
Report of the Head of Planning and Development**STRATEGIC PLANNING COMMITTEE****Date: 05-Dec-2024****Subject: Planning Application 2023/92490 Erection of 35 dwellings with associated access and landscaping (within a Conservation Area) Former Dowker Works, Dowker Street, Milnsbridge, Huddersfield, HD3 4JX****APPLICANT**Dulson / Lawton,
Westshield / FCHO**DATE VALID**

08-Sep-2023

TARGET DATE

08-Dec-2023

EXTENSION EXPIRY DATE

19-Dec-2024

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: Golcar

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:

- **Management and Maintenance:** The establishment of a management company for the purpose of maintaining the shared green open spaces (including ecological management), the private parking areas and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the 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 35 dwellings with associated access and landscaping.
- 1.2 The application is presented to Strategic Planning Committee due to the development not providing all of the planning contributions required in line with local and national planning policy. In this case, the scheme would provide 100% affordable rent properties.
- 1.3 A viability appraisal has been submitted as part of the application process and externally assessed. More detail of this can be found within paragraphs 10.91 to 10.100 of this report.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises a brownfield site (approximately 0.52 hectares) that was previously used for industrial purposes. The site appears to have been vacant since circa 2007 and is in a derelict condition.
- 2.2 The site is of an irregular shape, with land levels falling slightly from north to south. An open culvert also runs underneath the site and the large majority of the site falls within Flood Zone 2.

- 2.3 Surrounding the site are predominantly residential properties, however, there are some industrial premises nearby on George Street. Immediately opposite the southeastern corner of the site on the junction with Dowker Street and George Street is a listed building known as Milnsbridge House (Grade II*). The site is also within the Milnsbridge Conservation Area and is directly adjacent to Milnsbridge Local District Centre.

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of 35 dwellings.
- 3.2 A new access is proposed onto Dowker Street from the eastern boundary at the application site. Internally, a new road would be provided, with two private parking areas (outside of domestic curtilage) extending to the north and south.
- 3.3 The dwellings would be arranged along the site's frontage in two larger terrace rows, with shorter terraced properties within the site. One detached dwelling is proposed to face onto Armitage Road.
- 3.4 Nine different house/cottage flat types have been proposed, which would provide 14x 1-bed apartments, 7x 2-bed apartments, 8x 2-bed houses and 6x 3-bed houses all for affordable rent. Materials include natural stone and re-constituted stone with tiles to the roofs.
- 3.5 All the dwellings would have designated parking spaces either within private curtilage or within the highway layout.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 At the application site:

2007/93016 Erection of 41 dwellings (12 houses and 29 flat) and a block of four garages – Refused.

2011/90822 Conversion of existing factory building to three town houses, and the erection of 31 dwellings and two apartments with associated parking and demolition of remaining factory buildings – Granted.

2011/90823 Conservation Area Consent for demolition of factory premises – Granted.

2015/92481 Discharge of conditions 3 (landscaping scheme) , 7 (site investigation report), 13 (drainage) and 19 (storage and access for collection of wastes) of previous permission 2011/90822 – Approved.

4.2 Pre-application advice

2023/20429 Pre-application enquiry relating to residential development – Comments made.

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

- 5.1 Amendments and additional information have been received regarding drainage and flood risk and the design and layout of the site. The number of units has been reduced as part of this application from 38 to 35. A viability appraisal has also been submitted with this application.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

- 6.2 The site is unallocated on the Kirklees Local Plan but is situated within Milnsbridge Conservation Area and is adjacent to the Grade II and II* Listed Buildings known as 8 and 8a Dowker Street and Milnsbridge House.

- 6.3 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place Shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic Environment
- LP47 – Healthy, active and safe lifestyles
- LP49 – Educational and health care needs
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvements of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space

- 6.4 Supplementary Planning Guidance / Documents:

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

6.5 Guidance Documents:

- 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, updated 2021)
- Green Streets Principles for the West Yorkshire Transport Fund (2017)
- Kirklees Housing Strategy (2018)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)
- Viability Guidance Note (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)

6.6 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2023, and 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 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

6.7 Relevant National Guidance and Documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)

Climate change

- 6.8 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.

