
Planning Statement Addendum Housing Mix

Land off Primrose Lane, Liversedge

Full planning application for the erection of 77 dwellings

Planning Statement Addendum

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Appendix G- Kirklees Council Local Plan Review and Update Cabinet Report 17 October 2023

1. Introduction

Introduction

- 1.1. This document is submitted by Savills Planning on behalf of Jones Homes (Yorkshire) Limited ('**Jones Homes**'), relating to planning application reference. 2023/91116, for the erection of 77 dwellings on land off Primrose Lane, Liversedge.
- 1.2. This Addendum is to provide additional information to support the submission of an application for residential development. This document should be read alongside the Planning Statement, amended plans and associated documents previously submitted to the Council.
- 1.3. The Report provides detail relating to how the proposal meets the housing needs and demands for the local area and the requirements of the Kirklees Local Plan (February 2019) and the Affordable Housing and Housing Mix Supplementary Planning Document (SPD) (March 2023).

The Proposed Development

- 1.4. The formal development description of this application, as amended, is as follows:

"Erection of 77 dwellings."
- 1.5. Whilst the application was originally submitted for 67 dwellings, amended plans submitted with this statement detail the provision of an additional 10 homes. The provision of an additional 10 dwellings responds to comments of the Council to increase density. The applicant is currently in the process of purchasing a parcel of land adjacent to the development site which enables a greater number of dwellings to be proposed.

The Purpose of this Report

- 1.6. The re-plan and revised red line are considered to satisfactorily address comments raised regarding density and housing numbers. Comments have also been raised regarding the housing mix and how the proposal responds to the requirements of the Affordable Housing and Housing Mix SPD (March 2023).
- 1.7. The housing mix on site has been carefully considered to meet the needs of local people and home ownership aspirations in the locality.
- 1.8. This Report describes how it is considered the housing mix meets the requirements of the SPD.

2. Housing Mix

Primrose Lane Housing Mix:

- 2.1. The proposed development of 77 dwellings (increased from the 67 originally submitted) on this site is as follows:

Table 1: Liversedge Current Proposal (as amended)

House Type	Number of Units	% of units	Number of Bedrooms
Semi-detached	22	29%	-
Detached	55	71%	-
Total	77	100%	
Apartment	12	15.5%	2
Keswick	22	28.5%	3
Banbury	13	17%	4
Bentley	16	21%	4
Buckley	3	4%	4
Buckley Corner Turner	4	5%	4
Latchford	7	9%	5

- 2.2. The properties range from 2 bedrooms up to 5. The proposal includes apartments, detached and semi-detached properties and therefore would deliver a mix of house types, catering for a range of future occupants in terms of size and demographics.

Feedback Received

- 2.3. The consultation response from Strategic Housing on 10th July 2023 raises no concerns in relation to the housing mix.
- 2.4. The Policy Team has reviewed the 77 unit scheme and has provided some general advice regarding the interpretation of the SPD as it relates to housing mix, noting in particular the flexibility it affords:

“The housing size and tenure mix tables set out in the Affordable Housing & Housing Mix Supplementary Planning Document (SPD), uses data from the Dwelling Mix Analysis 2020-2031: Technical Note[1], which uses from the Strategic Housing Market Assessment (SHMA) 2016[2], but takes a deeper look into size, type, and tenure splits across the six sub-areas of Kirklees.

Table 4.2 compares the profile of sub-area dwelling stock with the overall dwelling mix for 2020-2031 across the Kirklees District. This table does not take tenure into account. Table 4.3, and 4.4 look at affordable rented need, and intermediate need respectively.

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Table 4.5 then sets out an overall dwelling mix, by dwelling type, size, and tenure by sub-area. This table was then used to create the ranged housing mix tables set out in the SPD. For example, table 4.5 shows the recommended figure for 4+ bed houses in Batley & Spen is 20.8%. In the SPD, this mix is 15%-35%, which allows flexibility either side of the required figure”.

3. Planning Policy

Local Plan

3.1. The following policy from the Kirklees Local Plan Strategy and Policies (2019) are considered to be relevant in respect of mix:

- LP11 – Housing Mix and Affordability

3.2. Whilst the supporting text (Paragraph 8.29) to Policy LP11 notes that the SHMA provides evidence to support the policy and achieve an appropriate housing tenure and mix, the Policy does not specify a housing mix requirement, but rather states the following:

“All proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing.”

(our emphasis added)

Strategic Housing Market Assessment (SHMA)

3.3. The most recent Kirklees Strategic Housing Market Assessment (SHMA) was carried out in 2016. The SHMA notes at paragraph 8.23:

“In summary, key drivers in determining the tenure and type of future development include:

- *The need to continue development to satisfy household aspirations, in particular the development of detached and semi-detached houses and a range of property sizes to offset identified market imbalances;*
- *Developing an increasing range of housing and support products for older people;*
- *Delivering additional affordable housing to help offset the identified net shortfalls; and diversifying the range of affordable options by developing intermediate tenure dwellings and products; and*
- *The economic viability of delivering affordable housing on sites across Kirklees.”*

3.4. Paragraph 8.24 of the SHMA states that, *“a detailed analysis of the current and future profile of households would suggest there are three key dwelling types required across Kirklees: 3 bedroom houses, 4+ bedroom houses and 1-2 bedroom houses.”*

3.5. The SHMA acknowledges that there is a need for a mix of housing sizes, including larger homes that can be met appropriately through future developments.

3.6. The SHMA is though dated by virtue of the passage of time (7 years) and fails to reflect the impacts of events such as Covid-19 on the housing market. Detailed evidence of the changed market is provided within this report.

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Supplementary Planning Document (SPD)

- 3.7. Since the publication of the SHMA in 2016 and the adoption of the Local Plan and relevant planning policy in 2019, Kirklees Council have now published a Supplementary Planning Document (March 2023) in relation to 'Affordable Housing and Housing Mix' (March 2023). The SPD is used as a material planning consideration when determining planning applications.
- 3.8. The housing mix set out in the table below is required to form the base of proposals for market housing. The mix data is based on analysis by Arc 4 (Kirklees Council Dwelling Mix Analysis 2020-2031) which used data from the 2016 Strategic Housing Market Assessment (SHMA), Office of National Statistics (ONS) household projections and the existing provision of housing in each sub-area.
- 3.9. The table below shows the market housing mix requirements (%) for Batley and Spen, where the proposed development is located, alongside the other area requirements in Kirklees. The table also includes the housing mix proposed under this scheme to demonstrate how it deviates from the requirements.

Table 2. Housing Mix SPD Requirements (inc. comparison of this proposal)

	Batley & Spen	Dewsbury & Mirfield	Huddersfield North	Huddersfield South	Kirklees Rural East	Kirklees Rural West	This Proposal
1 / 2 Bed	30-60%	30-60%	30-60%	30-60%	30-60%	30-60%	15.5%
3 Bed	20-40%	25-45%	25-45%	25-45%	25-45%	25-45%	28.5%
4+ Bed	15-35%	10-30%	10-30%	15-35%	5-25%	10-30%	56%

- 3.10. The guidance set out in the SPD is based on the principle of 'comply or justify'. The document states that the Council expects the housing mix of developments to comply with the guidance and principles set out in the document but acknowledges (at Paragraph 1.7) that there will be local circumstances, within sub-areas, which could justify a different mix of housing to those set out in the SPD. Proposals which depart from guidance set out in the SPD will need to provide evidence based justification through the planning process. This Report seeks to provide appropriate justification for the deviation in housing mix.
- 3.11. The analysis from Arc which informs the SPD requirements is dated November 2020 but based on 2015 household survey and 2014 household projections. This Report provides analysis of recent trends and changes to housing requirements.

Kirklees Council Dwelling Mix Analysis (2020-2031) Technical Note

- 3.12. Whilst it does not form part of the Development Plan, the Dwelling Mix Analysis comprises the data which the SPD was based upon, from the 2016 SHMA and ONS data and therefore provides more information in relation to how the housing mix requirements set out in the SPD were determined.
- 3.13. Table 4.2 of the Dwelling Mix Analysis compares the profile of sub area dwelling stock with the overall dwelling mix for 2020-2031.

Table 3: Table 4.2 of Kirklees Council Dwelling Mix Analysis (2020-2031) Technical Note¹

Table 4.2 Dwelling type and size variations by sub-area 2020-2031								
Dwelling type and number of bedrooms	Sub-area							Total
	Batley and Spen	Dewsbury and Mirfield	Huddersfield North	Huddersfield South	Kirklees Rural - East	Kirklees Rural - West		
1-bedroom house	-0.2	0.6	1.1	-1.2	-2.1	-0.1	-0.2	
2-bedroom house	3.6	0.4	4.1	5.9	-0.9	5.9	3.6	
3-bedroom house	10.0	2.5	-1.9	5.8	3.2	7.5	5.3	
4 or more-bedroom house	-3.8	1.7	4.7	-6.4	14.6	4.3	0.7	
1-bedroom flat	-0.3	1.7	1.2	5.0	-6.8	-2.8	0.3	
2-bedroom flat	-2.0	-1.9	-1.4	-3.7	-6.5	-4.2	-3.0	
3 or more-bedroom flat	0.0	0.0	0.7	0.4	0.7	0.0	0.2	
1-bedroom bungalow	-0.5	0.6	-1.9	-1.0	-1.6	-1.9	-0.9	
2-bedroom bungalow	-6.3	-4.4	-4.5	-4.4	-1.3	-6.1	-4.9	
3 or more-bedroom bungalow	-1.3	-0.6	-1.7	-1.6	0.6	-2.9	-1.5	
1-bedroom other	0.6	0.1	0.1	0.1	0.5	0.3	0.3	
2-bedroom other	-0.2	-0.7	-0.7	0.4	-0.7	-0.3	-0.3	
3 or more-bedroom other	0.3	0.1	0.2	0.6	0.3	0.4	0.3	

Source: 2015 household survey

Key

-7.4	Red = not enough of type/size relative to dwelling mix needed
2.7	Green = enough of type/size relative to dwelling mix needed

Note: the numbers in red/green indicate the difference between the percentage of current dwellings and the percentage based on the dwelling type/size mix. For instance, the overall mix for 2-bedroom houses is 15.2%. In Batley and Spen 18.8% of dwelling stock is currently 2- bedroom houses so the difference is 3.6%

3.14. The table clearly demonstrates that there is an undersupply of 4+ bedroom housing in the Batley and Spen area and an oversupply of 2 and 3 bedroom housing, based on the analysis. As such, the provision of 56% 4+ beds as part of this proposal is considered a suitable response to the data. The proposed mix would assist in addressing the noted undersupply 4 bed + homes, in this particular sub area.

¹ <https://www.kirklees.gov.uk/beta/planning-policy/pdf/Kirklees-Council-Dwelling-Mix-Analysis-2020-2031-Technical-Note.pdf>



4. Market Research

Market Evidence:

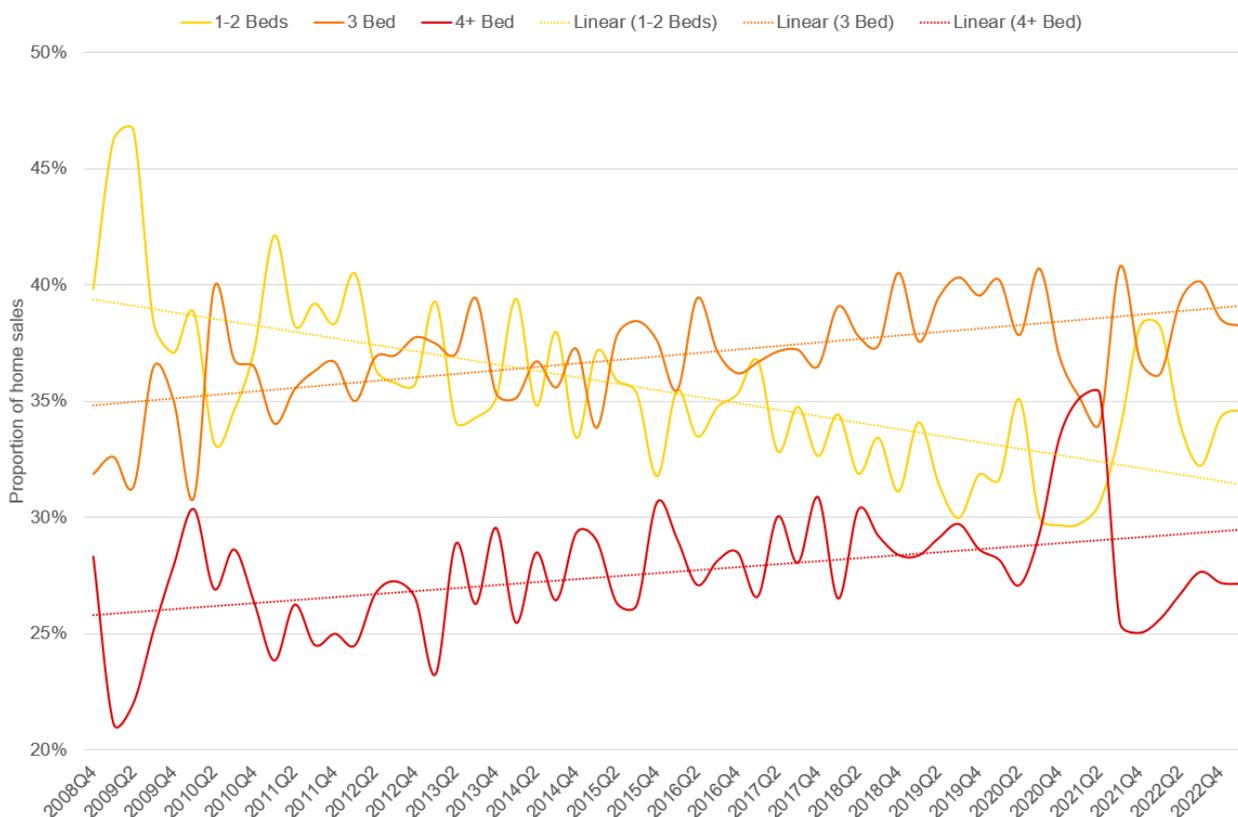
4.1. Further research has been undertaken on behalf of the applicant to understand the current housing market trends and the shift in housing aspirations following the Covid 19 pandemic. This justification identifies that the proposed housing mix would be appropriate and would meet the future needs and demands for the area.

Savills Research:

4.2. Savills Research Team has looked into the distribution of recent house sales in Kirklees by property size. The data has been organised to reflect the groups the SPD requires (see Graph 1 below).

4.3. The graph below clearly demonstrates that since 2020 there has been a substantial decrease in the sale of 1 and 2 bedroom homes and increase in both 3 and 4+ bedroom homes. These trends clearly show that the demand is seeking to address the undersupply of 4+ bedroom housing in the Batley and Spen area addressed in the SHMA (2016) and highlighted in the 2011 Census data set out below (see Table 4).

Graph 1. Distribution of Recent House Sales in Kirklees by Property Size (Source: Savills Research Team)



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Census (2011):

4.4. Further to the above, 2011 Census data relating to the number of bedrooms within existing housing stock provides useful information which clearly shows that the Batley and Spen area has a clear undersupply of 4+ bedroom properties within the existing stock, particularly in the immediate area of the site (post code WF15). The data obtained from the 2011 Census sits below the minimum requirements of the SPD in terms of 4+ bedroom mix percentage.

Table 4. Census Data in Relation to Existing Housing Stock, No. of Bedrooms

Existing housing stock by number of bedrooms (2011 census data)						
Number of Bedrooms	Kirklees		Batley & Spen		WF15 (Site Post Code)	
	Number	%	Number	%	Number	%
1- 2 bedrooms	73908	42.6%	18738	43.1%	3309	43.1%
3 bedrooms	68889	39.7%	17813	41.0%	3234	42.2%
4+ Bedrooms	30728	17.7%	6899	15.9%	1129	14.7%
Total	173525	100.0%	43450	100.0%	7672	100.0%

Covid 19 Pandemic:

4.5. Of particular importance, is the shift in home ownership aspirations following the pandemic. The experience of Covid-19 has caused demand for homeworking and access to green spaces to rise up the list of buyer priorities. Russell Galley, Managing Director at Halifax explained why this might be the case, confirming:

- *“As employers began to crystallise longer-term plans for home and hybrid working, buyers have been able to consider homes further afield as the need to commute falls away, with properties previously considered too remote now giving families extras like garden rooms and home offices”² (2022)*

4.6. Figures from the Office of National Statistics (ONS) from Spring 2022, when there was no longer guidance to work from home, revealed that 38% of working adults worked from home at some point over the week before the interviews as opposed to 12% reporting the same pre pandemic³.

4.7. A 2021 Guardian⁴ article based on Savills research confirmed the ‘race for space’ concept as people have changed their lifestyles during the pandemic. This concept is also reiterated in a June 2023 report by ‘24 Housing’⁵ which looks into how the work from home trend has changed the property market, as people require additional space to facilitate working from home post covid trends.

² <https://www.independent.co.uk/money/rungs-of-property-ladder-have-moved-further-apart-during-pandemic-b2002596.html>

³ <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/characteristicsofhomeworkersgreatbritain/september2022tojanuary2023>

⁴ <https://www.theguardian.com/money/2021/mar/09/house-prices-tipped-to-rise-by-twice-as-much-in-yorkshire-as-in-london>

⁵ <https://24housing.co.uk/how-has-the-work-from-home-trend-changed-the-uk-property-market/>

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- 4.8. It is clearly evident from ongoing research and articles published that when looking for new homes, a large number of people seek additional space to enable them to work from home effectively. This often translates to the need for an additional bedroom which can then be used as office space. This is a post-pandemic trend which is not accounted for in Kirklees Council's Local Plan or Affordable Housing and Housing Mix SPD. Although the SPD was published after the Covid-19 pandemic and lifting of restrictions, that document relied on pre-Covid data, so does not adequately address this desire.

Local Evidence:

- 4.9. In addition to the above national market evidence, views from three reputable local estate agents (New Home Solutions, Sequence and Robert Watts) have been sought to better understand the local market in more detail. These are appended (**Appendix A - C**) to this document. Our evidence from agents is based upon Batley and Spen specifically (i.e. 'local market' conditions).
- 4.10. Having reviewed the methodology for the 2016 SHMA, a significant element of the approach adopted by the Council included '*Interviews with Estate and Lettings Agents*' in which face-to-face interviews were conducted with five agents that operate across Kirklees to understand their thoughts on the 'local housing market and related issues'.
- 4.11. Paragraphs 4.17 – 4.92 of the SHMA summarise these conversations and it is clear that the views of local agents were an important element in deciding upon an appropriate housing mix. Our approach in terms of providing up to date evidence of the market is therefore consistent with the Council's own approach.
- 4.12. This point is further supported by paragraph 124 of the NPPF (2023) which states that "*Planning policies and decisions should support development that makes efficient use of land, taking into account: b) local market conditions and viability*"
- 4.13. In addition, the SHMA confirms that an online questionnaire of key stakeholders including Developers informed the research methodology. As a private housebuilder (developer), Jones Homes confirm their up to date opinion on the market condition is relevant.
- 4.14. Whilst the Affordable Housing and Housing Mix SPD represents the most recent evidence base undertaken by the Council, the evidence used to inform the SPD pre-dates the 2023 publication, as it confirms that the housing mix data is based on analysis undertaken by Arc 4 (Kirklees Council Dwelling Mix Analysis 2020 – 2031) which used data from the 2016 SHMA, ONS household projections and existing provision in each area.
- 4.15. As such, the Council must consider whether there have been significant changes since the data which informs the SPD was collected. In our view Covid-19 and the impacts on the housing market (as evidenced through survey work and local agents views) clearly constitute such significant changes.

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Site Specific Factors:

- 4.16. Jones Homes are based in Cleckheaton and have a long established track record of building high quality new homes in Kirklees, aimed at aspirational buyers. They have a detailed understanding of the market requirements across the areas in which they operate, and knowledge of which homes will sell in each market location in order to maintain a profitable business model. It would not be in their interest to propose dwellings that they believe would not sell.
- 4.17. Clearly, delivering such a mix of house sizes is also more achievable in viability terms on a larger site than one at the smaller end of the scale, such as this - because, for example, the costs of putting in the site access is spread across a much larger number of properties. Further, larger sites will appeal to a larger section of the market as a whole.
- 4.18. The proposals will ensure the provision of a high quality development which meets the aims of policy and importantly is in line with demand, in order to achieve a market facing and high quality development. The deviation from the SPD requirements would not be significant, nor would it prejudice the delivery of an appropriate mix of housing across the plan area as a whole.
- 4.19. The above positions on market sales and viability are firmly supported by a recent appeal decision (Ref: APP/Y3615/W/19/3240781 – **Appendix D**) where the Inspector considered similar issues in allowing an appeal for a housing scheme which deviated from the identified SHMA mix. It stated at paragraph 11,
- “I also give weight to the evidence of the appellant who would need to be confident of selling these units at the end of the construction period with an overall viable scheme, and without which the affordable housing and other obligations may not be able to be delivered.” (our emphasis added)*
- 4.20. Whilst each appeal site will inevitably have its own specific characteristics, the broad thrust of how Inspectors have recently viewed the issue of mix and responding to the local market (as it changes) are important in respect of decision making for this application.

Recent Examples

- 4.21. There are a number of examples of residential planning approvals across the authority which propose a mix that deviates from that set out in the SPD. Of particular note are two residential schemes, located in the Batley and Spen area, which obtained planning permission following the adoption of the SPD. Whilst these applications were submitted prior to the SPD adoption, weight would have been afforded to the emerging SPD at application stage. Both schemes were approved once the SPD had been formally adopted.

Vistry Birkenshaw: Delegated Approval on 20 June 2023 (Reference: 2022/91047)

- 4.22. The Officer Report (**Appendix E**) confirms that KC Strategic Housing reviewed the housing mix and type and considered the mix of affordable housing being proposed (2, 3 and 4-beds) to be acceptable. It also acknowledges that the proposal also broadly aligns with the council's Affordable Housing and Housing Mix Supplementary Planning Document and therefore the Officers considered the proposal to be in accordance with Policy LP11 of the adopted Kirklees Local Plan.

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- 4.23. The housing mix for the scheme was heavily weighted towards 3 and 4+ bedroom properties, much like this proposal. The proposed mix clearly shows a deviation from the SPD and suggests a requirement for larger properties in the area.

Strata Cleckheaton – Committee Resolution to Grant on 6 April 2023 (Reference: 2021/93567)

- 4.24. Similarly, the Committee Report (**Appendix F**) for Strata's Cleckheaton approval confirms there would be five house types and units are a mix of detached, semi-detached and terraced housing. The scheme comprises 180 dwelling which comprised nearly 50% 3 bedroom dwellings.
- 4.25. It is clear from both approved schemes which are weighed heavily towards a larger percentage of 3+ bedroom homes, that the market in Batley and Spennings Dale requires larger family homes. This trend aligns with the Savills research (see Graph 1).

Housing Delivery

5 Year Supply

- 4.26. Kirklees Council cannot demonstrate a 5 year supply of deliverable housing as per the Government requirement. The current provision is considered to be circa. 3.96 years (September 2023).
- 4.27. The Council's Cabinet Meeting on 17 October 2023 in relation to the 'Local Plan Review and Update' confirmed that the process of reviewing the Local Plan was presented to Scrutiny on 25 September 2023. To undertake an update of the Local Plan requires a Full Council Decision which is scheduled for 15 November.
- 4.28. The outcomes of the Local Plan Review confirm that the Council does not have a 5 year supply of housing and is not meeting its housing delivery targets. The Cabinet Report (**Appendix G**) confirms the following:

"Government guidance (the National Planning Policy Framework) requires local planning authorities to identify and update annually a supply of specific, deliverable sites sufficient to provide a five-year supply of land against their housing requirement. The latest five-year housing land supply position published by the council is 2023-based and states that the council can demonstrate 3.96 years supply of deliverable housing land. This calculation took account of under-delivery since the Local Plan base date and a 5% buffer compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions. If a local planning authority is unable to demonstrate a five-year supply, the policies related to the supply of housing are considered out-of-date. As such, the presumption of sustainable development (the tilted balance) is triggered as set out in paragraph 11d of the NPPF and footnote 8".

Housing Delivery Test (HDT)

- 4.29. The Government is yet to publish the 2022 Housing Delivery Test (HDT) results and therefore the latest available result for Kirklees is from the 2021 HDT. The 2021 HDT confirms that Kirklees was at 87% and therefore above 75% and could be plan-led from a HTD point of view. However, the Cabinet Report (**Appendix G**) published this month (October 2023) confirms that there are significant concerns that the 2022 and 2023 HDT results would fall below 75% once published.

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- 4.30. Savills published an article in June 2023⁶ which echoes this concern, confirming that Savills has simulated the test using data from the last three years to March 2023 and found that only 61% of English local authorities would pass the Housing Delivery Test.
- 4.31. In addition, the same Cabinet Report (October 2023) suggests the Council are not meeting housing delivery targets, confirming that:

“The number of homes built between 31st March 2022 – 1st April 2023 was 987 against a Local Plan target of 1730. The Local Plan relies on housing delivery from three strategic housing sites which have yet to start on site due to the complexity of granting planning permission and delivering such large sites. Whilst each of the sites is now within the planning application process (at least in part), there is under delivery of Local Plan targets”.

Allocated Site

- 4.32. It is important to note in the context of the above, that this proposal will deliver 77 new residential homes on an allocated housing site in Kirklees. The application has been carefully considered and amended to meet the needs of local people and housing stock in the area.
- 4.33. For reasons set out in this report, we feel there is adequate justification for the deviation from the SPD in terms of housing mix. The proposed development provides a deliverable, carefully considered scheme which would meet the needs of the locality and wider housing targets, contributing to sustainable housing stock.

⁶ https://www.savills.co.uk/research_articles/229130/347959-0

5. Summary & Conclusions

- 5.1. This Addendum to the Planning Statement has been prepared by Savills Planning on behalf of Jones Homes (Yorkshire) Limited relating to planning application reference 2023/91116, for the erection of 77 dwellings on land off Primrose Lane, Liversedge
- 5.2. The detailed market evidence within this Statement demonstrates that provision in homes of a separate study/workspace has become increasingly important to house buyers, with a general requirement for more space. There is clear evidence to suggest that the market requires larger family homes and recent approvals for other developers confirm there is clearly a need for these properties in the locality.
- 5.3. This scheme would present a good mix of house types and dwelling sizes, as it favours larger homes, which supports the local market. There is clear justification for the mix as supported by extensive research.
- 5.4. In our view, evidence from local agents should also be afforded weight within the planning balance, especially as this approach replicates the Council's in gathering evidence for the SHMA. Further, it is also consistent with Paragraph 124 of the NPPF (2023) which states that planning decisions should take account of local market conditions.
- 5.5. The scheme has been amended to address Officer concerns and if granted planning permission, would provide a deliverable scheme on an allocated housing site, at a time where Kirklees cannot demonstrate a 5 year housing land supply. Approving the scheme as it stands with the appropriate mix justification would contribute to meeting the Council's housing targets.
- 5.6. The submitted information therefore provides up to date evidence which constitutes a detailed justification as to why the Council should support the proposed housing mix, in accordance with the supporting text to the SPD which requires a 'comply or **justify**' approach.

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24 September 2023

Howard Gray
Divisional Land Director
Jones Homes (Yorkshire) Limited
Green Bank House
Green Bank
Cleckheaton, BD19 5LQ

Dear Howard

DARLEY ROAD SITE, LIVERSEEDGE, WF15

I am writing in response to our conversation in your capacity as a Divisional Land Director at 'Jones Homes (Yorkshire)' regarding the current proposed development for 77 dwellings off Darley Road in Liversedge. In particular you have requested my professional opinion as to the current property market conditions in Liversedge and how the proposed mix fits in with this.

As I understand it the current proposed mix of private market dwellings consists of the following:

- 20 no. Three-bedroom properties (32% of private sale units)
- 43 no. Four and five-bedroom properties (68% of private sale units)

The Council's evidence base suggest a mix based on the following ranges:

- 1 and 2 bed dwellings : 30-60%
- 3 bed dwellings : 20-40%
- 4 plus dwellings : 15-35%

In our professional opinion, and from my personal experience of dealing with selling houses in Liversedge over the past 15 years, the existing stock within the area consists mainly of older traditional, 2 and 3 bedroom terraced properties with some 3 bedroom semi detached stock. There are relatively few new developments that have been built in Liversedge over the past few years and most have been built in nearby Cleckheaton and Mirfield and these tend to sell very well when new properties come to the market. I would argue that there is a clear lack of new build development in general within Liversedge and there currently is an adequate supply of the smaller 2 and 3-bedroom property types.

From our own online research using 'Rightmove', we can report the following numbers of houses for sale within 1 mile of the subject site in the past 12 months;

1-2 bedroom (exc. detached)	: 122	(£69,000 - £295,000)
3 bedroom (exc. detached)	: 165	(£265,00 to £425,000)
4 + bedroom	: 66	(£265,000 - £740,000)

Offices at: Five Lane Ends, Wibsey, Birkenshaw and Cleckheaton

Robert Watts Estate Agents is a trading style of Watts Cadmans Ltd. Registered
in England and Wales Company No: 839196583
Registered office: 704 Bradford Road, Birkenshaw, BD11 2AE

From our in-house sales over the past 12 months as one of the largest agents within the area, we have sold the following with a WF15 postcode:

1-2 bedroom	: 11
3 bedroom	: 13
4 + bedroom	: 6

Since the COVID-19 pandemic we have seen a shift in the requirements for potential buyers, the biggest and most notable difference is the need for people to have the space to be able to work from home meaning that the larger properties such as 4 and 5 bedroom houses are in stronger demand. Gardens and more outside space are also more sort after and whilst it is true that there is always strong demand for affordable, mid market 3 bedroom semi detached and townhouses across the whole market, there is an abundance of stock of this type of house locally, albeit more older built houses. Liversedge/WF15 continues to be a popular location for buyers as it offers easy access to the local amenities of the surrounding towns and the M62 Motorway, aswell as the local schools and is generally less built up than most of the surrounding localities.

In conclusion therefore, I feel the current demand for the larger property types from family buyers looking to take advantage of the proximity of the nearest schools such as 'Spenn Valley High School' and 'Headlands Road Primary', outweighs the current stock of 4+ bedroom detached housing. Indeed, adjacent to the subject site on Darley Road and the surrounding streets, we see a regular pattern of growing family buyers wishing to upsize from the smaller two and three bedroom townhouses and semi detached houses, into larger detached four bedroom houses. There is precious little stock however and most buyers have to travel further out to Cleckheaton, Heckmondwike and Mirfield, especially for the newer built housing stock.

I therefore believe that the current stock levels no longer suits a large proportion of new buyers needs and as such I would argue that the proposed mix of houses you suggest is a more suited mix to the current market within this locality.

I trust this is straight forward and sufficient for your immediate requirements but if you require anything further please let me know.

Yours sincerely



James WATTS MRICS
(Director)

Mr H Gray
Division Land Director
Jones Homes (Yorkshire) Limited
Green Bank House
Cleckheaton
West Yorkshire
BD19 5LQ

22/09/2023

Dear Howard,

Ref: Proposed Development Liversedge

The purpose of this letter is in relation to contact with yourself in your capacity as Divisional Land Director at Jones Homes (Yorkshire) regarding the current proposed development for 77 dwellings off Darley Road in Liversedge. In particular you have requested my professional opinion as to the current property market conditions in Liversedge and how the proposed mix fits in with this.

As I understand it the current proposed mix of private market dwellings consists of the following:

- 20 no. Three-bedroom properties (32% of private sale units)
- 43 no. Four and five-bedroom properties (68% of private sale units)

The Councils evidence base suggest a mix based on the following ranges:

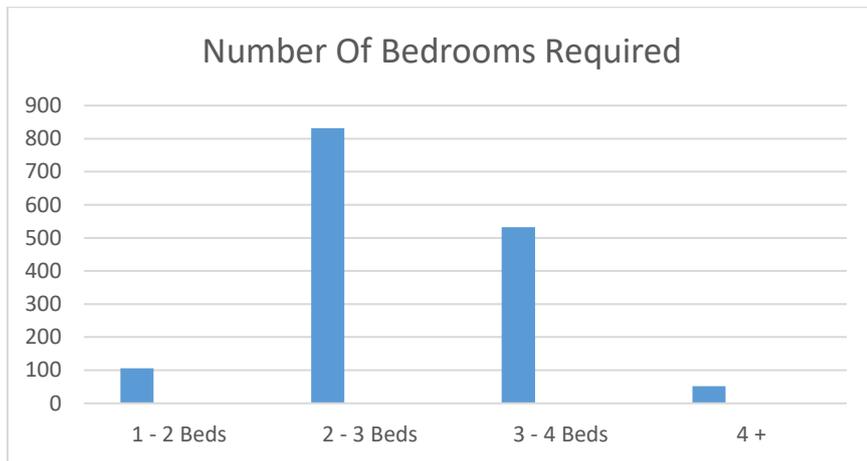
- 1 and 2 bed dwellings – 30-60% - this is not in line with current demand
- 3 bed dwellings – 20-40%
- 4 plus dwellings – 15-35%

I have discussed the site and the proposal with our local William H Brown office as well as the local New Homes Manager. In our professional opinion, and from our expertise working in the second hand and new build properties in area, we can confirm that the existing stock within this location consists mainly of older traditional 2 and 3 bedroom terraced properties.

A lot of family's have only had the choice of older, less efficient two and three bedroomed 1930's or Victorian terraces. The demand for energy efficient properties that suit family life with private outdoor space is in demand. There for the more affluent families moving into the area who are also looking for high end, energy efficient homes that offer a long term option for their growing families.

There are very few new affordable developments that have happened in Liversedge or the surrounding areas. Over the past few years the new sites have always had a positive response from the market, most recently Robinson Place site by Taylor Wimpey where the larger properties have proved most popular. We would argue that there is a clear lack of new build development in general within Liversedge and there currently is an adequate supply of the smaller 2 and 3 bedroom property types. The majority of the older larger properties in the area are less affordable to the general market due to the age, size and scale of the properties, leaving many families having to compromise on a smaller home that doesn't suit their needs or aspirations. The smaller bespoke developments that are built, cater specifically for the high end market and are not as attainable for most buyers.

The current buyer demand is showcased in the tables below, based on the number of bedrooms from our local office.



*Stats taken on 22/09/2023 from WHB Dewsbury Office. Correct on the day of capture.

Since COVID-19 pandemic we have seen a shift in the requirements for potential buyers, the biggest and most notable difference is the need for people to have the space to be able to work from home and have a private garden - but still within an affordable price point. This has created a higher demand for the larger properties such as 3 & 4 bedroom houses.

