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**Land off Penistone Road,
Fenay Bridge**
Planning Statement

Newett Homes
September 2022

LICHFIELDS

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1.0 Introduction

- 1.1 This Planning Statement has been prepared by Lichfields on behalf of Newett Homes (“the Applicant”) to accompany a full planning application for residential development at Penistone Road, Fenay Bridge (“the application site”).
- 1.2 This application seeks full planning permission for the following development:
- “Development of residential dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank)”*
- 1.3 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, this Planning Statement considers the application’s conformity with the Development Plan, relevant national planning policy and other material considerations.
- 1.4 The significant majority of the application site is allocated for housing within the Kirklees Local Plan (Allocation Ref HS1) and is identified as having an indicative capacity of 68 dwellings. Planning permission for 68 new homes at the site was originally secured by Farnley Estates (No1) LLP / Engie / Stonewater (i.e. the previous applicants) in September 2021 under planning reference 2020/62/90725/W. Newett Homes has since secured a separate option to bring this site forward for housing and, in doing so, has identified a number of important design improvements to the approved scheme. These improvements will not only ensure that the final scheme is more in-keeping with the character of Fenay Bridge but will also significantly improve the housing choice available to future residents of the area.
- 1.5 Importantly, there has been no change to the planning policies contained in the Kirklees Local Plan since the granting of planning application ref. 2020/62/90725/W that should now prevent this site from coming forward for new housing as proposed by this new planning application.

Application Submission

- 1.6 This Planning Statement should be read in conjunction with the following documents and drawings submitted as part of the subject planning application:
- Application form and certificates
 - Application Drawings (please see **Appendix 1**)
 - Design and Access Statement
 - Statement of Community Involvement
 - Transport Assessment
 - Travel Plan
 - Flood Risk Assessment
 - Drainage Calculations
 - Summary Report of Previous Site Investigation (including Coal Risk Assessment)

- Arboricultural Report, Impact Assessment and Method Statement
- Ecological Appraisal
- Biodiversity Impact Assessment
- Planning Noise Assessment
- Air Quality Impact Assessment
- Sustainability Report

Structure of Statement

- 1.7 The purpose of this Statement is to provide Kirklees Council (“the Council”) with all the necessary information to assess and determine the proposed development within the context of relevant local and national planning policies, as well as any other material considerations that hold relevance to the development of the application site.
- 1.8 The remainder of this Statement is structured as follows:
- **Section 2.0** – Site Context
 - **Section 3.0** – Pre-Application Engagement
 - **Section 4.0** – Proposed Development
 - **Section 5.0** – Planning Policy Context
 - **Section 6.0** – Planning Policy Assessment
 - **Section 7.0** – Conclusions

2.0

Site Context

Site and Surroundings

2.1

The application site comprises two parcels of land to the south-west of Fenay Bridge, together with a small section of Penistone Road required for road widening works (see Figure 2.1 below). Each area included within the application site is summarised as follows:

- 1 **The Main Site** – comprises a 2.3 hectare parcel of land to the east of Penistone Road that is currently allocated for housing within the Kirklees Local Plan (allocation ref. HS1). This section of the site slopes steeply from east to west and will accommodate all of the 68 new homes.
- 2 **The Ancillary Drainage Area** – comprises a 0.5 hectare parcel of land to the west of Penistone Road that is to be used for engineering works (namely an underground drainage attenuation tank associated with the proposed residential development, alongside an ancillary service road). This area of the site is located within the Green Belt.
- 3 **Penistone Road Highways Improvements** – a small section of Penistone Road is also included within the red line boundary to facilitate necessary highways improvements.

Figure 2.1 Site Location



Source: Google Earth Pro (2022)

2.2 The application site is bound:

- To the north by agricultural land / residential properties on Whitegates Grove and Penistone Road.
- To the east by a disused railway line, beyond which lies residential properties on Whitegates Grove and Clough Way.
- To the south by residential properties on Woodsome Drive and Rowley Lane.
- To the west by Fenay Beck, beyond which lies further agricultural land.

2.3 Vehicular access to the Main Site is obtained from two agricultural access points – one located on Penistone Road and the other located on Whitegates Grove. Vehicular access to the ancillary drainage area is obtained from an existing agricultural entrance off Penistone Road.

2.4 The application site is readily accessible from a public transport perspective. The nearest bus stops are located along the site's frontage on the Penistone Road. These stops provide direct services to Huddersfield and Penistone.

2.5 There are several trees along the site's boundaries. Some of these trees and tree groupings are protected under Tree Preservation Orders (TPOs).

2.6 Whitegates Grove forms part of a Public Right of Way (PRoW) (PRoW ref. 'KIR/64/20').

2.7 The Main Site is situated in Flood Zone 1 (where there is a low risk of flooding), whilst the ancillary drainage area is located partly within Flood Zones 1, 2 and 3.

2.8 The site is also partially located within a High Risk Coal Referral Area.

Relevant Planning History

2.9 Kirklees Council granted planning permission for 68 dwellings on the Main Site in September 2021 (planning permission ref. 2020/62/90725/W). This decision followed the application being heard at Strategic Planning Committee on 28 April 2021, where no Councillors voted against the recommendation of approval.

2.10 In recommending approval, the case officer concluded that the site's position on the edge of an established settlement - that was well served by public transport - made it a highly sustainable location for new housing.

2.11 The case officer also concluded that the provision of residential uses on this site was consistent with Policies LP1, LP2 and LP3 of the Local Plan; that the density of dwellings being proposed was justified given the site's topography; and that the total number of houses proposed reflected the indicative housing number identified within the housing allocation.

3.0 Pre-Application Engagement

3.1 This section of the report provides an overview of the pre-application engagement that has been undertaken by the Applicant and which has helped shape the proposals that form the basis of this planning application.

3.2 Full details of the pre-application engagement and consultation are contained in the accompanying Statement of Community Involvement (SCI).

Pre-Application Advice

3.3 Pre-application discussions between the Applicant and the case officer who dealt with the previous application commenced in early 2022.

3.4 As the principle of delivering 68 new homes at the Application Site had already been established through the site's housing allocation in the Kirklees Local Plan and the existing permission, the pre-application discussions focussed on the key design/layout changes between the approved scheme and those of the proposed scheme. These included:

- The scale of the proposed development in comparison with the approved scheme.
- The proposed breakdown of house types and sizes.
- The proposed layout; amount of landscaping and public open space; and the road arrangements.

3.5 The case officer advised that engagement should be undertaken with local ward members and local residents (see paragraphs 3.6 – 3.9 below).