- 6.9 On the 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.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised as Major Development.
- 7.2 The application has been advertised via site notices and a press notice, and letters delivered to neighbours adjacent to the application site. Final publicity expired on 20/10/2023.
- 7.3 As a result of the above publicity, eight representations have been received from local residents. This includes five supportive comments, two objections and one general comment. The points raised have been identified below:

Supportive comments:

- Overall support of the scheme, however, I am aware that the position of the assumed alignment of the culverted section of Longwood Brook shown on the application details is significantly incorrect.
- As the former Chair of Milnsbridge Enhancement Group [MEG], I am delighted at this proposal. The site is a longstanding eyesore in Milnsbridge that we have monitored for years, requesting clear-ups of rubbish and mending of the vulnerable panels. The effect on Milnsbridge will be enormous in removing a source of shame and unhealthy fly-tipping.
- More constructively, the new housing will give a new heart to the village with a working, school and shopping population that will improve the economy and provide new active lives to add to the local school, shops, businesses and other enterprises. Milnsbridge needs both houses and population. I trust this project that offers hope of both will be approved.
- Milnsbridge Enhancement Group is pleased that this very unattractive derelict land is being developed by the building of new homes. The provision of mainly 1- and 2-bed properties with some 3-bed properties seems appropriate for this location near the commercial centre of Milnsbridge. At a time when rental properties are hard to find, this development of affordable homes for rent is welcome.
- It is good that there are more parking spaces (43) within the development than there are properties (38), so that there should be little overflow of parked cars onto the existing streets. The new residents will help boost local retail businesses and support the regeneration of Milnsbridge in the future.
- I am writing as a concerned resident of our village to express my strong support for the development of the waste land. I firmly believe that this development is a crucial step towards enhancing the overall quality of

life in our village. The current state of the waste land has become a persistent eyesore, tarnishing the aesthetics of our village. Its neglected appearance creates an atmosphere that encourages anti-social behaviour. This unfortunate environment has, regrettably, led to frequent instances of fly-tipping and other disruptive activities.

- By redeveloping this waste land, we have a unique opportunity to address these issues effectively. A thoughtfully planned development project can transform this blighted area into a valuable community asset, serving both the present and future generations of our village.
- Some key benefits that I believe the development of this waste land would bring include enhanced aesthetics, crime reduction and economic considerations.
- I fully support this application. It will bring a derelict piece of land in to use providing much needed homes. The mix of houses will also provide those looking to get on to the housing ladder a starting point. It also has the potential to help stimulate the local economy of Milnsbridge.

Objections:

- 38 dwellings seems to be far too many to be squeezed on to a small plot of land. Then there is the parking issue most homes have two cars in each household, some more some less. If we base each property with two cars where at 76 cars going to be parking. These 38 dwellings might also have guest round or property maintenance vehicles so where are all these parking. Think 38 dwellings is a bit excessive maybe less would be more practical.
- I live adjacent to this site on George Street, in Milnsbridge and I strongly believe that this is not a good idea to make all these houses/flats. It is a one way street with a very large amount of traffic especially HGV lorries going down and around these roads as it is not to mention not enough parking spaces round here so it will be even more populated with these properties being built. I have lived in my house for 12 years and will not be happy at all if this planning application goes ahead as it is already a very high traffic volume area in regard to pedestrians and vehicles.

