.1 This is an application for full planning permission for a residential development of ten dwellings, to be affordable homes for people local to the area. This application is brought to Strategic Planning Committee in accordance with the Delegation Agreement as the proposal would represent a departure from the Local Plan.

2.0 SITE AND SURROUNDINGS

2.1 The site has an area of 0.37ha is a historic quarry on the east edge of Scholes. Chapelgate road runs along the north and Dean Bridge Lane, which leads to Hepworth, to the east. To the west and south are open fields. Residential properties are sited to the north, north-west and east.

2.2 The old quarry face is located to the site's west, with land levels generally falling from west to the east across the site, onto Dean Bridge Lane. The site has naturalised and includes shrub and self-seeded trees along its boundaries. A prefabricated garage is located within the north-west corner.

3.0 PROPOSAL

3.1 The proposal seeks full planning permission for the erection of 10 dwellings with associated access, parking, and open space. The 10 dwellings are to be affordable and for local occupancy.

3.2 Dwellings are to be two storeys and consist of the following mixture:

2bed: 7
2bed (Part M4(3)): 1
3bed: 2

3.3 The dwellings would be split into two terraces of five. Block A would face onto Chapelgate. Block B would face onto Dean Bridge Lane. Units would be faced in natural stone with traditional dealing on the elevations facing onto Chapelgate and Dean Bridge Lane. The elevations facing into the site would be faced in a mixture of natural stone and render, with modern designed windows.

3.4 Access is to be taken from a new road from Chapelgate. Parking is to be detached from dwellings, set around the new road. A new public pavement (2m minimum width) would be provided along the frontage with Chapelgate and Dean Bridge Lane.

3.5 Gardens would be sited between the dwellings and the new road, with low drystone walls along the boundaries and timber fencing between gardens. A communal play zone and planting area would be sited between the two terraces. Other ancillary features include cycle sheds (1 per unit) and communal binstore. Soft landscaping is proposed through the site and includes the provision of 28 trees.

3.6 Excavation and retaining works are to be utilised to facilitate the development. This is primarily to be achieved using gabion baskets up to 2m, with the remaining land to be sloped and secured using soil rock nailing that will then be grassed.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 <u>Application Site</u>

2014/93216: Outline application for erection of 6 of semidetached dwellings with garages, formation of off-road parking, gardens and communal play area – Withdrawn

2015/91231: Outline application for erection of 6 no. semi-detached affordable dwellings with garages, formation of off-road parking, gardens and communal play area – Withdrawn

Note: As they were withdrawn there is no formal decision on the above two applications. However, saved officer and agent correspondence indicates concerns from the case officers over the proposal seeking residential development within the Green Belt. It should however be noted that neither of the above applications were supported by formal housing needs assessment and were assessed against the now superseded Local Plan.

4.2 Surrounding Area

Nonrelevant to the current proposal.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 The applicant initially sought pre-application advise (ref. 2021/20912) for the development in September 2021. The pre-application was for 10 affordable units, supported by a Housing Needs Survey and plans. Officers provided their response letter in February 2022. In summary, officers acknowledged the policy allowance for affordable housing within the Green Belt however advised that the assumptions and tolerances applied to the submitted Housing Needs Survey required refinement and further details. Advise was offered on other material considerations for further deliberation at application stage.

5.2 The current application was received July 2022. Feedback was provided on several elements. This included refining the design to ensure it would suitably harmonise with the built environment, and clarification on highways and ecological impacts. Discussions have principally focused upon the proposal's impact upon the Green Belt and the submitted Housing Needs Assessment. Officers sought further information to support the Housing Needs Assessment, which was received and supported. Other amendments were received to reduce the proposal's impact upon the Green Belt (i.e., removing an external covered area intended for social gatherings).

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 site is Green Belt on the LP Policies Map.

- **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
- **LP30** – Biodiversity and geodiversity
- **LP38** – Mineral safeguarding

- **LP47** – Healthy, active and safestyles
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **Chapter 19** – Green Belt and 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

Neighbourhood Planning

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and forms part of the Development Plan.

The site falls within Local Characteristic Area 8 (LCA8) Settled Slopes of the Holme Valley / Upper slopes of the River Holme and New Mill Dike

The policies from the Holme Valley Neighbourhood Development Plan that are relevant to this application are:

- **Policy 1**: Protecting and Enhancing the Landscape Character of the Holme Valley
- **Policy 2**: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- **Policy 5**: Promoting High Quality Public Realm and Improvements to Gateways and Highways
- **Policy 6**: Building Homes for the Future
- **Policy 12**: Promoting Sustainability
- **Policy 13**: Protecting Wildlife and Securing Biodiversity Net Gain

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 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

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

The applicant's statement of community involvement

7.1 The application is supported by a statement of community involvement (SCI) which outlines the public engagement the applicant undertook prior to their submission.

7.2 The applicant posted a flyer to properties in the HD9 1 post code area (3,300 properties) that directed readers to a webpage and invited them to a drop-in session held at the site over several days in June 2021. Over 40 people attended, and 22 written comments were collected. This was followed by two digital workshops and an in-person meeting in March 2022 (advertised via flyer to HD9 1 properties) where 30 people provided feedback (14 positive, 12 negative, remainder balanced). An online questionnaire that asked several questions pertinent to the development were asked, which ran from February to April 2022, with 155 responses received.

7.3 The SCI provides the following conclusion on the pre-application public engagement:

> *Of the people turning up at events held to discuss EcoHolmes proposals for the Scholes Chippings, the balance of support/opposition has shifted from slightly more opposing the development (13 against to 9 for) in June 2021, to slightly more supporting the proposals (14 for to 12 against) in March 2022.*
>
> *Features of the proposals that people like are the affordability promise and that they are for local people. That they are low energy and sustainable and are being built to a high standard.*
>
> *The key concerns mentioned are traffic and pedestrian safety in the vicinity of the site, flooding and drainage problems, loss of wildlife and biodiversity and building on Greenbelt.*
>
> *Therefore, attention should be paid to the following in our scheme proposals and continuing community engagement:*
>
> 1. *Moving the entrance away from the bend and existing road junction.*
> 2. *Doing whatever is possible to improve pedestrian safety on the bend.*
> 3. *Mitigate flood risk and ensure drainage problems are not created elsewhere (Dean Bridge Lane, White Wells Gardens and Wickleden Gate are mentioned specifically).*
> 4. *Enhancing the biodiversity of the site.*
> 5. *Working with residents to establish the eligibility criteria for tenancy.*
> 6. *Explaining 'rural exception' policy in relation to greenbelt development.*

7.4 Based on their public engagement the applicant states the following changes were incorporated:

- *Moving the site access (vehicles) to the west (1) with a 2m wide pedestrian footpath link for the extent of the site boundary (2)*
- *Protection to the various boundaries (2) including fencing and stone walling*
- *Detailed specialist design of the drainage to manage fully any flood risk/drainage issues on the site and connection to the existing drainage network (3)*
- *Further existing tree retention where practical and significant replanting with native species, etc. (4)*
- *Retention of farm vehicle access to adjoining land to the south-east*
- *Material pallet refinement to the elevations of the housing*
- *Housing unit mix type proposals*
- *Work closely with residents in the local area to help refine the local eligibility criteria for housing tenancies (5)*

- *Inform residents about a community's right to seek the housing it wants, including the 'rural exception' policy for building on green belt land*

Public representation through the planning application

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

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

7.7 The end date for public comments is the 21st of February 2023. At the time of writing, in total 232 public representations have been recorded although representations are still being received. Should any public representations be received past the 21st of February they will be reported within the update.