Public Consultation

3.6 A dedicated consultation website was launched to allow members of the public to view and comment on the detailed elements of the proposed development. To publicise the launch of the consultation website, consultation letters were posted to approximately 600 properties near to the application site in the week commencing 18 July 2022. Emails were also sent to ward councillors and the MP of Huddersfield (Barry Sheerman), in order to inform them of the proposals and invite discussions on the proposed development.

3.7 A media release was also issued and covered in the Huddersfield Examiner to help publicise the public consultation.

3.8 Images and links (where appropriate) to/of the consultation website and the neighbour letter are included in the accompanying SCI.

3.9 24 responses have been received via the survey, phone conversations and email responses. Key topics identified through the consultation process include the design of the proposed homes; housing mix and size; potential highways impacts; and the capacity of local services to accommodate future residents.

4.0 Proposed Development

- 4.1 As already mentioned in this Statement, whilst submitted as a new full planning application, the development proposals seek a number of design and layout alterations to the earlier scheme that was approved under planning permission ref. 2020/62/90725/W. These proposed alterations are being sought to ensure that the final scheme is not only more in-keeping with the character of this area but also includes a housing mix capable of catering for a wider range of tenure choice. The revised design is summarised below.

Description of Development

- 4.2 Like the approved scheme, the proposed scheme seeks full planning permission for 68 new homes, associated access, open space, landscaping and infrastructure works. The revised description of development is as follows:

“Development of residential dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank)”

Comparison with Approved Scheme

- 4.3 The proposed design changes are relatively modest in scale and maintain many of the ‘core design principles’ approved under planning permission 2020/62/90725/W in terms of housing numbers, overall housing density and proposed LEAP provision (see Table 4.1. below).

Table 4.1 Comparison of Approved and Proposed Schemes

Description	Approved Scheme	Proposed Scheme
Number of Dwellings	68	68
Density	32dph	32dph
House Types	22 x 2 bed (32%) 46 x 3 bed (68%) 0 x 4 bed (0%)	15 x 2 bed (22%) 34 x 3 bed (50%) 19 x 4 bed (28%) All of the proposed homes will be delivered in line with the Nationally Described Space Standards (NDSS) and will be provided with gardens and off street car parking.
Building Heights	2 Storey	2 Storey 2.5 Storey 3 Storey
Building Materials	Reconstituted Stone Render Grey Concrete Roof Tiles	Natural Stone Artificial Stone Artificial Stone & Render Grey Slate Roof Tiles

Vehicular Access	Penistone Road	Penistone Road (albeit a second vehicular access point has now been added – see below)
Pedestrian Access	Penistone Road Whitegates Grove	Penistone Road Whitegates Grove
LEAP	450m ₂	450m ₂

- 4.4 With regards to the level of affordable housing provision proposed, this will be subject to detailed negotiations between Kirklees Council and the Applicant during the course of the planning application.

Landscaping

- 4.5 As with the approved scheme, the site will be landscaped through the use of a complementary mix of hard and soft landscaping comprising a combination of existing and new trees and new grassed amenity areas.
- 4.6 Various seed mixes will be incorporated throughout the site to promote informal recreation, biodiversity improvements and new movement routes. Furthermore, ornamental planting, lawns and hedgerows - as well as new planting and the retention of existing vegetation - will be a feature of the public and private realm.
- 4.7 As with the approved scheme, an area of public open space (measuring 450 sqm) is proposed – this will include a children's play park.

Access

- 4.8 Two new vehicular access points are proposed from Penistone Road into the Main Site. A new priority junction will be provided centrally along the site's Penistone Road frontage. This entrance will measure 5.5m in width. A ghost-island right-turn lane will be provided on Penistone Road. This will measure 50m in length and be capable of accommodating seven cars. Visibility splays of 2.4m by 120m will be available from this new access point. The design of this access is the same as that permitted under planning application 2020/62/90725/W.
- 4.9 A second minor priority junction access (which will serve the seven units in the south-west corner of the site) will also be created on the southern end of the site's Penistone Road frontage. The junction will measure 5.5m in width. A ghost-island right-turn lane will be provided on Penistone Road, which will also measure 50m in length and be capable of accommodating seven cars. Visibility splays of 2.4m by 120m will be available from this new access point, with the southern splay taken to the centre line of the road. This is considered appropriate given the presence of a refuge island to the south on Penistone Road, which means that no overtaking will take place.
- 4.10 Pedestrian/cycle access into the site will be available from both priority junctions on Penistone Road as well via a new pedestrian footpath from Whitegates Grove.

Drainage

- 4.11 The site's topography, together with the proximity of the approved surface water attenuation tank to the root protection zones of nearby retained trees, means that the design of the attenuation tank that formed part of the previous approval is considered to be neither feasible nor viable. As such, the current proposals seek to relocate the tank to the western side of Penistone Road. The new underground tank will be accessed via a service road that will be finished in grasscrete / other similar materials.
- 4.12 In terms of the proposed foul drainage system, there is an existing Yorkshire Water combined sewer located to the west of Penistone Road. Whilst further investigation is required, a connection from the development to this sewer should be feasible.

Planning Obligations

- 4.13 Any necessary mitigation measures identified in the planning submission will be secured by way of planning condition or as obligations with a Section 106 Agreement. These matters will be discussed with Kirklees Council and agreed during the determination of the planning application.

5.0 **Planning Policy Context**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The relevant policy considerations are outlined below.

Statutory Development Plan

- 5.2 The Development Plan for Kirklees comprises the Kirklees Local Plan (adopted February 2019). The Local Plan, which covers the period 2013 to 2031, contains the Strategy and Policies document, Allocations and Designations document and the Policies Map.
- 5.3 Both the Strategy and Policies document and Allocations and Designations document were adopted in February 2019. The Strategy and Policies document sets out the Council's overarching development goals and the Allocations of Designations document sets out the allocations and designations included in the Local Plan.

Kirklees Local Plan Allocations and Designations (2019)

- 5.4 The Application Site is allocated for housing under Policy LP65 of the Allocations and Designations document (Allocation HS1 – Land to the north west of Woodsome Drive, Fenay Bridge, Huddersfield). Policy LP65 states that:

“Planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map”

- 5.5 Residential Allocation HS1 has an indicative capacity of 68 dwellings and Kirklees Council consider the main site constraints to be: noise from road traffic on Penistone Road; the site is close to an area of archaeological interest; and part/all of the site is located within a High Risk Coal Referral Area. In terms of the reports required to support a planning application at the site, Allocation HS1 requires the following:

- Transport Statement
- Contamination Report (Phase 1)
- Air Quality Impact Assessment
- Low Emissions Travel Plan
- Noise Assessment
- Pre-determination archaeological evaluation (recommended)
- Flood Risk Assessment
- Coal Mining Risk Assessment

Kirklees Local Plan Strategy and Policies (2019)

- 5.6 Relevant policies contained in the Kirklees Strategy and Policies document are summarised below.