General comments:

- Around the 1970s I recall that the highway authority excavated and laid an extensive concrete cover over the culvert of Longwood Brook with passes diagonally under Armitage Rd. I also recall that I and my deceased Partner inspected the culvert which has a very significant flow and passes under the former engineering shop at the northwest corner of the site from an inspection chamber which recall is now buried under 1m of brick demolition fill which now overlays the original floor on site.
- The history of the line is shown on various historical maps and most clearly on the 1889 edition. The position of the inspection chamber is approximately on the flow direction arrow indicated on the map and more importantly is around the west gable wall of plot 01-03 which is within the 8m environment easement. The surface water attenuation tank is also over the existing culvert also within the same easement.
- In principle I support the proposed development as it provides much needed social housing and utilises a site that has stood empty for years. The one concern I have is for the proposal to include public open green space, in particular a space for children to play safely. Milnsbridge is short of public green spaces and the nearest existing ones and playgrounds are only accessible by crossing very busy roads. The full

requirements under Local Plan Policy LP63 should be adhered to and the applicant should not be allowed to offset the public green space outside of the site.

- 7.4 Responses to the above comments are provided within this report.

Ward Members:

- 7.5 Ward Members have been notified of this application, however no formal comments have been received.

8.0 CONSULTATION RESPONSES:

- 8.1 Statutory:

The Environment Agency: Based on the additional information provided, the EA are able to remove their objections from the scheme. However, it is requested that the development not be commenced until an up-to-date culvert survey of Longwood Brook has been submitted to the LPA. Guidance has also been provided on the Biodiversity Net Gain within the culverted watercourse.

KC Lead Local Flood Authority: Officers are satisfied with the surveys submitted as they have identified the line of the culvert and the stand of distance required. The layout can provide a safe flood route for both the culvert and surface water blockage (including in an exceedance event). Officers have, however, requested two conditions regarding full draining details and how the system would be managed and maintained.

- 8.2 Non-statutory:

KC Environmental Health: In support of the application subject to conditions regarding contamination, noise and a construction environmental management plan being attached to the decision notice in the case of an approval.

KC Waste Strategy: The proposals are considered to be acceptable by the Waste Collection Authority.

KC Conservation and Design: We accept the principle of development as this would be an enhancement on a derelict site within the conservation area and within the setting of several listed buildings. Therefore, officers have no objections subject to conditions being attached in the case of an approval.

KC Trees: No objection from a tree perspective.

KC Strategic Housing: As the proposed development is for 100% affordable housing, no First Homes are required for this development.

KC Landscape: In support of the application, subject to a condition requiring the management and maintenance of the on-site green open space (for biodiversity).

KC Highway Structures: No objections subject to conditions being attached to the decision notice.

KC Policy: A sequential test has been submitted as part of this application and the decision in relation to the assessment of the sites and justification for discounting them would be down to Development Management.

KC Ecology: No objection is raised subject to conditions regarding a Construction Environment Management Plan (Biodiversity), a Biodiversity Enhancement Management Plan and a Lighting Strategy.

KC Education: Given the surplus school places currently available at Crow Lane Primary School and Royds Hall High Secondary School, no education contribution is required.

KC Highway Development Management: No objection to the proposal, however, final comments are awaited in relation to the Road Safety Audit.

Yorkshire Water: No objection as the building would have an adequate stand off to the public sewer.

West Yorkshire Archaeology Services: There are currently no known significant archaeological implications associated with the development.

West Yorkshire Police Designing Out Crime Officer: No objection subject to a condition requiring security measures for the site.

Northern Gas: No objection to the planning application, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved. As such the developer should make contact with Northern Gas to discuss their requirements in detail.

9.0 MAIN ISSUES

- Land use and principle of development
- Sustainability and climate change
- Design
- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Other matters
- Representations
- Planning obligations and viability

10.0 APPRAISAL

Land use and principle of development

Residential development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

- 10.2 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19/12/2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (the “pass” threshold is 75%).
- 10.3 As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.
- 10.4 The council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers’ assessment.
- 10.5 The site comprises a vacant parcel of brownfield land within a predominantly residential area. The site has also historically received consent for the conversion of the then-existing factory building to three town houses, and the erection of 31 dwellings and two apartments, which can be afforded some (albeit limited) weight.
- 10.6 The 35 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan, which carries positive weight in the balance of planning considerations. Substantial weight must also be given to the presumption in favour of sustainable development (applying the ‘tilted balance’) unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. In all circumstances, careful consideration should be given to the relevant planning considerations, Development Plan policies and appropriate national planning policies.