7.8 The following is a summary of the comments received:

<u>Support</u>

- The proposed development is well designed, both in the units and landscaping, and is attractive.
- The proposal will not harm the amenity of nearby occupiers.
- Best use of redundant land, providing a community benefit and much needed affordable housing.
- The proposal is environmentally conscious and innovative. Building to Passivhaus should be supported. Efficient housing will prevent impact on the climate and lower prices for residents.
- The proposal is small scale and designed to fit into the village, to benefit the village.
- and 3 bed properties should be promoted in the area, as opposed to large detached 4 and 5 bed.

<u>Object</u>

Green Belt

- The site is Green Belt and should be protected / preserved. It stops Scholes and Hepworth merging.
- Infill development in the Green Belt should be no more than 1 or 2 dwellings.
- The land is Green Belt, not Brownfield land
- The housing allocation in Scholes provide sufficient provision: the inspector, in the Local Plan, removed an amount of housing from the village to protect the Green Belt.
- The pre-application engagement by the applicant failed to mention that the land was Green Belt.
- There are no very special circumstances associated with this development to justify building within the Green Belt.
- This is Green Belt land which was gifted to local people.

Affordable housing and need

- The Housing Needs Assessment done by the applicant is inadequate.
- The housing will not be for local people, it'll have to be open to all people on the Council's Housing List. A planning condition would be insufficient to police the matter.
- Local action group Save Our Scholes Green Belt undertook a local survey on whether residents wanted development in Scholes. In total 176 responses were received (82% living within Scholes). In summary 90% of participants do not feel that building affordable homes on the site is the best use of the land and 78 believe the Green Belt should not be built on at all. 67% of responses wanted the site to be used as community green space.
- There are no details on the proposed sale / rent values of these properties to prove they would be 'affordable'.
- Limiting occupation of the units to local people only is assumed to be against the Council's Housing Association Policy.
- The applicant has failed to explore brownfield sites as alternative options. These include Washpit Mills, Dobroyd Mills, Prickledon Mills
- The site provides air quality benefits.
- Scholes has a need for affordable sale units, not affordable rent.
- The applicant's housing needs survey is 'unintelligible for ordinary people' and cannot be fairly commented on. Furthermore, it was based on only 156 responses out of 3000 letters being sent. As such it uses extrapolated data due to insufficient responses. Thus it cannot be accepted.
- The initial consultation by the applicant failed to make it clear the dwellings would for rental, not affordable purchase.
- Questions over whether these units will be genuinely affordable.
- More attention should be given to preventing Buy To Let and Holiday Homes in the area, instead of new development.
- Kirklees Council don't hold information of housing register applications with a local connection to Scholes, which means the exceptional circumstances for need cannot be demonstrated.
- There are insufficient jobs in Scholes, so future occupiers will have to commute out.
- Affordable rent properties will be occupied by transients who will not invest in the area.
- Ten affordable houses are insignificant and will not really affect demand: it does not justify building in the Green Belt
- The proposal should be 5 to buy and 5 to rent, not 10 to rent. Not all people want to rent and therefore this is not for local need.

Ecology

- The EcIA states that the development 'would not comply with local planning policy' and therefore should be refused.
- The site is ecologically valuable, hosting native flora and fauna including bats and owls.
- The ecological report intends to use land for enhancements outside of the applicant's ownership. The land is playing field and should not be used.

Urban design

- The proposal will harm the rural / urban transition that the site currently provides the village.
- The site is attractive and hosts many trees, the removal of which is a concern.
- The site is attractive and contributes to the setting of the village.

Flooding and drainage

- The site is subject to flooding, which will be made worse, or flood nearby dwellings.
- The local drainage network, including the intended highway drain, is inadequate to accommodate additional water.
- Site clearance will result in flooding.
- The site has suffered from historic flooding and may be considered a functional floodplain. Nearby farms discharge onto it. A flooding incident had circa 30cm deep water on the site. The Government Flood Map webpage shows the site is 'medium risk'.

Highways

- The applicants' plans are wrong, specifically the edge of the road's carriageway. Due to lack of maintenance (contrary to S41 of the Highways Act 1980) the verge has been overgrown (with tarmac below from the old road). The applicant has measured the road from the overgrowth, not the true road width. The correct width of the road cannot be reduced. Therefore, as proposed, the development would reduce the width of the road and have inadequate sightlines.
- The site is on a blind bend with inadequate sightlines.
- The traffic survey was undertaken during school half terms and is therefore not accurate to normal operation and volume of traffic.
- Application 2005/91267 for five homes nearby was refused on Highway grounds: this proposal is the same.
- The local road network, which consists of narrow, winding, and steep roads, cannot accommodate additional traffic. Other developments in the area have already put pressure and inadequate cumulative consideration has been given.
- The proposal will increase parking on local streets and/or the sightlines will prevent parking, to the detriment of existing residents, including those with accessibility / disability concerns.
- Double decker busses occasionally (when their normal route is closed) pass in front of the site, exacerbating highway concerns.
- The Graveship of Holme Enclosure Award (1834) sets standards for the road: any footpaths included in this width can only be one sixth of the road width so as to maintain a carriageway width of between 24 and 25 feet. The effect of this Award is that the Applicant cannot utilise that part of the road between the solid red line and dotted red line on the above Block Plan because it reduces the road width to under 24ft, the road being only 17ft wide at the site entrance where ideally it should be at its widest.
- There is a Public Right of Way crossing the site.