Buyer are more conscious of costs and would rather move into a property that can grow with them rather than move, incurring extra costs – not to mention wanting to fix their mortgage rates for longer to give stability in their living costs. Visa versa we are seeing less demand in the smaller property types as these do not provide the opportunity to work from home and raise a family in the same household, the effect of this is seen by these property types tending to spend longer on the market.

When combining this current demand for the larger property types to meet these needs with the current stock in Liversedge, I do not feel the change the plans would match the ongoing change in the market conditions. I would recommend that the mix that is proposed by Jones Homes (Yorkshire) Limited is a more suited mix to the current market.

I hope you find this insight useful and if you need any further insights please get in touch.

Kind Regards

N. Partridge

Nicky Partridge

North and Scotland Land & New Homes Director



T 0113 8410108

Friday 29th September 2023

Mr Howard Gray
Jones Homes (Yorkshire) Limited
Green Bank House
Green Bank
Cleckheaton
West Yorkshire
BD19 5LQ

Dear Howard

RE: Proposed Development - Dwelling off Darley Road, Liversedge, Kirklees WF15 6PA

The purpose of this letter is in relation to contact with yourself in your capacity as a Divisional Land Director at Jones Homes (Yorkshire) regarding the current proposed development for 77 dwellings off Darley Road in Liversedge. In particular you have requested my professional opinion as to the current property market conditions in Liversedge and how the proposed mix fits in with this.

As I understand it the current proposed mix of private market dwellings consists of the following:

- 20 no. Three-bedroom properties (32% of private sale units)
- 43 no. Four and five-bedroom properties (68% of private sale units)

The Councils evidence base suggest a mix based on the following ranges:

- 1 and 2 bed dwellings – 30-60%
- 3 bed dwellings – 20-40%
- 4 plus dwellings – 15-35%

In our professional opinion, and from my personal experience of dealing with properties in Liversedge, the existing stock within the area consists mainly of older traditional 2 and 3 bedroom terraced properties; there are relatively few new developments that have happened in Liversedge over the past few years which tend to sell very well when new properties come to the market in this particular location. I would argue that there is a clear lack of new build development in general within Liversedge and there currently is an adequate supply of the smaller 2 and 3-bedroom property types. In recent times we have seen a huge surge in demand from families (4/5 occupants) looking for energy efficient new build homes.

Cont/...

NEW HOME SOLUTIONS

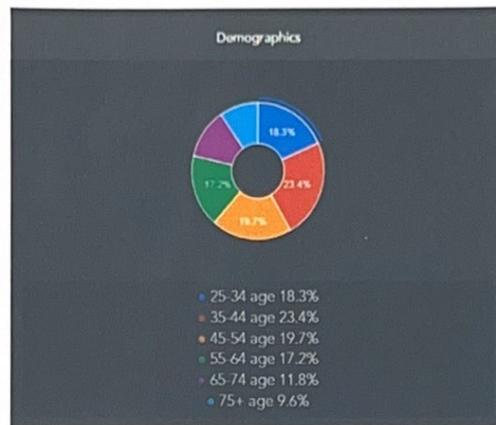
PART EXCHANGE - ASSISTED MOVE - NEW HOME SALES

Unit 7 First Floor, Hepton Court, Leeds,
West Yorkshire, LS9 6PW
Email: info@newhomesolutions.co.uk
Web: www.newhomesolutions.co.uk
Telephone: 03330 068058

-2-

Since COVID-19 pandemic we have seen, and we believe this to continue to be the case, a shift in the requirements for potential buyers, the biggest and most notable difference is the need for people to have the space to be able to work from home meaning that the larger properties such as 4 and 5 bedroom houses are in stronger demand. Visa versa we are seeing less demand in the smaller property types as these do not provide the opportunity to work from home and raise a family in the same household, the effect of this is seen by these property types tending to spend longer on the market.

When combining this current demand for the larger property types to meet these needs with the current stock in Liversedge, this would mean that the current stock no longer suits a large proportion of new buyers needs and as such I would argue that the mix that is proposed above is a more suited mix to the current market and with the age demographic of over 60% between the ages of 35 – 65 years old.



Yours Sincerely

William Smith

Director

New Home Solutions is the trading name of New Homes Solutions Ltd
registered at Club Chambers, Museum Street, York, England YO1 7DN
Company No: 07970313



Appeal Decision

Site visit made on 5 February 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/Y3615/W/19/3240781

Land to East of White Lane and West of Chestnut Lodge, Drovers Way, Ash Green, Guildford, Surrey GU12 6HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rob O'Carroll of Bellway Homes Limited (Thames Valley) against the decision of Guildford Borough Council.
 - The application Ref 18/P/01950, dated 9 October 2018, was refused by notice dated 17 July 2019.
 - The development proposed is the erection of 59 residential dwellings with associated access, parking, landscaping and infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 59 residential dwellings with associated access, parking, landscaping and infrastructure at Land to East of White Lane and West of Chestnut Lodge, Drovers Way, Ash Green, Guildford, Surrey GU12 6HY in accordance with the terms of the application, Ref 18/P/01950, dated 9 October 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. During the processing of the application by the Council the proposal was amended. The amendments included revised layouts and information, and the reduction in the number of the units to 59. The description above reflects the amended proposal and I have considered the appeal accordingly. I have also used the site address above from the decision notice and the appeal form as this more accurately describes the site. I am satisfied that no party would be prejudiced by these matters.
3. The application was refused for 3 reasons and the Council has indicated that the latter two reasons could be addressed by a planning agreement with appropriate obligations. A planning agreement has been submitted at the appeal stage to provide mitigation to seek to address the impacts on the Thames Basin Heaths Special Protection Area (the SPA) to address the second reason for refusal, and to provide infrastructure to mitigate the impact of the proposal on the local area to seek to address the third reason for refusal. The Council is a party to the agreement and I will consider these matters later.

Main Issue

4. In the light of the above and the submission of the planning agreement to address the second and third reasons for refusal, the main issue is whether the

market housing mix would be satisfactory having regard to the site size, characteristics and location.

Reasons

5. Policy H1 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (Adopted 25 April 2019) (the Local Plan) sets out the policy approach to delivering housing across the plan area. The policy explains that new residential development is required to deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment.
6. The supporting text to the Local Plan sets out the mix of different sized units for both market and affordable housing that are sought to be delivered across the plan area. These percentage mixes reflect the recommendations in the West Surrey Strategic Housing Market Assessment 2015 (SHMA) and the Guildford Addendum Report (2017).
7. The SHMA advises that the provision of market housing should be more explicitly focused on delivering across the West Surrey Strategic Housing Market Area (Guildford, Waverley and Woking Borough Council areas) smaller family housing for younger households. It is on this basis that the percentage market mix of different bedroom properties was proposed. The SHMA goes on to advise that although the mix is quantified on the basis of market modelling and the understanding of the then current housing market the advice does not strongly believe that such prescriptive figures should be included in the plan making process and that the 'market' is to some degree a better judge of what is the most appropriate profile of homes to deliver at any point in time. The SHMA advises that the housing mix figures can, however, be used as a monitoring tool to ensure that future delivery is balanced when compared with the likely requirements as driven by demographic change in the area.
8. This evidence appears to have informed the Local Plan and I note that Policy H1 advises that new development should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location.
9. The Council's appeal statement indicates that based on the information from estate agents, the distribution of existing housing stock, with existing and new 1 bed units concentrated in town centres, the semi-rural location and the character of properties in the surrounding area, the lack of 1 bedroom market units on the site would be acceptable in this instance. Looking at all the evidence on this matter, I do not disagree with the Council and I am satisfied that the lack of provision of 1 bedroom market units on the site would not conflict with Policy H1 of the Local Plan for the reasons explained.
10. In respect of the units which are proposed on this site, compared to the percentage mix in the SHMA, the evidence indicates that there would be an undersupply of 2 bedroom market units by about 5/6 (-16%), an oversupply of 3 bedroom market units by about 3 (+9%) and an oversupply of 4 bedroom market units by about 6 units (+17%). This would be in relation to a total of 35 market units.
11. I note the estate agency information and reports submitted by the appellant regarding the need and supply of 2 bedroom market properties in the area, and I have also taken into account the contrary evidence, particularly that set out

- by the Council and the Ash Green Residents' Association in this respect. I note the comments about the limited number of 2 bedroom properties in the locality and therefore that there is no justification to reduce the percentage of such units on the site. However, there would be some 2 bedroom market units to be provided on the site and I also give weight to the evidence of the appellant who would need to be confident of selling these units at the end of the construction period with an overall viable scheme, and without which the affordable housing and other obligations may not be able to be delivered. I am also conscious that the SHMA advises that the 'market' is to some degree a better judge of what is the most appropriate profile of homes to deliver at any point in time.
12. Across the site, 2 and 3 bedroom market units of varying floorspaces would make up the majority of the market housing proposed. Taking this and all other matters into account, especially the advice in the SHMA that the mix should not be used prescriptively, the semi-rural location and the medium size of the site, I consider the overall market mix to be satisfactory and justified in the circumstances. The deviation from the SHMA market mix would not be significant nor would it prejudice the delivery of an appropriate mix of housing across the plan area as a whole.
 13. In these circumstances, I am satisfied that the mix of housing tenures, types and sizes would be appropriate to the site size, characteristics and location such that this requirement of Policy H1 of the Local Plan would be met. In this respect the scheme would meet the requirement of the National Planning Policy Framework (the Framework) that within the planning policy approach for housing the size, type and tenure of housing need for different groups in the community should be assessed and reflected in planning policies.
 14. I have noted all the evidence and related comments regarding the analysis of appeal decisions elsewhere where housing mix was considered which I attach limited weight because of the different location, planning policies and background circumstances. In respect of other decisions locally where the housing mix has differed from the recommended percentages, I note that they were determined before the Local Plan was adopted, although it appears that they would have been influenced by the SHMA recommendations. While I attach limited weight to these other decisions as to their influence on the considerations with regard to the present proposal, they do nevertheless show that housing mix has differed across the plan area dependent on the particular circumstances of the site and background.
 15. In the light of the above, I conclude that the market housing mix would be satisfactory having regard to the site size, characteristics and location and thereby would comply with Policy H1 of the Local Plan and the Framework in this respect.

Planning Agreement

Ash Road Bridge Scheme contribution

16. The planning agreement includes an obligation to make a contribution towards the Ash Road Bridge scheme (the ARB scheme) so that when the ARB scheme is implemented the level crossing can be closed on the A323 Guildford Road. The evidence indicates that there are safety issues and traffic delays at the level crossing. It appears that because of delays at the level crossing drivers

use other roads in the locality to avoid the crossing and this leads to “rat-running” in the local area.

17. My attention has been drawn to the background information submitted during the Local Plan examination and that the adopted Local Plan contains allocation Policy A31 concerning 1,750 dwellings in the general area. This policy states land and a contribution will be required from sites for the new road bridge to enable the closure of the level crossing. However, allocation Policy A30 concerning the appeal site has no such reference to making contributions to the ARB scheme, although it is in the same general area, indeed closer to the level crossing than some of the land allocated in Policy A31.
18. The appellant has set out detailed highway arguments and traffic information to seek to demonstrate that the impact of traffic movements in relation to the site would be minimal and in relation to additional traffic using the level crossing *de minimis*, such that a contribution to the ARB scheme would not be justified. It is argued that I should find this obligation regarding the contribution to the ARB scheme would not meet with the required tests and it has only been included in the agreement on a without prejudice basis so that regardless of my findings on this matter the appeal can be allowed.
19. My attention has also been drawn to an appeal decision¹ for a residential scheme within the Policy A31 allocated area, where the Inspector questioned the £10,000 per unit level of contribution required to the ARB scheme and that it would require further investigation as to how reasonable and proportionate it might be.
20. I have carefully considered all the evidence, including that general traffic in the locality causes delays and rat-runs. I am satisfied that, on the evidence before me, that some traffic from the development would result in additional traffic flows either over the level crossing adding to delays or that traffic would rat-run along local roads to avoid the level crossing. The evidence indicates that these local roads are subject to highway constraints and the appeal site is in such proximity to these routes and the level crossing that future occupants would be very likely to have little alternative but to use these routes on a reasonably regular basis thereby contributing to the adverse impacts on the road network.
21. While I accept that Policy A30 does not have a specific reference to requiring a contribution to the ARB scheme other Local Plan policies, in particular Policies ID1 and ID3, set out that new development will be required to provide and/or fund the provision of suitable access and transport infrastructure and services that are necessary to make it acceptable. I am conscious of the Framework advice regarding development and the residual cumulative impacts on the highway network, nevertheless, Policy ICD3 of the Local Plan sets out that the requirement to provide suitable transport infrastructure to mitigate the impacts is within the context of the cumulative impacts of approved development and site allocations.
22. The appeal site and the other allocated sites in the vicinity would collectively add more vehicles and lead to a greater adverse impact on the existing unsatisfactory road system. I see no substantive reason why the appeal site should not make a contribution to mitigating this impact in the same way as

¹ APP/Y3615/W/19/3225673 - Land adjoining Streamside, Harpers Road, Ash GU12 6D.

- the other identified development sites in proximity to the affected roads and level crossing.
23. It follows from my analysis that I have a preference for the highway evidence of the Council and that the impacts of the development on the road network at the level crossing and/or in the adjoining roads require this issue to be addressed. The ARB scheme would help to address these adverse impacts and I consider to comply with Policies ID1 and ID3 of the Local Plan a contribution to the ARB scheme is necessary. In coming to this judgement, I have taken into account the other highway works which would also be necessary in association with the proposal and form part of the planning agreement.
24. The Council has responded to the concerns raised by the Inspector in the appeal in Harpers Road and to matters raised by the appellant, and set out information to justify the scale of contribution. I am conscious that a part of the funding for the ARB scheme will come from Homes England and Network Rail, and a proportion of the funding would come from private developers undertaking schemes in the area.
25. The Highway Authority in its evidence has set out the contribution from other developments to the ARB scheme, and related the scale of the contribution to the anticipated resulting peak flow traffic movements. The evidence indicates that the scale of contribution from the appeal site would be broadly in accordance with other schemes in the area and, in my view, would help to mitigate the impact of the proposal with a fair and reasonable amount of the overall costs of the ARB scheme proportionate to the impact of the appeal proposal given its location near to the affected roads and proximity to the level crossing.
26. Taking all these matters into account, including the appellant's final comments, I conclude that to address the highway impacts of the proposal, and to comply with the requirements of Policies ID1 and ID3 of the Local Plan, the obligation to make a financial contribution towards the ARB scheme is necessary to make the development acceptable in planning terms. The obligation is directly related to the development as it would help to address the impact from the additional traffic movements and, for the reasons explained, I am satisfied that the financial contribution would be fairly and reasonably related in scale and kind to the development. The obligation therefore meets the requirements of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Ecological obligation and issues

27. The site lies within the zone of recreational influence of the SPA. My attention has been drawn to documents including the Thames Basin Heath Special Protection Area Avoidance Strategy 2009-2016 which sets out a strategy for the provision of Suitable Alternative Natural Greenspace (SANG). In terms of meeting this requirement the appellant has indicated that a planning permission has been granted for the change of use of land adjoining the appeal site to allow public access and associated works to facilitate its use as a SANG. Also, as another option to meet the SANG requirement there is the alternative that a contribution could be provided to an existing private SANG.
28. Natural England advised at the application stage on these matters and was satisfied that the application could provide appropriate SANG provision (with a Grampian condition in the case of the proposed SANG on the adjoining land)

and with a Strategic Access Monitoring and Management (SAMM) contribution the proposal would mitigate the recreational effects on the SPA.

29. The planning agreement in combination with recommended condition 3 (a Grampian condition regarding the provision of SANG) would secure the appropriate mitigation albeit that it would allow alternatives to the provision of SANG. The legal agreement also contains an obligation to pay the appropriate SAMM contribution.
30. In these circumstances, where the mitigation would be secured, when undertaking an Appropriate Assessment in accordance with The Conservation of Habitats and Species Regulations 2017, I am satisfied that the proposal, alone or in combination with other schemes, would not significantly and adversely impact on the integrity of the SPA. It therefore follows that the obligation is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

Other obligations

31. The planning agreement also sets out other obligations. In respect of the affordable housing contribution, providing 24 units of accommodation, with the related details set out in the agreement, is necessary to comply with the requirements of H2 of the Local Plan.
32. The highway contribution would deliver a range of improvements and is required in the interests of safety. This includes works in White Lane, works to a public byway and a bridleway, and a contribution to improvements to the A31 Hogs Back/White Lane junction. Looking at these matters I am satisfied that they are necessary and directly related to the development. I have also considered all the submissions regarding the provision of an independent footbridge over the railway cutting taking into account the other permissions that have been granted locally and any planning obligations in this respect. Having regard to the technical highway details I am satisfied that the impacts of the development would not require such an obligation and that the evidence indicates that the proposed signalling and related works would provide a satisfactory highway solution.
33. I have had regard to the Surrey County Council submissions as Education Authority and the early years, primary and secondary school contributions are necessary to provide additional education infrastructure to accommodate children from families moving into the development.
34. In terms of the healthcare infrastructure contribution, the North East Hampshire and Farnham Clinical Commissioning Group has set out evidence that it would be necessary to carry out conversion works to increase clinical capacity at the nearest medical centre to help accommodate patients from the proposed development. I am satisfied that the related contribution is necessary.
35. These obligations in respect of affordable housing, highway works, education and healthcare, are all individually necessary to make the development acceptable in planning terms, are all directly related to the development, and are all fairly and reasonably related in scale and kind to the development. As a

consequence, they would all meet with the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Other Matters

36. I have taken into account all the objections to the proposal including those from the Parish Council, the Ash Green Residents' Association and local residents. The site has been allocated for development under Policy A30 of the Local Plan and therefore the principle of residential development of the site and issues such as the sustainability of the location have been examined and agreed through the Local Plan process.
37. Policy A30 indicates that the site is allocated for approximately 62 homes and the scheme proposes 59 dwellings. I consider that the layout with space around the site, siting of buildings away from the ancient woodland area and overall design of the properties would accord with the general approach in Policy A30 of the Local Plan.
38. I have carefully considered the relationship of the development to Station House, which can be considered a non-designated heritage asset. The house is on a lower level with principal windows facing the site. However, with the proposed spacing between Station House and the nearest dwelling, and the proposals for landscaping in that section of the site, I do not consider that the living conditions of the occupants or the setting of that property would be unduly affected by the development.
39. The new access onto the White Road and highway safety in the vicinity, in particular with reference to the extent of visibility caused by the bridge, has been raised in many of the representations. I have examined this matter, including at my site visit, and given the technical advice of the Highway Authority I have found no reason to disagree with its conclusion that the proposal with the traffic lights and footway widening would be acceptable in safety terms.
40. In terms of all the other matters raised, including potential flooding, relationship to adjoining properties, design and layout, sewer capacity, car parking, trees and ecological impact, I am satisfied that these issues have been addressed in the submissions and where appropriate could be safeguarded by planning conditions.

Conditions

41. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty.
42. Condition 3 is necessary for the reasons explained above and is required to be a pre-commencement condition to ensure that the SANG provision is agreed and the mitigation secured before any works commence. A scheme of archaeological works is necessary to be agreed to accord with the recommendations in the Archaeological Desk-Based Assessment (December 2018) and this needs to be a pre-commencement matter given that any on-site investigations would need to take place before any other works.

43. A condition is necessary to agree and implement a surface water drainage scheme in the interests of flood prevention and this needs to be a pre-commencement matter so that these fundamental works can be incorporated into the overall design from the outset. Condition 21 is necessary to demonstrate that the system is functioning adequately given the scale of the development and the need for flood prevention.
44. A Construction Transport Management Plan and a Construction Environmental Management Plan are necessary to ensure that the works take place with respect to the convenience of the users of the highway network, the amenities of local residents and important wildlife interests. Conditions regarding agreement to an Arboricultural Method Statement and that this be agreed on site and as pre-commencement matters are necessary given the importance of trees to the character and appearance of the area and the proximity of ancient woodland.
45. A condition is necessary regarding the provision of fibre broadband to the premises to ensure that occupants of the site have this facility in the interests of future proofing and to assist with home working thereby reducing the need to travel. This needs to be a pre-commencement condition so that this service is incorporated in the planning with other service delivery.
46. Condition 11 is necessary to ensure that the details of the development are of a high quality to accord with the requirements of the development plan and the Framework. Conditions 12, 13, 14, and 15 are necessary in the interests of ecological and landscape protection, and enhancement of the site.
47. Condition 16 is necessary to ensure that the vehicular access is provided with the appropriate sight lines in the interests of highway safety. Condition 17 is necessary to ensure the delivery of the off-site highway and related works in the interests of the safety of highway users. Condition 18 is necessary to ensure the vehicle parking and cycle spaces are delivered and thereafter retained in the interests of the convenience and safety of highway users.
48. Condition 19 (electrical charging points), condition 20 (travel information pack), condition 26 (energy efficiency) and condition 27 (water consumption) are necessary to ensure that the development is designed and would operate sustainably. Condition 22 is necessary to ensure that the sewer system can accommodate the additional flows from the new housing and condition 23 is necessary to ensure that any contamination that may be identified during the construction phase is dealt with appropriately in the interests of the wellbeing of future residents.
49. Condition 24 is necessary to agree finished floor levels and other heights of buildings across the site, with particular regard to the relationship of Plot 1 to Station House, so as to protect the character and appearance of the area and specifically the amenities of the occupants of Station House. A condition is necessary to agree a lighting management plan in the interests of the character and appearance of the area, and also to ensure the wellbeing of bats.
50. A condition is necessary to ensure the management and maintenance of the open space in the interests of the character and appearance of the area and condition 29 is necessary to provide at least one affordable dwelling to a wheelchair accessible standard and others to meet accessible and adaptable

dwelling standard to help to provide a flexible housing stock to meet a wide range of accommodation needs.

Conclusion

51. Having regard to the above, and taking all matters into account, I conclude that subject to the recommended conditions and the obligations, the appeal should be allowed.

David Wyborn

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No.	Drawing description
Layouts	
071709-BEL-TV-01-G	Presentation Planning Layout
071709-BEL-TV-02-G	Supporting Planning Layout
071709-BEL-TV-03-G	Storey Heights Layout
071709-BEL-TV-04-G	Tenure Plan
071709-BEL-TV-05-G	Unit Types Layout
071709-BEL-TV-06	Site Location Plan
071709-BEL-TV-07-G	Materials Layout
071709-BEL-TV-08-F	Refuse Strategy Layout
Perspectives & Streetscenes	
071709-SS01-C	Street Scene 01
071709-SS01-DIMS-B	Street Scene 01 Dimensions
071709-SS02-C	Street Scene 02
071709-SS02-DIMS-C	Street Scene 02 Dimensions
Private Houses	
PO-2B-2S-CB-E	Potter Housetype - Elevations (Brick)
PO-2B-2S-CT-E	Potter Housetype - Elevations (Tile)
PO-2B-2S-P1	Potter Housetype - Floor Plans
CH-3B-2S-CB-E	Chandler Housetype -Elevations (Brick)
CH-3B-2S-P1	Chandler Housetype - Floor Plans
071709-TH-E1	Thatcher Housetype - Elevations (Render)
TH-3B-2S-CT-E	Thatcher Housetype - Elevations (Tile)
TH-3B-2S-P1	Thatcher Housetype - Floor Plans
MA-3B-2S-CB-E	Mason Housetype - Elevations (Brick)
MA-3B-2S-CT-E	Mason Housetype - Elevations (Tile)
MA-3B-2S-P1	Mason Housetype - Floor Plans
SC-4B-2S-CB-E	Scrivener Housetype - Elevations (Brick)
SC-4B-2S-CT-E	Scrivener Housetype - Elevations (Tile)
SC-4B-2S-P1	Scrivener Housetype - Floor Plans
MI-4B-2S-CB-E	Milliner Housetype - Elevations (Brick)
MI-4B-2S-P1	Milliner Housetype - Floor Plans
071709-MI-E3	Milliner Housetype - Elevations (Tile)
071709-MI-P2	Milliner Housetype - Floor Plans
BO-4B-2S-CT-E	Bowyer Housetype - Elevations (Tile)
BO-4B-2S-P1	Bowyer Housetype - Floor Plans
071709-WE-E1-B	Weaver Housetype - Elevations (Render)
071709-WE-P1-B	Weaver Housetype - Floor Plans
Affordable Houses	
071709-SP-LA-E1-A	Spinner Lacemaker Elevations (Brick)
071709-SP-LA-E2-A	Spinner Lacemaker Elevations (Brick)
071709-SP-LA-E3-A	Spinner Lacemaker Elevations (Tile)
071709-SP-P1-A	Spinner Maisonette Floor Plan
071709-LA-P1-A	Lacemaker Maisonette Floor Plan
071709-BA-E1	Baker Housetype - Elevations
071709-BA-P1	Baker Housetype - Floor Plans

071709-HA-E1-B	Harvester Housetype - Elevations
071709-HA-P1-B	Harvester Housetype - Floor Plans
071709-3BD-E1	3BD Housetype - Elevations
071709-3BD-P1	3BD Housetype - Floor Plans
Ancillary Drawings	
071709-GAR02-A	Garage Type 02
071709-GAR03-A	Garage Type 03
071709-GAR04-A	Garage Type 04
071709-CP01-A	Carport 01, Includes bin/ cycle store
071709-BS02	Bin & Cycle Store 02
071709-SH01	Cycle Shed 01
071709-SH02	Cycle Shed 02
071709-SUB01	Sub Station
Landscape Drawings	
6583/ASP1.0	Soft Landscaping
6583/ASP1.1	Soft Landscaping
6583/ASP1.2	Soft Landscaping
6583/ASP.HL.2.0	Hard Landscaping
6583/ASP.HL.2.1	Hard Landscaping
6583/ASP.HL.2.2	Hard Landscaping
Highways	
ITB13687-GA-011	Proposed Access Arrangements -Visibility

- 3) No development shall take place until written confirmation has been obtained from the local planning authority that either:

(i) the Council has secured Suitable Alternative Natural Green Space (SANG) to be provided or enhanced to mitigate the impacts of the development utilising a financial contribution payable pursuant to the planning obligation attached to this permission; or

(ii) the applicant has secured sufficient capacity within the Ash Lodge Drive SANG, the SANG at Manor Farm, Tongham or another existing or approved area of SANG capable of mitigating the impacts of the development in accordance with the planning obligation attached to this permission.

No dwelling shall be occupied before written confirmation has been obtained from the local planning authority that any works required to bring the area of SANG allocated to the development up to acceptable SANG standard have been completed.

- 4) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 5) No development shall commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, the National Planning Policy Framework and the Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the proposed solution will effectively manage the 1 in 30 and 1 in 100 (+40%) allowance for climate change storm events and 10% allowance for urban creep, during all stages of the development (Pre, Post and during), associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 8.5 litres/sec.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system and adjacent Ordinary Watercourse.
- e) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

The development shall be built in accordance with the approved plans and thereafter maintained.

- 6) No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) vehicle routing
 - (h) measures to prevent the deposit of materials on the highway
 - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (j) on-site turning for construction vehicles,has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 7) No development shall take place, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a) How the construction would comply with relevant ecological legal considerations contained in:
 - The Conservation of Habitats and Species Regulations 2017;
 - The Wildlife and Countryside Act 1981 (as amended); and
 - The Protection of Badgers Act 1992,as outlined in Section 7 of Ecological Impact Assessment 18/06-1B

- (b) Measures to minimise the potential for pollution of groundwater and surface water.
- 8) No development related works shall take place on site until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction, are submitted to and approved in writing by the Local Planning Authority. The approved Arboricultural Method Statement must be adhered to in full.
- 9) No development shall commence until a site meeting has taken place with the site manager, the retained consulting arboriculturalist and the Local Planning Authority Tree Officer to agree the tree protection is installed correctly. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of monitoring and compliance by the pre-appointed consulting arboriculturalist, this will be agreed at the pre-commencement meeting.
- 10) No development shall commence (excluding demolition and construction of the access) until details including plans, have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of each building where practicable or supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP.
- 11) Prior to the commencement of development (excluding ground works and the construction of the access) written details including source/ manufacturer, and/or samples of:
- a) fenestration details;
 - b) bricks, tiles, render and cladding materials; and
 - c) fascias, soffits and gutters
- to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved external materials.
- 12) Prior to first occupation a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should be based on the proposed impact avoidance, mitigation and enhancement measures specified in Sections 4, 5 6 and 7 of the submitted Ecological Impact Assessment ref. 18/061B and should include adequate details of the following:
- Details of the 15m Ancient Woodland buffer, and how it will be treated and managed to ensure it adequately serves its function - inclusive of Tormentil
 - Description and evaluation of features to be managed and created including measures to compensate for the proposed loss of trees
 - Full details of how the woodland in the north east corner of the site, designated as Habitat of Principal Importance deciduous woodland will be retained and appropriately managed to ensure it serves its biodiversity function
 - How the application will support the objectives of the Wanborough & Normandy Woods & Meadows BOA

- Details of a slow worm impact avoidance, mitigation and compensation/translocation plan with provision for habitat enhancement
- Management of the stream
- Numbers and locations of bat, bird and hedgehog boxes, including provision integral to the design of the new buildings
- Hedgehog passes
- Appropriate management options to achieve aims and objectives
- Preparation of a work schedule for biodiversity enhancements for the first 5 year post construction phase, and then securing these in perpetuity
- Details of the body or organisation responsible for implementation of the LEMP

The development shall then be carried out in accordance with the approved details.

- 13) The soft landscaping scheme as shown on landscape plans ref. 6583/ASP1.0, 6583/ASP1.1 and 6583/ASP1.2 shall be implemented in full prior to the first occupation of the development or phased as agreed in writing by the local planning authority and shall be retained in perpetuity. Any trees or plants which within a period of 5 years from the completion of the landscaping that die, are removed or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next planting season with others of similar size and species.
- 14) The hard landscaping scheme as shown on landscape plans ref. 6583/ASP.HL.2.0, 6583/ASP.HL.2.1 and 6583/ASP.HL.2.2 shall be implemented in full prior to the first occupation of the development or phased as agreed in writing by the local planning authority and shall be retained in perpetuity.
- 15) All hard and soft landscaping as approved shall be managed and maintained in accordance with the submitted Landscape Management Plan ref. 6583.Land.Man.001.
- 16) The development hereby approved shall not be first occupied unless and until the proposed vehicular access to White Lane has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No.ITB13687-GA-011, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
- 17) Prior to the first occupation of the development hereby approved, the following package of improvement measures shall be implemented, through a S278 agreement at the applicant's expense, in accordance with details to be submitted to and approved in writing by the Local Planning Authority:-
 - i. Widening of footway to 2m along White Lane/Foreman Road from the bridge to The Croft
 - ii. Footway widening over the bridge and implementation of signals, generally in accordance with Drawing No. ITB13687-GA-004, B.
- 18) Dwellings within the development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plan, Drawing No. 071709-BEL-TV-02 Rev G for vehicles/cycles to be parked for that plot and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning areas shall be retained and maintained for their designated purposes.

- 19) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, for Electrical Charging Points to be provided at each house (where practicable), 20% of parking spaces for flats (including maisonettes) and passive infrastructure be provided for a further 20% of car spaces for flats (including maisonettes). This shall all comprise a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply). Once implemented these shall be retained and maintained for their designated purposes.
- 20) The development hereby approved shall not be first occupied unless and until a Residential Travel Information Pack has been provided to residents in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 21) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and be approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
- 22) No properties shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.
- 23) If during development any suspect contamination, buried structures, sources of chemical pollution or similar such material (not previously identified), is found to be present on the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted a written remediation scheme and obtained written approval from the Local Planning Authority. The remediation scheme shall detail the nature and extent of the discovered problem (unsuspected contamination) and how it shall be dealt with. A written validation report will be required to be provided to the Local Planning Authority detailing how the approved remediation scheme has been fully implemented.
- 24) No development above ground level shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels included a surveyed site section from Station House to plot 1, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
- 25) No development above ground level shall commence until a Sensitive Lighting Management Plan (to comply with 'Bats and Lighting in the UK Bats and Built Environment Series) has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

- 26) Prior to development above slab level, an energy statement shall be submitted to and be approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, identifying the Target carbon Emissions Rate (TER) for the site or the development as per Building Regulation requirements and how a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of onsite low and zero carbon technology and fabric improvements shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.
- 27) Prior to first occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be submitted to and be approved in writing by the Local Planning Authority. This shall demonstrate the development hereby permitted would comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015).
- 28) Prior to development above ground level, full details of the proposed open space, along with a scheme for its maintenance and management, shall have been submitted to and be approved in writing by the Local Planning Authority. Such details shall include layout, surfacing, fencing and details of any equipment. The development of this area shall be carried out in accordance with the approved details prior to the occupation of the 30th dwelling, or in accordance with an alternative timescale set out in the full details submitted as part of this condition.
- 29) The development hereby approved shall have 1 affordable rent 3-bed house which shall be constructed to meet Building Regulations M4(3)(2)(b) 'wheelchair accessible dwelling' standards and 10% of the units hereby approved shall be designed to meet the Building Regulations 'accessible and adaptable dwellings' M4(2). These shall include within the design of each wheelchair unit internal storage space for the storage of mobility scooters/wheelchairs and associated charging points, where practicable. Thereafter these features shall be retained and maintained for the life of the development.

End of schedule

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2022/61/91047/E

Site Address: Land at Blue Hills Farm, Whitehall Road West,
Birkenshaw, BD11 2DU

Description: Reserved matters application for a development of 91 dwellings, pursuant to outline permission 2019/90527 (for erection of up to 127 dwellings, with details of access)

Recommending Officer: Callum Harrison

DECISION – Reserved Matters (Section 106) – Approve

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Victor Grayson

AUTHORISED OFFICER

Date: 30-Jun-2023

OFFICER REPORT

Application: 2022/91047

Description: Reserved matters application for a development of 91 dwellings, pursuant to outline permission 2019/90527 (for erection of up to 127 dwellings, with details of access)

Address: Land at, Blue Hills Farm, Whitehall Road West, Birkenshaw, BD11 2DU

Ward: Birstall and Birkenshaw

Expiry Date: 25/08/2022

Extension: 30/06/2023

RECOMMENDATION

Approve, subject to conditions and signed Section 106 Agreement.

SITE AND SURROUNDINGS

The application site is formed from site allocation HS93 and the red line boundary area measures approximately 3.24 hectares.

To the northeast of the application site is the West Yorkshire Fire and Rescue Service headquarters – this large adjacent site is enclosed by stone walls, and includes the Grade II listed former Oakroyd Hall, several other buildings, trees protected under Tree Preservation Order 19/92/a1, and soft landscaped areas.