Quantum

- 10.7 To ensure efficient use of land Local Plan Policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities would only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. This is supported by policy 4 of the Housebuilders Design Guide SPD.

- 10.8 In this instance, the site area is 0.52 ha and would therefore achieve a density of 67 dwellings per hectare. Whilst this is significantly over the 35 dph target, the site includes a large number of flats and also takes cues from existing adjacent development, which includes close knit terrace properties. It is also noted that the site is very accessible and is close to a wide range of local facilities in the adjacent centre, and to public transport facilities. These considerations also help justify the proposed density.
- 10.9 With these matters taken into consideration, the density can be supported, as it would provide much-needed housing within Milnsbridge.
- 10.10 Regarding housing mix, Local Plan Policy LP11 seeks for proposals to provide a representative mix 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, it must be noted that the council's SPD was adopted after the housing density and mix at this site was discussed with officers. Therefore, a pragmatic approach has been undertaken and full adherence to the SPD is not expected.
- 10.11 In this instance the development would provide 11x 1-beds, 18x 2-beds and six 3-beds, however, all the units would be affordable (for social rent). KC Strategic Housing have confirmed that there is a need for this tenure type and that the current housing mix (including the six 3-bed units) to be acceptable.

Minerals

- 10.12 The site is within a wider mineral safeguarding area relating to sandstone. Local Plan Policy LP38 therefore applies. This states that surface development at the application site would only be permitted where it has been demonstrated that certain criteria apply. Criterion c of Policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.

Sustainability and climate change

- 10.13 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. It is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area.
- 10.14 The Climate Change Statement submitted with the application states that the development would be fitted with air source heat pumps and PV arrays for each property. All plots would have smart energy meters installed including amount and cost of energy demand and would have user friendly building service controls that are efficient, up to date and complementary. All plots would have external space for drying washing naturally and where practical buildings have been orientated to utilise passive solar gain. Additional details have been provided in relation to reducing the impacts on flooding and air pollution and to increase biodiversity net gain.

Urban Design issues

- 10.15 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) where Paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.”

- 10.16 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

- 10.17 Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*.

- 10.18 Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 10.19 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals would be expected to respect and enhance the local character of the area by:*
- Taking cues from the character of the built and natural environment within the locality.*
 - Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
 - Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

- 10.20 Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*

- 10.21 Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

- 10.22 In this case, the site is situated within Milnsbridge Conservation Area and directly opposite the Grade II* listed Milnsbridge House and the Grade II listed buildings known as 8 and 8a Dowker Street.
- 10.23 Therefore, Section 72 of the Planning (Listed Buildings & Conservation Area) Act (1990) is relevant. This places a duty on the council to pay special attention to the desirability of preserving or enhancing the character and appearance of the Milnsbridge Conservation Area when determining this application.
- 10.24 Furthermore, when making a recommendation in respect of a planning application affecting the setting of a Listed Building, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to *'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'*.
- 10.25 Policy LP35 further outlines that proposal which affect designated heritage asset should preserve and enhance the significant of the asset. More specifically in cases likely to *"result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposal would bring substantial public benefits that clearly outweigh the harm to the historic environment"*.
- 10.26 The site was developed from the mid-19th century onwards, with terraced houses and works buildings, and a Liberal Club on the southeast corner (later a telephone exchange). The 1965 OS map shows that the works building had extended across the entire proposal site and was set close to the site boundaries. Other than the terraces on the northern site boundary which have small front gardens, all other buildings within the site perimeter faced directly onto the streets with none or very little amenity space at the front. This is characteristic of the workers' housing and commercial/industrial buildings within the Milnsbridge Conservation Area.
- 10.27 The site is currently a vacant brownfield site, free from any previous built form. The development would bring this previously-developed site back into use. The the current timber boarding that encloses the site would be removed.
- 10.28 The proposed layout reflects the existing character along George Street, Dowker Street and Armitage Road, as two rows of terrace properties are proposed adjacent to the highway. Whilst this layout may not be a typical arrangement for new housing sites, there is a clear character within this area and the proposed built form (which reflects that character) is supported. Additional shorter terrace rows are proposed within the site, along with a detached building facing onto Armitage Road. Whilst this building would differ in its appearance to the existing development along Armitage Road, the stand-off distance for the culverted watercourse that runs beneath the site has dictated the amount of development that can be achieved within this area, and the footprint of this block. Its design, however, gives the appearance of two small semi-detached properties and therefore, when taking into account the above, the design of this building is supported.