Other

- The land is classified as Public Open Space and is used and valuable to the local community.
- The development will require a car and cannot be considered ‘eco’ in nature.
- The proposal is contrary to regulations from the Charity Commission / contrary to terms of the Commission Scheme set up in 2009 which the Holme Valley Land Charity took over management from the Parish Council.
- The site is close to spring water used for drinking; the proposal may affect its quality / cause contamination.
- The proposal will conflict with access to neighbouring fields and proposes works to share boundary walls.
- The proposal will not contribute towards local schools which are overprescribed.
- Questions / dispute over landownership.
- Ecohomes have stated they have future plans to explore brownfield and retro-fit old buildings. These options should be explored before a greenfield development.
- Schools and local amenities are overprescribed and cannot take additional users.
- The proposal will result in the loss of farmland which once gone will never come back.
- Members of the Council and committee have personal connections to this application.
- Holme Valley Parish Council have historically objected to development within Scholes on numerous grounds, including intensification of road usage.
- Construction activities will harm the amenity of residents.
- The proposal will cause noise pollution.
- The proposal will harm the amenity of residents through overbearing, overshadowing, and overlooking.
- Render is unattractive and out of keeping with the area, and will degrade over time.
- Past applications on the site have been refused, this one should be too.
- The design of the properties is out of keeping with that of the surrounding area.
- The site is used by children to play.
- The site should be used for community planting / growing, or other public benefit.
- The proposal is contradictory to various policies within the Holme valley Neighbourhood Plan, including policies 10 and 13.

7.9 The site is within Holme Valley South ward. Local ward members were also notified of the proposal. Cllr Paul Davies asked to be kept informed as the application progressed. Jason McCartney MP also requested to be kept appraised of the application’s progress.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: Sought further details initially. Based on additional information, no objection subject to conditions.

K.C. Lead Local Flood Authority: No objection subject to conditions.

Sport England: Expressed initial objection due to the proposed use of neighbouring land identified as a sport pitch for ecological improvement. With that element removed from the proposal, no objection.

8.2 Non-statutory

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

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

K.C. Environmental Health: No objection subject to conditions.

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

K.C. Public Right of Way: Comment that the Council has recently received an application for a Definitive Map Modification Order (DMMO) to add to the Definitive Map and Statement of public rights of way (the DMS) a public footpath through a former quarry – the proposed development site.

K.C. Strategic Housing: Have provided advise on the demand for affordable housing in the area and methods for securing appropriate tenure, given the exemption sought.

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

9.0 MAIN ISSUES

- Principle of development
- Urban design
- Residential amenity
- Highway
- Drainage
- Planning obligations
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

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

Residential development within the Green Belt

10.2 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 149 (buildings) or 150 (other works) of the NPPF, and as built upon within the Local Plan. In this case paragraph 149(f) is considered relevant, where it states:

> *A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*
>
> > *(f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);*

10.3 In regard to the Kirklees Local Plan, LP11 states:

> *Exceptionally, planning permission may be granted for affordable homes on land which would not normally be permitted for housing development, where there is otherwise little prospect of meeting robustly evidenced local needs particularly for housing to rent by people who work locally. Where appropriate, such schemes must include arrangements for the homes to remain affordable in perpetuity.*

Policy 6 of the Holme Valley Neighbourhood Development Plan states:

> *In addition to the housing sites allocated in the Kirklees Local Plan new housing development will be supported subject to the following considerations being met:*
>
> *1. The proposed housing is located within existing settlements not overwashed by Green Belt or is for housing acceptable in terms of national Green Belt policy*

10.4 The Kirklees Local Plan evidence included a Strategic Housing Market Assessment (SHMA) (2016), this concluded that there was an affordable housing need across the district. The gross annual affordable imbalance was 2,511 households per year for the district and in the Kirklees Rural West sub area 329 households per year. The net imbalance when taking account of annual affordable supply is 1049 households per year and 182 in the Kirklees Rural West sub area. This figure includes all affordable housing need, not just rented affordable accommodation.

10.5 As a benchmarking exercise the applicant has undertaken an apportionment by dividing the number of households in Scholes (963) by the number in the Kirklees West sub area (31,129) households equalling 3.1%. For comparison purposes, this percentage was compared to the SHMA gross annual imbalance which indicatively shows an annual affordable housing imbalance of 10 households for the Scholes area.

10.6 The applicant has provided detailed supporting evidence for this planning application in the form of a Scholes Housing Needs Survey 2021 (September 2021). The study area is that of the built-up area of Scholes (including Hepworth) and the HD9 1 postcode sector. The applicant's housing needs survey concluded that:

- need exists for 33 affordable rented dwellings over the next 5-years after taking supply from existing housing and potential new development into account (Local Plan allocated site HS182) and the proposed development;
- the need arises from both existing and newly forming households;
- all size and types of dwellings are needed, with an emphasis on 1 or 2-bedroom dwellings

10.7 Planning Policy Officers and the case officer have reviewed the submitted Housing Needs Assessment in depth, along with relevant supporting information from the Local Plan. Ultimately the assessment of such information requires interpretation of data as opposed to seeking definitive answers. In conclusion, officers dispute the applicant's position that a total of 43 affordable rent dwellings are required over the next 5-years within the area. However, based on the merits of this proposal and the specific information provided, it is accepted that sufficient evidence has been provided to demonstrate a need for 10 affordable rent homes does exist. As such, the delivery of these 10 units would comply with the expectations of Policy LP11 and paragraph 149(f) of the NPPF.

10.8 Compliance with Policy LP11 of the Local Plan, Policy 6 of the NDP, and paragraph 149(f) of the NPPF is subject to securing a S106 that ensures future occupiers adhere to two tests; that they have a genuine need for affordable housing and meet a local criterion.

10.9 Progressing to assessing the proposal's impact on the Green Belt, while the development has been identified as appropriate (subject to the S106), regard must still be given to ensuring no undue impact on the purpose of the Green Belt, and its openness and character Belt.

10.10 The NPPF identifies that the Green Belt serves five purposes, these being:

a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Officers are satisfied that the proposal would not contradict any of the above. Specific to b) and c), the site is over circa 390m from Hepworth (circa 490m via road), with open land between and therefore would not materially erode their separation. Regarding e), given the specific nature of the proposal having to be within the Scholes Built up Area, there are no feasible opportunities to facilitate the development on brownfield land.

10.11 On the matter of openness and character, a general assessment of urban design is outlined in paragraphs 10.20 – 10.31. The proposed dwellings are modest in scale and not unreasonably sized within the Green Belt. The proposed excavations ensure the dwellings would not sit uncomfortably high on the land. The design of the dwellings, specifically their front elevations facing Chapelgate and Dean Bridge Lane that will be prominently visible, and their landscaping (inc. boundaries) is fitting for a rural environment. Domestic paraphernalia (bin and cycle store) is kept to a reasonable minimum and is screened by the dwellings, limiting its prominence.