Housing Development

- 5.7 **Policy LP11 (Housing Mix and Affordable Housing)** states that all housing proposals should be of high quality and design and contribute to creating mixed and balanced communities. With regards to affordable housing, Policy LP11 states that the proportion of affordable homes should be 20% of the total units on market housing sites, albeit it acknowledges that the proportion may be less where viability evidence demonstrates that there are development costs which would prejudice the implementation of housing schemes.

Transport and Highways

- 5.8 **Policy LP20 (Sustainable Travel)** supports development proposals that can be served by alternative modes of transport such as public transport, cycling and walking, and that will be located close to local facilities.
- 5.9 **Policy LP21 (Highways and Access)** expects development proposals to show that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.
- 5.10 **Policy LP22 (Parking)** requires that development proposals show full details on the design and levels of parking provision. It also requires applicants to demonstrate how the design and amount of parking proposed is the most efficient use of land within the proposed development, as a part of encouraging sustainable transport.
- 5.11 **Policy LP23 (Core Walking and Cycling Network)** states that the core walking and cycling network as shown on the Policies Map will be safeguarded and extended.

Natural Environment

- 5.12 **Policy LP27 (Flood Risk)** states that development proposals must be supported by an appropriate Flood Risk Assessment in line with national planning policy.
- 5.13 **Policy LP28 (Drainage)** encourages the use of Sustainable Drainage Systems (SuDS) within new development.
- 5.14 **Policy LP30 (Biodiversity and Geodiversity)** requires that development proposals minimise their impact on biodiversity and incorporate biodiversity enhancement where possible.
- 5.15 **Policy LP31 (Strategic Green Infrastructure Network)** confirms that, within strategic green infrastructure networks, priority will be given to safeguarding and enhancing green infrastructure assets.
- 5.16 **Policy LP32 (Landscape)** states that development proposals should be designed to take account of, and seek to enhance, the landscape character in the area, including the appearance of rivers.

5.17 **Policy LP33 (Trees)** sets out that development proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment.

5.18 **Policy LP34 (Conserving and Enhancing the Water Environment)** requires that development proposals do not cause the deterioration of existing water courses or water bodies.

Other Relevant Policies

5.19 Other relevant policies contained in the adopted Strategy and Policies document include:

- Policy LP1 (Presumption in Favour of Sustainable Development)
- Policy LP2 (Place Shaping)
- Policy LP3 (Location of New Development)
- Policy LP7 (Efficient and Effective Use of Land and Buildings)
- Policy LP24 (Design)
- Policy LP26 (Renewable and Low Carbon Energy)
- Policy LP35 (Historic Environment)
- Policy LP47 (Healthy, Active and Safe Lifestyles)
- Policy LP49 (Educational and Healthcare Needs)
- Policy LP50 (Sport and Physical Activity)
- Policy LP51 (Protection and Improvement of Local Air Quality)
- Policy LP52 (Protection and Improvement of Environmental Quality)
- Policy LP53 (Contaminated and Unstable Land)
- Policy LP63 (New Open Space)

Other Material Considerations

Supplementary Planning Documents

5.20 Kirklees Council has the following adopted Supplementary Planning Documents (SPDs) that are relevant material considerations.

Housebuilder Design Guide SPD (2021)

5.21 The Kirklees Housebuilder Design Guide SPD was adopted on 29 June 2021 and has been considered throughout the design evolution of the development proposals. It is intended for residential developers and aims to ensure that future housing developments are high quality, socially inclusive and built to high environmental standards.

5.22 The SPD provides guidance for housing developers regarding working with Kirklees Council from the outset of the development process to achieve the delivery of high-quality places.

Open Space SPD (2021)

- 5.23 The Kirklees Open Space SPD was adopted on 29 June 2021. It provides detailed guidance for applicants on the requirements for open space and sports/recreation provision to serve new housing developments. The SPD sets out the approach to be used to determine the types, amount and location of open space required to serve new housing development across Kirklees.

Interim Affordable Housing Policy (2020)

- 5.24 The Affordable Housing SPD was adopted in November 2008. On 14 January 2020, an updated Interim Affordable Housing Policy was approved.
- 5.25 The Interim Affordable Housing Policy provides information to fully reflect Policy LP11 (Housing Mix and Affordable Housing) of the Kirklees Local Plan and latest national guidance. Since the adoption of the Local Plan, Kirklees Council has attached greater weight to the interim policy than the guidance in the Affordable Housing SPD.

Highways Design Guide SPD (2019)

- 5.26 The Kirklees Highways Design Guide SPD was adopted on 4 November 2019. It aims to promote high standards of highways design that reflects nationally recognised best-practice, in order to facilitate the delivery of high quality residential, employment and mixed-use development in Kirklees.
- 5.27 The SPD seeks to encourage good design in terms of how development, routes and spaces relate to one another, to create streets and public spaces that are safe, accessible and pleasant to use.

National Planning Policy and Guidance

National Planning Policy Framework (2021)

- 5.28 The National Planning Policy Framework (NPPF) was updated on 20 July 2021 and sets out the Government's economic, social and environmental planning policies for England. Policies within the NPPF form an important material consideration in the assessment of planning applications. The information set out below provides a summary of the key NPPF themes that are of relevance to the consideration of this application

Presumption in favour of sustainable development

- 5.29 At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 provides three overarching objectives that aim to deliver sustainable development. These objectives are briefly summarised below:
- a Economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places at the right time to support growth.
 - b Social objective – to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of

present and future generations, and by fostering a well-designed and safe built environment.

- c Environmental objective – to protect and enhance our natural, built and historic environments, including by minimising waste and pollution, mitigating and adapting to climate change and moving towards a low carbon economy.

5.30 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, this means *“approving development proposals that accord with an up-to-date development plan without delay”*.

Delivering a sufficient supply of homes

5.31 Paragraph 60 of the NPPF states that:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed...”

Promoting healthy and safe communities

5.32 Paragraph 92 of the NPPF expects that planning decisions should aim to achieve healthy, inclusive and safe places which:

“a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other [...]

b) are safe and accessible, so that crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion [...]

c) enable and support healthy lifestyles [...] for example, through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”

5.33 Paragraph 98 of the NPPF highlights the importance of access to a network of high quality open spaces for health and wellbeing of communities.

Promoting sustainable transport

5.34 Paragraph 104 of the NPPF states that transport issues should be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be addressed and opportunities to promote walking, cycling and public transport are identified and pursued.