- 10.29 Adequate space between dwellings has been proposed, albeit officers note that this is slightly less than the typically required separation distances. However, the existing character for this area allows an exception to the normally-applied distances. Where possible, driveways are proposed to the side of dwellings, along with some in-curtilage parking. The design requirements of the scheme consider existing cues from nearby properties but as a result of this, some of the parking proposed would be within the highway layout, outside of domestic curtilage. Whilst this is not ideal, the greater benefits of having the layout with the dwellings fronting the highway outweighs the harm. The out of curtilage parking areas would also be landscaped to help alleviate any concerns of large areas of hardstanding.
- 10.30 The scale and overall form of the dwellings, with stepped roof lines, reflects the typical form of the terraced dwellings in this area, and officers support the principle of two-storey dwellings on the Dowker Street and George Street elevations as these would be subservient to Milnsbridge House. Plots 1-3 (within the detached building) to the northern edge of the site facing onto Armitage Road would, however, be three-storey to the rear elevation to take into account the slight change in levels within that area of the site. This is supported. The street scene elevations provided show that the development would be of an appropriate height for the area and would be stepped (where necessary) to take into account topography.
- 10.31 Regarding architectural form, the proposed dwellings would have a typical modern vernacular and would benefit from gable roofs to keep in with the character of the area. Front elevations have been amended to show one over one casement windows to broadly reflect the character of the terraces within the conservation area and immediate setting. Some horizontal three light windows are proposed on Dowker Street, and it is accepted that although these do not reflect the surrounding character, the internal layout of the kitchens in these flats makes a tall one over one window difficult to achieve and therefore officers accept this design on balance. Panelled doors are proposed to reflect the character of the 19th century terraces. These details are therefore accepted in principle, however a condition requiring elevations for the windows and doors would be required.
- 10.32 To the rear, each unit whether that be flat or dwelling would benefit from outdoor amenity space. For the flats which face onto Dowker Street and George Street, a shared amenity space is proposed, which would include new tree planting. Private individual gardens would be provided for the dwellings. The proposals of green space to the front of the buildings and to key views into the site are welcomed.
- 10.33 The plans show cottage types 1, 3 and 4 and plots 9 to 13 to be constructed from natural stone to their front elevations and gables with ashlar stone heads and cills. This is due to these units being within prominent locations within the site, adjacent to the heritage assets. Cottage flat type 2 (the building which would front onto Armitage Road) is still proposed to be constructed from reconstituted stone. In this case, this dwelling should be constructed from natural stone to its front and gable elevations, as it would face onto the highway and would be read alongside the existing dwellings constructed from natural materials. It is recommended that this change in material be secured by an appropriately worded condition.