10.12 The proposal includes the erection of a 1.8m high paladin mesh fencing along the west boundary. While officers have expressed concern over the inclusion of such a fence, the applicant has stressed the need from a safety perspective. It would prevent access to the acknowledged very steep retaining wall (that includes a 2m drop onto hard surface). Given that fences up to 2m may be erected without planning permission (when away from the Highway) and the need to ensure safety, on balance its inclusion is not unacceptable.

10.13 Officers sought confirmation from the applicant that the retaining works were kept to the minimum required to deliver the development, which was demonstrated. Nonetheless, amendments were secured through the application to change the main rear retaining wall to 2m gabion baskets, topped by sloped land secured by soil rock nailing that will be grassed. This soft design would ensure that the required solid retaining works are kept modest and overall, visually appropriate for the setting.

10.14 The proposal has been identified as appropriate development within the Green Belt, subject to a S106 securing these units as affordable and for local people, in perpetuity, in accordance with Policy LP11 of the Local Plan, Policy 6 of the Neighbourhood Development Plan, and paragraph 149(f) of the NPPF. Furthermore, the development would not unduly affect

Sustainable development and climate change

10.15 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

10.16 Policy 12 of the NDP sets out requirements for development in terms of renewable energy, energy efficiency, and sustainable living.

10.17 The application is supported by a Climate Change Statement, with the following overview provided within the Design and Access Statement:

> *The project is targeting a high level of sustainability for the proposed development. Based on current best practice the scheme will look to achieve the following:*
>
> - *Low Energy & Carbon in Use*
> - *Low Levels of Embodied Carbon*
> - *Significant Reduction Vs. Current Building Regulations*
>
> *The team seek to achieve this using the following strategies:*
>
> ***Fabric First Design Targeting Passivhaus Levels of Performance***
>
> - *Mechanical Heat Recovery Ventilation ('MVHR')*
> - *High levels of air tightness (below Part L standards)*
> - *High levels of thermal insulation*
> - *Enhanced glazing solutions*
> - *Highly efficient building massing*
> - *Thermal bridging minimised*
> - *Modelled in Passivhaus Planning Package (PHPP) to minimise the performance gap*
>
> ***Low Carbon Heat***
>
> - *Targeting no on-site carbon use*
> - *Full electric heat and hot water using low carbon technologies*
> - *Use of Air Source Heat Pumps*
>
> ***On Site Use of Renewable & Energy Efficiency***
>
> - *Electric Car Charging*
> - *Solar Photovoltaic Panels to Generate Electricity*
> - *100% low energy LED lighting*
>
> ***Low Embodied Carbon***
>
> - *Use of prefabricated timber frame construction*
> - *Pre-insulated external wall panels and internal partitions, with floor cassettes to the first floor will be used*
> - *The building shell will be manufactured off site.*
> - *Analysis in line with RICS guidance*
> - *Targeting circa 300 kg/m2 carbon inline with RIBA 2030 guidance*

Water Saving

- *All dwellings will be provided with connected 200l water butts so as to reduce water use in the garden.*
- *All fittings internally will be low flow / restricted in line with latest Part L guidance.*

10.18 The above provisions are welcomed and would contribute towards securing a sustainable, low carbon development as required by Policy 12 of the NDP. A condition is recommended requiring the provisions of the Climate Change Statement to be implemented (and thereafter retained), along with a Post Construction Report to demonstrate they have been achieved.

10.19 Further to the above, 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). Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.

Urban Design

10.20 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; 'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.

10.21 Further to the Local Plan, the site falls within the Holme Valley Neighbourhood Development Plan (NDP) area. Policy 1 requires developments to demonstrate they've been designed with regard to the relevant Local Character Area. The site is within LCA8, Settled Slopes of the Holme Valley Upper slopes of the River Holme and New Mill Dike. The area is identified as follows;

> *Settlement is generally sparse with four notable settlements at Scholes, Totties, Wooldale and Fulstone. Totties, Wooldale and Fulstone are former agricultural and weaving villages and have Conservation Areas. Isolated dwellings and farm properties are located on the wider valley sides. The hilltop hamlet of Fulstone is also a former coal mining settlement with largely traditional style dwellings in a nucleated layout and most dwellings are constructed of local millstone grit with grey slate roofs. There is modern residential development at Scholes and Wooldale.*

10.22 NDP Policy 2 'sets out expectations for development to comply with, including development strengthening the local sense of place and having design respect that evident in the locality. Policy 5 has the requirement for development next to 'gateways' into settlements to include consideration should be given to public realm improvements around the gateway, including signage and landscaping.

10.23 The density of the development appears as an appropriate response to the site, being neither unduly cramped nor ineffectively sparse. The layout of the dwellings, in two terrace rows fronting the road with appropriate setback, is appropriate to the local character. Having gardens to the front of terraces is not unusual, and while these will be the 'main' amenity areas of the dwellings this will not be visually apparent from the casual observer due to the low boundary treatment (securable via condition). It is recommended to remove Permitted Development rights for other forms of fencing between the dwellings and roads, to prevent taller fencing that would be out of keeping being erected.

10.24 The scale of the dwellings, both their footprint and heights, are typical of properties in the area. Double pitched roofs, with one front facing gable per five for visual interest, is attractive and again harmonises with the area. In terms of architectural detailing, officers sought to ensure the front elevations facing the road had traditional designs that reflect the appearance of older properties in the village: this has been secured and is welcomed. This includes the use of natural stone and slate roofing, which may be secured via condition. The rear elevations, facing into the site, include render at first floor level and windows with a modern design. This is not opposed, as this divergent design is not unattractive in itself and would have limited visibility in the wider area, so would not contribute to the dwellings appearing incongruous.

10.25 Permitted Development rights do not allow extensions, outbuildings or dormers to the 'front' of the properties. As there is some ambiguity and potential for argument over what is the definitive 'front' of these units, it is considered judicious to remove all PD rights for outbuildings and extensions from these units, to avoid the potential for extensions or outbuildings between the dwellings and the highway. This is in the interest of visual amenity.

10.26 Regarding landscaping and external works, the car parking is grouped to the rear of the site. While this would result in a larger area of hard surfacing, it will be well screened by the dwellings and adjacent retaining wall. It will be surrounded by attractive landscaping, and would have minimal impact on the wider area, so is not opposed. Retaining walls have been touched upon in paragraph 10.13, where their design was considered acceptable. A condition is however recommended requiring the retaining walls to be erected in accordance with the approved details is recommended. (management / maintenance of the planting on the soil rock nailing will be covered in a site wide landscape management and maintenance strategy).