5.35 Paragraph 105 of the NPPF highlights that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

5.36 Paragraph 110 of the NPPF aims to ensure that, in assessing specific applications for development:

“a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”

5.37 Importantly, Paragraph 111 of the NPPF states that “... development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

5.38 In the context of the above, Paragraph 112 of the NPPF adds that applications for development should:

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”

Making effective use of land

5.39 Paragraph 119 of the NPPF sets out that planning decisions should promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

5.40 Paragraph 124 of the NPPF states that planning decisions should support development that makes effective use of land.

Achieving well-designed places

5.41 Paragraph 126 of the NPPF confirms that creating high quality and sustainable places is fundamental to what the planning and development process should achieve. It also confirms that good design is a key aspect of sustainable development.

5.42 Paragraph 130 of the NPPF aims to ensure that developments will function well and add to the overall quality of the area over the lifetime of development; are visually attractive; are sympathetic to local character; establish or maintain a strong sense of place; optimise the

potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and create places that are safe, inclusive and accessible.

Protecting Green Belt land

5.43 The NPPF states that the fundamental aim of the Green Belt is to prevent urban sprawl and to keep land permanently open (Paragraph 137). Paragraph 138 of the NPPF identifies five purposes of the Green Belt – these are:

- 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.

5.44 Paragraph 150 of the NPPF states that certain forms of development are not considered as inappropriate development in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. One such type of development listed at Paragraph 150 is ‘engineering operations’.

Meeting the challenge of climate change, flooding and coastal change

5.45 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future and mitigate against flood risk.

5.46 Paragraph 154 of the NPPF expects new development to be planned for in ways that avoid increased vulnerability to the impacts of climate change (i.e. flooding).

5.47 Paragraph 167 of the NPPF states that, where appropriate, applications should be supported by a site-specific flood risk assessment.

Planning Practice Guidance

5.48 Planning Practice Guidance (PPG) provides more detailed guidance to support and assist the interpretation and implementation of policies contained within the NPPF.

National Design Guide (2019)

5.49 The National Design Guide seeks to ensure the creation of well-designed places that are beautiful, enduring and successful. Paragraph 4 of the National Design Guide notes that *“the long-standing, fundamental principles for good design are that it is: fit for purpose; durable; and brings delight.”*

5.50 As set out at paragraph 3.5 of the accompanying Design & Access Statement, the layout of the proposed scheme has been developed to be compliant with the National Design Guide.

6.0 Planning Policy Assessment

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this section considers the acceptability of the proposed development against the Statutory Development Plan and other material considerations, including the NPPF.

Principle of Development

- 6.2 At the national level, the NPPF is clear that there is an identified need for housing. Indeed, one of the Government's key objectives is to significantly boost the supply of new homes across England (NPPF paragraph 60).
- 6.3 At the local level, the Application Site is allocated for residential development (allocation ref. HS1) in the Kirklees Local Plan and has an identified capacity of 68 dwellings. Policy LP65 of the Allocations and Designations document confirms that planning permission should be granted for schemes on allocated sites that accord with the relevant site criteria and relevant local and national planning policies. Additionally, Policy LP1 of the Strategy and Policies document states that the Council should take a positive approach in line with the 'presumption in favour of sustainable development' as set out within the NPPF (i.e. proposals that accord with the policies within the Local plan should be approved without delay unless material considerations indicate otherwise).
- 6.4 In addition to being allocated for residential development within the Kirklees Local Plan, this site also benefits from an existing planning permission for 68 dwellings (application ref. 2020/62/90725/W). In determining planning application 2020/62/90725/W, the case officer dealing with that application concluded that:
- "The application site is in a sustainable location for housing [...] It is reasonably accessible and is situated on the edge of an existing established settlement that is served by public transport and other facilities [...] In principle, however, the development of the site for residential use is consistent with Policies LP1, LP2 and LP3 of the KLP and therefore acceptable subject to an assessment against all other relevant policies within the Local Plan..."*
- 6.5 Kirklees Council has, therefore, already agreed that the principle of delivering 68 new homes at the Application Site is acceptable and can be supported (subject to ensuring that all other relevant objectives within the Local Plan are complied with, where possible).

- 6.6 Therefore, as the principle of residential development on this site has already been established, the remainder of this section assesses the proposed scheme against relevant local/national planning policies and any other material planning considerations. Where appropriate, a comparison between the approved scheme and the proposed scheme is also made.

Density and Housing Mix

- 6.7 Policy LP7 of the Kirklees Strategy and Policies document states that housing densities should ensure the efficient use of land and that developments should achieve a net density of at least 35 dwellings per hectare (where appropriate).

- 6.8 Policy LP11 states that all proposals for housing must aim to provide a mix of housing suitable for different household types. Policy LP11 requires that 20% of market housing schemes are set aside for affordable housing purposes, albeit acknowledges that the final percentage may be less where viability evidence demonstrates that delivering the provision would render the scheme financially unviable.
- 6.9 Like the approved scheme, the density of the proposed housing development has been heavily influenced by the site constraints, particularly the site's sloping topography. When omitting the part of the application site required for the surface water drainage (i.e. the land to the west of Penistone Road), the density of development equates to 32 dwellings per hectare (dph).
- 6.10 With regards to the existing permission, the approved density of development is also 31dph. Whilst the approved density is still below the policy requirement, the Council considered it to be acceptable for several reasons. Paragraph 10.15 of the officer's report for application 2020/62/90725/W states that:
- "... there are specific circumstances in this case to justify a lower number. The application was originally submitted at 74 dwellings (33.6dph) and then revised to 72 dwellings (32.7dph) and subsequently to 68 (31dph); these latest revisions being principally necessitated by a need to protect the living conditions of future and existing occupier [...] The development of the site for 68 dwellings addresses that matter and also allows for the provision of some on-site open space and a bio-diversity off-set area. Additionally, the character of the surrounding area largely comprises semidetached and detached dwellings set within generous plots that typically have a much lower density. Consequently, taking into account the site constraints and the existing context, a density of 31 dwellings per hectare is acceptable in this instance and it is consistent with the indicative site allocation capacity."*
- 6.11 Like the approved scheme, the proposed development will provide 68 new homes mixed between detached and semi-detached house types. The proposed housing mix is set out as follows:
- 15 no. two-bedroom homes
 - 34 no. three-bedroom homes
 - 19 no. four-bedroom homes
- 6.12 The proposed homes will offer an appropriate housing mix to suit the needs of households wishing to move to Fenay Bridge. Whilst the mix of house types and sizes is considered to be consistent with Policy LP11 of the Kirklees Local Plan, it also represents an improvement on the approved scheme as a much greater number of house types and styles are now proposed. Whereas the approved scheme only sought to deliver four house types (i.e. two different 2-bed house types and two different 3-bed house types), the proposed development will deliver 13 different house types (comprising 2-bed, 3-bed and 4-bed homes).