- 10.34 The remaining plots/elevations would be constructed from reconstituted stone as they would be located within a less-sensitive and less-prominent location further into the site. Whilst officers would prefer to see all of the dwellings constructed from natural materials, the costs associated with this have been noted, which is a consideration especially as the scheme would be provided by a non-profit organisation for affordable housing. Grey roof tiles are specified, however natural or artificial blue slate would be preferable to match the surrounding buildings and to enhance the character and setting of the conservation area and nearby listed buildings. This is considered reasonable given the sensitivity of the site and therefore a condition to this effect has been proposed.
- 10.35 PV panels are proposed within the front and rear roof pitches of the buildings. Whilst officers have no concerns about PV panels being located on pitches facing into the site, concern is raised regarding any to the outer pitches (i.e. to front onto George Street, Dowker Street or Armitage Road) unless they are integrated into the surface of the roof slope. As no additional information has been received in this respect a condition would be required on the decision notice in the case of an approval, securing details of the arrays to be submitted for approval, including solar panel type and location. No details have been provided for the air source heat pumps and therefore their details, size and locations would also need to be secured via a condition. These installations would need to be located to the rear elevations of the buildings.
- 10.36 Limited information regarding the proposed boundary treatments has been provided and therefore, the council would require full details of all boundary treatments, fences and walls at conditions stage, prior to the commencement of development.
- 10.37 In conclusion, it is considered that the details provided within this full planning application demonstrate that the development has been designed to sympathetically respond to the local character, with the use of traditional materials where possible, and through the use of elevational detailing. It is considered that the proposal development complies with the council's guidance documents for residential developments and would bring a current vacant brownfield site back into use.
- 10.38 Furthermore, given the amendments sought to ensure the development's acceptable design (including in relation to scale, grain, orientation and materials) it is considered that there would be no undue harm to the significance of the aforementioned heritage assets. The public benefits of the scheme (which would provide 100% affordable units to help meet known needs) are again noted.
- 10.39 Given the above assessment, it is considered that the relevant requirements of Chapters 11, 12 and 16 of the NPPF and Policies LP2, LP7, LP24 and LP35 of the Kirklees Local Plan would be sufficiently complied with. The scheme also complies with the guidance set out within the council's Housebuilders Design Guide SPD.

Residential Amenity

10.40 A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. Specifically, it outlines that for two storey dwellings the following, typical minimum separation distances between existing and proposed dwellings, are advised:

- 21 metres between facing windows of habitable rooms at the back of dwellings.
- 12 metres between windows of habitable rooms that face onto windows of non-habitable room.
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.

10.41 In addition to this, Paragraph 135 (f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

10.42 Principle 16 of the Housebuilders Design Guide SPD seeks to ensure the floorspace of dwellings provide a good standard of amenity for future residents and make reference to the 'Nationally Described Space Standards' document (March 2015). Principle 17 of the SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

10.43 The site is situated within a wider mixed use area, however, residential properties immediately border the site to north, east, south and west.

88 George Street

10.44 This property is situated to the southwest of the application site. Officers have noted that the nearest plots to these neighbours would be the flats proposed as plots 30 and 31. The submitted plans show that there would be habitable room windows proposed within the western elevations of plots 30 and 31, however, the residential properties would be separated by car parking and an area of green space, which would provide an adequate separation distance (of approximately 19.9m). 88 George Street does not benefit from any existing side openings, and has a large brick wall to its rear amenity space. For these reasons, officers are satisfied that the development would have no undue impact on these neighbours amenity with regards to overbearing, overshadowing or overlooking.

52-86 Market Street

- 10.45 Most of these buildings appear to be within a commercial use, other than 78 and 78a, 80a and 84 Market Street which include residential flats, either occupying the entire building or the upper floors. Nonetheless, the site has been designed to ensure that there would be adequate separation distances to this western boundary. For instance, plots 4 and 32 would be the nearest properties to these existing buildings, whereby significant separation distances are proposed, including at least 15m from the side elevation of plots 14 to 32 to the site's western boundary. As such, officers are satisfied that there would be no detrimental overbearing, overshadowing and overlooking to these neighbours amenity.