10.27 On boundary treatment, external boundary treatments are to be low (900 – 1100mm) natural drystone walls, which is a high-quality feature representative of design in the area. Garden dividers would be timber fencing, which is considered an appropriate material for the function and not unusual within the area. In regards to the 1.8m paladin mesh fencing along the west boundary, as noted in paragraph 10.12 This is a negative of the proposal, however as planning permission is not required to erect such a feature and it will provide safety benefits, on balance its inclusion is accepted. Alternatives were considered, but it is expected that a mesh fencing will be less visible from medium and long distances compared to a solid timber one.

10.28 Regarding the landscaping, the details provided demonstrate that an attractive planted environment would be achieved. Numerous trees on site would be removed, however given their state and health they are not considered by officers and K.C. Trees to be of high amenity value. The soft landscaping proposals show a reasonable number of new trees (28, extra heavy standards) and shrubs being introduced to the site which appear well placed given its relatively small size, which is positive. A condition requiring the landscaping being implemented prior to occupation is recommended, along with a condition for a detailed landscape management and maintenance strategy.

10.29 By virtue of the good design the proposal will effectively blend into the existing built environment, while being sensitive to the site's edge of

10.30 Policy 5 of the NDP requires consideration of public realm improvements around the gateway, including signage and landscaping. The provision of a new village sign has been agreed by the applicant, to be sited on Dean Bridge Lane. Exact details, including siting and appearance, may be secured via condition. The proposal also includes the provision of a new footpath at the village entrance and planting alongside it.

10.31 In summary, it is accepted that the proposed works would notably change the character and appearance of the site, while being visible from long vistas within the valley and opposite valley side. Nonetheless, the proposed development is considered to be well designed to a high standard. While including atypical design elements, these do not define or dominate the proposal. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the KLP, Policies 1, 2 and 5 of the NDP, and Chapter 12 of the NPPF.

Residential Amenity

10.32 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.

10.33 Existing residential properties are located to the north, east, and west of the site. The properties to the east (White Wells) and west (no. 67 Chapelgate (aka The Bungalow)) have side elevations, hosting windows, facing the site. The windows in question appear to either serve non-habitable rooms or are secondary windows to habitable rooms. Regardless of the specific nature of the windows, there is considered to be adequate separation distance between the properties to the side and the proposed dwellings to prevent concerns over overlooking, overbearing, and overshadowing. The property to the north (no. 19 White Wells Road) is in excess of 27m from the new units and there are likewise no concerns over the relationship. All separation distances comply with the minimums outlined within the Council's Housebuilders Design Guide.

10.34 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.

10.35 In summary, officers are satisfied that the development would not materially prejudice the amenity of existing neighbouring dwellings. Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.

10.36 The sizes of the proposed residential units are 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. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.

10.37 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 Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.

House Type	Number of units	Proposed (GIA, m^2)	NDSS (GIA, m^2)
2b4p Home	7	79sqm	79sqm
2b4p Home Part M4(3)	1	91sqm	79sqm
3b4p Home	2	88.4sqm	84sqm

10.38 All units meet or exceed the NDSS minimums. All would have well-proportioned habitable rooms, that are served by suitably sized windows that provide a clear outlook.

10.39 The units would not have traditional private amenity space (i.e., enclosed rear gardens). The primary external amenity space for each unit would front onto Chapelgate and Dean Bridge Lane and, due to facing the public realm, is not to have high fencing (securable via condition). As noted in the design section high fencing here would be unattractive and detrimental to design. Nonetheless, this is not considered a cause for concern. The garden sizes are considered acceptable and residents would also have access to the development's communal open space (not to be publicly accessible Public Open Space). In terms of privacy, the site is in the rural setting and not heavily trafficked. Ultimately the development has a more communal orientated design that would not unduly prejudice the amenity of future occupiers.

10.40 To summarise, the proposed development is considered not to be detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan.

Highway

10.41 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

10.42 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

10.43 First considering traffic generation, ten dwellings would produce limited traffic movements. The volume of traffic would have no material impact on local junctions or road capacity.

10.44 Progressing to the internal road arrangements, the submitted road layout details and Stage 1 Road Safety Audit have been reviewed by K.C. Highways, who considered there to be no prohibitive reason preventing a scheme for adoption being brought forward at S38 stage. It is deemed to comply with the standards of the Highways Design Guide SPD. Full technical details of the new access road, to an adoptable standard, are to be sought via condition

10.45 Currently there is no footpath along the site frontage nor on the opposite side of either Chapelgate or Dean Bridge Lane. The proposed footpath would be a minimum of 2m in width. This provision would provide an improvement to pedestrian movements, which is welcomed, and also secure the access's sightlines for the ten dwellings. However, representations have been received which call into question the access sightlines and the accuracy of the plans. It has been stated (summarised):

- *The applicants' plans are wrong, specifically the edge of the road's carriageway. Due to lack of maintenance (contrary to S41 of the Highways Act 1980) the verge has been overgrown (with tarmac below from the old road). The applicant has measured the road from the overgrowth, not the true road width. The correct width of the road cannot be reduced. Therefore, as proposed, the development would reduce the width of the road and have inadequate sightlines.*

These concerns have been discussed with K.C. Highways, who state:

> *it is impossible to determine the exact width of the highway due to the overgrown verges. However, it is possible that the carriageway width adjacent to the proposed site access may have been circa 5.5m wide at some point. Potential evidence for this is the centre line marking in the road, which should only normally be provided on roads where the*

carriageway is a minimum of 5.5m wide. Based on my check of the applicants drawing, the adjacent carriageway width appears to narrow to circa 4.9m within the vicinity of the access. This narrowing appears to be due to some overgrowth of the verges on both sides of the carriageway (but mainly on the site side).

10.46 The applicant has been asked to consider this and an update is to be provided within the update to members. Nonetheless, resolving this matter is not considered a fundamental issue. K.C. Highways are satisfied that the plans and sightlines may be amended to address this with minimal impact. If not resolved prior to the meeting, could be adequately controlled via a planning condition. To ensure confidence this has been drafted for review, as follows:

Prior to commencement of the development, a detailed scheme for the site access and associated work shall be submitted to and approved in writing by the Local Planning Authority, with the works including the following:

- *Cutting back of highway verges and carriageway widening to ensure a minimum 5.5m carriageway width passed the site access;*
- *5.5m wide carriageway site access, with minimum 2m wide footways on entry to the site;*
- *Junction visibility splays of 2.4x33m to the east and 2.4x39m to the west of the site access;*
- *Minimum 2m wide footway along the site frontage, with dropped kerbs at the site access and at the end of the new footway with suitable pedestrian sightlines.*

The scheme shall include construction specifications, white lining, signing, drainage, lighting and surface finishes, together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the LPA, all of the agreed works shall be implemented before any part of the development is first brought into use.
***Reason**: In the interests of highway safety and to achieve a satisfactory access to the site to accord with Policy LP21 of the Kirklees Local Plan.*

10.47 This condition would secure acceptable sightlines, arrangements for the access and footway.

10.48 Parking is to be delivered in a ‘parking court’ style. Parking spaces detached from the dwellings is not opposed and none of the parking spaces are unreasonably distant from the dwellings and would be well overlooked. In terms of number, 23 are proposed. This is sufficient for the dwellings (10 x 2 per unit) plus 3 visitor parking spaces. This level accords with the Highways Design Guide SPD

10.49 Swept path analysis has been provided which demonstrates acceptable turning arrangements for refuse vehicles within the site. A communal waste storage and collection shed is proposed. Given the specifics of the layout individual bin storage would likely be prominently visible, either from within the site or from outside. Therefore, the communal arrangement is welcomed as an effective way to manage the development’s waste.