Affordable Housing

- 6.13 The level of affordable housing provision proposed is still to be finalised and is subject to the outcome on an ongoing assessment of viability. The Viability Assessment will be issued to Kirklees Council during the application determination period.

Flood Risk and Drainage

- 6.14 Policy LP27 of the Strategy and Policies document requires that development proposals must be supported by an appropriate Flood Risk Assessment and Policy LP28 seeks the incorporation of SuDS within new developments. The NPPF also requires that a site-specific flood risk assessment be provided.
- 6.15 Accordingly, this application is supported by a Flood Risk Assessment (FRA) (June 2022). The FRA has been undertaken in line with current Government legislation, as well as relevant local and national guidance, and confirms that the main part of the site is located in Flood Zone 1, where there is a low risk of flooding. It also states that, in light of the assessment against the application site's applicable flood zone, further assessment against the sequential or exception test is not required.
- 6.16 Whilst the approved scheme proposed to install the surface water attenuation tank within the Main Site, this strategy has been reviewed and is considered unfeasible and unviable. This is due to the site's sloping topography – meaning that the attenuation tank would need to be sunk very deep into the ground – and also that the installation of the attenuation tank would likely negatively impact the root protection areas of nearby trees located on the site's boundaries.
- 6.17 In light of this, an alternative and more appropriate strategy is proposed to that previously approved. The proposed new drainage strategy is included at Appendix E of the accompanying FRA. It sets out that the proposed surface water drainage strategy comprises the installation of an attenuation tank on the western side of Penistone Road, where surface water will be stored and then discharged into Fenay Beck. In terms of the foul water drainage strategy, the drainage strategy included in the FRA identifies that there is an existing Yorkshire Water combined sewer located to the west of Penistone Road that could be feasibly connected to, subject to further investigation.
- 6.18 Overall, the FRA demonstrates that the proposed development complies with relevant local and national planning policy and could proceed without being subject to significant flood risk.

Green Belt

- 6.19 As the proposed ancillary drainage area on the western side of Penistone Road is located within the Green Belt, it is therefore necessary to consider those aspects of the proposal against relevant Green Belt policy.
- 6.20 Whilst, both national and local planning policy place significant weight on the need to protect the Green Belt from 'inappropriate' development, Paragraph 150 of the NPPF identifies a range of types of development that are deemed to be 'not inappropriate' within the Green Belt, provided they preserve the openness of the Green Belt and do not conflict

with the purposes of including land within it. This list of development types that are not deemed to be inappropriate within the Green Belt includes “engineering operations”.

- 6.21 All proposed works within the Green Belt section of the site (i.e. the land west of Penistone Road) are confined to engineering works – those being underground drainage infrastructure and a service road to access the drainage infrastructure. Therefore, the two key questions in this instance are whether: 1) the proposed drainage works will preserve the openness of the Green Belt; and 2) whether the proposed drainage works will conflict with the purposes of the Green Belt.
- 6.22 In response to question 1, the proposed surface water tank will be entirely below ground other than small manhole covers and will result in no lasting visual impact. The ancillary access road will also be largely screened as it will be finished using a grasscrete / other sympathetic type surface materials that will let grass continue to grow through. The access road will only be utilised for servicing and maintenance purposes and will therefore be used very infrequently, to the point that it will not represent a meaningful intensification of use of the land (that would in any way impinge upon openness in a more general sense). In summary, the majority of works are sub-surface and the above ground works will utilise a sensitive finish to ensure that there is no long-term impact on the visual openness of the Green Belt at this location, or in how the site is perceived.
- 6.23 With regards to question 2, the NPPF states that the Green Belt serves five purposes – these include: checking the unrestricted sprawl of built-up areas; preventing the merging of neighbouring towns; safeguarding the countryside from encroachment; preserving the special character of historic towns; and assisting in urban regeneration. The proposed surface water drainage system is considered against these five purposes in Table 6.1 below:

Table 6.1 Assessment of proposed drainage works against the purposes of the Green Belt

Purpose of the Green Belt	Assessment of drainage works against each Green Belt purpose
a) To check unrestricted sprawl of large built-up areas	The proposed drainage system will be installed below ground, whilst the necessary above ground works (i.e. the service road and manhole covers) will be sensitively designed/located. The proposed dwellings will all be located on the eastern side of Penistone Road, within the residential allocation site boundary. The drainage works within the Green Belt will, therefore, not result in urban sprawl.
b) To prevent neighbouring towns merging into one another	As mentioned above, the proposed dwellings will be constructed to the east of Penistone Road, whilst only the below ground drainage and associated above ground maintenance infrastructure will be installed in the Green Belt. As such, the proposed development will not increase the chances of neighbouring towns merging together.

c) To assist in safeguarding the countryside from encroachment	The proposed residential development will be constructed to the east of Penistone Road, within the residential allocation boundary. Only the below ground drainage works and associated above ground maintenance infrastructure are proposed in the Green Belt. Once the works to install the drainage system are complete, the Green Belt land affected will be fully restored. In order to minimise the impact of the above ground works on the Green Belt, the service road required to access the below ground drainage infrastructure will comprise grasscrete / other sympathetic materials to ensure grass can continue to growth through. As such, the proposed development will not result in the encroachment into the countryside.
d) To preserve the setting and special character of historic towns	The site is not located in the setting of a Conservation Area or any listed buildings. In addition to this, the part of the site located in the Green Belt will be restored once the below ground drainage system is installed. Taking the above into consideration, there will be no lasting heritage impacts associated with the installation of the proposed drainage system.
e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	The part of the site within the Green Belt is in agricultural use. Whilst the land is required for agricultural purposes, the proposed drainage works will only result in temporary disruption whilst the drainage system is being installed. The proposed drainage system is also essential to the proposed residential development, as it will enable the safe drainage of surface water from the site. It is, therefore, considered that the proposed surface water drainage system will assist with urban regeneration, insofar as it relates to the development of residential allocation HS1.

- 6.24 Taking the responses to questions 1 and 2 into consideration, it is clear that the proposed drainage works would not impact upon the openness of the Green Belt or cause any harm to the purposes of the Green Belt in this part of Kirklees. This aspect of the proposed development as an engineering operation that would preserve the openness of the Green Belt can therefore be considered to represent an appropriate form of development in the Green Belt in compliance with paragraph 150 of the NPPF.