119 - 129 and 135 Armitage Road

- 10.46 129 Armitage Road is the residential property which lies to the east of the proposed plots 1 to 3 (residential flats). The plans show that there would be no side openings within these units and that separation distances of 2m to 2.9m would be retained between these neighbours side elevations. The new building would also sit flush with 129 Armitage Road's front elevation but would extend slightly further back than its rear elevation. Given the orientation of these properties and the topography of the land within the application site, any overbearing and overshadowing is not considered to be detrimental. Nonetheless, to help omit some of the bulk and massing, it is recommended that full details of boundary treatments be secured by condition.
- 10.47 Plots 4 to 8 would have a back-to-back relationship with 119-129 Armitage Road. The proposed site plan shows that separation distances of between 18m and 20m would be proposed. Whilst this is a slight shortfall (noting the 21m identified within the council's Housebuilders Design Guide SPD), it is noted that the application site is on a slightly lower level and may help create more privacy for the residents of the existing and proposed properties. Therefore, on balance given the character of the area and the close knit development, officers support this reduced separation distance and are satisfied that there would be no undue loss of amenity from overbearing, overshadowing or overlooking at these neighbours properties.
- 10.48 135 Armitage Road is a commercial property.

15 Dowker Street

- 10.49 This dwelling is located to the north of the proposed plot 9. These neighbours would have a side-to-side relationship and would be separated by the driveway for plot 9. No side openings currently existing within the southern side elevation of 15 Dowker Street, with only a bathroom window proposed within the northern side elevation of plot 9. This would be fitted with obscure glazing and therefore would not lead to any undue overlooking. Plot 9 would also extend slightly further back than 15 Dowker Street, however, the separation distance to allow for the car parking would ensure that there would be no material overbearing and overshadowing upon these neighbours' amenity. As such, this relationship is considered acceptable.

8 Dowker Street and Milnsbridge House

- 10.50 Plots 14-25 (the first and ground floor flats) would be situated adjacent to 8 Dowker Street and Milnsbridge House which are both have a residential use (whether currently occupied or not). There would be approximately 12m between the proposed plots and these neighbours front elevation. Officers note that this is a reduced separation distance, however, given the existing character of the area, there is already a precedent for close-knit development. The highway which runs between these properties would also provide a buffer and therefore, officers support this relationship, as it is unlikely to give rise to any material overbearing, overshadowing or overlooking.

23 – 41 George Street

- 10.51 Plots 24-31 would be situated directly opposite 23 to 41 George Street. As mentioned above, the separation distance between these properties would be slightly below the typical requirement, at approximately 14m. This is deemed acceptable given the context and character of the area. In addition, the public highway which runs between these properties would also provide a natural separation. As such, officers are satisfied that this relationship would not give rise to any detrimental overbearing, overshadowing or overlooking.

Amenity of the future occupiers

- 10.52 Consideration must also be given to internal separation distances and the amenity of the future occupiers. In this case, the internal separation distances are considered to be acceptable, as gardens, open green spaces and the highway would separate the built form. The closest separation distance would be between plot 35 and plots 26 to 29 at 15.5m, however, as mentioned above this is typical for development in this area.
- 10.53 Each unit would meet the Government's Nationally Described Space Standards and would provide a dual aspect for all residents with regard to outlook, privacy and light. Therefore, the proposed layout, for residential amenity purposes, is considered acceptable and complies with guidance contained within the Housebuilders Design Guide SPD and the aims and objectives of Policy LP24 of the Kirklees Local Plan.

Landscaping

- 10.54 The proposed private gardens are considered commensurate in scale to their host dwellings. They would offer good separation and space about dwellings, whilst offering private amenity space for residents, securing a high standard of visual and residential amenity.
- 10.55 Outdoor amenity green space is also proposed for the occupiers of the flats and to the north and south of the private parking areas. This would provide some outdoor space for the residents to enjoy and would also act as a natural buffer to help break up the large areas of hardstanding within the site. The landscaping plan, however, shows the green space adjacent to the car parking to improve biodiversity net gain. This would include large wildflower areas, which would not be publicly accessible. Whilst this is not ideal and would take away some on site public open space, landscape officers are willing to accept this in the planning balance. The species proposed are acceptable.