To the southeast the site is bounded by Whitehall Road West (the A58), beyond which is the Heathfield Farm PH/restaurant, a large employment unit, and the Emmet's Reach development. The southwest edge of the application site borders the access lane to Blue Hills Farm. The farm comprises several buildings (including a farm shop) close to the site's west corner. Further to the southwest is the M62 motorway and its embankment. Public footpath SPE/14/10 runs along the application site's northwest boundary and runs across part of the site at its northwestern corner. Further to the north, beyond the public footpath, are fields in agricultural use within the Green Belt.

The application site slopes downhill from north to south. Its north corner is approximately 172m AOD (above ordinance datum), and its south corner is approximately 152m AOD. There are some variations in levels where earthworks and a hard surface exist close to the site's west corner and southwest boundary.

Most of the application site is greenfield and is grassed. No significant buildings exist within the site's boundaries, although there are some small and temporary structures and a hard surfaced area towards the site's west corner. Power lines on timber poles run east-west, and high-level overhead power lines run north-south, across the site.

The application site is not within or close to a conservation area. The site has some landscape sensitivity resulting from its location, surrounding topography and visibility from land to the south and from public footpaths.

Part of the application site is within a Development High Risk Coal Referral Area as defined by the Coal Authority.

THE PROPOSAL

The applicant is seeking reserved matters planning permission for ‘a development of 91 dwellings, pursuant to outline permission 2019/90527 (for erection of up to 127 dwellings, with details of access)’. Matters reserved from the outline planning permission for consideration under this application are:

- Appearance
- Landscaping
- Layout
- Scale

Outline planning permission for this site (access only) was approved by Strategic Planning Committee, subject to conditions and a Section 106 Agreement. As per the Council’s Scheme of Delegation, Reserved Matters applications – where the preceding Outline application was determined by committee – are not usually referred back to committee for determination.

Cllr Gwen Lowe (Heavy Woollen Planning Area Sub-Committee Chair) has confirmed Delegated Powers for Officers to determine this application following a call-in request from Cllr Elizabeth Smaje (Birstall and Birkenshaw). It was considered that the planning reasons raised for call-in were predominantly assessed at Outline stage, with the remaining matters in terms of layout not considered to be of a scale warranting determination by the Heavy Woollen Planning Area Sub-Committee.

The following conditions of the outline planning permission are also relevant in respect of controls and information required as part of this Reserved Matters Application:

- Condition 1 (Reserved Matters Approval)
- Condition 2 (Reserved Matters Timescale)
- Condition 10 (Reserved Matters Surface and Foul Water Drainage)
- Condition 12 (Reserved Matters Archaeology)
- Condition 19 (Reserved Matters Noise Impact Assessment)
- Condition 20 (Reserved Matters Arboricultural Impact Assessment)
- Condition 23 (Reserved Matters Ecological Design Scheme)
- Condition 24 (Reserved Matters Bat Method Statement)
- Condition 26 (Reserved Matters Crime Prevention)

Information relevant to these conditions shall be assessed for discharge as part of this Reserved Matters application.

Supporting Information

In addition to the submitted plans, the following documents have been submitted in support of this application:

- Application Form
- Cover Letter
- Design and Access Statement
- Planning Statement
- Archaeological Geophysical Survey
- Archaeological Evaluation Report
- Ecological Design Strategy
- Planting Specification
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Bat Method Statement
- Sustainability and Climate Change Statement
- Ground Investigation Report
 - Ground Investigation Addendum
- Transport Statement
- Travel Plan
 - Parking Beat Survey
- Air Quality and Odour Assessment
- Noise Assessment
- Flood Risk Assessment and Drainage Strategy
- Land Drainage Asset Maintenance Schedule
- Stage 1 Road Safety Audit

RELEVANT PLANNING HISTORY

Application: 2019/90527

Description: Outline application for the erection of up to 127 dwellings, with details of access

Decision: Approved 09/12/2019

There are various Discharge of Conditions applications on the site associated with the Outline planning permission.

HISTORY OF NEGOTIATIONS

Officers negotiated with the applicant to:

- Provide acceptable site levels on roadways and footpaths
- Provide acceptable public open space and Public Right of Way diversions
- Maintain car parking facilities for Blue Hills Farm Shop
- Consider the impacts on boundary trees at the east of the site
- Consider the impacts of overhead power cables on layout and amenity

- Provide off-site planning contributions through a Section 106 Agreement
- Consider crime and safety considerations under the Secured by Design framework
- Consider the phasing of the development due to land ownership considerations
- Provide Affordable Housing over the policy requirements through Homes England grant funding
- Undertake a Stage 1 Road Safety Audit at the roundabout on the A58

PLANNING LEGISLATION AND POLICY

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 Kirklees Local Plan. The Kirklees Local Plan was adopted on 27/02/2019 and comprises the strategy and policies document, allocations and designations document and associated proposals map.

The following legislation, policies, and guidance are considered relevant to the determination of this application:

Kirklees Local Plan (February 2019)

- Policy LP1 – Presumption in favour of sustainable development
- Policy LP2 – Place Shaping
- Policy LP3 – Location of new development
- Policy LP4 – Providing infrastructure
- Policy LP5 – Masterplanning sites
- Policy LP7 – Efficient and effective use of land and buildings
- Policy LP11 – Housing Mix and Affordable Housing
- Policy LP20 – Sustainable travel
- Policy LP21 – Highways and access
- Policy LP22 – Parking
- Policy LP23 – Core walking and cycling network
- Policy LP24 – Design
- Policy LP27 – Flood risk
- Policy LP28 – Drainage
- Policy LP30 – Biodiversity & Geodiversity
- Policy LP32 – Landscape
- Policy LP33 – Trees
- Policy LP34 – Conserving and enhancing the water environment
- Policy LP35 – Historic environment
- Policy LP47 – Healthy, active and safe lifestyles
- Policy LP48 – Community facilities and services
- Policy LP49 – Educational and health care needs
- Policy LP51 – Protection and improvement of local air quality

- Policy LP52 – Protection and improvements of environmental quality
- Policy LP53 – Contaminated and unstable land
- Policy LP63 – New open space

Kirklees Local Plan Allocations and Designations (February 2019)

- Policy LP65 – Housing allocations

Supplementary Planning Documents

- Housebuilders Design Guide SPD (June 2021)
- Open Space SPD (June 2021)
- Biodiversity Net Gain Technical Advice Note (June 2021)
- Planning Applications Climate Change Guidance (June 2021)
- Interim Affordable Housing Policy (January 2020)
- Highway Design Guide SPD (November 2019)

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published in 2012 and updated most latterly in July 2021, the Planning Practice Guidance Suite (PPGS) first launched 06/03/2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for Local Planning Authorities and is a material consideration in determining planning applications.

National Planning Policy Framework (NPPF) (July 2019)

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

Climate Change

The Council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, 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.

On 12/11/2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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.

REPRESENTATIONS (PUBLIC)

This application has been advertised as a major development.

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015) and in line with the Council's adopted Statement of Community Involvement (December 2019).

The statutory public consultation period took place between 21/04/2022 to 19/05/2022.

During the public consultation, a total of 7 representations were made. Of these, 0 were made in support, 5 were received as objections, and 2 as general comments.

The key points raised in OBJECTION are as follows:

- Existing local services and infrastructure cannot support this development.
- Local roads are already busy and can't support additional traffic from the proposal.
- Impacts on Public Rights of Way through the site.
- Building on green fields.
- Proposal would impact on local air quality.
- Sustainable development measure should be considered.
- Impacts on bus services and cycling infrastructure.

The key points raised as COMMENT are as follows:

- Plans are dull and boring.
- Car parking should be revised to the side of dwellings.
- On-site allotments should be considered.
- Number of dwellings should be reduced.
- Impacts on local wildlife should be considered.

Local Members:

CLlr Joshua Sheard (Birstall and Birkenshaw) – No comments received.

CLlr Mark Thompson (Birstall and Birkenshaw) – No comments received.

CLlr Elizabeth Smaje (Birstall and Birkenshaw) – Requested call-in of the application to Heavy Woollen Planning Sub-Committee.

“[...] My reasons for referral are on the density of the site, the placing of properties close to the overhead wire no build zone, the green space under the wires, and the highway congestion considerations”. (21/10/2022)

CLlr Gwen Lowe (Heavy Woollen Planning Sub-Committee Chair) – Confirmed Delegated Powers for Officers to determine this application (31/10/2022).

CONSULTATION RESPONSES

Invitations to comment on this application were sent to the following consultees:

Kirklees Council:

KC Conservation and Design – Has no comments to make.

KC Crime Prevention – No objections subject to conditions.

KC Ecology – No objections subject to conditions.

KC Education – Section 106 planning obligation required.

KC Environmental Health – No objections subject to conditions.

KC Highways Development Management – No objections subject to conditions.

KC Highways Structures – No objections subject to conditions.

KC Landscape – No objections subject to conditions and Section 106 planning obligation.

KC Lead Local Flood Authority – Advice received and Section 106 planning obligations sought.

KC Minerals – No comments received.

KC Public Health – Has no comments to make.

KC Public Rights of Way – No objections subject to conditions.

KC Strategic Housing – No objections subject to conditions.

KC Trees – No objections subject to conditions.

KC Waste Strategy – No objections subject to conditions.

External Consultees:

Coal Authority – No objections.

National Grid (Cadent Gas) – No comments received.

National Highways (Highways England) – No objections.

West Yorkshire Archaeology Advisory Service – No objections subject to conditions.

West Yorkshire Combined Authority – Section 106 planning obligation sought.

West Yorkshire Fire Authority – No comments received.

Yorkshire Water – No objections following amendments.

MAIN ISSUES

Taking into consideration the site allocations and constraints, the main issues for consideration as part of the appraisal of the application are:

- Principle of Development
- Layout
- Appearance
- Scale
- Landscaping
- Other Material Considerations
- Planning Balance
- Discharge of Conditions

OFFICER ASSESSMENT

Principle of Development

The principle of residential development at this site was found to be acceptable under planning permission 2019/90527 (dated 09/12/2019, issued following the Strategic Planning Committee's resolution to approve). This application is a Reserved Matters submission to consider matters of appearance, scale, landscaping and layout pursuant to outline planning permission 2019/90527.

Having been considered and determined as part of the outline planning permission, no further assessment of the principle of development or means of access into the site is appropriate or necessary as part of this application.

This Reserved Matters application is fully compliant with the outline permission and the development will continue to be subject to the relevant conditions set out in the outline permission.

Phasing of Development

The applicant has submitted information regarding the future delivery of the proposal in two phases. Paragraph 4.5 of the submitted Planning Statement notes that:

“The land owner is currently considering the future of the farm shop business and therefore is retaining the Phase 2 land however is likely to commence Phase 2 within 2-3 years”.

As proposed, Phase 1 would deliver the majority of the on-site highways and drainage infrastructure, public open space, and affordable housing. Of the 91 dwellings proposed, 77 would be delivered in Phase 1.

Phase 2 (consisting of development at the northwest of the site) would comprise the remaining on-site infrastructure, 14 dwellings (Plots 78-91), and the remaining (pro rata) affordable dwellings. Phase 2 would also require the diversion of Public Right of Way SPE/14/10 and the re-laying out/formalisation of the existing farm shop car park at the west of the site.

Given the phasing of development, it is important that sufficient site boundary treatments are included for the development of Phase 1 whilst construction of Phase 2 is undertaken. As detailed later in this report, a 2m acoustic fence is considered necessary to protect future occupiers' residential amenity from adverse noise conditions. The applicant has submitted plans to demonstrate this, as well as around the completed development following the construction of Phase 2, as required by Condition 19 of the outline planning permission. The details of the proposed boundary treatments would be secured by conditions along with a mitigative boundary landscaping scheme.

Officers are cognisant of the potential effects of the phasing of development on the future discharge of conditions. In recognition of this, any relevant conditions attached to a planning permission would be required to be discharged for each phase of the development.

Officers also note the potential that Phase 2 may be delayed or not be constructed. In this regard, Officers are content that the necessary on-site and off-site infrastructure works, a policy-compliant level of affordable housing, and delivery of public open space to make the proposal policy compliant for the satisfactory construction of 77 dwellings under Phase 1 can be achieved and would be undertaken as part of that phase of development. It is considered that this would deliver the required on-site planning gains should Phase 2 not be completed and, as such, would not likely be of significant detriment to the overall scheme.

As such, the proposal is considered to be in accordance with Policy LP5 of the adopted Kirklees Local Plan with regard to masterplanning.

Layout

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

Site Layout

The proposed site layout has been developed through an iterative design process following discussions with consultees (including KC Crime Prevention and KC Highways) and taking into account some significant site constraints. The main constraints of the site are considered to be its topography which rises steeply from south to north, and the existing overhead electrical cables. As National Grid assets, these cables are not proposed to be removed or diverted, instead a 7.5m easement is required under which no residential development, installation of play equipment, or planting of new trees would take place.

The proposed road layout would form a rough 'E'-shape under Phase 1, with a spur to the west of the site to be completed under Phase 2. Areas of public open space would be located at the site entrance, southwest, and north of the site with the provision of play equipment (LEAP) on this northern section. A new Public Right of Way would dissect the site from north to southwest, and the existing farm shop car park to the west would be retained for future use.

Drainage and utility infrastructure would be located at the south of the site. A new electricity sub-station would be located adjacent to Plot 12 at the site entrance, surface water attenuation underneath the southwestern area of public open space, and a new Yorkshire Water pumping station to be located adjacent to the rear garden of Plot 1, also at the southwest of the site. Further assessment of the amenity implications of this layout will be considered later in this report.

The layout of the proposed dwellings is considered to be broadly acceptable, noting the constraints of the overhead cable easement running centrally through the site and the on-site highways requirements. The layout of Plots 1-12 with their rear gardens accessing the estate road is unusual. However, this is not considered to be unacceptable, and KC Crime Prevention have worked with the applicant to resolve any potential issues in line with the Secured by Design framework.

Officers do note, however, that a majority of the proposed dwellings would have their car parking spaces to the front, creating car dominated frontages throughout the site. As noted later in this report, Officers recognise that a scheme of soft landscaping is being proposed in an attempt to soften these frontages. Notwithstanding this, Officers consider the layout of the on-site car parking to not be the most desirable option and further note that in some

areas of the site (e.g., around Plots 13-16) provision of the requisite quantum of car parking spaces appears forced and inorganic. In noting this, Officers also recognise the challenges around the site's topography, which are considered to be a mitigating factor in the design of the site layout in relation to private car parking spaces.

Given the above and when taken in context of the wider site layout and constraints, Officers consider the proposal to be broadly in accordance with Policy LP24(a) of the adopted Kirklees Local Plan and NPPF (Chapter 8) Paragraph 97.

Public Rights of Way

Policy LP23 states that proposals that may prejudice the function, continuity or implementation of the core walking and cycling network will not be permitted. Furthermore, the policy requires that existing public rights of way that form part of the core walking and cycling network or elsewhere will be protected and enhanced. Proposals shall seek to integrate into existing and proposed cycling and walking routes as identified in the core walking and cycling network by providing connecting links where appropriate.

NPPF (Chapter 8) Paragraph 100 states that proposals should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

The site is bounded to the north and west by existing Public Rights of Way (PRoW) SPE/13/50, SPE/14/20, and SPE/14/10. A footpath connection would be made to the SPE14/10 at the north of the site, through the proposed public open space, and run down the central estate road to re-join SPE/14/10 at the southwest of the site to the rear of Phase 2 Plots 89-91. It is noted that the proposed PRoW would require a stepped access arrangement to allow for the topography of the site. However, this is not considered to have a significantly detrimental impact on equality matters due to SPE/14/10 remaining accessible through the retained farm shop car park and the adjacent ramped entrance to the north of the PRoW. The proposed PRoW would be formed of a sandstone path in the landscaped and public open space areas, and a kerb along the estate road.

PRoW SPE/14/10 would also be diverted at the northwest of the site to form a 'S'-shaped path through the existing (and to be retained) farm shop car park to facilitate the construction of Phase 2 Plots 87 and 88. The diverted route of PRoW SPE/14/10 would need to be agreed with the Council's PRoW Officer through a Definitive Map Modification Order.

KC PRoW have recommended a footpath specification which Officers shall secure by conditions. KC Landscape raise no objections to the proposed PRoW, subject to conditions being secured for details of handrails at the stepped area. KC Highways Structures and Highways Development Management require for require conditions for the details of retaining

walls/modifications to the existing embankment along the site's northern boundary to mitigate any impacts on the useability of the PRow.

The application also proposes amending the existing footway along the A58 (Whitehall Rd West) at the south of the site. The proposed works would widen the combined footway/cycle path from the site entrance to the farm shop entrance at the western edge of the site, joining up with PRow SPE/14/10.

Officers consider that the proposal is in accordance with Policy LP23 of the adopted Kirklees Local Plan and NPPF (Chapter 8) Paragraph 100, as it provides PRow connectivity through the site to mitigate the slight diversion of PRow SPE/14/10 to facilitate Phase 2 of the development, although note this diversion will be subject to agreement outside of the scope of this planning application.

Highways Safety

Policy LP21 requires proposals to demonstrate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. Furthermore, proposals are required to demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.

NPPF (Chapter 9) Paragraph 111 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. Paragraph 112 further details priority use of new roads, addressing the needs of people with disabilities, creating safe and secure places, allowing for efficient delivery of good and emergency service access, and enabling the use of electric vehicles.

The proposed internal layout is satisfactory. It allows the safe movement of vehicles throughout the site and ensures suitable visibility. No 'rat-runs' would be created, and it is anticipated that cars will be able to move freely through the site. There are suitable footways proposed also to allow pedestrian movements. The highways layout will ensure suitable safety and prevent highway issues, as such it accords with the forementioned policy.

Policy LP22 requires that proposals provide full details of the design and levels of proposed parking provision following the principles set out in the policy wording. In doing so, they should demonstrate how the design and amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel.

The Highway Design Guide SPD does not set local parking standards but notes that it should be used as an initial point of reference in designing new schemes. Based on the calculations within the SPD for this proposal, a total of

225 car parking spaces would be required (202 residential occupier spaces and 23 visitor spaces).

The application proposes a total of 226 car parking spaces (203 residential and 23 visitor). As such, Officers consider that the proposal is in accordance with Policy LP22 of the adopted Kirklees Local Plan. There is sufficient off-street parking for both future residents and visitors, in accordance with the forementioned policy and guidance.

Electric Vehicle Charging

The applicant's submitted Sustainability and Climate Change Statement highlights that each of the 91 dwellings would have access to its own Electric Vehicle Charging Point (EVCP). However, the details of the proposed EVCPs have not been provided at this stage. As such, KC Environmental Health recommend the imposition of a condition to secure these details prior to installation. Officers shall secure the necessary conditions in this regard.

Farm Shop Car Parking

The existing car park serving the farm shop to the west of the site indicatively holds c. 76 cars. Officers note that the car parking is informal with no marked spaces. The proposal would indicatively retain c. 58 car parking spaces. This retained indicative quantum of farm shop car parking is considered to be appropriate.

Appearance

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

Policy LP24 of the Kirklees Local Plan advises that good design should be at the core of all proposals in the district. It advises, amongst other matters, that proposals should promote good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. This reflects guidance within the NPPF that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Design and Materials

There are 11 different house types proposed as part of this application. The design of the dwellings would be in the applicant's traditional family dwelling and townhouse styles. The dwellings would be largely regimented in outward appearance, with some limited exceptions being proposed in certain areas of the site (for example Plots 77 and 91 where the dwellings would present themselves sideways to the roadside). The external materiality of the

dwellings, as detailed below, would provide some much-needed variety (albeit limited) to the overall aesthetic of the site. The design of the proposed external single garages is deemed to be functional and acceptable.

The submitted Materiality Plan and Phase 1 External Materials Schedule detail the proposed use of external stonework and brickwork (Marshalls Darlstone (with Artstone cills) and Winterbourne Berry), roof tiles (Calderdale Edge Brown and Calderdale Edge Dark Grey) and white uPVC windows, fascia and soffits, and rainwater goods. Full details of all external materials to be used for Phase 2 of the proposal shall be secured by conditions to ensure that they are acceptable to the Council and do not have a detrimental effect on visual amenity and/or landscape character.

Officers note the wider context around the site, with a relatively recent new build residential development to the south. The proposed dwellings would not be too dissimilar to the context of the surrounding vernacular and, as such, would be unlikely to be of detriment to the area. Officers note the lack of outstanding or innovative design of the proposed dwellings, but also consider that they are of the modern housebuilders vernacular and that offering design as a reason for refusal on this basis would likely not be expedient.

In light of the above, Officers consider the proposal to be broadly in accordance with Policy LP24 of the adopted Kirklees Local Plan, Housebuilders Design Guide SPD, and NPPF (Chapter 12).

Scale

'Scale' as a reserved matter refers to the height, width and length of each building proposed within the development in relation to its surroundings. Policy LP24 confirms that the scale of all development should respect and enhance the character of the townscape, heritage assets and landscape.

Policy LP32 requires that proposals should be designed to take into account and seek to enhance the landscape character of the area, with particular consideration of the setting of settlements and buildings within the landscape, as well as other environmental features in the vicinity.

Housing Mix and Type

Policy LP11 requires proposals of 10 or more dwellings to provide a mix of housing reflecting the proportions of households that require housing, achieving a mix of house size and tenure. This includes provision of dwellings suitable for adaptation and/or use from those with specialist needs.

The applicant is proposing a range of house types on this site. These are:

- Bloomfield Terrace of 3 (3-bed) – Plots 34-36, 65-67 and 58-60
- Bloomfield Semi-Detached (3-bed) – Plots 18-19, 20-21, 22-23 and 25-26
- Cartwright Terrace of 3 (2-bed) – Plots 3-5

- Cartwright Terrace of 4 (2-bed) – Plots 8-11
- Elmslie Terraced (3-bed) – Plots 29-31
- Elmslie Semi-Detached (3-bed) – Plots 1-2, 6-7, 27-28, 37-38, 48-49, 50-51, 53-54, 61-62, 63-64, 71-72, 74-75, 80-81 and 89-90
- Goodridge Detached (4-bed) – Plots 15, 41, 42, 43, 55, 56, 69 and 70
- Mountford Detached (3-bed) – Plots 13, 24, 47, 52, 73 and 77
- Mylne Detached (4-bed) – Plots 12, 14, 39, 40, 44, 45, 46, 57, 68 and 76
- Bloomfield & Elmslie Semi-Detached (3-bed) – Plots 32 and 33
- Bloomfield & Mylne Semi-Detached (3-bed) – Plots 16 and 17
- Type 1 Terrace of 3 (2-bed) – Plots 82-84
- Type 2 Semi-Detached (3-bed) – Plots 80-81 and 89-90
- Type 3 Detached (3-bed) – Plot 91
- Type 4 Semi-Detached (3-bed) – Plots 85-86 and 87-88
- Type 5 Detached (4-bed) – Plots 78 and 79

Plots 14, 40, 53, 57, 61, 63, and 68 all include provision of a detached single garage. The Goodridge, Bloomfield, Type 4, and Type 5 house types would include an integral garage.

KC Strategic Housing have reviewed the housing mix and type and consider the mix of affordable housing being proposed (2, 3 and 4-beds) to be acceptable. The proposal also broadly aligns with the council's Affordable Housing and Housing Mix Supplementary Planning Document.

Given the above, Officers consider the proposal to be in accordance with Policy LP11 of the adopted Kirklees Local Plan.

Scale and Massing

The proposed house types would be a mix of 2- and 3-storey dwellings. These would be broken into single dwellings, semi-detached, and 3- and 4-dwellings terraces. Officers consider that the proposal would not lead to a detrimental impact in terms of scale and massing due to the residential scale of the proposed dwellings and their layout within the site. The topography of the site is duly noted, particularly in relation to 3-storey dwellings at the north of the site. However, it is considered that the proposal would form a gateway residential development into Birkenshaw after crossing the M62. Officers also note the relatively new residential development to the south which incorporates gateway 3-storey elements, and the large commercial premises off the A58. In this context, Officers consider the scale and massing of the proposal and its landscape character impacts to be acceptable, in accordance with Policies LP24(a) and LP32 of the adopted Kirklees Local Plan.

Landscaping

'Landscaping' as a reserved matter, refers the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences,

walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

The revised layout proposes: 305m² of locally equipped area of play (LEAP) ; 745m² of amenity greenspace; and 3,081m² of natural and semi-natural Green Space. This open space is set throughout the site, notably around the eastern and western edges. The LEAP play space would be located to the north of the site, adjacent to landscaped and natural green space. The play space benefits from natural surveillance. It is also well connected in the site by footpaths and roads. As such, the provision of this play space, alongside having the POS spread through the site is acceptable. However, the quantum of POS is not sufficient for 91 dwellings. As such, an off-site financial contribution of £117,005 needs to be secured.

Policy LP33 states that planning permission will not be granted for developments which directly or indirectly threaten trees or woodland of significant amenity. Furthermore, 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.

An area of trees along the site's eastern boundary is covered by a Tree Preservation Order (TPO 19/92/a1).

The applicant has submitted an Arboricultural Method Statement in support of this application. This has been amended following advice received from KC Trees in relation to the trees along the eastern site boundary and the potential impacts of topographical changes to the site, and the requirement for retaining structures in close proximity to Root Protection Areas of affected trees. The AMS sets out the use of no-dig construction techniques near affected trees and, where incursions into RPAs are necessary, that the effects would be minimal. Mitigation measures such as protective fencing and retaining wall designs have also been incorporated into the AMS.

KC Trees have reviewed the submitted information and raise no objections, subject to a condition being secured for compliance with the measures set out in the submitted AMS. Given this, Officers consider that the proposal is in accordance with Policy LP33 of the adopted Kirklees Local Plan.

Street Trees

NPPF (Chapter 12) Paragraph 131 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. It requires that proposals should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

The applicant is proposing to plant approximately 30 new trees along the route of the on-site road network. Officers note that no new trees can be planted underneath the 7.5m easement for the overhead cables crossing the site. The new trees would predominantly be in the curtilages of the proposed dwellings but are nonetheless considered to meet the aims of NPPF (Chapter 12) Paragraph 131.

Biodiversity

Policy LP30 requires that proposals do not result in unmitigated or uncompensated significant loss of or harm to biodiversity and should provide biodiversity net gains through good design.

The Council's adopted Biodiversity Net Gain Technical Advice Note Paragraph 3.1.1 states that 'at this time, in the absence of legislation, a minimum of 10% net gain in biodiversity is required'.

NPPF (Chapter 15) Paragraph 174(d) further requires that proposals should minimise impacts on and provide net gains for biodiversity. In addition, Paragraph 180(a) also states that if a proposal would result in unmitigated or uncompensated significant harm to biodiversity, planning permission should be refused.

The applicant has submitted an Ecological Design Strategy in support of this application. This recommends a range of measures to maximise the site's biodiversity value. These include native species planting, the provision of bat and bird boxes, and providing small mammal access (*hedgehog highway*) through garden and boundary fencing (excluding acoustic fencing).

KC Ecology have reviewed the submitted information and raise no objections, subject to conditions being secured for compliance with the mitigation measures set out in the submitted EDS. Officers shall secure the relevant conditions.

Protected Species

Policy LP30 requires that proposals must protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.

The site lies within a Bat Alert Area. The applicant has submitted an updated Bat Method Statement in support of this application following the submission of a Phase 1 Ecological Survey under outline planning permission 2019/90527. This details that the site has negligible to low bat roost suitability in relation to on-site buildings, trees, and dry-stone walling. Notwithstanding this, the BMS recommends mitigation measures with regards to tree pruning and the provision of integral bat boxes into some of the proposed dwellings to

further reduce any detrimental impacts on bats and providing new roosting opportunities.

KC Ecology have reviewed the submitted information and raise no objections, subject to conditions being secured for compliance with the mitigation measures set out in the submitted BMS. Officers shall secure the relevant conditions.

Given the above, the proposal is considered to be in accordance with Policy LP30 of the adopted Local Plan and NPPF (Chapter 15).

Other Material Considerations

Affordable Housing

Policy LP11 requires that proposals for over 10 new residential dwellings contribute to the provision of affordable homes by securing 20% of the total number of new dwellings as affordable homes. The policy further states that achievement of a higher proportion of affordable housing on sites is encouraged.

As the proposal is for 91 dwellings, the applicant is required to provide 18 affordable dwellings under Policy LP11. The applicant is proposing to provide a total of 38 affordable dwellings across the site, which is welcomed. 18 of these would be secured under a Section 106 Agreement, with the remaining 20 being provided in conjunction with Homes England grant funding. The tenure mix of the 38 affordable dwellings would be 21 Shared Ownership and 17 Affordable Rent. The affordable housing provision would be formed of a mix of 2-, 3-, and 4-bed dwellings. There would be a pro-rata split of the Section 106-secured affordable housing provision between Phases 1 and 2 (15 out of 77 and 3 out of 14) so that policy compliant levels of provision could be achieved should Phase 2 be delayed or not completed.

KC Strategic Housing note that the proposed quantum and tenure mix of the proposed affordable housing is acceptable. They do note, however, that the affordable dwellings should be distributed more evenly throughout the site, in clusters of 2 to 5 dwellings. Officers note this advice but consider that the provision of c. 42% affordable housing in dwellings of an indistinguishable design for the market housing (of which some of the same house types are proposed) outweighs any potential detrimental impacts of their locations along the estate road running centrally through the site – to which there are no design or amenity concerns raised.

Given the above considerations, Officers consider that the proposal is in accordance with Policy LP11 of the adopted Kirklees Local Plan.

Amenity

Separation Distances

Policy LP24(b) requires that proposals provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary.

Principle 6 of the adopted Housebuilders Design Guide SPD sets out the typical minimum separation between new and existing dwellings. These are:

- 21m between rear habitable room windows;
- 12m between habitable and non-habitable room windows;
- 10.5m between habitable room windows and boundaries of adjacent undeveloped land; and,
- 2m (minimum) between side walls and shared boundaries where a new dwelling is located within a regular street pattern of 2-storeys or above.

Officers consider that the proposal meets the separation distances requirements as set out in the Housebuilders Design Guide SPD.

Residential Amenity

The site is not surrounded by existing residential dwellings so no detrimental impacts on existing neighbouring occupiers would be expected. Officers further consider that given the site layout, separation distances, and proposed boundary treatments of the proposal site itself, detrimental impacts on residential amenity on future occupiers from the proposed dwellings in terms of overbearing, overshadowing, overlooking, and loss of outlook from the proposed dwellings is also not expected.

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. Officers note that the internal layouts of the proposed dwelling types meet or exceed the Nationally Described Space Standards based on the proposed number of bedrooms and bed spaces over the proposed number of storeys.

It is noted that the council does not have an adopted position on the minimum size of outdoor amenity/garden space per dwelling. Notwithstanding this, Officers consider that the proposed dwellings have an acceptable range of garden sizes, ranging from reasonable to large. Although some garden areas would have a more unusual angular layout, they are still considered to be useable by future occupiers. The majority of the proposed dwellings also benefit from front garden areas, although some are subsumed by off-street car parking spaces.

Given the above, Officers consider the proposal to be in broad accordance with Policy LP24(b) of the adopted Kirklees Local Plan and the Housebuilders Design Guide SPD with regards to residential amenity.

Noise

Policy LP52 requires that proposals which have the potential to increase noise, vibration, light, dust, odour, shadow flicker, chemical or other forms of pollution must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

The applicant has submitted a Noise Survey in support of this application. This recommends that a 2m acoustic barrier/fence should be installed at the south and west boundaries to achieve appropriate noise mitigation. The applicant has submitted a further boundary treatments plan showing the proposed acoustic fencing for Plots 1 and 2, as well as a combination of the two. The report also details the installation of appropriate acoustic glazing and ventilation systems within the dwellings, in line with Approved Document F of The Building Regulations 2010 (as amended).

KC Environmental Health have reviewed the submitted acoustic information and raise no objections, subject to a compliance condition to carry out the recommendations as set out in the submitted noise report. Officers agree with this approach and shall secure the relevant conditions. Conditions shall also be secured for a soft landscaping scheme to screen the acoustic barrier from view in the interest of maintaining good visual amenity of the site.

Odour

The applicant has submitted an Air Quality and Odour Assessment Addendum in support of this application. This details that since the previous assessment undertaken and approved at outline stage, no significant changes in the area have arisen in respect of odour. KC Environmental Health do not raise any concerns or objections with regard to odour.

External Lighting

No substantive details of external lighting have been submitted as part of this Reserved Matters application. As such, Officers shall secure the relevant conditions to ensure that an external lighting strategy is appropriate and does not detrimentally impact on future occupiers' amenity, the proposal's landscape character, or on bats (or other protected species) in the area.

Given the above, the proposal is considered to be in accordance with Policy LP52 of the adopted Kirklees Local Plan.

Air Quality

Policy LP51 requires that proposals should demonstrate that they are not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people. Furthermore, proposals that have the potential to increase local air pollution either individually or cumulatively must be accompanied by evidence to show that the impact of the development has been assessed in accordance with the relevant guidance. Development which has the potential to cause levels of local air pollution to increase must incorporate sustainable mitigation measures that reduce the level of this impact. If sustainable measures cannot be introduced the development will not be permitted.

The applicant has submitted an Air Quality and Odour Assessment Addendum in support of this application. This builds off of the information submitted and approved at outline stage. The report details that the results of the previously submitted remain valid in light of updates to national planning policy and technical guidance. It also provides additional air quality testing results which show a reduction in nitrogen dioxide concentrations around the site (noting the changes to road use behaviour during the Covid-19 pandemic).

KC Environmental Health have reviewed the submitted air quality information and accept and agree with the conclusions of the report. In doing so they raise no objections subject to the imposition of a condition to control fugitive dust emissions during construction. Officers recommend relevant conditions.

As such, the proposal is considered to be in accordance with Policy LP51 of the adopted Kirklees Local Plan.

Refuse and Waste

Policy LP24(d)(vi) requires that proposals incorporate adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste.

The proposal identifies space for the storage of 3 bins in the rear gardens of each of the proposed dwellings, except for Plot 35. Due to the requirement for steps at the rear of the dwelling due to the site's topography, this would prohibit future occupiers from dragging their bins to a presentation point. As such, the applicant is proposing a bin enclosure to the front of the property. This would be constructed of a 3-sided brickwork enclosure; the details of which shall be secured by conditions.

KC Waste Strategy have reviewed the submitted information and note that Plots 30 and 66 have a convoluted bin drag out to their respective presentation points, but also note that a rear garden location for private bins is the preferred option. In all, the provision of sufficient residential bin storage is deemed acceptable.