10.50 In terms of sustainable travel, the site would be on the edge of Scholes and have access to local amenities including bus stops, Scholes Cricket Club, Scholes Junior & Infant School, Scholes Methodist Church. A new footway would be proposed to promote walking and all units would have access to a cycle store (securable via condition). The scale of development falls below the threshold for requiring a travel plan. Nonetheless, given its location the site is deemed a suitable sustainable location.

10.51 Given the scale and nature of the development officers recommend a Construction Traffic Management Plan (CTMP) be secured via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works. K.C. Highways DM have also advised that a 'highway condition survey' be undertaken, via condition. This would include a review of the state of the local highway network before development commences and a post completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable and a condition is proposed by planning officers.

10.52 Concluding on the above, subject to the given conditions officers and K.C. Highways are satisfied that the proposal would not harm the safe and effective operation of the highway, in compliance with Policy LP21 of the Kirklees Local Plan and Policy 6 of the NPD.

Public Rights of Way

10.53 There are no currently recorded Public Rights of Way Definitive Map on or around the site. However, the Council has recently received an application for a Definitive Map Modification Order (DMMO) to add to the Definitive Map and Statement of public rights of way (the DMS) a public footpath through the proposed development site.

10.54 The claimed route commences at the existing entrance at the junction of Scholes Road / White Wells Road / Chapelgate and runs in a generally south easterly direction across the floor of the quarry towards the south end of the site. The claimed route climbs out of the quarry area and beyond the red line boundary before splitting in two where it passes through a wooded area, the two routes then heading in a generally north westerly direction over Council owned playing fields to Oak Scar Lane.

10.55 The route of the alleged public right of way, as indicated on the plan accompanying the DMMO application, is in direct conflict with multiple elements of the proposed development, including plots 2, 3, and 4 in Block A.

10.56 Notwithstanding this, limited weight may be attributed to an application for a Definitive Map Modification Order (DMMO) and any claimed path as part of this application, particularly one at such an early stage of an assessment and until such a time it is formally accepted and entered onto the Definitive Map. Planning applications must be assessed against their own merits and against material planning considerations at the time and as it stands the DMMO application is at an early stage and must carry limited weight.

10.57 In the event that this application is approved, after which the DMMO is approved, it would be a private matter for the applicant to resolve. The granting of planning permission (or the commencement of development) would have no effect on the legal existence of any public footpath(s). It would be for the applicant to either retain the PROW through not developing and/or seeking to vary their permission, or apply to stop or divert the PROW. A note to this effect, explaining the potential consequences, may be placed on the decision notice.

Drainage

10.58 The site is within Flood Zone 1 and is less than 1ha in size. Therefore, a site-specific Flood Risk Assessment is not required. However, a Surface Water Drainage Strategy is required and has been provided.

10.59 It is proposed to discharge surface water off-site, by gravity at an attenuated rate of 3.0 l/s, to local watercourse Dean Dyke (via existing highway drain). Due regard has been given to the drainage hierarchy in selecting this discharge point. Attenuation storage is proposed to be provided to ensure no flooding for the critical 1 in 100-year rainfall event (plus 30% climate change).

10.60 The submitted drainage details have been reviewed by the LLFA and are considered to be acceptable in principle. Some technical points, such as the type of attenuation tank, have raised concern but the LLFA and officers are satisfied that this may be considered further and addressed via a suitably worded condition. Another condition to demonstrate surface water exceedance planning is also recommended.

10.61 Residents have raised concerns over flooding on the site, with images shared of water on the site. They have also raised that the site is at 'medium risk' from surface water flooding. The government's guidance on medium risk states:

> *Medium risk means that this area has a chance of flooding of between 1% and 3.3% each year. Flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast. In addition, local features can greatly affect the chance and severity of flooding.*

Please note that 'medium risk' from surface water is distinct from Flood Zones (to reiterate, this site is within Flood Zone 1) which relate to flooding from watercourses. These concerns are noted but may be attributed to the site's history. As a quarry the land would have been excavated to below the surrounding / natural ground level and closer to the water-table / bedrock. Furthermore, it has been shaped to form a rough basin. Therefore, water gathering during intense rain, neither being able to effectively discharge into the ground or exit the site, would lead to ponding. As part of the proposal the hard surfacing would be positively drained, soft areas vegetated, and the ground shaped to avoid basins. The proposed surface water strategy seeks to collect water entering the site into the subterranean attenuation tank and discharged slowly (3l/s) into the existing off-site drainage infrastructure. Residents state that the infrastructure cannot cope, however Yorkshire Water have neither recorded this nor objected to the proposal. In the unlikely event of an exceedance event (i.e., where the drainage infrastructure cannot capture the water entering the site quick enough) a flood routing plan is to be provided to demonstrate water flowing away from domestic properties and onto the highway as intended.

10.62 Foul water is to be discharged to a foul sewer on Chapelgate, which is acceptable. Yorkshire Water offer no objection to either the surface water or foul drainage proposals.

10.63 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need 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.

10.64 Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the S106, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

Other Matters

Air quality

10.65 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.

10.66 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.

10.67 Subject to a condition requiring this provision, the proposal is considered to comply with LP24(d) and LP51 of the Local Plan.

Contamination

10.68 All major residential developments are expected to investigate ground contamination. Furthermore, as a former quarry, there is a potential from contamination from past use.

10.69 The applicant has submitted Phase 1 and Phase 2 ground investigation reports which have been reviewed by K.C. Environmental Health. The Phase 1 has been accepted; however, the phase 2 has not due to insufficient details on gas monitoring. Nonetheless, this would not form a prohibitive issue for development. Accordingly, Environmental Health recommend conditions relating to further ground investigations. Subject to the imposition of these conditions' officers are satisfied that the proposal complies with the aims and objectives of LP53.

Crime Mitigation

10.70 The Designing Out Crime officer has made a number of comments and recommendations, particularly with regards to home security, rear access security and boundary treatments. All of the comments made are advisory and have been referred to the applicant, with many incorporated into the proposal during the amendments.