Highways, Transport and Accessibility

- 6.25 Policy LP20 of the Strategy and Policies document supports development proposals that promote the use of sustainable transport methods. Further to this, Policy LP21 requires development proposals to demonstrate that they can accommodate sustainable transport modes and can be accessed effectively and safely by everyone.
- 6.26 Policy LP22 covers parking and requires full details on the design and levels of parking provision to be provided for development proposals.
- 6.27 Kirklees' adopted Highways Design Guide SPD (2019) provides further guidance on highways matters and encourages applicants to deliver good highways design that contributes to high quality and sustainable places.
- 6.28 Paragraph 104 of the NPPF states that transport issues should be considered from the earliest stages of development proposals such that, amongst other things, the potential impacts of development on transport networks can be addressed and opportunities to promote walking, cycling and public transport are identified and pursued. NPPF Paragraph 111 states that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.29 The accompanying Transport Assessment (June 2022) confirms that the application site is sustainably located, benefitting from good access to a range of local services and good quality bus routes, meaning that residents will not be reliant on the private car for everyday trips.
- 6.30 With regards to site access, the Transport Assessment confirms that the proposed central priority junction, which will serve the majority of the proposed homes, has been designed in accordance with the access that was permitted under application 2020/62/90725/W. The second access will be a minor priority junction serving seven homes – the Transport Assessment sets out that the junction will measure 5.5m in width and a ghost-island right turn lane will be provided.
- 6.31 The Transport Assessment also demonstrates that:
- Within a 2km catchment area, much of Fenay Bridge can be accessed from the site by walking. Pedestrian routes from the site into Fenay Bridge include the footway that runs along the eastern side of Penistone Road, as well as the number of PRowS operating in the immediate locality (such as footpaths KIR/64/20, KIR/64/30 and KIR/64/10)
 - The centre of Huddersfield and its eastern suburbs – as well as neighbouring villages such as Almondbury, Farnley Tyas and Thunder Bridge – can be accessed within a reasonable cycle distance of the site.

- The nearest bus stops are located on Penistone Road, along the site's frontage, and additional stops can be accessed on Rowley Lane (which is located approximately 200m from the site). These stops provide links to Huddersfield, Denby Dale, Lepton and Shepley, as well as providing links to several school bus services.
- The closest railway station is located in Huddersfield town centre, which is accessible by a 19-minute cycle ride or 26-minute bus ride from the site. From Huddersfield train station, there are regular services that operate between Leeds and Manchester.
- The proposals are expected to generate 34 two-way vehicle trips in the morning peak hour and 45 two-way trips in the evening peak hour. Under the sensitivity scenario, using trip rates provided by the Local Highway Authority, the site could generate 55 trips in each peak hour. As such, and as the number of homes proposed is the same as has already been permitted, the proposals will not lead to a severe impact on the local highway network.
- Each new home will be provided with at least two car parking spaces, with additional visitor parking located throughout the site. This is considered appropriate to meet the needs of future residents, without leading to overspill parking on to the local highway. Each new home will also be provided with electric vehicle charging points, and cycle storage will be provided within the residential curtilage of each home.

6.32 Alongside the proposed physical measures, a residential Travel Plan (July 2022) has been prepared and submitted as part of this application. The Travel Plan promotes sustainable travel patterns and the reduction in the reliance on private car use. Clear targets and a monitoring regime are proposed within the Travel Plan to achieve its aims of encouraging and facilitating sustainable travel behaviour of future occupiers of the proposed development.

6.33 It is, therefore, considered that the proposed development accords with Policies LP20, LP21 and LP22 of the Kirklees Strategy and Policies document as well as Paragraph 111 of the NPPF.

Landscape and Biodiversity

6.34 Policy LP30 of the Strategy and Policies document aims to ensure that development proposals result in minimal impacts on biodiversity and, where possible, incorporate biodiversity enhancement measures.

6.35 Policy LP31 states that priority will be given to safeguarding and enhancing green infrastructure assets within the designated green infrastructure network, and Policy LP32 requires development proposals to be designed to take account of, and enhance, the landscape character in the area. Policy LP33 seeks to ensure the retention of valuable or important trees where they make a contribution to public amenity, local distinctiveness and the local environment.

6.36 In addition to the above, Policy LP34 aims to ensure that development proposals do not cause the deterioration of existing water courses or water bodies.

6.37 Paragraph 131 of the NPPF highlights that trees make an important contribution to the character and quality of urban environments, and that opportunities should be taken to incorporate trees in new developments. Furthermore, Paragraph 174 states that planning

decisions should contribute to and enhance the natural and local environment, including by minimising impacts on biodiversity and protecting valued landscapes in a manner commensurate with their statutory status.

6.38

The application site is not a designated valued landscape and any impacts upon the local landscape have been given careful consideration through the landscape strategy for the proposed development. The submitted Landscape Masterplan (drawing no. H22-0016_003b) presents a number of key landscape design elements that form part of the proposed site layout – these are summarised as follows:

- Existing mature trees will be retained where possible.
- The application of various seed mixes throughout the site will promote informal recreation, biodiversity improvements and new movement routes.
- An equipped play area is proposed centrally within the development. The play area will respond to the landform and local environment, and the land surrounding the play area will incorporate species rich grassland and wildflower planting.
- Lawns, hedgerows and ornamental planting will be a feature of the public and private realm. This will create clear separation between public and private areas whilst creating wildlife corridors through newly created streets.
- New planting and the retention of existing vegetation (wherever possible) will enhance the biodiversity benefits of the proposed development, whilst ensuring that the existing character and setting of the application site and surroundings are respected.
- Native buffer planting will be incorporated into the site boundaries to create habitat corridors and security benefits.

6.39

The accompanying Arboricultural Report, Impact Assessment and Method Statement (June 2022) finds that the removal of 25 trees, one tree group and a section of another tree group will be required to facilitate the proposed development, given that they are situated in the development footprint or their retention/protection throughout the development is not suitable. The majority of the trees proposed to be removed are category C trees and space has been incorporated into the development proposals for new and replacement tree planting. Further information on the recommended tree protection measures is provided in the accompanying Arboricultural Report.

6.40

In terms of ecology and biodiversity, An Ecological Appraisal (September 2022) and Biodiversity Impact Assessment (July 2022) have been submitted in support of this application. The Ecological Appraisal finds that:

- There are three local wildlife sites within 1km of the site and, given this distance, no direct negative impacts are anticipated.
- The neutral grassland to be lost as a result of the development has limited significance because of its poor condition.
- Impacts on the local bat population will be minimal and, as a result, no further surveys are required.
- Given the relatively small size of the site and poor condition of the grassland, its loss is unlikely to result in any significant impacts to the local bird population. Nonetheless,

landscaping provided as part of the proposed development will provide enhancements in the form of new foraging and nesting habitats for birds.