Details of the proposed bins stores, as well as temporary arrangements for the storage and collection of wastes from residential units and details of temporary arrangements for the management of waste collection points during construction shall be secured by conditions. As such, the proposal is considered to be in accordance with Policy LP24(d)(vi) of the adopted Kirklees Local Plan.

Yorkshire Water Pumping Station

As previously noted, a new Yorkshire Water pumping station would be located adjacent to the rear garden of Plot 1 at the southwest of the site. Officers fully recognise that this would not be the most desirable location for this type of development against the curtilage of a residential dwelling. However, it is also noted that Yorkshire Water require the development of a new pumping station to facilitate the foul water drainage strategy on this site and, given the topography of the site, the c. 7.5m overhead power line exclusion zone, and the functional requirements of the pumping station, it is considered that it could not be easily re-located without significant amendments to the site layout. This could, in turn, have a knock-on effect on the integrity of the submitted scheme.

Officers further note that neither KC Environmental Health, KC Public Health, nor Yorkshire Water have raised no objections in this regard. In light of this, it is considered that the location of the proposed pumping station would be unlikely to result in detrimental residential amenity impacts for neighbouring occupiers.

Sustainable Construction

Policy LP24(d)(iii) and (iv) require proposals to promote high levels of sustainability through the use of innovative construction materials and techniques, and minimising the use of resources.

The applicant has submitted details relating to the sustainable construction methods to be used for the proposed dwellings. Air source heat pumps are proposed for each dwelling and the applicant notes their intention to exceed the minimum energy efficiency standards under Part L of The Building Regulations 2010 (as amended). Given this, Officers consider that the proposal is in accordance with Policy LP24(d)(iii) and (iv) of the adopted Kirklees Local Plan.

Heritage and Archaeology

Policy LP35 requires that development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. Furthermore, it requires that proposal should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development.

NPPF (Chapter 16) Paragraph 197 states that when determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.

The applicant has submitted an Archaeological Evaluation Report in support of this application. This details that an intrusive archaeological investigation of the site has been undertaken and features of archaeological interest were surveyed, primarily relating to the site's coal mining and iron working history.

West Yorkshire Archaeology Advisory Service have reviewed the submitted information and note these findings. A condition to secure an archaeological watching brief is recommended if the site is required to undergo further remediation works associated with coal mining. The Coal Authority have confirmed that further remedial works are not required and, as such, the proposed condition does not need to be secured.

Given the above, Officers consider that the proposal is in accordance with Policy LP35 of the adopted Kirklees Local Plan and NPPF (Chapter 16).

Ground Contamination and Land Stability

Policy LP53 requires that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology will require the submission of an appropriate contamination assessment and/or land instability risk assessment. Furthermore, any development which cannot incorporate suitable and sustainable mitigation measures (if required) which protect the well-being of residents or protect the environment will not be permitted.

NPPF (Chapter 15) Paragraph 183 requires that proposals ensure that the site is suitable for its intended purpose taking into account the ground conditions and any risks arising from land instability and contamination, and that any contaminated land is remediated with works overseen by a competent person.

The site is underlain by a Mineral Safeguarding Area for Surface Coal Resource (SCR) with Sandstone and/or Clay and Shale. The site also lies atop a Coal Referral Area (Development High Risk Area) and an area suspected to be potentially contaminated due to its previous use associated with the former Oakroyd Colliery.

The applicant has submitted a Ground Investigation Report and addendum (dated 29/07/2022) in support of this application following initial consultee comments received from KC Environmental Health. Under discharge of

conditions application 2022/90349, this information was deemed to be acceptable to discharge Condition 13 in relation to a Phase II Intrusive Ground Investigation. Further to the submitted contaminated land information being discharged, KC Environmental Health recommend securing further conditions for the remediation and verification of contaminated land on this site. These were secured by Conditions 11 – 16 of outline planning permission 2019/90527.

The Coal Authority have raised no objections to the proposal following the discharge of conditions application (2022/90409) for the submission of details required under Condition 11 of the outline planning permission relating to intrusive site investigations for on-site mine workings.

As such, Officers consider that the proposal is in accordance with Policy LP53 of the adopted Kirklees Local Plan and NPPF (Chapter 15), particularly Paragraph 183.

Planning Obligations

Policy LP49 states that the need for the provision of additional school places will be a material consideration when proposals for new housing development are considered. Developers should work with the council at the earliest opportunity to ensure the phasing of development and appropriate mitigation is identified in a timely manner to ensure education provision can be secured.

Policy LP63 states that the council will seek to secure well-designed new and improved open space [...]. New housing developments will also be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal. New open space should be provided in accordance with the council's local open space standards or national standards where relevant.

The adopted Open Space SPD sets out the Council's approach to securing off-site public open space financial contributions where a proposal provides a shortfall in the quantum of required on-site public open space. These planning obligations are required to improve the local public open space offer due to the increased impacts of new residential development on existing provision. The obligations cover a number of public open space typologies and are tailored to local need and the type of residential development proposed.

As a residential development for 91 new dwellings and considering the quantum of on-site provision of on-site Public Open Space, the required off-site Public Open Space contribution for this application is **£117,005**. This figure breaks down to:

- Amenity Green Space – £13,869.64
- Parks and Recreation – £43,946.80
- Natural and Semi-Natural Green Space – £11,403.60
- Allotment/Community Growing – £3,953.95

- Outdoor Sports – £28,133.95
- Plus Inspection and 15% Administration Fees

Other off-site financial contributions are also sought from the proposal. Following the above assessment of the proposal and consultee comments, a Section 106 Agreement will be required to secure the following Heads of Terms:

- Affordable housing
 - Phase 1 – 15 dwellings
 - Phase 2 – 3 dwellings
- Education contribution
 - Phase 1 – £326,793
 - Phase 2 – £59,417
- Off-site Public Open Space contribution
 - Phase 1 – £123,617
 - Phase 2 – £22,476
- Public Open Space Inspection Fee
 - Phase 1 – £2,115.38
 - Phase 2 – £384.62
- Sustainable Transport Contribution
 - Phase 1 – £39,385.50
 - Phase 2 – £7,161
- Travel Plan Monitoring Contribution
 - £10,000
- Off-site highways contribution
 - 2no. bus stop real time displays – £20,000
- Incorporation of a management company to manage and maintain on-site Public Open Space, surface water drainage arrangements and internal estate roads.

An appropriate Section 106 agreement has duly been completed.

In this regard, the proposal is considered to be in accordance with Policies LP4, LP11, LP20, LP49, and LP63 of the adopted Kirklees Local Plan.

Construction Matters

As with any new development project, there would likely be some disturbance to residential amenity during the construction phase of the proposal. Officers note, however, that – subject to appropriate mitigation – this need not be a reason for refusal.

KC Environmental Health have recommended the imposition of a pre-commencement condition for a Construction Environmental Management Plan (CEMP) to protect and safeguard the residential amenities of neighbouring occupiers from disturbance and pollutants resulting from construction of the proposal. This was secured under Condition 8 of outline

planning permission 2019/90527 and was subsequently discharged on 23/01/2023.

Pre-Commencement Conditions

The recommendation proposes pre-commencement planning conditions. Therefore, in accordance with Section 100ZA of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority served notice upon the applicant to seek agreement to the imposition of such conditions. Notice was served on the applicant and they agreed to the imposition of the relevant pre-commencement conditions in writing on 21/06/2023.

Conclusion and Recommendation

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.

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 the imposition of the conditions as set out below and the satisfactory completion of a Section 106 Agreement.

Discharge of Conditions (Outline Planning Permission 2019/90527)

This application is a Reserved Matters submission. Given the wording of certain conditions, this current Reserved Matters application effectively seeks discharge of conditions 1, 2, 10, 12, 19, 20, 23, 24, and 26 of the outline permission. An approval pursuant to condition 11 was previously issued under Discharge of Conditions application 2022/90409.

Other key matters, such as off-site highway works, are subject to separate conditions under the outline planning permission and will be agreed through a separate Discharge of Conditions process. The development must comply with the remaining conditions imposed upon the outline planning permission, although these are not for assessment or consideration as part of this Reserved Matters application.

Condition 1 (Reserved Matters Approval)

1. Prior to the commencement of development, plans and particulars of the Reserved Matters relating to appearance, landscaping, layout and scale (hereinafter called the "Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the Reserved Matters so approved.

***Reason:** No details of the matters referred to having been submitted, they are reserved for the subsequent approval in writing of the Local*

Planning Authority. This pre-commencement condition is necessary to ensure that Reserved Matters are approved at an appropriate stage of the development process.

The plans and information listed in Condition 1 of Reserved Matters application 2022/91047 are considered satisfactory pursuant to this condition. The development shall hereby be implemented in full accordance with the Reserved Matters so approved, as required by this condition and Condition 1 of Reserved Matters application 2022/91047.

Condition 2 (Reserved Matters Timescale)

2. Application(s) for approval of Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: *Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.*

This is a compliance condition and, as such, requires no formal discharge.

Condition 10 (Reserved Matters Surface and Foul Water Drainage)

10. The Reserved Matters referred to in Condition 1 shall include a scheme detailing foul and surface water drainage (including the design and location(s) of attenuation tanks/ponds, off-site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests where appropriate). The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction, which should be limited to no more than five litres discharge per second. No part of the development shall be occupied until such approved drainage scheme and maintenance and management plan to serve the development or each agreed phase of the development to which the dwellings relate has been implemented in full. The approved scheme shall thereafter be retained during the life of the development.

Reason: *To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.*

KC LLFA have raised concerns over the acceptability of the proposed surface water crate storage system and cannot recommend discharge of this condition at this time. As such, Officers consider that this condition is **not** discharged as it is not in accordance with Policy LP28 of the adopted Kirklees Local Plan.

A Land Drainage Asset Maintenance Schedule has also been submitted in support of this application. This would need to be incorporated into the duties of a management company under a Section 106 Agreement.

KC Lead Local Flood Authority have reviewed the submitted information and note that the proposed attenuation tank is likely to be a crate storage system due to the proposed 95% internal voids. Without technical approval from Yorkshire Water for a specific manufacturer's design and assurance that requisite monitoring, maintenance and management of the asset can be satisfactorily secured, KC LLFA is unable to accept the surface water drainage proposal as submitted.

Officers note the preference for attenuation via a box culvert (**applicant has confirmed box storage**), which can be readily inspected and maintained without regular extractive works. The management of the surface water drainage system would also need to be undertaken by a management company, which would be incorporated through a Section 106 Agreement for the lifetime of the development.

Yorkshire Water and National Highways raise no objections to the proposed surface water drainage scheme.

Yorkshire Water have raised no objections regarding the proposed foul water drainage strategy.

KC Lead Local Flood Authority have confirmed their agreement in principle to the proposed surface and foul water drainage strategies as the applicant has sufficiently demonstrated that they have made adequate space for water within the development. Notwithstanding the submitted plans and information, full details of the surface and foul water drainage strategies will be required to be submitted for consideration under the conditions of outline planning permission 2019/90527.

Condition 12 (Reserved Matters Archaeology)

12. Prior to the commencement of development (including demolition and ground works) or any Reserved Matters application a written scheme of archaeological investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall include a statement of significance, research objectives, a programme and methodology of site investigation and recording, the nomination of (a) competent person(s) or organisation to undertake the agreed works, a programme for post investigation assessment, and subsequent analysis, publication, dissemination and deposition of resulting material. The Reserved Matters referred to in Condition 1 shall include details of how the findings of the archaeological investigation have informed the proposed layout.

Reason: *To ensure buried heritage assets are appropriately recorded, protected and considered in the design of the development, and to accord with Policy LP35 of the Kirklees Local Plan and chapter 16 of*

the National Planning Policy Framework. This pre-commencement condition is necessary as intrusive works on site have the potential to damage or disturb buried heritage assets.

The following plans have been submitted in support of this application:

- Ref: Y550/22 (Archaeological Evaluation), dated February 2022 and received by the Local Planning Authority on 28/03/2022.
- Ref: 40314 Revision 1.1 (Archaeological Geophysical Survey), dated 22/02/2022 and received by the Local Planning Authority on 28/03/2022.

The applicant has submitted the abovementioned plans detailing the satisfactory provision of an archaeological written scheme of investigation (WSI). The West Yorkshire Archaeology Advisory Service have expressed their satisfaction with the archaeological survey undertaken. As such, Officers consider that the information submitted is sufficient pursuant to this condition.

Condition 19 (Reserved Matters Noise Impact Assessment)

19. The Reserved Matters referred to in Condition 1 above shall include a noise report that shall specify measures to be taken to protect the development from noise and shall:

- a) Detail all of the proposed noise mitigation measures that are necessary at each plot to achieve satisfactory indoor sound levels; and*
- b) Detail the noise mitigation measures that will be provided to demonstrate how the best practical sound levels will be achieved at outdoor amenity areas for all plots.*

No superstructure works shall commence until the noise report has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until all works specified in the approved noise report have been implemented in full for that part of the development, and the approved works shall thereafter be retained.

Reason: *In the interests of amenity and to accord with Policy LP52 of the Kirklees Local Plan.*

The following plans have been submitted in support of this application:

- Ref: A001264 Issue 3 (Noise Survey), dated September 2022 and received by the Local Planning Authority on 03/10/2022.
- Plan ref: 4035.20.092A (Phase 1 Boundary Plan), dated December 2022 and received by the Local Planning Authority on 23/01/2023.
- Plan ref: 4035.20.105X (Site Layout), dated 17/01/2023 and received by the Local Planning Authority on 23/01/2023.

The applicant has submitted the abovementioned plans detailing the satisfactory provision of a Noise Impact Assessment. KC Environmental Health have reviewed the submitted information and raise no objections,

subject to a condition under this Reserved Matters application for implementation of and compliance with the submitted Noise Survey and boundary treatment plans. As such, Officers consider that this information can be approved. No part of the development shall be occupied until all works specified in the approved noise report have been implemented in full for that part of the development, and the approved works shall thereafter be retained, as required by this condition.

Condition 20 (Reserved Matters Arboricultural Impact Assessment)

20. *The Reserved Matters referred to in Condition 1 shall include a revised Arboricultural Impact Assessment and Method Statement (written in accordance with BS5837:2012).*

Reason: *To ensure tree retention and protection has been allowed for in the design of the development and to accord with Policy LP33 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.*

The following plans have been submitted in support of this application:

- Ref: JCA 18060d/RB (Arboricultural Method Statement), dated December 2022 and received by the Local Planning Authority on 22/12/2022.

The applicant has submitted the abovementioned plans detailing the satisfactory provision of an Arboricultural Method Statement. KC Trees have reviewed the submitted information and raise no objections, subject to a condition under this Reserved Matters application for compliance with the submitted AMS. As such, Officers consider that this information can be approved.

Condition 23 (Reserved Matters Ecological Design Scheme)

23. *The Reserved Matters referred to in Condition 1 shall include an ecological design strategy (EDS) addressing mitigation and compensation shall be submitted to and approved in writing by Local Planning Authority. The EDS shall correspond with details to be submitted pursuant to Conditions 24 and 25 and shall include the following:*

- a) Purpose and conservation objectives for the proposed works.*
- b) Review of site potential and constraints.*
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.*
- d) Extent and location/area of proposed works on appropriate scale maps and plans.*
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- g) Persons responsible for implementing the works.*

- h) Details of initial aftercare and long-term maintenance.*
- i) Details for monitoring and remedial measures.*
- j) Details for disposal of any wastes arising from works.*

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: *To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan.*

The following plans have been submitted in support of this application:

- Ref: er-5947-01-C (Ecological Design Strategy), dated 28/03/2023 and received by the Local Planning Authority on 28/03/2023.

The applicant has submitted the abovementioned plans detailing the satisfactory provision of an Ecological Design Strategy. KC Ecology have reviewed the submitted information and raise no objections, subject to compliance with the wording of this condition. As such, Officers consider that this information can be approved. The Ecological Design Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner hereafter, as required by this condition.

Condition 24 (Reserved Matters Bat Method Statement)

24. *The Reserved Matters referred to in Condition 1 shall include a method statement for the avoidance of potential impacts to roosting bats shall be submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following:*

- a) Purpose and objectives for the proposed works.*
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);*
- c) Extent and location of proposed works shown on appropriate scale maps and plans;*
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;*
- e) Persons responsible for implementing the works;*
- f) Initial aftercare and long-term maintenance (where relevant); and*
- g) Disposal of any wastes arising from works. The development shall be implemented in accordance with the approved details.*

Reason: *To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan.*

The following plans have been submitted in support of this application:

- Ref: ER-5947-02-A (Bat Method Statement), dated 17/02/2022 and received by the Local Planning Authority on 28/03/2023.

The applicant has submitted the abovementioned plans detailing the satisfactory provision of a Bat Mitigation Strategy. KC Ecology have reviewed the submitted information and raise no objections, subject to compliance with the wording of this condition. As such, Officers consider that this information can be approved.

Condition 26 (Reserved Matters Crime Prevention)

***26.** The Reserved Matters referred to in Condition 1 shall include measures to prevent and deter crime and anti-social behaviour. The development hereby approved shall not be occupied until the measures approved at Reserved Matters stage have been implemented in full.*

***Reason:** In the interests of preventing crime and anti-social behaviour and to accord with Policy LP24 of the Kirklees Local Plan.*

Crime prevention measures have been satisfactorily incorporated into the design and layout of Reserved Matters application 2022/91047. KC Crime Prevention has worked with the applicant to secure a scheme under the Secured by Design principles, Local Plan Policy LP24(e), and NPPF (Chapter 8) Paragraph 97. The plans listed in Condition 1 of Reserved Matters application 2022/91047 are considered satisfactory pursuant to this condition. The development hereby approved shall not be occupied until the measures approved at Reserved Matters stage have been implemented in full, as required by this condition.

Conclusion

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.

This application has been assessed against relevant policies in the Development Plan, the National Planning Policy Framework and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for **approval**, subject to the imposition of the conditions.

Condition and Reasons

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt and to ensure the development is carried out to an appropriate quality standard of design and does not detrimentally affect the surrounding landscape, in accordance with Policies LP24 and LP32 of the adopted Kirklees Local Plan.

2. The development hereby permitted shall be carried out in accordance with the approved Phasing Plan (plan ref: 4035.20.099 Revision G, dated 23/03/2023) which provides details of the separate and severable phases or sub-phases of development, including on site infrastructure.

Reason: In the interest of providing a severable phased development, in light of Supreme Court Judgement 'Hillside Parks Ltd v Snowdonia National Park Authority [2020] EWCA Civ 1440'.

Pre Commencement

3. There shall be no commencement of each phase of the development hereby permitted, except for establishing a site compound for the undertaking of ground investigations, until a detailed scheme for the proposed internal roads, footways and footpaths has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, programme of works and phasing, swept paths for a 11.85m refuse vehicle, full sections, drainage details, street lighting, signing, surface finishes, No Waiting restrictions and the treatment of sight lines, together with an independent road safety audit covering all aspects of these works, together with supporting information relating to the retained overhead power lines and their impact on highways works and development layout. No part of the development shall be brought into use until the internal roads and other associated structures for that part of the development have first been completed in strict accordance with the approved plans and details, unless having first been agreed in writing by the Local Planning Authority.

Reason: In the interests of highways safety and to achieve a satisfactory layout, in accordance with Policies LP20 and LP21 of the adopted Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of internal roads etc are designed and approved at an appropriate stage.

4. Notwithstanding the information shown on plan ref: 21205/GA/01 Revision G (Proposed Roundabout Works, dated 12/01/2023), there shall be no commencement of each phase of the development hereby permitted, except for establishing a site compound for the undertaking of ground investigations, until full details of the permanent site entrance and associated alterations to the A58 (Whitehall Road/Heathfield Lane) roundabout, including combined cycle/footway works, improved crossings and refuge islands, No Waiting restrictions, closure of existing field accesses, and all other associated works

has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of vehicle swept paths, sight lines, treatment of visibility splays, verges, road markings, signage, crossings, constructions specifications, surface finishes and street lighting, an independent road safety audit covering all aspects of these works. Unless otherwise having been first agreed in writing with the Local Planning Authority, there shall be no occupation of the development until the approved works have been implemented in strict accordance with the approved details.

Reason: In the interests of highways and road user/pedestrian safety and to achieve a satisfactory layout, in accordance with Policies LP20 and LP21 of the adopted Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details of the site entrance etc are designed and approved at an appropriate stage.

5. There shall be no commencement of each phase of the development hereby permitted until a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls / building retaining walls adjacent to the existing/proposed highway has first been submitted to and approved in writing by the Local Planning Authority, in liaison with the Local Highway Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: In the interest of highways safety, in accordance with Policy LP21 of the adopted Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details of highway structures etc are designed and approved at an appropriate stage.

6. There shall be no commencement of each phase of the development hereby permitted until a scheme for the protection of Public Rights of Way SPE/13/50 and SPE/14/10 and their users during excavation and construction works has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of signage, guarding, safe operations, compounds, vehicle movements, deliveries, and loading and unloading. The scheme shall be carried out in strict accordance with the approved details throughout the period of excavation and construction, and no change therefrom shall take place unless having been first agreed in writing by the Local Planning Authority.

Reason: To ensure affected Public Rights of Way are accessible, maintained to an acceptable standard and are appropriate for their operation, in accordance with Policies LP20 and LP23 of the adopted Kirklees Local Plan and National Planning Policy Framework (Chapter 8), particularly Paragraph 100.

This pre-commencement condition is necessary to ensure details relating to Public Rights of Way are approved at an appropriate stage.

7. There shall be no commencement of each phase of the development hereby permitted, except for enabling works and establishing a site compound for the undertaking of ground investigations, until a scheme detailing cross-

sectional information together with the proposed design and construction details for any modifications to the existing embankment supporting Public Rights of Way SPE/13/50, SPE/14/10, and SPE/14/20 to construct the proposed development has first been submitted to and approved in writing by the Local Planning Authority, in liaison with the Local Highway Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based on, method statements for both temporary and permanent works and removal of any bulk excavations, a full slope stability analysis together with structural calculations and all associated safety measures for the protection of adjacent public highway. All highway retaining structures shall be designed and constructed in accordance with the approved details and shall be so maintained throughout the life of the development, unless otherwise having first being agreed in writing by the Highways Structures Section.

Reason: In the interesting of maintaining a functioning Public Right of Way network, in accordance with Policy LP23 of the adopted Kirklees Local Plan and National Planning Policy Framework (Chapter 8) Paragraph 100.

This pre-commencement condition is necessary to ensure details relating to Public Rights of Way are approved at an appropriate stage.

8. There shall be no commencement of Phase 2 of the development hereby permitted until a scheme for the diversion of Public Right of Way SPE/14/10 has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of implementation of the diversion, provision of alternative routes, any relevant public footpath diversion order and any proposals for temporary closure order at the appropriate stage of the diversion process, as well as details drawings including levels information and details of construction, gradients, surface materials and drainage. The scheme shall be implemented in strict accordance with the approved details unless otherwise having first been agreed in writing by the Local Planning Authority, and shall be retained and maintained thereafter as such for the lifetime of the development. Unless otherwise agreed in writing by the Local Planning Authority, until such time as the legal diversion of the existing Public Right of Way has been formally confirmed and the approved diverted route has been completed, the existing Public Right of Way shall not be altered and shall remain available for use.

Reason: To ensure diverted and otherwise affected Public Rights of Way are accessible, maintained to an acceptable standard and are appropriate for their operation, in accordance with Policies LP20 and LP23 of the adopted Kirklees Local Plan and National Planning Policy Framework (Chapter 8), particularly Paragraph 100.

This pre-commencement condition is necessary to ensure details relating to Public Rights of Way are approved at an appropriate stage.

9. Notwithstanding the information shown on plan ref: 4035.20.210 Revision C (Indicative Parking Layout), there shall be no commencement of Phase 2 of the development hereby permitted until a scheme for the re-design of the Blue Hills Farm Shop car park has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include detailed drawings showing the construction specification, levels, gradients, surface materials,

drainage, fencing, signage, parking bay markings/markers and other associated features to ensure the safety of Public Right of Way SPE/14/10 which passes through the car park. The approved works shall be implemented before the commencement of Phase 2 of the development and shall be retained and maintained as such for the lifetime of the development. The approved works shall not be altered or amended thereafter unless otherwise having first been agreed in writing by the Local Planning Authority.

Reason: To ensure the diverted and otherwise affected Public Right of Way and farm shop car park are accessible, maintained to an acceptable standard and are appropriate for their operation, in accordance with Policies LP20, LP21, LP23 and LP47 of the adopted Kirklees Local Plan and Chapters 8 and 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details relating to the existing farm shop car park are approved at an appropriate stage.

10. There shall be no commencement of each phase of development hereby approved until a survey of the existing condition of the highway (the extent of highway to be surveyed shall be agreed in advance with the Local Planning Authority) has first been carried out jointly with the Local Highway Authority and submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edging, street lighting, signing and white lining. Upon completion of each phase of the development hereby approved (or at any earlier stage to be first agreed with the Local Planning Authority), a post-construction survey of the agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to each phase of development and prior to the occupation of the final dwelling of each phase, unless otherwise having been first agreed in writing by the Local Planning Authority. Should any highways defects (affecting highway safety) attributable to the construction traffic of the development be identified during the construction period, remediation of these shall also be implemented in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety and to ensure the effective maintenance of the highway network, in accordance with Policy LP21 of the adopted Kirklees Local Plan.

This pre-commencement condition is necessary to ensure details relating to the condition of the existing highways are prepared and considered at an appropriate stage.

11. There shall be no commencement of each phase of the development hereby permitted, except for establishing a site compound and the undertaking of ground investigations until a detailed land drainage (incorporating retaining wall drainage) maintenance and management plan consisting of an itinerary and schedule of task has first been submitted to and approved in writing by the Local Planning Authority. The approved maintenance and management plan shall thereafter be implemented throughout the lifetime of the development.

Reason: In the interest of providing a satisfactory surface water drainage scheme which does not detrimentally impact on the site or future occupiers, in accordance with Policy LP28 of the adopted Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details relating to drainage maintenance are approved at an appropriate stage.

12. There shall be no commencement of works above ground level until a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading has first been submitted to and approved in writing by the Local Planning Authority, in liaison with the Local Highway Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development. See

<https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-structural-procedures.pdf> for further details and in particular, for the certification of oversize pre-case concrete (PCC) manholes and their cover slabs, as advised in this document.

Reason: In the interest of providing a satisfactory surface water drainage scheme which does not detrimentally impact on the highway network, in accordance with Policies LP21 and LP28 of the adopted Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details relating to drainage infrastructure are approved at an appropriate stage.

Other Triggers

13. Prior to the installation of any surface or foul water drainage infrastructure, details of the Pumping Station shall first be submitted to and approved in writing by the Local Planning Authority. Construction of the Pumping Station shall be carried out in strict accordance with the approved details prior to its first use and shall be retained as such thereafter for the lifetime of the development.

Reason: For the avoidance of doubt to ensure that the development is built to an appropriate quality standard of design and does not detrimentally affect residential amenity and the surrounding landscape, in accordance with Policies LP24 and LP32 of the adopted Kirklees Local Plan.

14. Construction of the Phase 1 dwellings shall be carried out in strict accordance with the external materials shown in the approved Proposed External Material Schedule (ref: Acanthus WSM Architects, undated and received by the Local Planning Authority on 07/03/2023).

Reason: For the avoidance of doubt to ensure that the development is built to an appropriate quality standard of design and does not detrimentally affect the surrounding landscape, in accordance with Policies LP24 and LP32 of the adopted Kirklees Local Plan.

15. There shall be no construction of the Phase 2 dwellings hereby permitted above slab level until details of all of the materials to be used in the construction of the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application.

Reason: For the avoidance of doubt to ensure that the development is built to an appropriate quality standard of design and does not detrimentally affect the surrounding landscape, in accordance with Policies LP24 and LP32 of the adopted Kirklees Local Plan.

16. Prior to installation, full details of the Electric Vehicle Charging Points to be installed for each dwelling in Phase 1 and Phase 2 of the development shall first be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be carried out prior to first occupation of each dwelling and shall be retained as such thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, in accordance with Policies LP20 and LP24 of the adopted Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

17. There shall be no occupation of the dwellings hereby permitted for each phase of the development until details have first been submitted to and approved in writing by the Local Planning Authority of all external lighting for each phase, including any security or other intermittent lighting. Such details shall include specifications for the lighting proposed, its location and position within the site, height and levels of illumination proposed. The details shall also specify that any external lighting includes cowling, or other similar device, to ensure that the lighting only illuminates the site directly. The details shall also incorporate the following parameters:

- Fully shielded (enclosed in full cut-off flat glass fitments)
- Directed downwards (mounted horizontally to the ground and not tilted upwards)
- Switched on only when needed (no dusk to dawn lamps)
- White light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium

The development shall be carried out in strict accordance with the details as approved prior to occupation of the dwellings and retained as such thereafter for the lifetime of the development.

Reason: To ensure that the development minimises light pollution, and the potential impact on biodiversity and landscape character in accordance with Policies LP24, LP30, LP32, and LP52 of the adopted Kirklees Local Plan, and Chapters 12 and 15 of the National Planning Policy Framework.

18. Prior to the occupation of the first dwelling in each phase of the development hereby permitted, all works which form part of the sound attenuation scheme in that phase, as specified in the Noise Survey authored by FES Acoustics dated September 2022 Ref A001264 - Issue 3 –

- a) Shall have first been completed; and

b) written evidence to demonstrate that the specified noise levels have been achieved shall have first been submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of neighbouring occupiers of the proposed development from noise or disturbance from nearby noise generating premises, in accordance with Policies LP24 and LP52 of the adopted Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

19. Prior to the first occupation of the development hereby permitted, construction details and ongoing management and maintenance plan of the new Public Right of Way through the site (including details of steps and handrails) shall have first been submitted to and approved by the Local Planning Authority. Construction of the Public Right of Way shall be done in full accordance with the approved details prior to occupancy of half of the approved dwellings and retained and maintained as such thereafter for the lifetime of the development.

Reason: To ensure satisfactory provision of a Public Right of Way, in accordance with Policies LP23 and LP24 of the adopted Kirklees Local Plan.

20. Where implementation of the development hereby approved is to be phased, and/or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall first be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units. The temporary arrangements so approved shall be implemented prior to first occupation of those residential units and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, in accordance with Policies LP21 and LP24 of the adopted Kirklees Local Plan.

21. Unless otherwise agreed in writing by the Local Planning Authority, there shall be no occupation of the development hereby permitted until the approved vehicle parking areas have first been laid out, surfaced and drained in accordance with the Communities and Local Government and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking

areas)' published 13th May 2009 (ISBN: 9781409804864) as amended or superseded. The parking areas shall thereafter be retained as such for the lifetime of the development.

Reason: In the interests of highways safety and to achieve a satisfactory layout, in accordance with Policy LP22 of the adopted Kirklees Local Plan.

22. The approved Proposed Residential Travel Plan (ref: 21205_220926 Revision 3, dated 06/10/2022) shall be implemented upon the first occupation of the development, including the provision of MCards for each dwelling. The approved Travel Plan shall be implemented for a minimum of five years, with the required annual monitoring, review and action plans submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure future occupiers of the development are encouraged to use sustainable forms of transport and to mitigate the highway and air quality impacts of the development, in accordance with Policies LP20, LP21, LP51 and LP52 of the adopted Kirklees Local Plan.

23. The approved hard and soft landscaping scheme for Phase 1 of the development shall be carried out in strict accordance with the approved plans (plan refs: DR-5947-01.01 Revision D (Landscape Masterplan Sheet 1, dated 31/10/2022) and DR-5947-01.02 Revision D (Landscape Masterplan Sheet 2, dated 31/10/2022)), planting specification (ref: DR-5947-01.03 Revision D (Planting Specification, dated 31/10/2022)), and Landscape Management Plan (ref: Greenbelt Group Ltd., dated October 2022)). The approved Phase 1 landscaping scheme shall thereafter be retained and maintained in accordance with the approved details.

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

24. Notwithstanding the submitted landscaping plans, there shall be no development above slab level of the Phase 2 dwellings until a full hard and soft landscaping scheme for this phase of development has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Location and detailed design & layout of any public on-site open space and of any areas for designated equipped play area, allotment/community growing area, informal, incidental and/or playable space, safety surfacing, site furniture and equipment etc; maintenance responsibility for Public Open Space (POS), any equipped area and playable space. This will include, where relevant, make, model and means of installation of proposed play equipment, safety surfacing, habitat boxes, and/or detailed designs for these elements including bespoke habitat structures, play elements compliance with current BS EN including BS EN 1176 and 1177.
- Landscape works at the access points where the POS areas meet the boundaries etc;

- Materials to be used for all hard surfaced areas including linking paths to play area, vehicle and other circulation areas;
- Soft landscape works to include planting plans; plant schedules noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation, management, and maintenance programme;
- The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- Landscape Management Plan required including details of initial aftercare and long-term maintenance for minimum of 5 years. This should also include any SuDS features, existing trees and vegetation retained on site, plus management of any playable space including where relevant RoSPA safety inspections.

All hard and soft landscape works shall be carried out in strict accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the Local Planning Authority, and retained and maintained as such thereafter for the lifetime of the development.

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

25. The areas of Public Open Space and play equipment shall be laid out in strict accordance with the approved details as shown on the approved Public Open Space Plan (plan ref: 4035.20.095 Revision E, dated 23/03/2023). The Public Open Space shall thereafter be retained and maintained as such for the lifetime of the development.

Reason: To ensure satisfactory provision of on-site Public Open Space, in accordance with Policy LP63 of the adopted Kirklees Local Plan.

26. The boundary treatments for Phase 1 and between Phases 1 and 2 of the development hereby approved shall be carried out in strict accordance with the details shown on the approved plans pursuant to Condition 1 of this planning permission. The acoustic fencing elements of the site boundary treatments for each phase of development shall thereafter be retained and maintained as such for the lifetime of the development.

Reason: In the interest of providing satisfactory levels of residential and visual amenity of the development, in accordance with Policies LP24 and LP52 of the adopted Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

27. There shall be no development of any Phase 2 dwelling above slab level until boundary details for each new dwelling and the Phase 2 site boundary have first been submitted to and approved in writing by the Local Planning Authority. Acoustic fencing site boundary treatments for Phase 2 of

development, to be provided in accordance with the approved Noise Survey (ref: A001264 Revision 3.3, dated September 2022), shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interest of providing satisfactory levels of residential and visual amenity of the development, in accordance with Policies LP24 and LP52 of the adopted Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

28. The development hereby approved shall be carried out in strict accordance with the measures laid out in the approved Arboricultural Method Statement (ref: 18060d/RB).