10.71 The Designing Out Crime officer acknowledges that the boundary treatments do not meet typical Secure by Design recommendations (being low, between 900 – 1100mm). However, due to the nature of the development and low crime rate in the area they offer no objection. However, they advise a condition for security measures for the car parking area be secured. This is supported by officers.

Ecology

10.72 An ecological assessment has been submitted with the application. The ecological assessment provides a comprehensive assessment of the site and its ecological receptors. The habitats present within the site are determined to be of low ecological value, except for the presence of an area of species rich grassland, in the western section of the site.

10.73 The development proposals will result in the loss of the majority of habitats present on site, aside from the area of species rich grassland, which is due to be retained and enhanced. The habitats present within the site provide suitability for nesting bird and as such. For bats, the site hosts no features suitable for roosting although the habitats are suitable for foraging. Impacts on other species have been considered and discounted.

10.74 Invasive non-native species including buddleia Buddleia davidii, Japanese rose Rosa rugosa (target note 5, photo 8) and a Cotoneaster species (target note 6, photo 9) are present on site. Therefore, a condition for an invasive species management plan is recommended, to avoid spreading invasive species.

10.75 A Biodiversity Net Gain assessment has been undertaken for the proposed on-site works. The development proposals in their current form would result in a decrease of 0.68 habitat units (-53.91%). Therefore, in line with the Kirklees Biodiversity Net Gain Technical Advice Note, in order to offset the loss of habitats within the site, off-site compensation will need to be secured, through either provision within the area (of 0.8 habitat units, after factoring in 10% gain), an off-site contribution (£18,538) or a mixture of the two. This requirement may be secured within the S106.

10.76 To manage the impacts to local species the following conditions are considered necessary to ensure no harm and provide an enhancement;

- invasive species management plan
- an Ecological Design Strategy (including management and maintenance details) to demonstrate how the 0.68 habitat units will be delivered on site, to include; five bat boxes, five bird boxes, five log piles, provision of hedgehog holes in garden boundaries
- a lighting designs strategy, to ensure lighting does not affect

- restrict site clearance to outside of bird breeding season (unless appropriate surveys are undertaken)
- Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity), to ensure temporary construction processes are appropriately managed.

10.77 Subject to the given conditions and securing the off-site ecological contribution, the proposal is considered to comply with the aims and objectives of LP30 of the Kirklees Local Plan and Policy 13 of the NDP.

Representations

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

Green Belt

- Infill development in the Green Belt should be no more than 1 or 2 dwellings.

Response: The proposal is not seeking infill development (NPPF paragraph 149(e)), which it would not be considered. The proposal seeks rural exception under paragraph 149(g).

- The pre-application engagement by the applicant failed to mention that the land was Green Belt.

Response: This is noted, although has not been verified by officers. Nonetheless it does not affect officers' assessment of the proposal's planning merits.

- There are no very special circumstances associated with this development to justify building within the Green Belt.

Response: As the proposal has been found to be appropriate development, under paragraph 149(g), very special circumstances are not required.

- This is Green Belt land which was gifted to local people.

Response: The matter of this land being gifted, and any stipulations / covenants that may have held is a private matter for the land owner and not material to this application.

Affordable housing and need

- The housing will not be for local people, it'll have to be open to all people on the Council's Housing List. A planning condition would be insufficient to police the matter.
- Limiting occupation of the units to local people only is assumed to be against the Council's Housing Association Policy.
- Kirklees Council don't hold information of housing register applications with a local connection to Scholes, which means the exceptional circumstances for need cannot be demonstrated.

Response: The S106 agreement will be used to ensure that these units are occupied by those fitting a locality criterion. Discussions are ongoing whether the site will be advertised using the Housing List or another method.

- Local action group Save Our Scholes Green Belt undertook a local survey on whether residents wanted development in Scholes. In total 176 responses were received (82% living within Scholes). In summary 90% of participants do not feel that building affordable homes on the site is the best use of the land and 78 believe the Green Belt should not be built on at all. 67% of responses wanted the site to be used as community green space.

Response: The content of this report has been discussed between the case officer and K.C. Policy. While its content and findings are noted, ultimately the questions and data it contains don't invalidate the applicant's submission. It does not seek to establish whether there is a need for affordable units, but what people would like to see on this land and people's views on building on the Green Belt. The applicant's Housing Needs Study seeks to demonstrate need for housing in the area using local surveys and housing data.

- There are no details on the proposed sale / rent values of these properties to prove they would be 'affordable'.
- Questions over whether these units will be genuinely affordable.

Response: The requirement for these units to be affordable, in accordance with the relevant definition and legislation, will be secured within the S106 agreement. Regarding the value, it would not be typical for such figures to be provided at such an early stage, and will be reached depending on market conditions at the time of let.

- The applicant has failed to explore brownfield sites as alternative options. These include Washpit Mills, Dobroyd Mills, Prickledon Mills.

Response: These brownfield sites are noted, but are outside of the study area (Scholes). Also, they are notably larger than the site (to deliver 10 units) and therefore cannot be directly compared.

- The initial consultation by the applicant failed to make it clear the dwellings would for rental, not affordable purchase.

Response: This is noted, but has not been verified by planning officers. Nonetheless it does not materially affect the assessment undertaken.

- More attention should be given to preventing Buy To Let and Holiday Homes in the area, instead of new development.

Response: This is ultra vires to the planning system and this application.

- There are insufficient jobs in Scholes, so future occupiers will have to commute out.

Response: This is not considered material to the application; while the local need will include those who work in Scholes it is not wholly dependant upon it.

- Affordable rent properties will be occupied by transients who will not invest in the area.

Response: This comment carries no material planning weight.

- Ten affordable houses are insignificant and will not really affect demand: it does not justify building in the Green Belt
- The proposal should be 5 to buy and 5 to rent, not 10 to rent. Not all people want to rent and therefore this is not for local need.

Response: This application is assessed on its own merits, with the units being affordable rent. The provision of 10 affordable rented units is welcomed to address an acknowledged need.

Ecology

- The EcIA states that the development 'would not comply with local planning policy' and therefore should be refused.

Response: This quote is without context. In effect, it says without mitigation the proposal would be against policy. However adequate mitigation and net gain provisions are to be secured.

- The ecological report intends to use land for enhancements outside of the applicant's ownership. The land is playing field and should not be used.

Response: This element of the proposal has been removed. The applicant will be required to demonstrate net gain on land under their control or provide the financial contribution.