- Whilst field surveys did not identify any signs of otters using Fenay Beck as a place of shelter or breeding, the existing records of otters upstream at Woodsome Beck mean it could be probable that Fenay Beck is used by otters for commuting. As such, a number of protection measures for the construction stage are recommended.
- Works should be carried out under a precautionary working method statement to prevent harm to reptiles during the construction phase, should reptiles be present.

- 6.41 Further to the above, the Ecological Appraisal also outlines a number of opportunities for general biodiversity enhancements to be undertaken as part of the proposed development. Such measures include the provision of soft landscaping which utilises native and ecologically valuable species; installation of bird and bat boxes throughout the site; and the preparation of an ecological management plan that covers the lifetime of the development.
- 6.42 The Biodiversity Impact Assessment provides the results of a biodiversity net gain assessment for the site. It finds that, at present, the onsite baseline habitats consist of 13.25 habitat units and 1.01 hedgerow units; and that the creation of species rich native hedgerows, mixed scrub, street trees, vegetated gardens and amenity grassland will result in 7.18 habitat units and 2.79 hedgerow units on-site. Therefore, offsite compensation will be required to deliver an overall net improvement in the biodiversity value of the site. Additionally, the Assessment finds that, whilst a small loss of hedgerow units will occur due to the loss of two lines of trees, 435m of species rich native hedgerow planting will deliver a 176.97% gain in hedgerow units.
- 6.43 Whilst off-site biodiversity enhancements will be required to achieve net gains for biodiversity, a similar approach was deemed appropriate by Kirklees Council when approving the previous scheme at the site, given that the findings of the ecological work for that scheme concluded that a 10% on-site net gain in biodiversity would unlikely be achievable. It is noted that the biodiversity net gain strategy was conditioned by Kirklees Council when approving the previous scheme, albeit the approach to securing appropriate net gains for biodiversity for this application can be agreed between the Applicant and the Council during determination.
- 6.44 Taking all of the above into consideration, it is considered that, subject to satisfactory off-site biodiversity enhancements, the development proposals accord with Policies LP30, LP31, LP32, LP33 and LP34 of the Kirklees Strategy and Policies document as well as relevant national planning policy.

Design

- 6.45 Policy LP24 of the Strategy and Policies document sets out that good design should be at the centre of all development proposals in Kirklees.
- 6.46 The Kirklees Housebuilder Design Guide SPD provides further guidance to ensure that housing developments are high quality, socially inclusive and built to high environmental standards.
- 6.47 Nationally, NPPF Paragraph 130 aims to ensure that developments will function well and add to the overall quality of the area over the lifetime of development; are visually

attractive; are sympathetic to local character; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and create places that are safe, inclusive and accessible.

6.48 The accompanying Design & Access Statement (DAS) (August 2022) sets out the design process and how it has guided the proposed development. The DAS explains the process undertaken by the Applicant and technical team to analyse the approved plans and assess the previous scheme's deliverability. A number of key design constraints of the approved scheme were identified through this process – these are summarised as follows:

- Due to the site's existing topography, the approved layout requires the installation of retaining walls as high as 6m across the site.
- The proposed surface water attenuation tank was located within the root protection areas of existing trees that are to be retained. The topography of the site also required an excavation of 7m to achieve the required attenuation within the approved site boundary.
- Some approved plots included rear gardens that did not meet minimum garden size standards.
- The approved internal access road increased the distance required to access some plots within the approved scheme (e.g. approved plots 41 and 42).
- Some of the approved plots were negatively orientated onto public open spaces, therefore missing an opportunity to positively address public areas (thus improving the safety and security of the site).

6.49 As a result of the analysis of the previous scheme, a number of design iterations have been sought to find a more appropriate and attractive solution to deliver housing at the application site. The final design approach now means that the landform of the site can be shaped in a way that is less discernible when moving through the proposed streets. The design team also agreed that the proposed homes along Penistone Road would be no higher than two storeys to respect the local character.

6.50 Full details of the proposed scheme – covering its design, layout, use, appearance, landscaping and access arrangements – and the various stages of design evolution are included in the accompanying DAS. Overall, it is considered that the proposed scheme is high quality, addresses the design constraints of the approved scheme and continues to meet local and national planning policy requirements that relate to design.

Environmental Quality

6.51 Policy LP51 of the Strategy and Policies document states that development will be expected to demonstrate that it is not likely to result in an increase in air pollution, which would have an unacceptable impact on the natural and built environment or to people. Furthermore, Policy LP52 states that where environmentally sensitive development would be subject to pollution, it must be supported by evidence to show that impacts have been evaluated and addressed.

6.52 In terms of land stability, Policy LP53 sets out that measures should be incorporated to ensure instability does not have the potential to cause harm to people or the environment.

6.53 The Allocations and Designations document also sets out that planning applications for development on Allocation HS1 should be supported by a Noise Assessment, Air Quality Impact Assessment and a Phase 1 Contamination Report.

6.54 Paragraph 185 of the NPPF states that planning decision should:

“... ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise from the development.”

Noise

6.55 A Noise Assessment (ref. OPP-085016 AC 1v2) forms part of the application submission. It includes a baseline noise survey which identifies that noise levels across the site are found to be controlled by road traffic from Penistone Road.

6.56 The Noise Assessment establishes that the dwellings located closest to the western site boundary with garden areas not screened by buildings will be exposed to higher noise levels from Penistone Road. As such, the Noise Assessment states that mitigation in the form of enhanced acoustic fencing could be installed to provide localised noise screening for gardens of dwellings closest to Penistone Road.

Air Quality

6.57 The accompanying Air Quality Impact Assessment (AQIA) (June 2022) assesses the potential impacts of existing and future traffic levels and construction activity on the proposed development.

6.58 The qualitative assessment carried out to assess the dust levels associated with the proposed development finds that, with identified mitigation measures in place (see table 17 of the accompanying Assessment), the likelihood of nuisance dust episodes is considered negligible.

6.59 With regards to vehicle emissions, the AQIA states that predicted nitrogen oxide and particulate matter concentrations across the proposed development are below the relevant air quality objectives. It also finds that air quality is a low priority consideration with regards to the impact of the proposed development.

Contamination and Land Stability

6.60 Ecus Ltd was commissioned to undertake a desk-based review of the existing site investigation data for the application site. It follows the general format of a Phase 1 geo-environmental desk study but uses the existing WSP report ‘Land at Fenay Bridge: Combined Phase I and Phase II Ground Risk Appraisal’ (ref. 70035780-001, dated October 2017).