Reason: In the interests of the visual amenities of the area and to protect trees on the site, in accordance with Policies LP24 and LP33 of the adopted Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

29. The development hereby approved shall be carried out in strict accordance with the measures laid out in the approved Ecological Design Strategy (ref: ER-5947-01-C, dated 28/03/2022).

Reason: In the interests of the visual amenities of the area and to enhance biodiversity on the site, in accordance with Policies LP24 and LP30 of the adopted Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

30. The development hereby approved shall be carried out in strict accordance with the measures laid out in the approved Bat Mitigation Strategy (ref: ER-5947-02-A, dated 17/02/2022).

Reason: To protect bats on the site, in accordance with Policy LP30 of the adopted Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

31. All planted materials shall be maintained for five years, and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: In the interest of visual and residential amenity and to ensure that there is a well laid out scheme of hard and soft landscaping, in accordance with Policies LP24 and LP63 of the adopted Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwellings hereby permitted at Plots 1, 26-31, 47-52, 64-65, 73-77 and 91, without the prior written approval of the Local Planning Authority.

Reason: In the interest of protecting residential amenity and health and safety to restrict dwellinghouse development within the overhead power lines' 7.5 metre exclusion zone and within the vicinity of the Yorkshire Water Pumping

Station, in accordance with Policies LP24 and LP52 of the adopted Kirklees Local Plan and National Planning Policy Framework (Chapter 15), particularly Paragraph 185.

NOTE: The site is comprised of separate phases and each of the phases identified within the Phasing Strategy under Condition 2 are capable of being severable to the extent that any application to amend a particular phase will not prohibit those other phases of development permitted by this consent from being undertaken.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: To discuss road adoption arrangements under Section 38 of the Highways Act 1980, please contact the Highway Development, Investment & Regeneration service, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or Highways.Section38@kirklees.gov.uk).

NOTE: Public footpath number SPE/13/50 and SPE/14/10, which abuts and pass through the site, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

NOTE: Highways conditions surveys should be undertaken jointly with Kirklees Council Highways Maintenance Team. For further information please contact James Donoghue, Highway Maintenance, 01484 221000.

NOTE: Electric Vehicle Charging Points

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended).

NOTE: The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application in order to secure a policy compliant proposal.

Plans and specifications schedule: -

Plan / Document	Reference	Version	Date Received
Location Plan	4035.20.100	A	28/03/2022
Site Sections Plan	4035.20.108	A	28/03/2022
Site Layout Plan	4035.20.105	Y	27/03/2023
Bloomfield Semi-Detached G.A. Plans & Elevations Plots 25-26	4035.16. 145	B	16/05/2023
Bloomfield Semi-Detached G.A. Plans & Elevations Plots 18-19, 20-21 & 22-23	4035.16. 140	C	16/05/2023
Mountford Detached G.A. Plans & Elevations Plots 13, 24, 47, 52, 73 & 77	4035.16. 135	C	16/05/2023
Elmslie Semi-Detached G.A. Plans & Elevations Plots 27-28, 50-51, handed 74-75	4035.16 130	C	16/05/2023
Elmslie Semi-Detached G.A. Plans & Elevations Plots 48-49, 53-54, handed 61-62 & 63-64	4035.16 125	E	16/05/2023
Elmslie Semi-Detached G.A. Plans & Elevations Plots 1-2, 6-7, 37-38, 71-72	4035.16 120	E	16/05/2023
Cartwright Terrace of 4 G.A. Plans & Elevations Plots 8-11	4035.20. 115	B	16/05/2023
Type 5 Detached G.A. Plans & Elevations Plots 78 & 79	4035.16. 200	B	16/05/2023
Type 4 Semi-Detached G.A. Plans & Elevations Plots 85-86 & 87-88	4035.16. 195	A	16/05/2023
Type 3 Detached G.A. Plans & Elevations Plot 91	4035.16. 190	A	16/05/2023
Type 2 Semi-Detached G.A. Plans & Elevations Plots 80-81 & 89-90	4035.16 185	A	16/05/2023
Type 1 Terrace of 3 G.A. Plans & Elevations Plots 82-84	4035.20. 180	A	16/05/2023
Bloomfield & Elmslie Semi - Detached G.A. Plans &	4035.16 175	A	16/05/2023

Elevations Plots 32-33			
Mylne Detached G.A. Plans & Elevations Plots 39, 40, handed 12, 14, 44, 45, 46, 57, 68 & 76	4035.16. 170	C	16/05/2023
Goodridge Detached G.A. Plans & Elevations Plots 15, 41, 42, 43, 55, 69, 70 handed 56	4035.16. 165	C	16/05/2023
Bloomfield/Mylne Semi - Detached G.A. Plans & Elevations Plots 16-17	4035.16. 160	B	16/05/2023
Elmslie Terraced G.A. Plans & Elevations Plots 29-31	4035.16 155	B	16/05/2023
Bloomfield Terrace of 3 G.A. Plans & Elevations Plots 34-36	4035.20. 150	C	16/05/2023
Bloomfield Terrace of 3 G.A. Plans & Elevations Plots 58-60 & 65-67	4035.20.151	A	16/05/2023
Cartwright Terrace of 3 G.A. Plans & Elevations Plots 3-5	4035.20. 110	C	16/05/2023
Single Garage Plans & Elevations	4035.20 205		28/03/2022
Bin Enclosure	4035.20.108		16/02/2023
Proposed External Material Schedule (Phase 1)	Acanthus WSM Architects		07/03/2023
Boundary Plan	4035.20.094	H	04/04/2023
Phase 1 Boundary Plan	4035.20.092	A	23/01/2023
Boundary Details	4035.20.107	A	04/10/2022
PROW Plan	4035.20.093	C	04/04/2023
PROW Sections	09.21011-ACE-00-ZZ-DR-C-3600	P1	04/10/2022
Phasing & Highway Adoption Plan	4035.20.099	G	04/04/2023
Indicative Parking Layout	4035.20.210		04/10/2022
Kompan LEAP Product Key	EN30838		07/11/2022
Public Open Space Plan	4035.20.095	E	04/04/2023
Materiality Plan	4035.20.106	G	16/05/2023
Landscape Masterplan	DR-5947-01.01	D	16/11/2022
Landscape Masterplan	DR-5947-01.02	D	16/11/2022
Planting Specification	DR-5947-01.03	D	16/11/2022
Landscape Management Plan	Greenbelt Group Ltd. October 2022		07/11/2022
Ecological Design Strategy	ER-5947-10	C	29/03/2022
Bat Method Statement	ER-5947-02	A	28/03/2022
Transport Statement	21205_220318	1	30/03/2022
Proposed Residential Travel Plan	21205_220926	3	17/10/2022

Air Quality and Odour Assessment Addendum	0162BHFOdour	1.0	28/03/2022
Archaeological Geophysical Survey	40314	1.1	28/03/2022
Archaeological Evaluation	Y550/22	1.0	28/03/2022
Arboricultural Method Statement	18060d/RB		22/12/2022
Noise Survey	A001264	3.3	03/10/2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Officers negotiated with the applicant to: provide acceptable site levels on roadways and footpaths; provide acceptable public open space and Public Right of Way diversions; maintain car parking facilities for Blue Hills Farm Shop; consider the impacts on boundary trees at the east of the site; consider the impacts of overhead power cables on layout and amenity; provide off-site planning contributions through a Section 106 Agreement; consider crime and safety considerations under the Secured by Design framework; consider the phasing of the development due to land ownership considerations; provide Affordable Housing over the policy requirements through Homes England grant funding; and undertake a Stage 1 Road Safety Audit at the roundabout on the A58.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 06-Apr-2023

Subject: Planning Application 2021/93567 Erection of 180 dwellings with associated works Land off, Westgate, Cleckheaton, BD19 5DR

APPLICANT

Strata Homes Ltd

DATE VALID

08-Sep-2021

TARGET DATE

08-Dec-2021

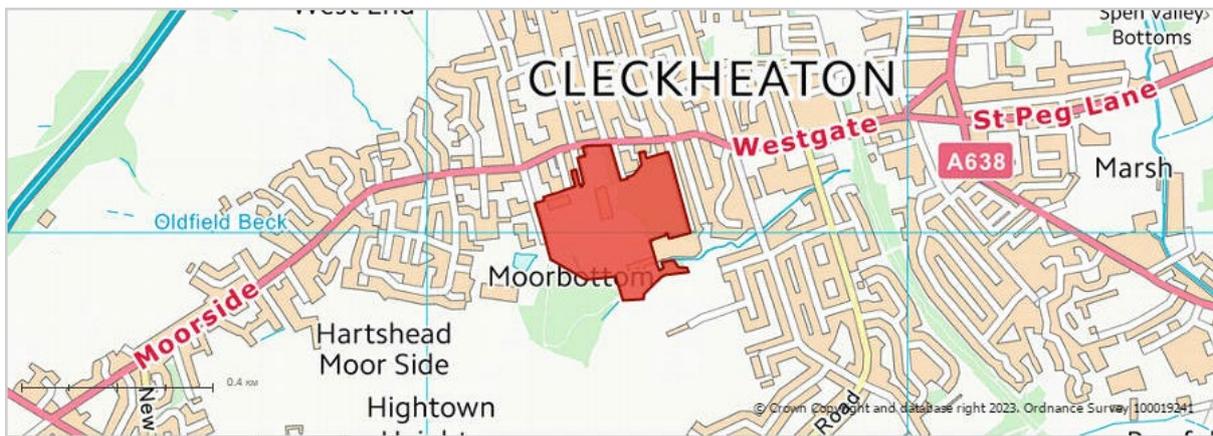
EXTENSION EXPIRY DATE

31-Jan-2023

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: Cleckheaton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

- a) **Affordable Housing:** 9 First Homes and 3 Affordable Homes (6.6% of total units).
- b) **Open space off-site contribution:** £59,770.28.
- c) **Metro enhancements:** £33,000 towards bus stop improvements.
- d) **Sustainable Travel:** £10,000 towards travel plan monitoring.
- e) **Biodiversity:** £199,916 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified.
- f) **Management and maintenance:** POS, drainage (including culverts), and ecological features.
- g) **Viability Review Mechanism:** An updated viability report to be provided to the LPA at 50% occupation, with additional Section 106 obligation to be provided in the event that a higher-than-expected profit is achieved.

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 180 dwellings.
- 1.2 This application is brought to Strategic Planning Sub-Committee in accordance with the Delegation Agreement as the proposal relates to a residential development of over 60 units.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is within Cleckheaton. The site is accessed via Westgate, which runs along to the north of the site. The unadopted Iron Street, Stone Street, and Lime Street, run into the site from Westgate. Each of these roads have poor quality surfacing of varying states. Roberts Street and Quarry Road run along the east boundaries, Brick Street to the west. The application site has an area of 6.47ha. The topography is sloped, falling downhill from north to south.

- 2.2 Most of the site is brownfield land, hosting one operational employment unit (Stables Garages) and several defunct units, in poor states of repair, spread around the site. Several other units on the site were demolished between 2000 and 2010. A surfaced area to the north has recently been used as a car park. Many parts of the site have become overgrown since the demolition although several open areas of hardstanding remain.
- 2.3 A mixture of commercial and residential units surrounds the site, including commercial units on the north-east, north-west, and south-east boundaries. There is a terrace row to the north-east also, accessed from Taylor Street but backing onto Iron Street. More generally however, there is residential to the north and east, commercial to the west, and open land to the south.
- 2.4 Blackup Beck runs along much of the site's south boundary, separating it from an expanse of open land (allocated as Urban Green Space in the Local Plan) however at one point it culverts and runs into / under the application site red-line boundary. As noted above, the site has semi-naturalised with self-seeded young trees are evident throughout. Of note, along the west boundary (adjacent Quarry Road) is a group of Black Hybrid Poplar trees that are protected by a group Tree Preservation Order. However, the trees have been severely pollarded and as a result have little value either as species or as an amenity screen.

3.0 PROPOSAL

- 3.1 The proposal seeks full planning permission for the erection of 180 dwellings. This would consist of:
- 2-bed: 52 (28%)
 - 3-bed: 86 (48%)
 - 4-bed: 42 (23%)
- 3.2 There would be five house types. Units would be a mix of detached, semi-detached, and terraced. Most unit types would be two storeys, with the exemption of 'Bungalow' housetype (one storey) and 'AH5' housetype (2.5 storeys, habitable rooms in roofspace). Facing materials are proposed as a mix of stone, red brick, and buff brick. Roofing materials are proposed as grey concrete tiles and red concrete tiles.
- 3.3 The site's access is to be formed over / incorporate the (unadopted) Stone Street. From this, a new estate road would extend through the site, before branching into a wide loop with several small off-shooting roads / private shared drives. The 2-bed and 3-bed units would have two off-road parking spaces per unit, with the 4-bed units have three. There would be 29 dedicated visitor parking bays.
- 3.4 A small area of Public Open Space is proposed in the centre of the site, principally providing a pedestrian / cycle through-route. The main Public Open Space is provided to the south of the site, partly boarding Blackup Beck. Retaining walls are to feature throughout the site, typically ranging between 0.2 to 2.0m, although in the south-east corner these would go up to 4.0m (adjacent to the southern commercial development).

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2010/91431: Outline application for erection of mixed-use development comprising of residential and business use and change of use of Paragon Works to business use (B1) – Conditional Outline Permission.

2017/91640: Variation of conditions 7, 11, 12, 14, 17, 18 on previous permission 2010/91431 for outline application for erection of mixed-use development comprising of residential and business use and change of use of Paragon Works to business use (B1) – Invalidated.

4.2 Surrounding Area

Land at, Brookside Works, Cleckheaton

2021/90886: Outline application for erection of Class E (B1c/B2/B8) with access from Brick Street, associated yard space, car parking, storage units and landscaping – Withdrawn.

2021/92661: Outline application for erection of Class E(g), B2, and B8 units and the formation of associated infrastructure, with access from Brick Street – Withdrawn.

Unit 1 & 2, Taylor Street

2017/92869: Erection of extension to existing factory – Conditional Full Permission.

Cleckheaton Hand Car Wash, 75, Westgate

2017/92483: Change of use of car sales to mixed use including car wash and tyre fitting.

2018/93329: Erection of 6 dwellings – Conditional Full Permission.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 A pre-application enquiry was submitted in March 2020 on the site. This sought feedback from officers on a proposal for 197 units. Officers outlined their consideration of the proposal, which in summary was welcoming however further details were required to support a detailed application. This included clarification on the impacts of a primarily residential development on a mixed-use allocation and seeking further details to determine whether the proposal represented an effective and efficient use of the site. Officers also outlined various matters that any subsequent application would have to address.

5.2 The current application was submitted December 2021, seeking permission for 194 units. Officers, with advice from consultees, expressed various concerns on the proposal included, but not limited to: design, housing mixture, highways, ecological impacts, drainage, and the provision of planning contributions.

5.3 The application has gone through several revisions, with updated supporting information provided for review by technical consultees. Through this process, the proposal has reached a stage where officers are overall supportive. However, the applicant has submitted a viability assessment seeking to demonstrate that a policy-compliant set of planning obligations cannot be feasibly delivered as part of this application. Therefore, an independent viability process was undertaken. Based on the information provided by the Council's viability assessor, officers negotiated the following proposed reduced Section 106 package:

- **Affordable Housing:** 9 First Homes and 3 Affordable Homes (6.6% of total units).
- **Open space off-site contribution:** £59,770.28.
- **Metro enhancements:** £33,000 towards bus stop improvements.
- **Sustainable Travel:** £10,000 towards travel plan monitoring.
- **Biodiversity:** £199,916 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified.

6.0 PLANNING POLICY

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

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

6.2 The application site is mostly part of a Mixed-Use allocation (MXS9) in the Kirklees Local Plan. The allocation has an indicative housing capacity of 223 dwellings. For employment space, the indicative capacity is given as 'Retention of existing floorspace and is already occupied'. Retail is also noted as a possible use of the site, however the allocation notes that 'additional retail and/or leisure beyond that already on site would be subject to Policy LP13'.

6.3 The allocation has a gross area of 6.93ha, while this application occupies 6.35ha of MXS9. The red-line incorporates 0.12ha of Urban Green Space (ref. IG315) to the south.

6.4 Site allocation MXS9 identifies the following constraints relevant to the site:

- No residential development to take place within flood zone 3.
- The flood risk vulnerability of proposed uses will be considered and an exception test may still be required as part of a planning application as set out in national planning policy.
- Prevention and mitigation to reflect Water Framework Directive requirement.

6.5 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP29** – Management of water bodies
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP61** – Urban Green Space
- **LP63** – New open space
- **LP67** – Mixed use allocations

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

Supplementary Planning Documents

- Affordable Housing and Housing Mix SPD (2023)
- Highways Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)

Guidance documents

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

National Planning Guidance

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

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

6.8 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- National Model Design Code (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Green Infrastructure Planning and Design Guide (2023)

Climate change

6.9 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.

6.10 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. In June 2021 the council approved a Planning Applications Climate Change Guidance document. In December 2022 the council launched the Kirklees Climate Change Action Plan.

7.0 PUBLIC/LOCAL RESPONSE

The applicant's statement of community involvement (SCI)

- 7.1 The application is supported by a statement of community involvement which outlines the public engagement the applicant undertook prior to the submission of the planning application. The applicant posted a leaflet to neighbouring properties (circa 250 addresses). The leaflet included details of the proposed application and site plan and directed residents towards a website where plans were available and where comments could be submitted. The consultation was undertaken December 2020, with the applicant stating:

Due to the scale of the proposals, and social distancing restrictions in place due to the coronavirus (COVID-19) pandemic, it was deemed the most appropriate method of engagement would be via a consultation leaflet drop to local residents

- 7.2 An article in the local newspaper was also used to raise awareness of the pre-application engagement.

- 7.3 In response to the engagement processes nine comments were received on the website forum. The SCI summarises the comments as follows:

- the capacity of local facilities to support an increase in the local population.
- development increasing the risk of flooding in the area.
- highway safety on already congested Westgate Road and sufficient parking provision on site.
- the development blends well with surrounding environment and is sympathetically designed. The removal of the disused brownfield sight is welcomed.
- overlooking of proposed new dwellings onto the properties off Quarry Road.
- provision of affordable housing on-site.

Within the SCI the applicant considers each of these comments and outlines how they have been incorporated into the proposal. This included the originally advertised proposal, for 203 dwellings, being reduced to 194.

Public representation

- 7.4 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.

- 7.5 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. Final amendments were made after the last public representation period. These were considered minor in scope, and were improvements and/or direct responses to issues raised by the public or officers. As such, it was not considered necessary to readvertise the final amendments.

7.6 The end date for public comments was the 27th of February 2023. In total seven public comments were received. The following is a summary of the comments made:

- Welcoming the removal of the trees along Quarry Road side which leave residents with 'debris, leaves, branches etc' as they have become overgrown.
- Local schools and doctors' surgeries cannot accommodate additional students.
- Local roads and drainage infrastructure is inadequate to accommodate additional dwellings.
- The applicant's plan to remove trees on Quarry Road does not comply with K.C. Trees advise to include a 'similar line' of replacement trees and is unacceptable.
- Concerns over difficulties with the applicant during development / construction at another site.
- Concerns of impacts caused during the construction phase.

7.7 The site is within Cleckheaton ward. The local ward Councillors are Cllrs John Lawson, Andrew Pinnock, and Kath Pinnock. Councillors were notified of the proposal, with no substantive comments received.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: No objection subject to conditions and advise Section 106 requirements.

K.C. Lead Local Flood Authority: No objection subject to conditions and advise Section 106 requirements.

The Environment Agency: Object. Further details on compensatory storage (due to ground works in Flood Zone 2) are required, along with clarification of culvert maintenance. The applicant believes they have addressed these points and officers are awaiting updated comments from The Environment Agency which is expected to be reported in the update.

Yorkshire Water: Object. The plans propose trees within the exclusion zone of pipes and the amended plans don't record all pipes (which earlier versions did). The applicant believes they have addressed these points and officers are awaiting updated comments from Yorkshire Water which is expected to be reported in the update.

8.2 Non-statutory

K.C. Conservation and Design: The site is circa 200m north of a Grade 2 Listed farmhouse (1 to 3 Lower Blacup). The proposal would improve a largely derelict brownfield site and is therefore welcomed, having either a neutral or positive affect on the listed building.

K.C. Crime Prevention: No objection, subject to condition. Advice offered throughout the proposal and incorporated where feasible.

K.C. Ecology: The applicant has undertaken sufficient survey to determine the ecological value of the site, both in terms of habitat and impact on species. No objection to the proposal, subject to conditions and securing an Ecological Net Gain contribution of £199,916.

K.C. Education: Provided advice on policy compliant education provision. Based on 180 units, the proposal would be expected to provide £357,733 towards local schools (£91,783 to Heaton Avenue and £265,950 to Whitcliffe Mount).

K.C. EV Health: No objection subject to conditions. Have assessed a variety of Environmental Health considerations, including: air quality, contaminated land, and noise pollution.

K.C. Landscape: No objection subject to condition. Have provided advise and feedback throughout the application process on landscape design. Based on the final proposals and 180 dwellings, discounting the Public Open Space to be delivered on site, an off-site provision of £202,174 remains. This would be spent on local facilities, potentially including (but not limited to): west End Park Moorside Verges, Lynfield Rec.

K.C. Public Right of Way (PROW): Informal discussions held. No objection subject to conditions relating to connecting to Public Rights of Way.

K.C. Public Health: Requested that a Rapid Health Impact Assessment (HIA) be undertaken, due to Cleckheaton Ward failing key health indicators. Expressed concerns over the applicant's HIA, with advice offered on how to progress.

K.C. Strat Housing: Provided advise on policy-compliant affordable housing provision. Based on 180 units, the expected delivery would be:

- Affordable or social rent: 20
- First Homes: 9
- Other intermediate: 7

K.C. Trees: No objection subject to conditions. While protected by a TPO, the trees on the east boundary proposed to be removed are of poor quality and their removal is not opposed. Adequate planting, including mitigation for the lost trees, is proposed throughout the site.

West Yorkshire Metro: To support sustainable travel, West Yorkshire Metro have calculated the following contributions for the proposal:

- Sustainable Travel Fund (i.e., bus passes): £90,070.
- Bus stop improvements: £33,000 (£13,000 for shelter at stop ID 14085, £10,000 for real time displays at stops 14085 and 14086).

9.0 MAIN ISSUES

- Principle of development
- Urban Design
- Residential Amenity
- Highway
- Drainage and flood risk
- Ecology
- Planning obligations
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

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

Land allocation (Mixed use) and residential development

- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
- 10.3 The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

- 10.4 The site is allocated as Mixed Use, with potential uses given as residential, employment, and retail, within the Kirklees Local Plan Allocations and Designations document (2019), to which full weight can be given. Policy LP67 governs such applications and states:

The sites listed below are allocated for mixed use development in the Local Plan. 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.

- 10.5 The proposal seeks residential development only, with no employment development, retail or other use sought.
- 10.6 However, the proposal only relates to part of the allocation. The excluded land within the allocation includes two dwellings, a retail unit (B and M Collins and Sons), a carwash (Cleckheaton Hand Car Wash), an office and warehouse building (Paragon Works), and storage space for the businesses to the north-east (Williams Automotive Engineering, Elite Systems, Advance Welding). These units would retain their commercial use.
- 10.7 At present there are four units remaining within the site: unit 3, units 11 and 12 (single building) and unit 19 (other numbered units previously demolished). Units 3, 11, and 19 are vacant and are largely derelict. Unit 12, attached to unit 11, while occupied is also in a poor state of repair. The existing tenant, Stables Garage, is a commercial garage. The retention of the existing occupied property is not desirable – the unit is in a poor state of repair, occupying a portion of a larger building, the rest of which is in a worse state. Having commercial garage accessed through the site would affect amenity and the visual design of the proposal. Therefore, officers do not oppose the removal of either the existing commercial units, or proposed.
- 10.8 In light of the above, while only residential units are proposed as part of this application, the ‘mixed use’ allocation would retain a mixed use. Therefore, principle of a residential-only proposal, on part (albeit most) of the allocated site is considered acceptable.

Quantum of development

- 10.9 Both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. LP7 requires development to achieve a net density of at least 35 dwellings per ha, where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. LP11 of the Local Plan requires consideration of housing mixture. These requirements are built upon within the Council’s Affordable Housing and Housing Mix SPD (March 2023).
- 10.10 First considering density, due regard must be given to the developable land. While the Local Plan included high level ‘net developable areas’, a further assessment is required at application stage. Excluding land within Flood Zones 2 and 3, the site has a developable area of 5.25ha. At 180 units, this equated to a development density of 34 dwellings per ha, which is reasonably close to the target density of 35 dwellings per ha.

- 10.11 Progressing to housing mixture, LP11 seeks for proposals to provide a representative mixture of house types for local needs. This is expanded upon and detailed within the Council's Affordable Housing and Housing Mix SPD (March 2023). However, as the Council's Affordable Housing and Housing Mix SPD (March 2023) was only adopted towards the end of this application, reasonable transitional arrangements are required and full adherence to the SPD is not expected.
- 10.12 The following is the SPD expectation, for information purposes, against that proposed:

	SPD Expected Mixture (Batley and Spen)	Proposed Mixture
1- and 2-beds	30 – 60%	52 (28%)
3-beds	20 – 40%	86 (48%)
4-beds +	15 – 35%	42 (23%)

As is evident, the proposal does not conform to the recently adopted SPD's expectations. However, negotiations between the applicant and officers on the housing mixture were predicated on the older Strategic Housing Market Assessment (SHMA). The proposal, as amended, was deemed to comply with the SHMA's expectations, prior to the new expectations of the SPD being adoption. Given this, and the minimal divergence between that previously negotiated and the SPD's target, officers do not consider the proposal contradictory to the aims of policy LP11 in terms of housing mixture.

- 10.13 Summarising on the above, the proposal would represent a good density of development and the housing mixture proposed is not unreasonable. Accordingly, the proposed is considered to represent an effective and efficient use of land, in compliance with policies LP7 and LP11, and the Council's Affordable Housing and Housing Mix SPD (March 2023).

Sustainable development and climate change

- 10.14 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
- 10.15 The site is within the urban envelope and is considered to be a location sustainable for residential development. It is accessible, lying within an existing established settlement and within circa 500m of the to various local amenities and facilities in Cleckheaton local centre where bus stops give reasonable access to the district centre of Dewsbury. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.

- 10.16 Regarding the social infrastructure currently provided and available in Cleckheaton (which is relevant to the sustainability of the proposed development), it is noted that local GP provision is limited, and this has been raised as a concern in a representation made by a local resident. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. Local education needs are addressed later in this report in relation to planning obligations.
- 10.17 As well as a Sustainability Statement (within the Design and Access Statement) the applicant provides the following overview of sustainability credentials for the proposal:
- Sustainable and best practice construction techniques will be utilised, including measures such as the local sourcing of materials from manufacturers with certified environmental management systems.
 - Design of dwellings to ensure habitable rooms allow sufficient natural light into the room and all dwellings will have access to private garden and garden areas will be fully accessible for disabled occupants, where possible.
 - High levels of insulation across all thermal elements within the build and used of thermal block made from sustainable material with a high recycled content and excellent insulation and acoustic absorption properties.
 - Implementation of robust procedures to minimise construction waste including measures to share soil and aggregate waste and reduce dust, fumes, discharge and any other form of pollution on site in line with best practice.
 - Use of eco-sanitary ware to ensure water efficiency across the scheme.
 - Provision of onsite POS and pedestrian and cycle provision and links to ensure delivery of easily accessible and high-quality amenity areas and greenspace and promote health communities and active travel.
 - A Travel Plan to be adopted to promote sustainable modes of travel.
- 10.18 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.

Urban Design

- 10.19 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'.
- 10.20 First considering the site as existing, it is brownfield land with various redundant modern commercial buildings. While it has naturalised in parts, this is around detritus and hard surface, limiting the attractiveness of the vegetation. Overall, the site is considered visually detrimental to the character of the wider area and its redevelopment is welcomed.
- 10.21 There is development to the north, east and west around the site, and the proposal would re-develop brownfield land. Therefore, the proposal would not appear as a rural intrusion (i.e., encroaching into open countryside). However, the land to the south does transition into the rural environment. The siting of the site's main Public Open Space and with a lower density of development as the site falls southward would ensure a reasonable transition between the urban and rural environments.
- 10.22 The proposed layout reflects a typical modern residential estate with a main estate road, with several branching private drives, that dwellings would front onto. Dwellings are well sites within their plots, giving suitable separation to the highway and appropriate side to side spacing. Some portions of the site have a higher concentration of front parking spaces, however, these are not unduly common and are suitably broken up by front landscaping.
- 10.23 The scale of the proposed dwellings is typical for modern dwellings and reflect sizes of units evident around the site. Most units are two-storeys in height, as is predominant in the area, with only a modest proportion of 2.5-storey units. Those 2.5-storey units would host a small front-facing dormer, which would appear unintrusive while keeping their evident height low, therefore not causing these greater height units to appear incongruous or overly dominant.
- 10.24 Architecturally the dwellings have a typical modern vernacular that is not unattractive. The architectural design of dwellings in the area is varied, resulting in no defined character or characteristics; in such a setting, the typical modern attractive vernacular of the proposed units would appear suitably harmonious.
- 10.25 Walling materials are to include a mixture of artificial stone, red brick, and buff brick. The red and buff brick will be predominant, with the artificial stone used at key points / lines of sight. Roofing would be a mixture of red and grey concrete tiles.
- 10.26 Examples of all these materials are evident in the area, and their inclusion would not cause the development to appear incongruous and there is no objection to their use. However, suitable quality materials must be used: a condition is recommended for samples for review by officers. Plots 1 – 4 and 179 – 180 fronts onto Westgate, a prominently natural stone street. In the interest of preserving the character of Westgate and securing a high-quality entrance design, it is considered reasonable and necessary to condition that these given plots be faced in natural stone.

- 10.27 Retaining walls are to feature throughout the site, typically ranging between 0.2 to 2.0m, although in the south-east corner these would rise up to 4.0m (adjacent to the southern commercial development). Their inclusion is necessitated by the varied and sloping ground level within the site. While they would be prominent in the development, more so than in the wider area, they would be kept to a minimal when viewed from the road / public vistas as they are typically between and to the rear of plots. As such, their inclusion would not be detrimental to visual amenity. However, facing materials for the retaining walls have not been provided: a condition for such details, to be approved by officers, to ensure those that are visible are built in a suitably attractive way, is proposed.
- 10.28 In terms of landscaping, it is noted that the proposal includes the removal of all trees within the site. This would include 65 individual trees and 35 tree groups (covering 8,950sqm). This includes 16 trees protected by a Tree Preservation Order. LP33 states that "*Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks*".
- 10.29 The site is in neither the Wildlife Habitat Network or green infrastructure networks. All trees within the site are category C (low / poor quality) or U (unsuitable for retention). Nearly all have grown self-seeded in the last 20 years following the extensive demolition of the previous commercial structures on the site. Given their density and sporadic placement on site it is difficult to envision any re-development of the site which would retain the trees. Given their poor quality and siting within an untidy brownfield site, they are considered to be of limited amenity value individually. Cumulatively they do have a moderate effect on the appearance of the site however. As such their loss is not considered to be a substantial concern, nor contrary to LP33, subject to appropriate mitigation achieving a suitable replacement planting strategy.
- 10.30 The above also applies to the TPO-protected trees on the boundary with Quarry Road too. These trees have been severely pollarded and are in a poor state of health. As a result, they too have little value either as species or as an amenity screen. As such K.C. Trees offer no objection to their removal.
- 10.31 Officers, including K.C. Landscape and K.C. Trees, consider the applicant's indicative landscaping strategy to be acceptable. It proposes 204 standard trees, which is welcomed. This would not, however, achieve a net gain in tree cover – such a requirement would be unfeasible or undesirable, due to it resulting in most of the allocated land being undevelopable. However, the proposed strategy includes re-planting which, while not equalling the tree loss, would result in an attractive and verdant setting. This includes the provision of street trees along the main road, planting within garden areas, and the Public Open Space. The provision of select, heavy and extra heavy standard trees in a range of species which would provide and maximise on food and nectar sources for birds and invertebrates would improve on the overall quality of provision across the application site.

- 10.32 Specific to the TPO trees to be removed, there would not be comparable replanting in that area / along Quarry Road. Only nine new trees are shown on this boundary and all are within the rear gardens of the new properties so the likelihood of these trees achieving maturity is limited. The layout does not leave enough space for a planting strip along Quarry Road and such a planting strip would need to be privately managed or removed from gardens and adopted by the Council. A reduction in garden sizes is not welcomed and repositioning plots would have unacceptable knock-on effects. While the reduction of tree cover on Quarry Road will change its character, given the overall level of re-planting and suitability of the landscaping, officers do not offer an objection.
- 10.33 Notwithstanding the above the landscape details are indicative and lack management and maintenance details. A condition for a fully-detailed strategy, to include management and maintenance details, is therefore proposed. A condition for specific details of street trees is also recommended.
- 10.34 In summary, the proposed works would notably change the character and appearance of the site and wider area. Nonetheless, the site is in a visually poor state and the proposed development is considered to be well designed to a high standard. The proposal would represent an attractive continuation of the residential environment, while appropriately transitioning to the rural landscape to the south. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the KLP, and Chapter 12 of the NPPF.

Historic environment

- 10.35 The site is not within a Conservation Area. The properties at 1, 2, 3 Lower Blackup (Grade 2 Listed) are located circa 100m south of the site (although due to the open space to the south, there would be over 150m between the Listed Building and proposed dwellings).
- 10.36 1, 2, 3 Lower Blackup are a historic farmhouse, hosting a section from circa C.17 and another from C.18. Its heritage value is considered to be its architectural form, historic use, and its setting in much of its original farmland.
- 10.37 The proposed development would not directly affect the fabric of the listed building but would be visible within its setting. However, there would be a reasonable separation distance between the development and the listed building. Furthermore, the site is brownfield and has been extensively developed in the past. The site is in a poor state and the development would raise its visual attractiveness. Given the proposal would re-develop brownfield land, would not encroach upon the existing fields around the farmhouse, officers are satisfied the proposal would have a neutral (potentially beneficial) impact upon 1, 2, 3 Lower Blackup as a heritage asset.
- 10.38 In light of the above, the proposal is deemed to comply with LP35 of the Kirklees Local Plan. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the council to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess. The proposed development also complies with this.