Flooding and drainage

- The site is subject to flooding, which will be made worse, or flood nearby dwellings.
- The local drainage network, including the intended highway drain, is inadequate to accommodate additional water.
- Site clearance will result in flooding.
- The site has suffered from historic flooding and may be considered a functional floodplain. Nearby farms discharge onto it. A flooding incident had circa 30cm deep water on the site. The Government Flood Map webpage shows the site is 'medium risk'.

Response: The above comments are considered in depth within paragraphs 10.58 – 10.64.

Highways

- The site is on a blind bend with inadequate sightlines.
- The applicants' plans are wrong, specifically the edge of the road's carriageway. Due to lack of maintenance (contrary to S41 of the Highways Act 1980) the verge has been overgrown (with tarmac below from the old road). The applicant has measured the road from the overgrowth, not the true road width. The correct width of the road cannot be reduced. Therefore, as proposed, the development would reduce the width of the road and have inadequate sightlines.

Response: This is considered in depth in paragraphs 10.45 – 10.47.

- The traffic survey was undertaken during school half terms and is therefore not accurate to normal operation and volume of traffic.

Response: The speed survey was undertaken on 23/02/22, with 100 vehicles recording in each direction. Whilst this survey was undertaken during school half term, as the data is only being used for speed assessment purposes (and not traffic capacity assessment, where lower school holiday flows may have been a material consideration), it is still considered to be representative. As such, the speed survey data that has been utilised is acceptable by HDM.

- Application 2005/91267 for five homes nearby was refused on Highway grounds: this proposal is the same.

Response: Each application is assessed on its own merits. The reasons for refusal on 2005/91267 related to its layout and impact on the highway. The proposals layout is deemed acceptable and therefore 2005/91267's reasons are not deemed pertinent to this application.

- The proposal will increase parking on local streets and/or the sightlines will prevent parking, to the detriment of existing residents, including those with accessibility / disability concerns.

Response: The proposal is served by a policy compliant level of parking, therefore is not expected to cause on-street parking. The sightlines cross only a single existing property that benefits from off-street parking. Nonetheless, it is accepted that vehicles may park across the sightlines which cannot be reasonably controlled outside of the Highway Code.

- Double decker busses occasionally (when their normal route is closed) pass in front of the site, exacerbating highway concerns.

Response: The presence of busses does not affect officers' assessment.

- The Graveship of Holme Enclosure Award (1834) sets standards for the road: any footpaths included in this width can only be one sixth of the road width so as to maintain a carriageway width of between 24 and 25 feet. The effect of this Award is that the Applicant cannot utilise that part of the road between the solid red line and dotted red line on the above Block Plan because it reduces the road width to under 24ft, the road being only 17ft wide at the site entrance where ideally it should be at its widest.

Response: Concerns relating to the road width and plan accuracy are addressed within paragraph 10.45 – 10.47.

The proposal includes a footway that will partly encroach into the applicant's land and become part of the highway. Therefore, the highway would not be reduced in width, but increased. The Highway consists of the carriageway and footway. While the width of a highway cannot typically be reduced The Highways Act 1980 enables a highway authority to vary the respective width of the carriageway and footway within a highway.

Other

- The land is classified as Public Open Space and is used and valuable to the local community.

Response: The source of the claimed 'public open space' status is unknown. It is not a formal planning designation or allocation.

- The proposal is contrary to regulations from the Charity Commission / contrary to terms of the Commission Scheme set up in 2009 which the Holme Valley Land Charity took over management from the Parish Council.
- The proposal will conflict with access to neighbouring fields and proposes works to share boundary walls.
- The proposal will not contribute towards local schools which are overprescribed.
- Ecohomes have stated they have future plans to explore brownfield and retro-fit old buildings. These options should be explored before a greenfield development.
- Holme Valley Parish Council have historically objected to development within Scholes on numerous grounds, including intensification of road usage.
- The site should be used for community planting / growing, or other public benefit.

Response: This above are either private matters for the applicant and/or are not material planning considerations.

- Questions / dispute over landownership.

Response: No evidence to support this claim has been provided to enable officers to question the application's validation status.

- The site is close to spring water used for drinking; the proposal may affect its quality / cause contamination.

Response: Contaminated land and remediation conditions are proposed.

- Schools and local amenities are overprescribed and cannot take additional users.

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. Regarding schools, Local Planning Authority do not seek education contributions for proposals under 25 units.

- The proposal will result in the loss of farmland which once gone will never come back.
- Members of the Council and committee have personal connections to this application.

Response: This is not a material planning consideration: such concerns should be presented to the Council's Governance Team.

- Past applications on the site have been refused, this one should be too.
- The site is used by children to play.

Response: While this is noted, the land holds no designation or allocation in planning policy to offer protection relating to play.

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 application site is allocated as Green Belt where most forms of development are inappropriate. However, the applicant has demonstrated sufficient need for local, affordable homes in accordance with exemption polices contained within the Local Plan, Neighbourhood Development Plan, and National Planning Policy Framework. The provision of these units as affordable and for local occupiers, in perpetuity, may be secured via condition. Therefore, the principle of development is acceptable.

11.3 In terms of the local impact, the dwellings are well designed and would be an attractive contribution to the area. Potentially out of keeping elements, including the retaining structures to the rear, have been effectively designed to have minimal impact and would not cause material harm. The proposal would not harm the amenity of neighbouring 3rd parties, and secure a good standard of amenity for future occupiers. Other material considerations, including Highways, Ecology, and Drainage amongst others, have been considered and found not to be unduly harmed.

11.4 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. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications
3. Boundary treatments to be installed as detailed, and thereafter retained.
4. Materials samples, to include natural stone and slate, to be provided.
5. Remove PD rights for extensions, outbuildings, and dormers.
6. Retaining walls erected as per approved plans.
7. Landscaping to be done in accordance with plan
8. Landscaping management and maintenance plan to be provided.
9. Details of new village sign, to be provided and retained.
10. Construction Environmental Management Plan (CEMP)
11. Road to adoptable standard
12. Access, Sightlines, Footpath to acceptable standards
13. Cycle stores to be provided
14. Construction Traffic Management Plan (CTMP)
15. Road Condition Survey
16. Drainage strategy
17. Flood routing strategy
18. Temporary drainage strategy for construction
19. Car parking crime mitigation measures
20. 1 EVCP per dwelling
21. Contaminated land investigations
22. invasive species management plan
23. an Ecological Design Strategy (including management and maintenance details) to demonstrate how the 0.68 habitat units will be delivered on site, to include; five bat boxes, five bird boxes, five log piles, provision of hedgehog holes in garden boundaries
24. a lighting designs strategy (ecology)
25. restrict site clearance to outside of bird breeding season (unless appropriate surveys are undertaken)
26. Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity)

Background Papers

Application and history files

Available at:

Planning application details

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f92406

Certificate of Ownership

Certificate B signed.