6.61 The accompanying Summary Report of Previous Site Investigation (January 2019) finds that:

- No obvious visual or olfactory signs of potential contamination were highlighted during a walkover survey (undertaken on 19 December 2018).
- The risk to human health from soil contamination is considered to be generally low.
- Whilst coal bearing strata presents a risk of mine gas generation, no properties will be built directly over shallow coal seams and ground gas monitoring has not indicated any significant concerns.
- The site is not considered suitable for soakaways.
- Suspended floor slabs, in line with NHBC guidance for potentially high-volume change material, are recommended. However, if the formation level is on the mudstone bedrock, ground bearing floor slabs may be used.

Historic Environment

- 6.62 Policy LP35 of the Strategy and Policies document states that development proposals affecting a designated heritage asset or an archaeological site of national importance should preserve or enhance the significance of the asset. It adds that applications which are likely to result in substantial harm or loss will only be permitted where it can be demonstrated that the development proposals would bring substantial public benefits that clearly outweigh the harm caused.
- 6.63 Paragraph 199 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 6.64 One of the site constraints identified in relation to the site's residential allocation is that it is located close to an area of archaeological interest. From a review of the Council's consideration of the previous permission, it appears that these relate generally to known Iron Age and Romano British activity in the locality, as well as evidence of nearby medieval settlements. However, paragraph 10.74 of the officer's report for the previous permission states that *"... these areas of archaeological interest are not within the site. Consequently, a pre-determination archaeological evaluation was not considered necessary and it will be secured by means of a planning condition"*. Whilst the proposed application site has been extended to the western side of Penistone Road, the archaeological areas of interest remain outside the site boundary and the same conclusion should, therefore, be reached by Kirklees Council.
- 6.65 Comments were also made as part of the consultation on the previous scheme, with regard to the effect of that scheme on the setting of Castle Hill (a listed Scheduled Monument). In response to those comments, the case officer dealing with the previous scheme acknowledged that, whilst the site is located within the 10km buffer zone for Castle Hill, it is not located on a significant ridgeline; not on critical or high importance land; and is within/adjacent to an area of existing urban development. As such, paragraph 10.77 of the officer's report for the previous permission states that:

“It is therefore considered that the proposal would not harm the setting of Castle Hill. This is further confirmed by the fact that the setting of Castle Hill was fully considered through the local plan process and it is not identified as either a constraint or an ‘other site consideration’ within the KLP. For these reasons, the development of the application site is considered acceptable and the significance of Castle Hill as a heritage asset would be preserved.”

6.66 Given that the subject planning application seeks the same number of homes as the previously approved scheme, the case officer’s conclusion above (i.e. there being no harm to the setting of Castle Hill) is appropriate.

6.67 It is, therefore, considered that the proposed development complies with Policy LP35 of the Kirklees Strategy and Policies document and the NPPF in terms of impacts on the historic environment.

Sustainability

6.68 Policy LP1 of Strategy and Policies document states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

6.69 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future. Further to this, Paragraph 154 states that new developments should be planned for in ways that:

“a) avoid increased vulnerability to the range of impacts arising from climate change [...]

b) can help reduce greenhouse gas emissions, such as through its location orientation and design...”

6.70 Paragraph 157 of the NPPF sets out that development is expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

6.71 This application is supported by a Sustainability Report (August 2022) which establishes sustainable design measures to reduce carbon emissions and energy consumption associated with the proposed development.

6.72 The Sustainability Report states that an ‘Enhanced Construction Specification’ will be applied to all new homes and sustainable design strategies will be incorporated, such as the utilisation of enhanced building fabric (e.g. high performance lintels); limiting thermal bridge heat loss; energy efficiency fixed building services (e.g. low energy lighting and additional heating controls); the installation of photovoltaic panels (PV); and lower water usage within each home. The Report also sets out that measures will be incorporated to minimise construction waste.

7.0 Conclusions

- 7.1 This Planning Statement has been prepared on behalf of Newett Homes to accompany a full planning application for residential development at Penistone Road, Fenay Bridge.
- 7.2 The application site is located on the south-western edge of Fenay Bridge and comprises a sustainable location for residential development, being accessible by a range of transport modes located near to several services and amenities.
- 7.3 The site's sustainability for residential development is reflected in its allocation for housing development in the Kirklees Local Plan (Allocation HS1 – Land to the north west of Woodsome Drive, Fenay Bridge, Huddersfield) and the existing planning permission for 68 dwellings which was granted in September 2021 (application ref. 2020/62/90725/W).
- 7.4 As set out in this Statement, since planning permission 2020/62/90725/W was granted in September 2021, Newett Home's design and technical team has analysed the approved scheme, finding that design/infrastructure amendments were necessary to ensure the development of the site would be deliverable and cater for a wider range of tenure choice. This has resulted in a development that will respect its surroundings and will be capable of delivering the following:
- 68 new homes – comprising a mix of two, three and four bedrooms – with associated off-street parking;
 - A high quality hard and soft landscaping scheme, including new tree planting and improvements to existing hedgerows/site boundaries;
 - Extensive areas of useable public open space throughout the site, notably a centrally located children's play area;
 - Two new vehicular/pedestrian access points from Penistone Road; and
 - Feasible and viable surface and foul water drainage strategies.
- 7.5 Justification has also been provided regarding the acceptability of the proposed drainage area to the west of Penistone Road. Indeed, this Statement has assessed the proposed drainage works against Green Belt policy, finding that it is an appropriate form of development in the Green Belt and is also necessary to achieve development on the site, given the unfeasibility and unviability of the drainage scheme proposed as part of the earlier development.
- 7.6 Overall, this Statement has demonstrated that the proposed development is acceptable in principle and complies with relevant local and national planning policies. There are also no technical or environmental issues that would prevent the application site from accommodating the proposed development. As such, the development proposals represent sustainable development and, in accordance with Paragraph 11(c) of the NPPF, planning permission should be granted without delay.

Appendix 1 Drawing Schedule

Application Drawings	Drawing No.	Scale
Site Location Plan	Z078.001	1:2500 @ A3
Existing Site Plan	Z078.007	1:1250 @ A3
Planning Layout	Z078-001 Rev E	1:1000 @ A2
Proposed Site Sections	H22-0016_001C	AS @ A1
Approved Plan Site Sections	H22-0016_002A	AS @ A1
Boundary Treatment	Z078-003	1:1000 @ A3
Boundary Details	Z078.004	1:50 @ A3
Proposed Surface Materials	Z078-005	1:1000 @ A3
Proposed Materials	Z078-006	1:1000 @ A3
Indicative Streetscenes	Z078.008	1:1250 @ A1
House Type Pack	Z078.009	1:100 @ A3
Topographical Survey	Z078.010	1:500 @ A2
Landscape Masterplan	H22-0016_003B	1:500 @ A0

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