Residential Amenity

- 10.39 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. There are numerous neighbouring properties to the north, east and west of the development arrayed around the site, notably the rear elevations of properties on Clare Road to the east, the rear of properties which front Taylor Street, and a flat above a commercial unit on Lime Street.
- 10.40 All proposed separation distances between existing and new dwellings comply with the minimums outlined within the Housebuilders Design Guide SPD. This is specifically 21m between facing habitable room windows and 12m between habitable room windows and a blank / side facing wall of original buildings (i.e., excluding extensions). As set out within the SPD, due regard must be given to whether topographical differences necessitate a greater distance than the minimum: while topography varies through the site, there are deemed to be no instances where topography would require greater than the minimum separation distances between existing and proposed dwellings.
- 10.41 It is noted that planning permission ref. 2018/93329 granted permission for six dwellings along the north-east boundary (on land currently addressed Cleckheaton Hand Car Wash, 75 Westgate). The permission expired January 2022 and officers have seen no evidence to suggest it was implemented, however for completeness due regard has been given to potential impacts between the previously approved dwellings and those proposed: in summary the respective layouts are compatible and would not result in poor amenity for prospective occupiers.
- 10.42 Retaining walls would feature throughout the site, typically ranging between 0.2 to 2.0m, although in the south-east corner these would rise up to 4.0m (adjacent to the southern commercial development). While somewhat substantial in sections, the tallest retaining walls would be on the south and would abut commercial properties, thereby not harming residential amenity. Retaining walls along the east boundary, onto the boundary with Quarry Road and therefore visible from the rear of properties on Clare Road, would be an acceptable distance away and not unduly large, to prevent harmful overbearing or overshadowing from the retaining walls.
- 10.43 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.
- 10.44 Given the adequate separation distances shown by the proposal to existing dwellings, officers are satisfied that there would be no harmful overshadowing, overbearing, or overlooking, nor other harm to 3rd party residents' amenity, caused by the development.
- 10.45 Consideration must also be given to the amenity of future occupiers.

- 10.46 The size of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. 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.
- 10.47 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)
205 Bungalow / 2-bed	3	64.66	61
T1 / 2-bed	49	74.88	70
T2 / 3-bed	75	85.75	84
CT-933 / 4-bed	11	86.68	84
AH5 / 4-bed	42	115.76	103

- 10.48 All units meet or exceed the NDSS standards. All would have well-proportioned habitable rooms that are served by good sized windows that provide a clear outlook and level of natural light. The Council does not hold policies relating to garden sizes: nonetheless, officers are satisfied that garden sizes are commensurate in scale to their respective host dwellings and overall, the proposed dwellings would offer a suitable standard of amenity for occupiers.
- 10.49 Public Open Space of 14,214.24sqm, consisting of amenity green space, natural / semi-natural green space, and a Local Equipped Area of Play (LEAP) (details of the LEAP and its implementation recommended to be secured by condition) would be provided on site and would contribute to the amenity of future residents, as well as those in the area. This is a sizable provision, although does not account for all required typologies (excluding allotments, parks and recreation, and outdoor sport). To offset the shortfall a contribution of £202,174 is required, to be spent in the local area. However, the applicant has provided a viability assessment relating to financial contributions, which is considered full in paragraphs 10.92 to 10.102.
- 10.50 There are commercial units to the north, east, and south of the proposed dwellings which represent possible noise pollutants. Development should seek to avoid new residential dwellings coming into conflict with existing businesses undertaking established reasonable operations (NPPF paragraph 187 is relevant here).

- 10.51 The application is supported by an Acoustic Report which has been reviewed by K.C. Environmental Health. The report identifies that noise pollution is an issue for the site. However, appropriate mitigation has been considered and demonstrated to effectively ensure dwellings would have adequate internal noise levels. A condition to ensure these mitigation measures (glazing specifications) are adhered to is recommended, alongside a condition for ventilation systems for units with mitigation: this is to ensure rooms may be ventilated without opening windows. The report also considers noise levels within external amenity areas (i.e., gardens): again, at baseline issues would be present, however adequate mitigation (acoustic fencing) has been demonstrated to be feasible. Comprehensive site wide details are not provided, therefore a condition requiring full details of where acoustic fencing, and to what specification is recommended. Subject to these conditions the proposed development would not suffer from undue noise levels from adjacent business, in accordance with Local Plan Policy LP52.
- 10.52 To conclude, 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 Policies LP24 and LP52 of the Kirklees Local Plan.

Highways

- 10.53 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.
- 10.54 Paragraph 110 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 111 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.
- 10.55 First considering traffic generation, a proposal of 180 dwellings is expected to generate the following movements:

	Arrival	Departure	Two-way
AM Peak	21	93	114
PM Peak	68	27	95

Note that the above includes a reduction in the traffic from the site's existing commercial unit.

- 10.56 The above trip rate information is acceptable and is considered to provide a robust assessment of development traffic impact, and demonstrates that the development would generate circa 114 and 95 additional two-way vehicle trips on to the local highway network during the AM and PM weekday peak periods respectively. In terms of distribution, K.C. Highways accept the applicant's modelling, and offer the following summary of junction impacts:

Westgate site access / Westcliffe Road stagger priority junction: No capacity problems at the junction through additional traffic.

Parkside / A638 Dewsbury Road / St Peg Lane signalised crossroads: No capacity problems at the junction through additional traffic.

A638 Bradford Road / B6121 Hunsworth Lane / Whitechapel Road signalised crossroads: Predicted to be overcapacity due to traffic growth and committed development traffic, even before the proposal's traffic generation is included. As would be expected, when additional development traffic is added, the modelling indicates that junction capacity would be further exceeded. The development has been estimated to generate 56 and 47 two-way vehicle trips at the junction during weekday AM and PM network peak periods, which equates to less than 1 vehicle per minute. This would be less than a 3% increase during either peak period, which would be well within daily variations. As such, K.C. Highways concludes that there would be a negligible impact on the operation of the junction associated with the development and would not be regarded as severe in isolation. Consideration was given to whether any improvements could be made to the junction: due to the restricted nature of the adopted highway around the junction, no physical improvements could be undertaken and the junction currently uses the latest equipment. Therefore, no improvements are feasible.

- 10.57 Concluding on the traffic impact of the proposal, based on the junction modelling assessments that have been provided, it has been identified that development traffic can generally be accommodated on the local highway network without any significant capacity impacts. Notwithstanding this, additional development traffic would have an adverse impact on the operation of the A638 Bradford Road / B6121 Hunsworth Lane / Whitechapel Road signalised crossroads. However, the traffic impact from the development is not considered to represent a severe impact in accordance with the tests set out within at paragraph 111 of the NPPF.
- 10.58 As part of a previous approval at the site in 2010 there was a requirement to upgrade the existing Zebra crossing on Westgate, adjacent to Stone Street, to a signalised crossing. This was to promote walking and improve safety. Improvements remain necessary, however have been reviewed in light of modern standards. Under modern standards a Zebra crossing is considered preferable, however with upgrades to be undertaken (to include replacement High Friction Surfacing (HFS) on both approaches, and High Intensity LED beacon units): these have been shown by the applicant and their provision may be secured via condition.

- 10.59 In addition to the above improvements, similar improvements are sought to the Zebra crossing on Westgate located to the east of the Hightown Road junction (circa 450m from the site). This is to help to mitigate the impact of additional development traffic on Westgate and to help address two rear shunt type collisions that have occurred within the vicinity of the crossing (including a rear shunt incident that resulted in a pedestrian collision). These improvements may likewise be secured by a planning condition.
- 10.60 The site's access would be formed over / would incorporate the (unadopted) Stone Street, via a priority-controlled T-junction. The design has been subject to detailed input from K.C. Highways DM. It is noted that the proposed junction arrangements include a junction stagger distance with Westcliffe Road of only 17.2m, which is below that recommended junction stagger distance contained in the Kirklees Highway Design Guide (between 22.5 to 45m is recommended, depending on road type). However, this matter has been addressed by the provision of swept path analysis, which has confirmed that right turning vehicles from each junction can safely pass. This matter has also been specifically identified to the Stage 1 Road Safety Audit (RSA) Team as part of the agreed RSA Brief, and the subsequent Stage 1 RSA has not raised any concerns with the proposed junction spacing, or any other significant issues that cannot be adequately addressed at the detailed design stage. Therefore, the proposed access arrangements are considered acceptable.
- 10.61 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 Section 38 stage. It is deemed to comply with the standards of the Highway Design Guide SPD. Full technical details of the new access road, to an adoptable standard, are to be sought via condition.
- 10.62 All dwellings would have a level of dedicated off-road parking in accordance with the Highways Design Guide SPD. In terms of visitor parking, the Highway Design Guide recommends one per four dwellings, or 45 for the proposal. To demonstrate this, the applicant has provided swept path analysis to confirm that the 45 visitor cars, consisting of 29 dedicated spaces and 16 on-street, can safely park within the site without causing obstruction to the Councils refuse vehicle. The provision of the dwelling and dedicated visitor parking bays may be secured via condition.
- 10.63 Swept path analysis has been provided which demonstrates acceptable turning arrangements for refuse vehicles through the site. Several shared private drives are proposed. Each of these would be served by a waste collection area, allowing for effective collection by refuse services. The provision of these waste collection areas may be secured by conditions. Given the scale of the development, which will likely be phased, a condition is to be imposed for a waste collection strategy during the construction phase. This is because refuse services will not access roads prior to adoption (or while construction work is continuing) therefore appropriate arrangements must be considered and implemented.

- 10.64 Given the scale and nature of the development officers recommend a Construction Management Plan (CMP) 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 recommended by planning officers.

Sustainable Travel

- 10.65 Policy LP20 of the Kirklees Local Plan states '*The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day-to-day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area.*'
- 10.66 The application is supported by a Framework Travel Plan which provides initial review and proposals relating to promoting sustainable travel methods.
- 10.67 The site is within walking and cycling distance of various amenities and services. This includes the local centre of Cleckheaton, the centre of which is circa 800m away from the site. Within a 2km walking catchment are various facilities, including Cleckheaton Centre, including its bus station, shops, various shops and recreational facilities. Continuous footways are present along the Westgate carriageway and there are number of Public Rights of Way in the area supporting pedestrian movements. Extending to a 5km cycle catchment includes the centres of Gomersal, Liversedge, and Scholes and the facilities they provided.
- 10.68 PROW SPE/93/20 runs along Brick Street, to the west of the site. This continues southwards, into the open space. While development would back onto it, the amenity and function of the PROW would not be materially impacted upon by the proposal. The proposal includes a connection onto the PROW which is welcomed. A condition requiring details of the PROW connection path, and securing its delivery, is recommended. A similar condition is recommended for the footpath onto Quarry Road, in the north-east of the site, to promote pedestrian movements.
- 10.69 Considering public transport, the A643 Westgate is a bus route, with stops available within easy walking distance of the site (less than 400m), with the eastbound stop accessible via the existing zebra crossing located to the west of the site access. The stops cater for the 200, 254, 259, 263 and AL1 services that provide frequent bus services (circa 4 per hour during weekdays, plus weekend and evening services) to Heckmondwike, Brighouse, Dewsbury, Bradford and Leeds, and interchange opportunities at Cleckheaton Bus station.

- 10.70 West Yorkshire Metro advised that improvements to the existing bus stop facilities should be provided, including Real Time Display at the eastbound stop (ref: 14086) at a cost of £10,000.00 and a new shelter with Real Time display at the westbound stop (ref: 14085) at a cost of £23,000.00. The total cost would be £33,000.00 and should be secured via a Section 106 agreement. West Yorkshire Metro also advised that a contribution of £40,920 be secured towards sustainable travel incentives to encourage the use of sustainable modes of transport. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This has been discussed and agreed with the applicant, to be secured via S106. However, viability considerations are outlined in paragraphs 10.92 to 10.102.
- 10.71 With regard to other methods of travel, opportunities for cycle improvement in the area are limited. Nonetheless, the provision of cycle storage facilities and electric vehicle charging points (EVCP), one per dwelling, are also recommended to be secured via condition. This is to promote alternative, low emission, methods of travel.
- 10.72 The site is considered to be within a sustainable location. Furthermore, the proposal includes highway improvements that will promote walking towards local facilities as well as a contribution towards public bus infrastructure. Other conditions relating to cycle storage and EVCP are proposed. As such, the development is deemed to comply with the aims of policy LP20.
- 10.73 Overall, it is concluded that the proposal is acceptable with regard to the matter of access and highway impact. Subject to relevant conditions it has been demonstrated that the proposed development can accommodate sustainable modes of transport and be accessed effectively and safely by all users and that any significant impacts from the development on the transport network can be viably and appropriately mitigated. It is concluded that the development would not result in a severe cumulative highway impact given the proposed mitigation. It would therefore comply with Policies LP20 and LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

Drainage and flood risk

- 10.74 The application is supported by a Flood Risk Assessment that includes a surface water drainage strategy which has been reviewed by K.C. Lead Local Flood Authority. Comments have also been received from Yorkshire Water and the Environment Agency.
- 10.75 First considering flood risk, the principal source of flooding near the site is Blacup Beck, to the south. The beck runs along part of the south boundary, before entering the site as a culvert. As a result, part of the site is within Flood Zones 2 and 3 generated by the beck. In allocating the site, the Local Plan allocation states that there should be 'no residential development within flood zone 3'. This has been adhered to, with no residential development proposed within flood zone 3. The front driveways of plots 64 – 69 are shown to be within flood zone 2, with the houses themselves in Flood Zone 1. This would not be contrary to policy.

- 10.76 Due regard has also been given to the impacts of climate change on the flood zones. Notwithstanding all dwellings being within Flood Zone 1, standing advice is that finished floor levels are set 600mm above the water level. Due to the site's level and the proposed regrading, the lowest finished floor level is proposed at 96.150m, therefore having 1.45m clearance. Nonetheless, a condition requiring that development be done in accordance with the mitigation measures, for reassurance, is proposed.
- 10.77 The Environment Agency (EA) have reviewed the proposal and have objected on two grounds. The first, due to the proposal including re-grading works within Flood Zone 2, the EA require compensatory storage (for flood water) to be provided. The applicant provided details of this, which the EA queried. Secondly, the EA seek clarification on methods to prevent the culvert being blocked. The applicant has responded to these points: officers are awaiting the response from the EA, and this will be provided within the update to members. Nonetheless, given the nature of these concerns, officers are satisfied that they do not amount to fundamental issues preventing approval of planning permission.
- 10.78 Regarding Blacup Beck, it is partly culverted through the site. Local Plan policy LP27 seeks for culverts to be opened as part of applications, where feasible, which was originally proposed by the applicant. This is to promote natural drainage. However, following discussions between officers, the EA, and the applicant, it was concluded this was not desirable. The culvert, at present, holds back water and acts as a throttle. To remove the culvert would lead to flood risk being moved downstream. The downstream watercourse is already prone to flooding. Therefore, it is not considered appropriate to de-culvert. A condition for survey work and undertaking any works to the culverted section is proposed.
- 10.79 Progressing to surface water management, a surface water drainage strategy has been submitted by the applicant. The applicant has followed the drainage hierarchy in proposed to discharge surface water in Blacup Beck. This would be at a discharge rate of 26.5l/s, which is appropriate for a brownfield site. Calculations have been provided to demonstrate adequate attenuation requirements, including climate change allowances. The LLFA accepts the details provided, however advise that a condition for full technical details of the drainage strategy be secured via condition. This is deemed reasonable.
- 10.80 On exceedance event flood routing, concerns raised by the LLFA have been discussed with the applicant. Via the latest plans, these concerns have been adequately addressed and demonstrate no prohibitive issues relating to flood water routing. Nonetheless, it is recommended that a condition be imposed requiring full updated details to be provided and implemented.
- 10.81 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. This is to extend to the Blacup Beck crossing the site, in accordance with LP29.
- 10.82 Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.

- 10.83 Yorkshire Water have objected to the proposal on two main grounds. There are various Yorkshire Water pipes under the site they seek to protect. The first is due to the landscaping strategy showing trees within the exclusion zone of several of the pipes. This has been addressed by the applicant via an updated indicative landscape strategy. This could also effectively be controlled via the proposed full technical details on landscaping. The second reason is that, following amendments to the proposal, previously shown pipes and notes relating to their diversion have been omitted / changed. The applicant has responded directing Yorkshire Water to where the information is, and have updated their plans to make it clear.
- 10.84 Notwithstanding Yorkshire Water's objection, officers are satisfied that recently-submitted details from the applicant address the concerns. Alternatively, the concerns could be adequately addressed via condition. However, Yorkshire Water have not yet responded to either the applicant or officer's consultation request. An update on the matter may be provided within the update to Members.
- 10.85 Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the Section 106 agreement, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the KLP and Chapter 14 of the NPPF.

Ecology

- 10.86 Policy LP30 of the KLP states that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.
- 10.87 The application is supported by an Ecological Impact Assessment (EclA) which has been reviewed by K.C. Ecology. Overall, the site is determined to support a modest range of habitats. However, from the suite of protected species surveys undertaken at the site to support the application, the proposed development is predicted to have no significant impacts on any ecological receptors, subject to suitable mitigation measures, which can be delivered through appropriately-worded planning conditions.
- 10.88 The application's Biodiversity Net Gain metric calculates that post-development, the development will result in a 32.37% net loss (loss of 6.64habitat units), whilst 3.2 hedgerow units will be created at the site, resulting in a net gain of 172%. It is considered that all options to maximise the availability of habitat units within the site and the wider area have been exhausted. As such, off-setting will be required in order for the development to achieve a biodiversity net gain. In order for the development to achieve a net gain, 8.69 habitat units will need to be delivered. Commuted sums are calculated on the basis of £20,000 per habitat unit (national average taken from DEFRA's latest BNG impact assessment) plus a 15% admin fee (as detailed in the BNG technical advice note). Therefore, a commuted sum of £199,916 would be required in order for the development to achieve a 10% biodiversity net gain. This would be used for ecological enhancements within the area by the Council.

- 10.89 Notwithstanding the off-site contribution, the proposal would deliver some habitat units on site. A condition for an Ecological Design Strategy, to detail their delivery, is proposed along with their management and maintenance being secured within the Section 106 agreement, for a minimum of 30 years. A condition for a Construction Environmental Management Plan: Biodiversity is also recommended, to ensure construction activity is managed in a considerate way.
- 10.90 Invasive non-native species (Giant Hogweed, Himalayan Balsam, Japanese Rose) were found on the site. Therefore, a condition for an invasive species management plan is recommended, to avoid spreading invasive species.
- 10.91 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.

Planning obligations

- 10.92 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.
- 10.93 The following represents a policy-compliant set of Section 106 financial obligations for the proposal:
- Affordable Housing: 36 units (20%), consisting of 20 (55%) as affordable rent and 16 (45%) as intermediate, to include 9 (25%) first homes.
 - Public Open Site (off-site contribution): £202,174
 - Education: £357,733
 - Ecological Net Gain (10%): £199,916
 - Sustainable Travel: £135,070 (£33,000 shelter and real time improvements, £92,070 Mcards, £10,000 Travel Plan monitoring).
- 10.94 Section 106 obligations that would be required regardless of the financial contributions include the provision of the site's on-site Public Open Space and management / maintenance arrangements for the drainage (prior to adoption), management for the culvert, open space, and ecological features.
- 10.95 The applicant has provided a Viability Assessment seeking to demonstrate that the proposal would not be viable if a full suite of Section 106 financial planning obligations were imposed upon them. The Government's planning practice guidance provides the following overview of the Viability Assessment process, for context:

Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.

Any viability assessment should be supported by appropriate available evidence informed by engagement with developers, landowners, and

infrastructure and affordable housing providers. Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making.

In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.

- 10.96 The applicant's viability assessment has been reviewed by an independent viability assessor (Align) appointed by the Council, to advise officers on this specialist subject. The key matters of dispute identified by Align are as follows;

Adopted House Prices: The applicant claims units will sell for £240 per square foot. This would achieve a revenue of £41,616,480 for the developer based on the units proposed. Align believe local circumstances dictate a higher price of £245 per square foot could be achieved. This would achieve a total revenue of £42,483,490.

Abnormal Costs: The applicant calculates all abnormal costs associated with developing the site to come to £7,902,606, with a contingency of 5%. Align have disputed the cost for Piling and Ring Beam, reducing the total abnormal costs to £7,422,606, and considering a contingency of 3% more appropriate.

Benchmark Land Value: The applicant proposed that the Benchmark Land Value is £2,937,355. Due to the poor state of most of the buildings, along with other differing views of the land's value, Align have identified a Benchmark Land Value of £1,486,271.

- 10.97 Planning Practice Guidance indicates that a profit level of 15-20% of gross development value is generally considered to be a suitable return to developers. There are a number of factors that determine what a reasonable level of profit might be, including the availability of development finance, the state of the market and the consequent risk in proceeding with schemes, as well as development values and demand. In determining the appropriate level for an individual development, regard is had to the individual characteristics of that scheme.
- 10.98 Using their calculated figures, Align have reached the following conclusion on viability, using a surplus above percentage profit value, provided at different profit levels as guidance:

Profit Level	Surplus Value
15% profit on GDV	Surplus of £2,798,835.
17.5% profit on GDV	Surplus of £1,929,188.
20% profit on GDV	Surplus of £1,050,335.

- 10.99 Based on the above surplus figures, even at the lower 15% profit level it is accepted that the scheme could not provide the full Section 106 financial contribution package. However, it is considered that a reduced Section 106 package may be sought without making the scheme wholly unviable. To determine the value of the reduced package, due regard must be given to what is a reasonable level of profit value for a specific proposal. This should be between the identified 15 to 20% margin, which is ultimately a decision for the decision maker. Furthermore, it must be acknowledged that viability assessment is partly a subjective process based on professional views on the costs of development and likely sales values.
- 10.100 Officers have negotiated with the applicant to reach an agreeable position on the contributions. In summary, officers and the applicant have agreed a figure of £1,239,272 as a reasonable and fair contribution. Officers advise that this be spent as follows, although again the final decision on this rests with the Committee as decision maker:
- **Affordable Housing:** 9 First Homes and 3 Affordable Homes (6.6% of total units) (valued at £936,585.72)
 - **Open space off-site contribution:** £59,770.28
 - **Metro enhancements:** £33,000 towards bus stop improvements
 - **Sustainable Travel:** £10,000 towards travel plan monitoring
 - **Biodiversity:** £199,916 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified;
- 10.101 It should be noted that, while the applicant has agreed to the above, they also require the agreement of the landowner which has not been confirmed at the time of writing. This will be reported in the update.
- 10.102 Notwithstanding the proposed arrangements, it is acknowledged that this viability process has been based on costs and assumptions that are subject to change. To ensure that any windfalls (such as higher sales values, or lower construction costs) do not result in unexpected profits without reasonable contributions being secured, a review mechanism is proposed for an additional viability assessment partway into the build process of the development. This is to ensure contributions may be secured on any windfall profits.

Other Matters

Air quality

- 10.103 An Air Quality Assessment has been submitted in support of the application. The proposed development site is not located within an Air Quality Management Area (AQMA) but is approximately 1.5 miles from Kirklees Councils (AQMA) 7 Liversedge, which incorporates Huddersfield Road (A62), Bradford Road (A638), Wakefield Road (A638), Wormald Street and Well Street, in Liversedge. This was declared due to exceedances of the annual mean air quality objective for nitrogen dioxide (NO₂). The site is located adjacent to the A643 Westgate where there is the potential to expose future sensitive receptors to elevated pollution concentrations due to increased road traffic emissions.

- 10.104 The proposed development has the potential to impact the existing air pollution levels at nearby sensitive receptor locations because of additional road vehicle exhaust emissions during the operational phase. This potential impact is considered at length within the applicant's AQIA, following the West Yorkshire Low Emissions Strategy (WYLES) – Technical Planning Guidance. The report concludes that pollutants attributed to the proposal would be negligible and not significant at all sensitive receptor locations within the vicinity of the site: the applicant's methodology and conclusion have been reviewed and supported by K.C. Environmental Health.
- 10.105 Notwithstanding the above, mitigation measures are proposed within the AQIA. This includes provision of EVCP (1 per dwelling) and promoting a Travel Plan to promote alternative methods of travel. The provision of 1 EVCP per dwelling may be secured via condition, and a travel plan has been provided and reviewed in paragraphs 10.66 to 10.73.
- 10.106 The main emissions during construction are dust and particulate matter. A qualitative assessment of construction phase impacts associated with fugitive dust emissions was undertaken. It found that, with no mitigation, dust and particulate could harm human health. However, the report identifies that these impacts can be reduced through the implementation of mitigation measures. A condition requiring the development to be done in accordance with the mitigation measures is recommended, to ensure the harm is reduced to being not significant.
- 10.107 Subject to the given conditions, officers are satisfied that the proposal would not harm local air quality, nor would new residents suffer from existing poor air quality, in accordance with policy LP51 of the Kirklees Local Plan.

Contamination

- 10.108 In accordance with LP53, as a major residential development consideration of ground contamination is required. Furthermore, Council records indicate the site as being potentially contaminated due to its proximity to historic collieries and brickworks. The application is supported by Phase 1 (desktop) and Phase 2 (site investigation) Contaminated Land reports which have been reviewed by K.C. Environmental Health.
- 10.109 The Phase 1 report's conclusion has been accepted, however, the Phase 2 report provides inadequate assessment relating to ground gas and other technical matters for Environmental Health to support the conclusion. Accordingly Environmental Health recommend conditions relating to further ground investigations and the re-submission of the Phase 2 report. Subject to the imposition of these conditions, officers are satisfied that the proposal complies with the aims and objectives of LP53.

Crime Mitigation

- 10.110 The West Yorkshire Police Liaison 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. A condition for a lighting strategy for private areas (i.e., shared driveways that won't benefit from street-lighting) is recommended. Subject to this, the proposal is considered to comply with policy LP24(e).

Minerals

- 10.111 The site is within wider mineral safeguarding area (Sandstone). Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing and affordable housing need, having regard to Local Plan delivery targets) for it. The proposal is therefore not considered to conflict with policy LP38.

Representations

- 10.112 Officers consider all matters raised within the public representations to be addressed within the report.

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 proposal seeks the residential development of the majority of a Mixed-Use allocation. However, the excluded land would remain in commercial use. The proposed density and housing mix is considered acceptable and, overall, the re-development of this brownfield site is welcomed.
- 11.3 Site constraints including topography, neighbouring residential properties, trees and ecology, and various other material planning considerations. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable. There would be no undue harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology, and protected trees, have been addressed through the proposal.
- 11.4 The proposal has been assessed considering material planning considerations and found to be acceptable. Viability issues have been demonstrated to prevent a fully policy compliant suite of Section 106 financial obligations, however a reduced contribution has been negotiated and agreed with the application which would assist in mitigating local impacts of the proposal.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Material samples to be provided for approval.
4. Notwithstanding submitted details, plots 1 – 4 and 179 – 180 to be faced in natural stone.
5. Retaining wall materials to be submitted and approved.
6. Full technical landscaping strategy to be provided.
7. Technical details of street tree planting to be provided.
8. Construction Environmental Management Plan (C(E)MP).
9. Details of the Local Equipped Area of Play to be provided, approved, and implemented.
10. Acoustic Mitigation Measures to be implemented.
11. Details of Ventilation Systems, for units with acoustic mitigation, to be provided and implemented.
12. Parking spaces, both dwelling and visitor, to be provided.
13. Waste collection points for shared drives to be provided.
14. Details and implementation of improvements to x2 Zebra Crossings on Westgate.
15. Details of cycle storage, per unit, to be provided.
16. Phased delivery waste management strategy.
17. Construction Management Plan (CMP).
18. Development done in accordance with FRA climate change mitigation measures.
19. Watercourse assessment of Blacup Beck.
20. Drainage strategy details to be submitted and approved.
21. Flood routing details to be submitted and approved.
22. Temporary drainage arrangements during construction.
23. Potential Yorkshire Water conditions to address Yorkshire Water concerns (to be detailed in the update).
24. Detail and provision of connection points onto PROW SPE/93/20 (Brick Street) and Quarry Road.
25. 1 EVCP per dwelling.
26. Development done in accordance with Dust Mitigation Measures.
27. Details of acoustic fencing for gardens to be provided and implemented.
28. Contaminated Land Investigation (Phase 2, Remediation, Validation stages).
29. Ecological Design Strategy (EDS) to be provided.
30. Construction Management Plan: Ecology (CMP: Ecology).
31. Invasive Species Protocol.

Background Papers

Application and history files

Available at:

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93567>

Certificate of Ownership

Certificate B signed.

Name of meeting: Cabinet

Date: 17th October 2023

Title of report: Local Plan Review and Update

Purpose of report: To seek Cabinet ratification on the outcomes of a review of the Kirklees Local Plan. It is a statutory requirement to review and publish the outcomes on whether the Local Plan is fit for purpose within 5 years from the date of the plan adoption. For Kirklees, this process is required to be completed by February 2024.

Subject to ratification by Cabinet of the review outcomes, the officer recommendation is for Cabinet to recommend to Full Council that it endorses the commencement of a full update of the Kirklees Local Plan.

<p>Key Decision – A key decision is an executive decision to be made by Cabinet which is likely to result in Council spending or saving £500k or more per annum, or to have a significant positive or negative effect on communities living or working in an area compromising two or more electoral wards. Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</p>	<p>Yes</p> <p>Affects all wards.</p> <p>Subject to Cabinet ratification of the review outcomes, and Council approval to commence an update of the Local Plan, the cost of updating the Plan will exceed £500K.</p>
<p>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u></p>	<p>Key Decision – Yes</p> <p>Private Report/Private Appendix – No</p>
<p>The Decision - Is it eligible for call in by Scrutiny?</p>	<p>Yes</p>
<p>Date signed off by <u>Strategic Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p>	<p>David Shepherd Strategic Director for Growth and Regeneration (2nd October 2023)</p> <p>Isabel Brittain Service Director Finance (S151 officer) (5th October 2023)</p> <p>Julie Muscroft Service Director Legal, Governance and Commissioning) (5th October 2023)</p>
<p>Cabinet member portfolio</p>	<p>Cllr Graham Turner</p>

Electoral wards affected: All Wards

Ward councillors consulted: N/A

Public or private: Public

Has GDPR been considered? Yes, no personal information is recorded in the report.

1. Summary

The Kirklees Local Plan was adopted in February 2019. A formal 'review' of whether the Local Plan remains fit for purpose must be published within 5 years of Local Plan adoption (by February 2024).

The Local Plan is a statutory development plan, and its purpose is to set out a spatial development strategy identifying how much development is required over a plan period, where it will be located and designations for the protection of land. It also contains a suite of planning policies which facilitate the development strategy and against which planning applications for development will be assessed.

The report sets out the process which has been undertaken to review the Local Plan and the outcomes of the review. There is no prescribed method for plan review, but a review of a Local Plan against a standardised template produced by the Planning Advisory Service is being promoted nationally as good practice and forms the basis of the Kirklees assessment.

There are three potential outcomes of a review:

- No changes are required to the plan and the council publishes a statement to that effect setting out the reasons for the decision; or
- Changes are required, and work commences on a partial update to the plan; or
- More substantial changes are required, or the changes are interdependent on other areas of the plan and work commences on a new plan/full update.

Cabinet are being asked to ratify the outcomes of the Local Plan review and to recommend to Full Council to commence a full update of the Local Plan.

2. Information required to take a decision.

Local Plan Review Process

Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, states that local planning authorities must review their plans every five years from the date of adoption. Section 17 of the Planning and Compulsory Purchase Act 2004 (PCP Act) requires them to publish their reasons if they consider that no update is necessary.

The National Planning Policy Framework (NPPF) (March 2023), Para 33 states that "Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary".

A formal decision to start the 'review' was carried out under powers delegated under the Council's Constitution to the Strategic Director Growth and Regeneration, David Shepherd. The Significant officer Decision Notice can be viewed at: [Issue details - Kirklees Local Plan Review \(Statutory requirement\) | Kirklees Council](#)

To raise public awareness of the Local Plan review an article was placed in Kirklees Together, press releases and all social media platforms (see Section 5 Engagement).

To assist all local planning authorities with the process of plan review, the Local

Government Association has worked with the Planning Advisory Service to produce advice, and an assessment toolkit. This includes standardised templates and questions to assess whether the plan is “fit for purpose”. Kirklees officers used the PAS template to assess and record the outcomes of the Local Plan review. The use of the template was considered to provide a transparent and consistent approach to the process, allowing the opportunity to benchmark against other authorities and to consider good practice.

Planning policy has consulted internally with other council Services to gain their views based on their experience and judgements on applying Local Plan policies in the consideration of their own work areas and to support the delivery of their own strategies or projects. Services include:

- Climate Change
- Conservation
- Development Management
- Economy and Skills
- Education
- Environmental Health
- Environmental Strategy
- Housing Growth
- Landscape
- Major Projects
- Public Health
- Public Protection
- Strategic Partnerships
- Transport Strategy and Policy
- Waste

The Planning Officers Society (POS) was appointed as a critical friend for the Local Plan review process to further increase the robustness of the process. This action was undertaken following advice from officers at Barnsley Council who have recently completed a Local Plan review. The Planning Officer’s Society remit is to provide independent advice and guidance to local planning authorities and to lobby at a national level for good practice.

The process for reviewing the Local Plan was presented to Scrutiny on 25th September 2023.

To undertake an update of the Local Plan requires a Full Council decision and could take place in November 2023.

Outcomes of the Local Plan Review

The Kirklees Local Plan was assessed against 14 questions outlined in the PAS template. Officers found the plan to be out of date against the following questions:

- A3 the council does not have a 5-year supply of housing.
- A4 the council is not meeting its housing delivery targets.
- A5 (ii) the assessment has identified issues relating to the achievement of sufficient jobs across the district to meet the 23,000 jobs target set out in the Local Plan including concerns about achieving sufficient jobs from remaining

employment allocations and issues around the spatial distribution of employment opportunities.

- A6 the council's employment delivery and land supply is borderline and there are concerns that the delivery of potential 1,782 jobs that may be delivered from employment/mixed-use allocations are yet to enter the planning process.
- A8 key site allocations are unlikely to deliver housing/employment targets within the Plan period which will impact on the delivery of the Kirklees spatial strategy.
- A14 the Local Plan was adopted prior to the council declaring a climate change emergency in 2019. It is considered an update of the Local Plan provides an opportunity develop a planning framework that supports the council's ambition of being net zero and climate ready by 2038.

The completed PAS template is attached at Appendix 1 where detailed responses are outlined for each question.

A summary table is provided below for reference.

Summary table of the outcomes (PAS template)

A	Plan Review Factors	Outcomes
A1	The plan policies still reflect current national planning policy requirements.	Agree
A2	There has not been a <u>significant</u> change in local housing need numbers from that specified in your plan (accepting that there will be some degree of flux).	Agree
A3	<p>You have a 5-year supply of housing land.</p> <p>Government guidance (the National Planning Policy Framework) requires local planning authorities to identify and update annually a supply of specific, deliverable sites sufficient to provide a five-year supply of land against their housing requirement. The latest five-year housing land supply position published by the council is 2023-based and states that the council can demonstrate 3.96 years supply of deliverable housing land. This calculation took account of under-delivery since the Local Plan base date and a 5% buffer compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions. If a local planning authority is unable to demonstrate a five-year supply, the policies related to the supply of housing are considered out-of-date. As such, the presumption of sustainable development (the tilted balance) is triggered as set out in paragraph 11d of the NPPF and footnote 8.</p>	Disagree
A4	<p>You are meeting your housing delivery targets.</p> <p>A4. /A.8 Housing Delivery Test / delivery of strategic sites – The number of homes built between 31st March 2022 – 1st April 2023 was 987 against a Local Plan target of 1730. The Local Plan relies on housing delivery from three strategic housing sites which have yet to start on site due to the complexity of granting planning permission and delivering such large sites. Whilst each of the sites is now within the planning application process (at least in part), there is under delivery of Local Plan targets.</p> <p>This question has been considered in the light of the ongoing work being undertaken by Housing Growth to progress strategic sites such as work on Bradley Park outlined in the report to Cabinet on 27th June</p>	Disagree

A	Plan Review Factors	Outcomes
	2023 on Housing Delivery Updates: 230615 Cabinet report Housing Delivery FINAL.pdf (kirklees.gov.uk)	
A5 (ii)	<p>Your plan policies are on track to deliver other plan objectives including any (i) affordable housing targets including requirements for First Homes; and (ii) commercial floorspace/jobs targets over the remaining plan period.</p> <p>The assessment has identified issues relating to the achievement of sufficient jobs across the district to meet the 23,000 jobs target set out in the Local Plan including concerns about achieving sufficient jobs from remaining employment allocations and issues around the spatial distribution of employment opportunities.</p>	Disagree A5 (ii) in relation to commercial floorspace/job targets over the remaining plan period.
A6	<p>There have been no significant changes in economic conditions which could challenge the delivery of the Plan. Including the policy requirements within it.</p> <p>Employment delivery and land supply – borderline performance information at present but significant employment land supply issues anticipated during the remainder of the plan period. The assessment has raised concerns about the delivery of potential 1,782 jobs that may be delivered from employment/mixed-use allocations yet to enter the planning process and would count towards the Local Plan aspiration of achieving 23,000 additional jobs over the plan period.</p>	Disagree
A7	There have been no significant changes affecting viability of planned development.	Agree
A8	<p>Key site allocations are delivering, or on course to deliver, in accordance with the local plan policies meaning that the delivery of the spatial strategy is not at risk.</p> <p>See A4.</p>	Disagree
A9	There have been no significant changes to the local environmental or heritage context which have implications for the local plan approach or policies.	Agree
A10	No new sites have become available since the finalisation of the adopted local plan which require the spatial strategy to be re-evaluated.	Agree
A11	Key planned infrastructure projects critical to plan delivery are on track and have not stalled / failed and there are no new major infrastructure programmes with implications for the growth / spatial strategy set out in the plan.	Agree
A12	All policies in the plan are achievable and effective including for the purpose of decision-making.	Agree
A13	There are no recent or forthcoming changes to another authority's development plan or planning context which would have a material impact on your plan / planning context for the area covered by your local plan.	Agree
A14	<p>There are no local political changes or a revised / new corporate strategy which would require a change to the approach set out in the current plan.</p> <p>Climate emergency – although the Local Plan was assessed and determined as sustainable, the Council has declared a climate emergency and there is therefore the need to reflect the climate emergency.</p>	Disagree

Feedback from internal service users

In terms of the Local Plan policies, it is considered that whilst most Local Plan policies remain fit for purpose, an update of the Local Plan provides an opportunity to consider additional policy coverage particularly in the light of emerging guidance across several topic areas. Areas for consideration could include air quality, energy security, renewable energy, a wider range of health-related policies, and a review of sustainable transport policies. This list is not exhaustive and subject to Full Council endorsing an update of the Local Plan, Regulation 18 (1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires the local authority to invite representations about what the local plan should contain. This would involve engagement with a range of statutory and non-statutory bodies, residents, businesses, and members.

It should be noted that the Government is proposing to prepare National Development Management Policies which would also set a context for updated policy.

An update of the Local Plan provides an opportunity to realign the Plan's vision and objectives with a revised council plan (January 2024), and the following council strategies: Inclusive Economy Strategy, Health and Well-being Strategy, Environmental Strategy, and Inclusive Communities Framework. However, no issues were identified, that would indicate a potential failing of the current Local Plan to deliver the wider corporate objectives contained in these strategies.

As outlined earlier in the report, the Local Plan was adopted prior to the council declaring a climate change emergency in 2019. It is considered an update of the Local Plan provides an opportunity develop a planning framework that supports the council's ambition of being net zero and climate ready by 2038.

Planning Officers Society (POS) (critical friend feedback)

POS provided some initial thoughts on the process for the council to consider in taking forward outcomes from the review in relation to partial or full review.

a) "A partial review must follow the same processes and stages as the preparation of a new plan or full plan update and the amount of work, costs and resources involved should not be under-estimated".

b) Partial reviews generally are only suitable where there is a specific part of the plan that is considered out of date. Due to the inter-relationships between the spatial strategy and the policies and between policies themselves, a full review is likely to be of most benefit. Additionally, advice from the Planning Officers Society based on cases elsewhere in the country, is that partial reviews have resulted in confusion for the public where different parts of the Local Plan were updated at different times.

POS concurred with the officers' view that the review raises concerns in relation to meeting housing and employment targets, and the delivery of strategic sites. POS commented:

"In theory the Council could initiate a partial review with the aim of allocating further sites to swell the land supply and delivery. However, it must be likely that to seek to bring forward further site allocations would have knock-on effects on other aspects of the plan. Consequently, it could prove very difficult to retain the narrow focus of the plan review,

without finding that wider changes became necessary which could make the review process more akin to a full plan update”.

POS agreed with officers that the plan policies still reflect current national policy requirements. It acknowledged that whilst there had been some changes to legislation, national policy and practice guidance since the Plan was adopted, “the objectives and policies of the local plan remain relevant overall.

Further to this, POS concluded that based on the officers’ review assessment and the evidence provided for each question, that the conclusions were supported.

Other considerations

Officers are aware of the current uncertainties relating to proposed national planning system changes and planning reforms. However, evidence to support the Local Plan and early engagement are key to both the current and proposed reforms. Both the Department of Levelling Up Housing and Communities and the Planning Advisory Service are advising local authorities carry on with the process of producing Plans or updates.

Conclusions on the review outcomes

Officers consider that the plan requires an update for the reasons set out under questions A3, A4, A5 (ii), A6, A8 and A14 of the PAS template (see earlier in the report, outcomes of the Local Plan Review and Appendix 1.

Questions A17 and B4 of the PAS template requires the local authority to outline its position on whether a review is required and whether it should be partial or full. In the opinion of the officers, a full review of the Local Plan is required based on the inter-relationships between the spatial strategy and Local Plan policies. A partial review is not considered suitable as the proposed updates are not specific to one area of the plan and could lead to the potential for further updates and costs.

3. Implications for the Council

3.1 Working with People

The Local Plan review is a technical assessment based on a standard Planning Advisory Service template and is not subject to public consultation. The Local Plan 2 process would potentially include consultation on a revised Statement of Community Involvement as well as three stages of public consultation. The legal regulations state that at least two stages of consultation are required, however, it is the view of officers that three stages should be undertaken to ensure meaningful engagement and more certainty to meet the regulations. Undertaking just two stages of consultation on the Local Plan would raise significant risks of undermining the early engagement process and that significant risks could be raised late in the Local Plan process.

3.2 Working with Partners

Officers have liaised with Barnsley Council where its Local Plan review has recently been undertaken. The conclusions of the review were subject to a critical friend assessment from the Planning Officers Society to ensure a second opinion was sought on the review outcomes.

The Local Plan review process also includes adhering to the Duty to Co-Operate

requirements, part of which will include meeting with adjoining authorities in relation to the review outcomes. The Local Plan 2 process will involve working with other services within the council as well as partners (such as those relating to infrastructure provision) and the Duty to Co-operate will need to be satisfied through the plan preparation process. A series of public consultations throughout the preparation of Local Plan 2 will enable a range of partners to engage further in the process.

3.3 Place Based Working

The Local Plan 2 process will take account of the range of different characteristics and communities across Kirklees, for example assessing housing needs. It will also seek the views of communities from the inception of the plan-making process through early engagement exercises and throughout the process. Consultation proposals would be set out in an updated Statement of Community Involvement and would embrace council approaches such as the Inclusive Communities Framework.

3.4 Climate Change and Air Quality

The draft Local Plan review sets out the Climate Emergency as one of the key factors indicating a Local Plan update is required. Although the current Local Plan was assessed as sustainable during the Local Plan process, it doesn't specifically set out how developments will contribute to the net zero targets by 2038. A revised Local Plan provides the opportunity to take account of the Kirklees Climate Change Action Plan and consider how planning policy interventions can contribute towards reducing carbon emissions and ensuring resilience against climate change.

3.5 Improving outcomes for children

The Local Plan review is a technical exercise to be undertaken stating whether the Local Plan remains up to date. Local Plan 2 would need to consider the needs of children through ensuring sufficient education facilities are available to meet the needs of new developments but also links to health outcomes by protecting valuable open spaces close to where children live and providing housing to meet local needs.

3.6 Financial Implications for the people living or working in Kirklees

A new Local Plan will include identifying and meeting the needs for housing and employment across Kirklees.

3.7 Other (e.g., Integrated Impact Assessment/Legal/Financial or Human Resources)

- Financial - Costs to prepare a new Local Plan will be considerable, estimated to be up to £2m over the life span of the project (based on discussions with authorities who have recently been through the process). This would be refined as the process evolves and includes consideration of areas of work across the council such as the Transport Model which can also be used for other work areas. Local Plan costs are identified as the first call on the Kirklees share of the Leeds City Region business rates pool.
- Staff resources - The Local Plan timetable has been set out in the context of existing resources within Planning Policy but would also require commitment from a range of service areas to assist with this process. Consultancy support will also be required in relation to some specialist topic areas (such as Sustainability Appraisal, viability).
- Legal/Governance – governance advice has been taken in relation to the decision-making process to inform the options in this report. Planning Policy will liaise with Legal Services as the review process progresses.

The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) govern

the review, preparation, consultation, examination, and adoption of Local Plans. In preparing a local plan, the council amongst other things must ensure that the plan is prepared in accordance with the council's Local Development Scheme, have regard to national policies/guidance, comply with the council's Statement of Community Involvement and the duty to co-operate with other Local Planning Authorities.

The Council must comply with its public sector equality duty under the Equality Act 2010 and produce an Integrated Impact Assessment as required.

- Integrated Impact Assessment (IIA) – an IIA will be undertaken dependant on a decision by Full Council to proceed with an update of the Local Plan where the impact of a plan update can be fully considered.

4. Consultation

There are no statutory requirements for consultation on a Local Plan review (assessment of whether it is fit for purpose). The decision to commence a review has however, been publicised through the mediums outlined in Section 5. There are statutory consultation requirements for an update of the Local Plan. These are outlined under the Local Plan 2 potential timetable.

Section 15 of the Planning and Compulsory Act 2004 (as amended) requires the production of a Local Development Scheme (a timetable setting out the different stages of plan preparation including key stages of consultation etc). Following a Full Council decision to start Local Plan 2, there would need to be a Cabinet decision to approve an updated Local Development Scheme. The council is also required to produce a Statement of Community Involvement which sets out who, when and how consultation on the Local Plan will take place. This is for Cabinet to adopt.

The process for reviewing the Local Plan was presented to Scrutiny on 25th September 2023: [2023-09-25 Scrutiny Local Plan Review and Update.pdf \(kirklees.gov.uk\)](#)

5. Engagement

The launch of the Local Plan review was communicated through the following ways:

- Kirklees Together: [We're reviewing the Kirklees Local Plan - Kirklees Together](#)
- All social media platforms
- Local press: Examiner Series, Dewsbury Reporter

At the point that an update of the Local Plan is approved, statutory requirements (as outlined at Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012) require early engagement of "specific" and "general" consultation bodies, residents, and businesses.

6. Next steps and timelines

Officers recommend the following next steps:

- 1) Cabinet ratifies the findings and recommendations of the internal officer review of the fitness of the Kirklees Local Plan (as outlined in Appendix 1 of the report) and the council's reasons and decisions are published in its website.
- 2) Cabinet recommends to Full Council that a full update of the Kirklees Local Plan commences (following current statutory local plan processes with the process to be reviewed following confirmation of the government's proposed planning

reforms).

- 3) Cabinet authorises the Strategic Director to commence work on a Local Development Scheme and Statement of Community Involvement in accordance with recommendations outlined in sections 6 and 7.

Section 15 of the Planning and Compulsory Act 2004 (as amended) requires the production of a Local Development Scheme (a timetable setting out the different stages of plan preparation including key stages of consultation etc). Subject to a Full Council decision to start Local Plan 2, there would need to be a Cabinet decision to approve the Local Development Scheme.

The likely timescales for Local Plan 2 are as follows:

Local Plan preparation stage	Consultation periods	Timescale
Local Development Scheme (LDS) (local plan timetable) approved by the Cabinet		January 2024
Statement of Community Involvement (SCI) – setting out how we will consult the community	6-week consultation on a draft. The final document will be presented to Cabinet for adoption.	March 2024
Early engagement about spatial strategy, broad ideas about scale of growth and Call for Sites.	Period of engagement at least 6 weeks	August 2024
Draft Local Plan – showing spatial strategy, draft site allocations and policies)	6-week consultation	September 2025
Publication Draft Local Plan – showing the final version of the plan supported by the Council which is then submitted for independent examination)	6-week consultation (representations period)	September 2026
Submission to the Secretary of State followed by an independent examination in public	The plan would then have a formal Examination in Public	March 2027

The Plan will also be subject to examination and a process of adoption. The full timetable will be reviewed in the light of a Full Council to commence an update, planning reforms and changes to current legislation.

The timeline for the preparation of an update of the Local Plan allows for public consultation on a Statement of Community Involvement (a document which sets out how communities will be consulted during the Local Plan process). This consultation is no longer mandatory, but many authorities still consult on the document to allow communities to have their say on different consultation methods. Compliance with an up-to-date LDS and SCI are issues which will be assessed at the independent Local Plan examination stage. Officers recommend that consultation is undertaken on a revised Statement of Community Involvement and request Cabinet approves a six-week period of consultation with a final document presented to Cabinet for approval and publication.

The legal regulations state that there must be a minimum of 2 stages of public consultation (early engagement and a final Publication Draft Local Plan which is then submitted to the Secretary of State for examination). To follow such an approach is a high-risk strategy because the process moves from early engagement about the potential

scope of the plan straight to a final Publication plan (which includes sites and policies) and risks accusations of a done deal and that consultation did not shape the plan in a meaningful way.

As such, 3 consultation stages are recommended with consultation on a Draft Local Plan (the first-time site allocations and policies are set out) between the Early Engagement stage and the final Publication Draft consultations. The most controversial aspect of Local Plan preparation is normally this Draft Local Plan stage as this is the point where the draft site allocations are first published (housing allocations, employment allocations etc). Having this stage ensures meaningful consultation and allows issues raised in the consultation to be rectified through changes or further evidence gathering which minimises risks of significant new issues being raised at the Publication Draft stage (as that stage articulates the council's view of the final Local Plan). This approach is widely accepted as best practice to de-risk the process and was the approach followed in the production of the current Local Plan.

As outlined earlier, it should be noted that the government is currently proposing changes to the plan-making system as part of the Levelling Up and Regeneration Bill and associated consultations. A new plan-making process would need to react to such changes as they emerge.

6. Officer recommendations and reasons

It is recommended that Cabinet:

- 1) Ratifies the findings and recommendations of the internal officer review of the fitness of the Kirklees Local Plan (as outlined in Appendix 1 of the report) and the council's reasons and decisions are published on its website.

Reason: To comply with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, which states that local planning authorities must review their plans every five years from the date of adoption.

- 2) Cabinet recommends to Full Council that a full update of the Kirklees Local Plan commences (following current statutory local plan processes with the process to be reviewed following confirmation of the government's proposed planning reforms).

Reason: Officers consider that the plan requires an update for the reasons set out under questions A3, A4, A5 (ii), A6, A8 and A14 of the PAS template (see earlier in the report, outcomes of the Local Plan Review and Appendix 1).

In the opinion of the officers, a full update of the Local Plan is required based on the inter-relationships between the spatial strategy and Local Plan policies. A partial review is not considered suitable as the proposed updates are not specific to one area of the plan and could lead to the potential for further updates and costs.

- 3) Cabinet authorises the Strategic Director of Growth and Regeneration to prepare a Local Development Scheme (programme to produce development plan documents) with a completed LDS presented to Cabinet at a future meeting for approval and publication.

- 4) Cabinet authorises the Strategic Director Growth and Regeneration to commence the preparation of a revised Statement of Community Involvement, with authorisation to consult on a draft document, with a final Statement of Community Involvement presented to Cabinet at a future meeting for approval and publication.

Reason: Compliance with an up-to-date LDS and SCI are issues which will be assessed at the independent Local Plan examination stage. Early production of these documents allows community involvement on the methods of consultation and transparency of process through the publication of a timetable outlining key stages of plan preparation and timings. Both the SCI and LDS will form future items for consideration by Cabinet.

7. Cabinet Portfolio Holder's recommendations

The Cabinet Portfolio holder agrees with the officer recommendations outlined in Section 6 of the report.

8. Contact officer

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9. Background Papers and History of Decisions

Kirklees Local Plan adopted 27th February 2019: (www.kirklees.gov.uk/localplan)

Significant Officer's Decision Notice: [Issue details - Kirklees Local Plan Review \(Statutory requirement\) | Kirklees Council](#)

Planning Advisory Service (PAS) Local Plan Route Mapper Toolkit Part 1: Local plan Review Assessment: [TOOLKIT PART 1 LOCAL PLAN REVIEW OCT 2019.docx \(live.com\)](#)

10. Service Director responsible

David Shepherd
Strategic Director Growth and Regeneration
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Appendix 1 - PAS LOCAL PLAN ROUTE MAPPER TOOLKIT: Kirklees Local Plan review (Cabinet Report 17th October 2023)

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
A	PLAN REVIEW FACTORS		
A1.	<p>The plan policies still reflect current national planning policy requirements.</p> <p>PROMPT: As set out above in the introductory text, in providing your answer to this statement consider if the policies in your plan still meet the 'content' requirements of the current NPPF, PPG, Written Ministerial Statements and the National Model Design Code (completing Part 2 of the toolkit will help you determine the extent to which the policies in your plan accord with relevant key requirements in national policy).</p>	AGREE	<p>The aims and objectives of the Local Plan remain relevant overall as do the suite of planning policies within the Local Plan. There have been changes to the law, national planning policy and planning practice guidance since the adoption of the Kirklees Local Plan which would require changes at the point the Local Plan update starts but these are not considered to be so significant that they would render the Local Plan out of date.</p> <p>Examples include:</p> <ul style="list-style-type: none"> - Environment Act – including the introduction of 10% biodiversity net gain and Local Nature Recovery Strategies. Local Plan policy LP30 (Biodiversity and Geodiversity) states that development proposals are required to minimise the impact on biodiversity and provide net biodiversity gains but does not specify a percentage. The approach to achieving net gains overall is consistent with the Act. Kirklees Council has been implementing 10% biodiversity net gain since June 2021 through a Biodiversity Net Gain Technical Advice Note. - Use Class Order changes - changes to use classes order have implications for Local Plan Policy LP14 and the removal of references to primary and secondary shopping frontages in the latest NPPF. The council would seek to reflect the latest Use Class Order requirements at the point the Local Plan is updated and would also determine whether there is sufficient evidence to continue to set out primary and secondary shopping frontages. - Permitted Development – There have been changes to permitted development rights. The Local Plan will continue to be monitored to assess whether there are implications for the Local Plan policies.

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			<ul style="list-style-type: none"> – Affordable housing definitions – the introduction of First Homes and move away from Starter Homes are changes in circumstances. LP11 (affordable housing and housing mix) is sufficiently flexible to allow implementation of First Homes when considered alongside the Kirklees Affordable Housing and Housing Mix SPD as well as the First Homes Position Statement. - Custom and Self-Build – Local Plan policy LP11 states that the council will encourage proposals for custom/self-build homes where consistent with other policies in the Local Plan. The council would consider the latest evidence of need and the latest government guidance at the time of a Local Plan update to determine whether an amended policy approach is required. - Nationally Described Space Standards – although the council encourages consistency with such standards, and achieves them in most cases, the evidence base, to implement such standards through a Local Plan policy will need to be considered at the relevant time. - Design Guides and Codes – The Levelling Up and Regeneration Bill seeks to require local planning authorities to adopt authority-wide design codes. At the point of updating the Local Plan, the council will consider the latest guidance relating to design guides and codes. At the current time Kirklees Local Plan LP24 (Design) is supported by the following: <ul style="list-style-type: none"> ○ the council has implemented a suite of ‘Quality Places’ Supplementary Planning Documents (SPDs) setting out design expectations to ensure high quality design as the Local Plan is implemented: <ul style="list-style-type: none"> ▪ Highway Design Guide SPD ▪ Housebuilder Design Guide SPD ▪ House Extensions and Alterations SPD ▪ Open Space SPD ▪ Hot Food Takeaway SPD ▪ Affordable Housing and Mix SPD. ○ Local Plan (policy LP5) requires masterplans for site delivery in certain circumstances. <p>The council is also aware of the Levelling Up and Regeneration Bill and associated national planning reforms. Such reforms are currently within the consultation stage and therefore further</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
			<p>details are awaited. The consultation documents stated that the new Local Plan system would be effective from November 2024 and is likely to include:</p> <ul style="list-style-type: none"> - Streamlined Local Plans and reduced plan preparation times. - Changes to the methodology for calculating housing requirements. - Changes in relation to potentially further restricting the use of green belt to meet housing needs through the Local Plan process. - National Development Management Policies to replace some local policies which are common to many areas. - A new Infrastructure Levy to replace CIL and Section 106 developer contributions. - Replacement of the Duty to Co-operate (the process where strategic issues such cross-boundary issues are set out) with a revised process. - Replacement of Sustainability Appraisals with Environmental Outcome Reports. - Replacement of Supplementary Planning Documents (SPD) (guidance) with a new process of Supplementary Plans (SP) which, as set out in the draft changes, would have the same weight as the Local Plan and will be subject to a written representation's examination.
A2	<p>There has not been a <u>significant</u> change in local housing need numbers from that specified in your plan (accepting there will be some degree of flux).</p> <p>PROMPT: Look at whether your local housing need figure, using the standard methodology as a starting point, has gone up significantly (with the measure of significance based on a comparison with the housing requirement set out in your adopted local plan).</p> <p>Consider whether your local housing need figure has gone down significantly (with the measure of significance based on a comparison with the housing requirement set out in your adopted local plan). You will need to consider if there is robust evidence</p>	AGREE	<p>There has not been a significant change in local housing needs numbers since the Local Plan was adopted. The local plan sets a housing requirement of 31,140 new homes during the period (2013-2031), equating to 1,730 new homes per annum. This reflected the Objectively Assessed Need for Housing as required at that time including consideration of economic aspirations.</p> <p>The Standard Method for calculating Local Housing Needs has since been introduced and sets out the minimum number of homes required in an area. This includes consideration of household projections and the application of an Affordability Ratio. It should be noted that the Standard Method still uses the 2014-based household projections as a starting point (which is consistent with the Local Plan evidence base) as set out in the latest Planning Practice Guidance.</p> <p>The Local Housing Need methodology indicates a minimum requirement of 1,686 dwellings per annum for Kirklees.</p> <p>Although lower than the Local Plan requirement, officers consider this to be broadly in line with the Local Plan requirement (1,730 dwellings per annum) especially as there can be some degree of flux each year as the affordability ratios change. It should also be recognised that the Local</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement
	to demonstrate that your current housing requirement is deliverable in terms of market capacity or if it supports, for example, growth strategies such as Housing Deals, new strategic infrastructure investment or formal agreements to meet unmet need from neighbouring authority areas.		<p>Housing Needs figure is the minimum number of homes required which may require an uplift to reflect economic aspirations in the district.</p> <p>The full housing needs calculation would be updated using an updated evidence base to support the preparation of the next Local Plan. The planning reforms may change the way Local Housing Needs are calculated and potential changes to the NPPF state that such housing needs only represent a starting point. The council will need to react to the methodology in place at the time a new Local Plan is prepared including considering economic factors as necessary.</p>

	<p>A3 You have a 5-year supply of housing land</p> <p>PROMPT: Review your 5-year housing land supply in accordance with national guidance including planning practice guidance and the Housing Delivery Test measurement rule book.</p>	DISAGREE	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>The latest five-year housing land supply position published by the council is 2023-based and states that the council can demonstrate 3.96 years supply of deliverable housing land. This calculation took account of under-delivery since the Local Plan base date and a 5% buffer compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions. If the 2022 Housing Delivery Test results, when released, determine that Kirklees should include a 20% buffer, the five-year supply figure would need to be revised accordingly.</p> <p>At this stage the outcome of the National Planning Policy Framework consultation (December 2022) is awaited. The proposed changes stated that a buffer would no longer need to be added to the five-year supply calculation and proposed that Local Plans adopted in the past five years may no longer need to demonstrate five years supply of deliverable housing land. The Kirklees Local Plan reaches the fifth anniversary of adoption in February 2024.</p> <p>Housing land supply is a key criterion when determining whether the housing aspects of a Local Plan are up to date and therefore whether the plan should be updated in whole or in part.</p>
A4.	<p>You are meeting housing delivery targets.</p> <p>PROMPT:</p>	DISAGREE	<p>Since the Local Plan base date, the number of new homes built (net), set against the Local Plan housing requirement of 1,730 per annum, are as follows:</p>

Use the results of your most recent Housing Delivery Test, and if possible, try and forecast the outcome of future Housing Delivery Test findings. Consider whether these have/are likely to trigger the requirement for the development of an action plan or trigger the presumption in favour of sustainable development. Consider the reasons for this and whether you need to review the site allocations that your plan is reliant upon. In doing so you need to make a judgement as to whether updating your local plan will support delivery or whether there are other actions needed which are not dependent on changes to the local plan.

Year	Net additional dwellings
2013/14 (Local Plan base date)	1,036
2014/15	666
2015/16	1,143
2016/17	983
2017/18	1,330
2018/19	1,550
2019/20 (Local Plan adopted February 2019)	1,131
2020/21	1,021
2021/22	704
2022/23	987

Delivery has been lower than the Local Plan requirement throughout this period although it should be noted that the Local Plan was not adopted until February 2019. At the point of adoption, significant areas of land were allocated for development, many of which are currently proceeding through the planning applications process. Since 2020, the pandemic and economic circumstances are likely to have impacted on delivery rates.

The Local Plan relies on housing delivery from three strategic housing sites which have yet to start on site due to the complexity of granting planning permission and delivering such large-scale sites. As set out in criteria A8, the later than expected delivery of such sites has impacted on the deliverable housing land supply, housing completions to date and expected completions of these sites by the end of the plan period. Each of these sites is now within the planning applications process (at least in part) therefore delivery is expected to start in the next few years to boost housing delivery:

- HS61 - Dewsbury Riverside (1,869 dwellings during plan period): outline application for 350 dwellings on part of the site delegated by Strategic Planning Committee for approval (2021/93689)

			<ul style="list-style-type: none"> - HS11 - Bradley, Huddersfield (1,490 dwellings during plan period): Full application for 277 dwellings on part of the site delegated for approval by Strategic Planning Committee (2021/92086) - MXS7 - Chidswell (1,535 dwellings): two planning applications covering the whole site delegated for approval by planning committee (2020/92331 for 1,354 dwellings and 2020/92350 for 181 dwellings) <p>The government has yet to publish the 2022 Housing Delivery Test results. Consultation on changes to the NPPF included an option that the 2021 results may be rolled forward due to the uncertainty around the planning reforms. The outcome of the consultation is not yet known.</p> <p>The Housing Delivery Test result for 2022 cannot be estimated due to uncertainty whether there may be an adjustment to the calculations to reflect the recent economic uncertainty (as applied by the government during the pandemic).</p> <p>The latest available result is therefore from the 2021 Housing Delivery Test which showed that housebuilding in Kirklees met 87% of needs identified through the test over a three-year period. As this result is above 75% decisions in Kirklees continue to be plan-led from a Housing Delivery Test point of view. However, there are significant concerns that the 2022 and 2023 Housing Delivery Test results would fall below 75% once published.</p> <p>The July 2022 Housing Delivery Test Action Plan (July 2022) (https://www.kirklees.gov.uk/beta/planning-policy/pdf/housing-delivery-test-action-plan.pdf) sets out a series of actions. This has included implementation of Supplementary Planning Documents to add further certainty to the planning applications process. The council now has 4 such SPDs related directly to housing:</p> <ul style="list-style-type: none"> • Highway Design Guide SPD • Housebuilder Design Guide SPD • Open Space SPD • Affordable Housing and Housing Mix SPD <p>Other actions the council is undertaking relate to providing pre-application advice, ensuring master planning of larger sites, continuing to progress council-owned housing allocations and</p>
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			further work on housing brokerage approach (offering technical planning and funding advice to landowners/developers or housing allocations).																		
A5 (affordable housing)	<p>Your plan policies are on track to deliver other plan objectives including any (i) affordable housing targets including requirements for First Homes;</p> <p>PROMPT: Use (or update) your Authority Monitoring Report to assess delivery.</p>	AGREE	<p><u>Affordable Homes</u> Local Plan policy LP11 states that 20% of housing sites should be provided as affordable housing and sets out an indicative affordable housing trajectory (figure 8) but the plan does not contain an affordable housing target therefore the performance against the Local Plan cannot be assessed directly.</p> <p><u>Affordable Housing policy performance</u> Analysis of the details of viability appraisals since the adoption of the Local Plan show that most policies have been implemented in full despite viability appraisal challenges in some cases (18 viability appraisals received for housing with 7 viability appraisals not accepted). LP11 (Housing Mix and Affordable Housing) is the policy most subject to challenge, specifically the requirement for 20% affordable housing on proposals of more than 10 dwellings. Of these approximately half of viability appraisals were accepted (in full or in part).</p> <p><u>Overall affordable housing needs</u> The SHMA (2016) showed an annual net imbalance of 1,049 affordable dwellings per year. This assumes the clearance of the overall shortfall over 5 years but would be lower if the shortfall is cleared over the whole plan period (an approximate imbalance of 108 dwellings per annum). As set out below, the Authority Monitoring Report indicates that the lower imbalance figure is being achieved in most cases. Completions show an average of 150 affordable homes completed since the start of the plan period (2013).</p> <table border="1"> <thead> <tr> <th>Financial year</th> <th>Affordable homes built</th> </tr> </thead> <tbody> <tr> <td>2013/14</td> <td>320</td> </tr> <tr> <td>2014/15</td> <td>180</td> </tr> <tr> <td>2015/16</td> <td>155</td> </tr> <tr> <td>2016/17</td> <td>121</td> </tr> <tr> <td>2017/18</td> <td>100</td> </tr> <tr> <td>2018/19</td> <td>118</td> </tr> <tr> <td>2019/20</td> <td>155</td> </tr> <tr> <td>2020/21</td> <td>89</td> </tr> </tbody> </table>	Financial year	Affordable homes built	2013/14	320	2014/15	180	2015/16	155	2016/17	121	2017/18	100	2018/19	118	2019/20	155	2020/21	89
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A new affordable housing approach (First Homes) was introduced by the government in Dec 2021 with the requirement for 25% of affordable homes to be provided as First Homes. The requirements, eligibility criteria and a local connections test are set out in the council's First Homes Position Statement, but it is too soon to fully understand the impacts of the changes in national planning policy. Local Plan policy LP11 (affordable housing and housing mix) is sufficiently flexible to allow implementation of First Homes when considered alongside the Kirklees Affordable Housing and Housing Mix SPD as well as the First Homes Position Statement.

One of the parameters applied as part of the Housing Delivery Test calculation is an Affordability Ratio (median house price to median workplace earnings). In the absence of a Local Plan affordable housing target, the Affordability Ratio provides a broad indication of housing affordability in Kirklees.

The table below sets out the housing Affordability Ratio for Kirklees since the Local Plan base date. This shows that affordability has become slightly worst since the start of the Local Plan period. There was a significantly higher affordability ratio shown in which may be due to the economic uncertainty following the pandemic, but this stabilised in 2022.

Year	Affordability Ratio (Kirklees)
2013 (Local Plan base date)	5.36
2014	5.35
2015	5.75
2016	5.68
2017	5.69
2018	5.76
2019 (Local Plan adopted)	5.84
2020	5.82
2021	6.76
2022	5.82

			Changes to the need for affordable housing in Kirklees can only be fully understood through a Strategic Housing Market Assessment which would consider all factors. This would be undertaken to inform the preparation of a Local Plan. An up-date to the Local Plan and associated evidence base would be beneficial to ensure the Local Plan affordable housing policy is in accordance with national planning policy.										
A5 (employment)	Your plan policies are on track to deliver other plan objectives including any (ii) commercial floorspace/jobs targets over the remaining plan period.	DISAGREE	<p>Employment</p> <p>The Local Plan set out to achieve 23,000 additional jobs over the plan period from 2013-31 with the additional intention of securing a 75% employment rate (in accordance with the Kirklees Economic Strategy).</p> <p><u>Jobs targets</u></p> <p>During the Local Plan period from 2013, it was expected that 23,200 jobs would be delivered, of which 6,920 jobs were expected from Local Plan employment/mixed use allocations and 11,039 were from planning permissions, completions, and Priority Employment Areas. The remaining jobs were expected from non-floorspace generating uses (i.e., those which don't require B use class floorspace (storage/distribution, heavy /light industry)). These include retail, working from home, jobs from extensions to existing businesses, construction. The jobs also include windfall sites which could be B use classes (not allocated for employment and not within Priority Employment Areas).</p> <p><u>Specific progress towards employment and mixed-use allocations (6,920 jobs target)</u></p> <p>The jobs information below has used the same jobs to floorspace ratio as the Local Plan for different sectors to set out expected job creation from Local Plan employment and mixed-use allocations.</p> <table border="1" data-bbox="938 1066 2078 1326"> <thead> <tr> <th></th> <th>Jobs assumed using Lo density assumptions (2</th> </tr> </thead> <tbody> <tr> <td>Assumed jobs from completed/built allocations</td> <td></td> </tr> <tr> <td>Assumed jobs from allocated land with planning permission</td> <td></td> </tr> <tr> <td>Assumed jobs from allocated land with current pending planning applications</td> <td></td> </tr> <tr> <td>Total provided or within the planning system</td> <td></td> </tr> </tbody> </table>		Jobs assumed using Lo density assumptions (2	Assumed jobs from completed/built allocations		Assumed jobs from allocated land with planning permission		Assumed jobs from allocated land with current pending planning applications		Total provided or within the planning system	
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This shows that approximately 5,820 jobs have been provided or are in the process of being provided from employment or mixed-use allocations. A further 1,782 jobs may also be delivered from employment / mixed use allocations yet to enter the planning process and therefore not displayed in the table above. This indicates that overall, the 6,920 jobs required from Local Plan allocations could still be achieved but there is significant doubt about the delivery of all of the potential 1,782 jobs on employment sites not yet in the planning process. There are also concerns about the remaining spatial distribution of job opportunities which would benefit from an updated evidence base through a new Local Plan process.

To explore the overall provision of jobs during the Local Plan period, the NOMIS information (provided by Office for National Statistics) below shows the numbers employed in jobs in Kirklees at 2013 (the start of the Local Plan period) and 2022 (the latest available monitoring period). At the mid-point of the Local Plan period, the trend shown by the number of additional jobs occupied appears to indicate that the overall Local Plan target of 23,000 new jobs is unlikely to be achieved. However, the information does not show whether the lower-than-expected progress in job numbers is due to job vacancies or whether this is due to a lower-than-expected creation of jobs. It should be noted that such overall figures can mask variations in each sector and locations across Kirklees and can change over time as employers and numbers of vacant jobs change within the district.

Progress towards overall jobs target (23,000) (using NOMIS ‘employment by occupation’)

Kirklees jobs (2013)	Kirklees jobs (2022)	Change since Local Plan base date
188,100 jobs	198,800 jobs	10,700 jobs

There are concerns that the scale of additional jobs growth initially expected from within existing Priority Employment Areas (PEAs) may not come forward as expected. This is likely to lead to issues in the availability of employment land during the latter part of the Local Plan period. In relation to the provision of employment land in the future, the council has received enquiries from a range of existing employers wishing to expand in the area as well as prospective employers. Such issues will need to be considered in the next Local Plan.

Employment rate

The following table sets out the NOMIS trend figures showing those who are economically active in employment based on financial years.

			<table border="1"> <thead> <tr> <th>Financial year</th> <th>Employment rate (%)</th> </tr> </thead> <tbody> <tr> <td>Apr 2013 – Mar 2014</td> <td>69.3%</td> </tr> <tr> <td>Apr 2014 – Mar 2015</td> <td>69.8%</td> </tr> <tr> <td>Apr 2015 – Mar 2016</td> <td>69.4%</td> </tr> <tr> <td>Apr 2016 – Mar 2017</td> <td>71.1%</td> </tr> <tr> <td>Apr 2017 – Mar 2018</td> <td>69.3%</td> </tr> <tr> <td>Apr 2018 – Mar 2019</td> <td>72.4%</td> </tr> <tr> <td>Apr 2019 – Mar 2020</td> <td>73.2%</td> </tr> <tr> <td>Apr 2020 – Mar 2021</td> <td>70.8%</td> </tr> <tr> <td>Apr 2021 – Mar 2022</td> <td>73.9%</td> </tr> </tbody> </table> <p>This shows that progress was being made towards the 75% employment rate prior to the pandemic in March 2020 before a slight decline but that the employment rate progressed towards 75% in 2021/22. In the absence of the 2022/23 employment rate figures, exploring the calendar year figures for 2022 shows an expected reduction in the employment rate in Kirklees which is likely to lead to a lower employment rate in the 2022/23 figures once published.</p> <p>There is no way of directly linking this to employment allocations in the Local Plan, but the availability of employment land provided by the Local Plan provides economic benefits for the district in terms of attracting new employers to the area. Recent planning permissions on strategic employment sites should therefore impact on the employment rate over the next few years.</p> <p>Overall, there are issues relating to the achievement of sufficient jobs across the district to meet the 23,000 jobs target set out in the Local Plan including concerns about achieving sufficient jobs from remaining employment allocations and issues around the spatial distribution of employment opportunities.</p>	Financial year	Employment rate (%)	Apr 2013 – Mar 2014	69.3%	Apr 2014 – Mar 2015	69.8%	Apr 2015 – Mar 2016	69.4%	Apr 2016 – Mar 2017	71.1%	Apr 2017 – Mar 2018	69.3%	Apr 2018 – Mar 2019	72.4%	Apr 2019 – Mar 2020	73.2%	Apr 2020 – Mar 2021	70.8%	Apr 2021 – Mar 2022	73.9%
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A6.	<p>There have been no significant changes in economic conditions which could challenge the delivery of the Plan, including the policy requirements within it.</p> <p>PROMPT:</p>	DISAGREE	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>As set out earlier in this report, there have been economic uncertainties such as those caused by the pandemic which are likely to have affected the employment rate and the number of homes built in the early part of the plan process. The short-, medium- and long-term impacts of Brexit are also unclear.</p>																				

<p>A key employer has shut down or relocated out of the area.</p> <p>Unforeseen events (for example the Covid-19 Pandemic) are impacting upon the delivery of the plan.</p> <p>Up-to-date evidence suggests that jobs growth is likely to be significantly more or less than is currently being planned for.</p> <p>Consider if there is any evidence suggesting that large employment allocations will no longer be required or are no longer likely to be delivered.</p> <p>You will need to consider whether such events impact on assumptions in your adopted local plan which have led to a higher housing requirement than your local housing need assessment indicates.</p> <p>Consider what the consequences could be for your local plan objectives such as the balance of in and out commuting and the resultant impact on proposed transport infrastructure provision (both capacity and viability), air quality or climate change considerations.</p>		<p>There have also been challenges achieving projected delivery rates on strategic sites as such sites have taken longer to progress to delivery than originally anticipated. Despite this, most of the larger strategic development sites are now progressing through the planning process (in whole or in part) which should improve housing delivery (e.g., Bradley in Huddersfield, Dewsbury Riverside and Chidswell to the north-east of Dewsbury) and employment delivery (e.g., former North Bierley Waste Water Treatment Works at Junction 26 of the M62 and Chidswell to the north-east of Dewsbury) over the coming years. In addition to this, as set out earlier in this report, the employment rate remains higher than at the base date of the Local Plan although there are aspirations for this to increase further. This situation will need to be kept under review but delays due to the pandemic do not in themselves warrant an update to the Local Plan in Kirklees as there remains significant capacity for new developments on land allocated in the Local Plan. As set out in A2, the Local Housing Need outcomes using the current methodology remain similar to the Local Plan housing requirement of 1,730 per annum. The actual implications of the pandemic will not be known until detailed work is undertaken such as assumptions relating to home working, employment needs and population growth.</p>
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<p>A7.</p>	<p>There have been no significant changes affecting viability of planned development.</p> <p>PROMPT: You may wish to look at the Building Cost Information Service (BCIS) All-in Tender Price Index, used for the indexation of Community Infrastructure Levy (CIL), or other relevant indices to get a sense of market changes.</p> <p>Consider evidence from recent planning decisions and appeal decisions to determine whether planning policy requirements, including affordable housing, are generally deliverable.</p> <p>Ongoing consultation and engagement with the development industry may highlight any significant challenges to delivery arising from changes in the economic climate.</p>	<p>AGREE</p>	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>If specific schemes have viability issues, this is assessed through the planning applications process where a viability assessment is submitted by developers and the council commissions an independent assessment to validate the outputs. Analysis of the details of viability appraisals since the adoption of the Local Plan show that most policies have been implemented in full despite viability appraisal challenges in some cases (18 viability appraisals received for housing with 7 viability appraisals not accepted). LP11 (Housing Mix and Affordable Housing) is the policy most subject to challenge, specifically the requirement for 20% affordable housing on proposals of more than 10 dwellings. Of these approximately half of viability appraisals were accepted (in full or in part). There were limited viability challenges in relation to sustainable travel (LP20), education contributions (LP49) and open space contributions (LP63).</p> <p>The council has recently undertaken a viability appraisal to ensure a revised Affordable Housing and Housing Mix SPD would not place unacceptable viability pressures on developers which demonstrated that scheme typologies remain viable. Compliant schemes are being achieved in most cases but the viability approach, as set out in the Local Plan and NPPF, provides flexibility where this can be justified.</p>
<p>A8.</p>	<p>Key site allocations are delivering, or on course to deliver, in accordance the local plan policies meaning that the delivery of the spatial strategy is not at risk.</p> <p>PROMPT: Identify which sites are central to the delivery of your spatial strategy. Consider if there is evidence to suggest that lack of</p>	<p>DISAGREE</p>	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>There have been challenges achieving projected delivery rates on strategic sites as such sites have taken longer to progress to delivery than originally anticipated as such some delivery expected during the plan period may not occur beyond 2031. The council is still confident that significant delivery on such sites can occur in the period to 2031 and will need to consider this situation at the point the Local Plan is updated.</p> <p>Employment:</p>

	<p>progress on these sites (individually or collectively) may prejudice the delivery of housing numbers, key infrastructure or other spatial priorities. Sites may be deemed to be key by virtue of their scale, location or type in addition to the role that may have in delivering any associated infrastructure.</p>		<ul style="list-style-type: none"> - Chidswell (MXS7) – indicative employment is capacity expected to be delivered during the plan period. An outline application which includes the employment aspects of this mixed-use allocation has been delegated by Strategic Planning Committee for approval) - Cooper Bridge (ES9) – indicative capacity expected to be delivered during the plan period - Slipper Lane, Mirfield (MXS3) – this site is now completed and has delivered 5,990 sq.m. greater than the indicative capacity. - Lindley Moor (MXS3) – the employment aspects of this site have been partly built. The remaining employment area is currently subject to a planning application for a mix of uses. If approved, overall, there would be an anticipated loss of approximately 12,000 sq.m. compared to indicative site capacity. Despite this, if approved, there would be some alternative employment generating uses on part of the site such as retail/restaurant/cafe which are not included in the jobs assessment in indicator A5. - Whitechapel Road, Cleckheaton (ES6) – potential significant increase in floorspace compared to indicative site capacity through recent planning application, but recent refusal of planning application means the situation on this site is unclear at present - Former North Bierley Waste Water Treatment Works (ES7) – all of this site is now subject to either planning approval or has been delegated for approval by the Strategic Planning Committee. This includes a number of employment units at varying stages of the process (some complete, some outline and some reserved matters) which overall show almost 8,000 sq.m. additional floorspace compared to the indicative capacity. <p>Housing:</p> <ul style="list-style-type: none"> - Chidswell (MXS7) - Outline applications covering the whole site (one for housing/employment and one for housing) have been delegated by the Strategic Planning Committee for approval. Although the site is expected to deliver the number of new homes set out in the indicative site capacity overall, it is now likely that approximately 500 fewer homes will be delivered during the plan period (to 2031).
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			<p>This site will, however, remain an important ongoing source of new housing beyond the plan period.</p> <ul style="list-style-type: none"> - Dewsbury Riverside (HS61) – Outline application under consideration for the first 350 dwellings which has been delegated for approval by the Strategic Planning Committee. The site is now expected to deliver around 600 fewer dwellings than expected delivered during the plan period to 2031. This site was already anticipated to continue delivery into the next plan period and will continue to be an ongoing source of new housing. - Bradley (HS11) – Full application for part of the site (277 dwellings) has been delegated by the Strategic Planning Committee for approval. The site is now expected to deliver 100 fewer dwellings than anticipated during the plan period (to 2031). This site was already anticipated to continue delivery into the next plan period and will continue to be an ongoing source of new housing. - Blackmoorfoot Road (HS23) – Outline planning permission has been granted for this whole housing allocation, but it is now expected that approximately 150 fewer dwellings will be delivered on this site during the plan period than anticipated. This site is therefore expected to continue to deliver new homes beyond the plan period. <p>In conclusion, whilst the delivery from strategic employment sites is close to that expected, there are likely to be issues with the delivery of housing from strategic sites as many of the sites are now likely to deliver a lower than expected number of new homes during the plan period (to 2031). Delivery will therefore continue beyond the plan period. In relation to implications for the spatial strategy, delivery will still occur on these sites but at a slower rate than originally anticipated.</p>
A9.	<p>There have been no significant changes to the local environmental or heritage context which have implications for the local plan approach or policies.</p> <p>PROMPT:</p>	AGREE	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>The current Local Plan was subject to Sustainability Appraisal which was independently assessed through the Local Plan examination in public and the council has no reason to consider why this would not continue to be the case.</p>

<p>You may wish to review the indicators or monitoring associated with your Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA).</p> <p>Identify if there have been any changes in Flood Risk Zones, including as a result of assessing the effects of climate change.</p> <p>Consider whether there have been any changes in air quality which has resulted in the designation of an Air Quality Management Area(s) or which would could result in a likely significant effect on a European designated site which could impact on the ability to deliver housing or employment allocations.</p> <p>Consider whether there have been any changes to Zones of Influence / Impact Risk Zones for European sites and Sites of Special Scientific Interest or new issues in relation to, for example, water quality.</p> <p>Consider whether there have been any new environmental or heritage designations which could impact on the delivery of housing or employment / jobs requirements / targets.</p> <p>Consider any relevant concerns being raised by statutory consultees in your area in relation to the determination of individual planning applications or planning appeals which may impact upon your plan - either now or in the future.</p>		<p>Since the adoption of the Kirklees Local Plan the council declared a Climate Emergency including the 'net zero and climate ready target by 2038. For the purposes of this Local Plan review, this has been addressed under indicator A14 (Political changes and corporate strategy) to avoid duplication.</p> <p>There have been changes to flood risk zones and associated National Planning Practice guidance which will require updated evidence as part of an updated Local Plan. Amendments are also proposed to some of the Air Quality Management Areas which will be reflected in the next Local Plan. There have been no changes to the Special Protection Areas / Special Areas of Conservation.</p> <p>The Environment Act has also been brought into force since the Local Plan was adopted which will impact on policies and approaches. This includes biodiversity net gain, Local Nature Recovery Strategies and additional requirements in relation to Particulate Matter which will all need to be considered when the Local Plan is updated. In relation to biodiversity net gain, the Local Plan already specifies that net gain should be achieved from new development. Although the policy doesn't specific a percentage net gain (such as 10% set out in the Environment Act), the policy is not inconsistent with the Act. The council is already implementing the 10% biodiversity net gain requirements through a Biodiversity Net Gain Technical Advice Note in advance of the Environment Act regulations on this matter coming into force. This process may lead to a Supplementary Planning Document to add further clarity. Further work will also be required to ensure synergies with Local Nature Recovery Strategies.</p>
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<p>A10.</p>	<p>No new sites have become available since the finalisation of the adopted local plan which require the spatial strategy to be re-evaluated.</p> <p>PROMPT:</p> <p>Consider if there have been any new sites that have become available, particularly those within public ownership which, if they were to come forward for development, could have an impact on the spatial strategy or could result in loss of employment and would have a significant effect on the quality of place if no new use were found for them.</p> <p>Consider whether any sites which have now become available within your area or neighbouring areas could contribute towards meeting any previously identified unmet needs.</p>	<p>AGREE</p>	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>There are no sites which have become available which require the Local Plan spatial strategy to be re-evaluated, either within Kirklees or in the adjoining authorities.</p>
<p>A11.</p>	<p>Key planned infrastructure projects critical to plan delivery are on track and have not stalled / failed and there are no new major infrastructure programmes with implications for the growth / spatial strategy set out in the plan.</p> <p>PROMPT:</p> <p>You may wish to review your Infrastructure Delivery Plan / Infrastructure Funding Statement, along with any periodic updates, the Capital and Investment programmes of your authority or infrastructure delivery partners and any other tool used to monitor</p>	<p>AGREE</p>	<p>Reason (with reference to plan policies, sections and relevant evidence sources)</p> <p><u>Local Plan Transport Schemes</u></p> <ul style="list-style-type: none"> • TS1 A62/A644 Huddersfield to M62 J25 - Larger scale interventions replaced with more localised changes. Consultation has occurred on revised proposals. A full business case for the A62 to Cooper Bridge proposals are likely to be submitted in December 2024. • TS2 New Motorway junction 24a on M62 - Not currently in any programme but has not directly impacted on delivery of Local Plan sites. • TS3 Huddersfield Southern Gateways - Full Business Case likely to be submitted in October 2023. • TS4 A629 Halifax Road (Huddersfield to Halifax Corridor) - a planning application was submitted in May 2023. • TS5 Mirfield to Dewsbury to Leeds and North Kirklees Growth Zone – planned submission of Full Business Case in July 2023.

<p>and prioritise the need and delivery of infrastructure to support development.</p> <p>Check if there have been any delays in the delivery of critical infrastructure as a result of other processes such as for the Compulsory Purchase of necessary land.</p> <p>Identify whether any funding announcements or decisions have been made which materially impact upon the delivery of key planned infrastructure, and if so, will this impact upon the delivery of the Local Plan.</p>	<ul style="list-style-type: none"> • TS6 Highway Network Efficiency Programme / TS9 Strategic Road Network Improvements - various improvements to the Strategic Road Network by National Highways – to be taken into account in Local Plan update highway modelling. • TS7 Public Transport Improvement Schemes - various schemes progressing including A62 – A644 Bus enhancements (to be taken into account in Local Plan update). • TS8 Walking and Cycling Improvement Schemes - various schemes progressing (to be taken into account in Local Plan update). <p><u>Other schemes</u></p> <p>Trans Pennine Route Upgrade – the Transport and Works Act Order has been approved and this process is progressing through the planning process and construction has started in part. Other key activities include progress on discharging planning conditions and listed building conditions, various technical highway approvals in progress, and applications for environmental section 61 consents.</p> <p>Bus stations – proposals for improved bus stations at Huddersfield, Dewsbury and Heckmondwike are progressing. Opportunities to reference Kirklees Blueprints (Huddersfield, Dewsbury, Heckmondwike, Batley, Cleckheaton and Holmfirth) as part of a Local Plan update but this is not preventing the schemes from progressing.</p> <p><u>Section 106 developer contributions</u></p> <p>The council continues to successfully secure developer contributions through the planning applications process as set out in the annual Infrastructure Funding Statement as follows.</p> <p>Table 1 – s.106 monies unallocated March 2021</p> <table border="1" data-bbox="936 1098 2069 1367"> <thead> <tr> <th>Infrastructure Type</th> <th>s.106 monies available (£)</th> </tr> </thead> <tbody> <tr> <td>Public Open Space</td> <td>£897,436.67</td> </tr> <tr> <td>Affordable Housing</td> <td>£2,345,736.06</td> </tr> <tr> <td>Highways</td> <td>£2,519,183.29</td> </tr> <tr> <td>Education</td> <td>£3,935,176.41</td> </tr> <tr> <td>Drainage</td> <td>£36,500.00</td> </tr> <tr> <td>Miscellaneous^[1]</td> <td>£31,500.00</td> </tr> </tbody> </table>	Infrastructure Type	s.106 monies available (£)	Public Open Space	£897,436.67	Affordable Housing	£2,345,736.06	Highways	£2,519,183.29	Education	£3,935,176.41	Drainage	£36,500.00	Miscellaneous ^[1]	£31,500.00
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			Total	£9,765,532.43
			Table 2 - s.106 contributions received 2021/22	
			Infrastructure Type	s.106 monies received (£)
			Public Open Space	£1,117,936.44
			Affordable Housing	£34,924.88
			Highways / Sustainable Transport	£432,642.49
			Education	£843,789.81
			Miscellaneous	£727,500.00
			Total	£3,156,793.62
			Table 3 - s.106 contributions spent 2021/22	
			Infrastructure Type	s.106 monies spent (£)
			Public Open Space	£1,360,662.18
			Affordable Housing	£560,000.00
			Highways	£370,406.88
			Education	£1,280,227.51
			Other ^[2]	£1,205,730.34
			Total	£4,777,026.91
			Table 4 - Total s.106 amount available to spend March 2022	
			Net total as of March 2021	£9,765,532.43
			s106 income received 21/22	£3,156,793.62
			S106 allocated not spent 20/21	£1,054,631.20
			Sub Total	£13,976,957.25
			Minus monies spent	£4,777,026.91
			Total	£9,199,930.34

<p>A12.</p>	<p>All policies in the plan are achievable and effective including for the purpose of decision-making.</p> <p>PROMPT: Consider if these are strategic policies or those, such as Development Management policies, which do not necessarily go to the heart of delivering the Plan’s strategy.</p> <p>Identify if there has been a significant increase in appeals that have been allowed and /or appeals related to a specific policy area that suggest a policy or policies should be reviewed.</p> <p>Consider whether there has been feedback from Development Management colleagues, members of the planning committee, or applicants that policies cannot be effectively applied and / or understood.</p>	<p>AGREE</p>	<p>Reason (with reference to plan policies, sections, and relevant evidence sources):</p> <p>Since the adoption of the Local Plan (February 2019), the appeals record is as follows:</p> <p>Appeals performance.</p> <table border="1" data-bbox="943 312 1865 533"> <thead> <tr> <th></th> <th>Total appeals</th> <th>Upheld</th> <th>Part upheld / part dismissed</th> <th>Dismissed</th> </tr> </thead> <tbody> <tr> <td>2019/20</td> <td>84</td> <td>18</td> <td>2</td> <td>64</td> </tr> <tr> <td>2020/21</td> <td>79</td> <td>13</td> <td>1</td> <td>65</td> </tr> <tr> <td>2021/22</td> <td>87</td> <td>22</td> <td>1</td> <td>64</td> </tr> </tbody> </table> <p>Overall, the policies remain effective and specific policy monitoring indicators are set out in the annual Authority Monitoring Report (AMR). There are some specific examples where policies may not necessarily be out of date, but which have been identified as benefitting from an updated position either in the context of local circumstances (such as the Climate Emergency) in addition to the examples referred to in A1 of this template. Examples include:</p> <table border="1" data-bbox="943 788 1989 1316"> <thead> <tr> <th>Policy</th> <th>Issues</th> </tr> </thead> <tbody> <tr> <td>LP7 (Housing density)</td> <td>Challenges securing 35 dwellings per hectare especially due to site configuration, topography, open space requirements, focus on quality design in recent SPDs and new requirements for biodiversity net gain.</td> </tr> <tr> <td>LP9 (Skilled and flexible workforce)</td> <td>Updates to be considered to maximise social value/social capital including in relation to apprenticeship schemes.</td> </tr> <tr> <td>LP11 (Housing Mix and Affordable Housing)</td> <td>Providing further clarity about the required housing mix (currently set out in a Supplementary Planning Document), and consideration of a policy relating to nationally described space standards for new homes.</td> </tr> <tr> <td>LP13, LP14 (town centre retail)</td> <td>Changes to the Use Classes Order will need to be considered as the Local Plan is updated.</td> </tr> </tbody> </table>		Total appeals	Upheld	Part upheld / part dismissed	Dismissed	2019/20	84	18	2	64	2020/21	79	13	1	65	2021/22	87	22	1	64	Policy	Issues	LP7 (Housing density)	Challenges securing 35 dwellings per hectare especially due to site configuration, topography, open space requirements, focus on quality design in recent SPDs and new requirements for biodiversity net gain.	LP9 (Skilled and flexible workforce)	Updates to be considered to maximise social value/social capital including in relation to apprenticeship schemes.	LP11 (Housing Mix and Affordable Housing)	Providing further clarity about the required housing mix (currently set out in a Supplementary Planning Document), and consideration of a policy relating to nationally described space standards for new homes.	LP13, LP14 (town centre retail)	Changes to the Use Classes Order will need to be considered as the Local Plan is updated.
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			LP17, LP18 (Huddersfield and Dewsbury town centres)	To reflect the focus on town centre regeneration in the Huddersfield and Dewsbury Blueprints, at the point of updating the Local Plan there will need to be a focus on Huddersfield and Dewsbury but also the blueprints (masterplans) for Batley, Cleckheaton, Heckmondwike and Holmfirth town centres.	
			Green belt policies	Consideration may need to be given to the approach to infill in the green belt to take account of appeal outcomes.	
			LP24 (Design)	Likely to require further consideration of the carbon impacts of development and other factors emerging from the Climate Emergency and Climate Change Action Plan	
			LP42 (Hydrocarbons)	To consider the latest position in relation to the environment and national planning policy approach.	
			LP63 (New Open Space)	Further clarity could be added to the policy in relation to specific types of open space, on-site vs off-site provision and how developer contributions are used.	

<p>A13.</p>	<p>There are no recent or forthcoming changes to another authority's development plan or planning context which would have a material impact on your plan / planning context for the area covered by your local plan.</p> <p>PROMPT: In making this assessment you may wish to:</p> <ul style="list-style-type: none"> ● Review emerging and adopted neighbouring authority development plans and their planning context. ● Review any emerging and adopted higher level strategic plans including, where relevant, mayoral/ combined authority Spatial Development Strategies e.g. The London Plan. ● Review any relevant neighbourhood plans ● Consider whether any of the matters highlighted in statements A1- A12 for their plan may impact on your plan - discuss this with the relevant authorities. ● Consider any key topic areas or requests that have arisen through Duty to Cooperate or strategic planning discussions with your neighbours or stakeholders - particularly relating to meeting future development and /or infrastructure needs. 	<p>AGREE</p>	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>Within Kirklees, the Holme Valley Neighbourhood Development Plan was 'made' in December 2021 which now forms part of the development plan for the relevant area alongside the Kirklees Local Plan. The Neighbourhood Development Plan is in conformity with the Kirklees Local Plan, but the content will be considered as part of a Local Plan update such as Local Green Space designations.</p> <p>Kirklees is now within a Mayoral Combined Authority. For a future Local Plan process this will include consideration of the Mayoral Pledges (such as those relating to affordable housing delivery, high quality jobs). The emerging Local Transport Plan 4 (LTP4) will also be a key consideration linked to the council's own Transport Strategy and future Local Plan.</p> <p>As part of the Devolution Deal, there is currently no proposal for a Spatial Development Strategy at the regional scale, but a Local Plan update would need to react to such changes should they occur.</p> <p>The council continues to actively engage with adjoining local authorities under the Duty to Co-operate process as their Local Plans emerge and no strategic cross boundary issues discussed have been significant enough to trigger a Local Plan review. In relation to this process, Statements of Common Ground remain between the Leeds City Region authorities that each authority will meet its own housing and employment needs within its own area. There are also proposals for a regional Mass Transit system which will need to be considered when the Local Plan is updated but in itself would not trigger an update.</p>
<p>A14.</p>	<p>There are no local political changes or a revised / new corporate strategy which would require a change to the approach set out in the current plan.</p> <p>PROMPT: In making this assessment you may wish to:</p>	<p>DISAGREE</p>	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>The main change in relation to local politics and corporate strategies relates to the Climate Emergency (2019) and associated Climate Change Action Plan. These are directly linked to the emerging Kirklees Environment Sustainability Strategy. The council has declared a Climate Emergency in January 2019 and the associated Climate Change Action Plan sets out actions to</p>

<ul style="list-style-type: none"> ● Review any manifesto commitments and review the corporate and business plan. ● Engage with your senior management team and undertake appropriate engagement with senior politicians in your authority. ● Consider other plans or strategies being produced across the Council or by partners which may impact on the appropriateness of your current plan and the strategy that underpins it, for instance, Growth Deals, economic growth plans, local industrial strategies produced by the Local Economic Partnership, housing/ regeneration strategies and so on. 	<p>facilitate the achievement of the net zero target by 2038. Although the current Local Plan does represent a sustainable approach, it does not specifically refer to developers and their developments directly contributing to the achievement of net zero therefore a policy approach would be needed to assist the council in delivery of the aspirations relating to climate change e.g. relating to whole life carbon, emissions, walking & cycling infrastructure, energy security, electric vehicle charging, Local Area Energy Plans and adapting / improving resilience to the potential impacts of climate change. These will need to be considered as the Local Plan is updated alongside other evidence such as viability evidence to determine the potential extent of the policy response to climate change.</p> <p>Other important factors to be considered include:</p> <p>Health and Wellbeing strategy (2022-2027) – this will be an important consideration in the preparation of a new Local Plan but does not require a fundamental change to the approach set out in the Local Plan.</p> <p>Forthcoming council documents (Economic Strategy / Transport Strategy / Air Quality Strategy) – Updated strategies will play a key role to influence the Local Plan process.</p> <p>Regeneration proposals - At the point the council updates the Local Plan, a range of emerging regeneration proposals will need to be considered but these do not represent such a significant change to the spatial development strategy to warrant a Local Plan update at this stage. Many such schemes are currently progressing using existing policies.</p> <p>Inclusive Communities Framework – this outlines the aims, objectives and approach in engaging with local communities. This will be important in relation to the preparation of a new Local Plan at the relevant time.</p>
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	ASSESSING WHETHER OR NOT TO UPDATE YOUR PLAN POLICIES	YES/NO (please indicate below)	
A15.	You AGREE with <u>all</u> of the statements above	No	<p>If no go to question A16.</p> <p>If yes, you have come to the end of the assessment. However, you must be confident that you are able to demonstrate and fully justify that your existing plan policies / planning position clearly meets the requirements in the statements above and that you have evidence to support your position.</p> <p>Based on the answers you have given above please provide clear explanation and justification in section A17 below of why you have concluded that an update is not necessary including references to evidence or data sources that you have referenced above. Remember you are required to publish the decision not to update your local plan policies. In reaching the conclusion that an update is not necessary the explanation and justification for your decision must be clear, intelligible and able to withstand scrutiny.</p>
A16.	You DISAGREE with one or more of the statements above and the issue can be addressed by an update of local plan policies	Yes	<p>If yes, based on the above provide a summary of the key reasons <u>why</u> an update to plan policies is necessary in section A17 below and complete Section B below.</p>
A17.	<p><u>Decision:</u> Update plan policies</p> <p>Reasons for decision on whether or not to update plan policies (clear evidence and justification will be required where a decision not to update has been reached):</p> <p>The assessment has identified that the Local Plan is considered to require an update to address the following issues:</p> <ul style="list-style-type: none"> - A3. Housing land supply – Government guidance (the National Planning Policy Framework) requires local planning authorities to identify and update annually a supply of specific, deliverable sites sufficient to provide a five-year supply of land against their housing requirement. The latest five-year housing land supply position published by the council is 2023-based and states that the council can demonstrate 3.96 years 		

	<p>supply of deliverable housing land. This calculation took account of under-delivery since the Local Plan base date and a 5% buffer compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions. If a local planning authority is unable to demonstrate a five-year supply, the policies related to the supply of housing are considered out-of-date. As such, the presumption of sustainable development (the tilted balance) is triggered as set out in paragraph 11d of the NPPF and footnote 8.</p> <ul style="list-style-type: none"> - A4. /A.8 Housing Delivery Test / delivery of strategic sites – The number of homes built between 31st March 2022 – 1st April 2023 was 987; against a Local Plan target of 1730. The Local Plan relies on housing delivery from three strategic housing sites which have yet to start on site due to the complexity of granting planning permission and delivering such large sites. Whilst each of the sites is now within the planning application process (at least in part), there is under delivery of Local Plan targets. - A5. /A6. Employment delivery and land supply – borderline performance information at present but significant employment land supply issues anticipated during the remainder of the plan period. The assessment has raised concerns about the delivery of potential 1,782 jobs that may be delivered from employment/mixed-use allocations yet to enter the planning process and would count towards the Local Plan aspiration of achieving 23,000 additional jobs over the plan period. Economic uncertainties such as those caused by the pandemic has impacted on the delivery of strategic sites. - A14 Climate emergency – although the Local Plan was assessed and determined as sustainable, the Council has declared a climate emergency and there is therefore the need to reflect the climate emergency. 		
	B. POLICY UPDATE FACTORS	YES/NO (please indicate below)	Provide details explaining your answer in the context of your plan / local authority area
B1	Your policies update is likely to lead to a material change in the housing requirement which in turn has implications for other plan requirements / the overall evidence base.	No	The standard method for calculating housing requirements indicates that the Kirklees housing requirement would be broadly similar to the existing requirement of 1,730 dwellings per annum. There are, however, concerns relating to housing delivery towards meeting the housing requirement and the ongoing availability of deliverable housing capacity.
B2	The growth strategy and / or spatial distribution of growth set out in the current plan is not fit for purpose and your policies update is likely to involve a change to this.	Yes	The spatial strategy remains fit for purpose overall but there are concerns about later delivery of strategic housing sites and the location of new employment opportunities to meet needs. Such issues should be explored through an updated Local Plan process.

B3	Your policies update is likely to affect more than a single strategic site or one or more strategic policies that will have consequential impacts on other policies of the plan.	Yes	Concerns relating to the capacity of new homes to be delivered from strategic sites within the plan period. This is due to sites such as Dewsbury Riverside, Chidswell, and Bradley expected to start delivering new homes later than originally anticipated. Such sites will continue to provide an important source of housing delivery beyond the plan period. The implications of the Climate Emergency also need to be considered in relation to implications for strategic policies.
	You have answered yes to one or more questions above.		You are likely to need to undertake a full update of your spatial strategy and strategic policies (and potentially non-strategic policies). Use your responses above to complete Section B4.
	You have said no to <u>all</u> questions (B1 to B3) above		If you are confident that the update can be undertaken without impacting on your spatial strategy and other elements of the Plan, you are likely to only need to undertake a partial update of policies. Complete Section B4 to indicate the specific parts / policies of the plan that are likely to require updating based on the answers you have given above.
B4	<p>Decision: Full Update of Plan Policies/ Partial Update of Plan Policies (delete as necessary)</p> <p>Reasons for scope of review:</p> <p>For the reasons set out in A17 in relation to housing land supply, delivery of strategic sites and the council’s Climate Change Emergency and associated Climate Change Action, it is considered that a review of the Local Plan is required.</p> <p>In terms of the Local Plan policies, it is considered that whilst most Local Plan policies remain up to date, many would benefit from being updated through a new Local Plan process particularly in the light of the comments made in relation to updated guidance, changes to the use classes order and permitted development rights.</p> <p>A full review of the Local Plan is proposed due to the interrelationship of the spatial strategy and the Local Plan policies.</p>		

Date of assessment:	17 th October 2023
Assessed by:	Kirklees Planning Policy Team
Checked by:	Planning Officer's Society (critical friend)
Comments:	17 th October 2023 consideration by Kirklees Cabinet