Highway issues

- 10.56 Paragraph 114 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 115 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.
- 10.57 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.
- 10.58 The applicant proposes to utilise the existing access point onto Dowker Street.
- 10.59 The proposed site plan shows one central road into the site, with private parking areas extending to the north and south.
- 10.60 With regard to on-site parking, it is noted that there would be an overall shortfall as general guidance states that 2- and 3-bedroom dwellings should have two parking spaces each. In this case, a least one off street parking space has been provided for each unit. This has been considered acceptable on balance, given that the site is within a sustainable location on the edge of Milnsbridge Local Centre, with access to shops and amenities within walking distance. In addition, it is again noted that the design of the layout (which would ensure that it is in keeping with the character of the local area, to help preserve the setting of the Conservation Area and nearby listed buildings) has informed the on-site parking proposals.
- 10.61 Swept paths have been demonstrated to show that a refuse vehicle can enter, exit, and turn within the site. This is considered to be acceptable. Visibility from the site access can also be supported, as the dwellings have been set back a minimum of 500mm from the back of the visibility splay with no boundary walls proposed to ensure the splay is kept clear of any obstructions.
- 10.62 The proposed site plan demonstrates bin stores within the rear gardens of the dwellings and a bin store for the residential flats proposed. Final details of the bin stores should be conditioned to ensure that they are of an appropriate size and design. The waste management plan also identifies an orange dashed line showing the walk path and distance from dwellings to bin stores and Bin Collection Points (BCP's). Details of temporary arrangements for bin collection would be secured by condition. This is considered satisfactory by the Waste Collection Authority.

- 10.63 Further comments from KC Highway Development Management will be captured within the committee update in respect of the findings of the Road Safety Audit, along with any conditions required to comply with Policy LP21 of the Kirklees Local Plan and aims of the Highway Design Guide SPD and National Planning Policy Framework.
- 10.64 KC Highways Structures have also reviewed this planning application, raising no objection subject to conditions being applied regarding any new retaining walls adjacent to the highway, details of any drainage within the adopted highway and the proposed design and construction details for the reconstruction/strengthening of culverted section of Longwood Brook within the highway footprint.

Flood risk and drainage issues

- 10.65 Chapter 14 of the NPPF and Policy LP27 of the Kirklees Local Plan state inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a sequential test.
- 10.66 The application has been submitted Flood Risk Assessment which has been reviewed by KC Lead Local Flood Authority (LLFA) and the Environment Agency (EA). The EA and the LLFA are satisfied that surveys have identified the line of the culvert (which runs beneath the application site) and a stand-off distance has been imposed.
- 10.67 Officers are satisfied that the layout can provide a safe flood route for both a culvert and surface water blockage (including an exceedance event). This accords with Policy LP28 of the Kirklees Local Plan.
- 10.68 The submitted drainage plans show that there is adequate space for water within the site, albeit the attenuation would include crate storage. This would be located within the northern parking area outside of the highway which is proposed to be adopted. In this instance the LLFA have requested two conditions, one being for full drainage details, to ensure the location of the attenuation create can be achieved and is not too close to the culvert's easement. The second condition would require a management and maintenance plan for the crate storage and ensures that it would be replaced every 25 years, unless further certifications for its lifespan can be provided. This storage would be privately managed and maintained by the developer/management company, unless this drainage feature is adopted by Yorkshire Water under a Section 104 agreement.

Sequential test

- 10.69 The site is partially located within Flood Zone 2, which triggers the requirement of a sequential test. Paragraph 168 of the NPPF states that *'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.'*

- 10.70 Paragraph 003 of the relevant Planning Policy Guidance (Flood Risk Coastal Change) states that *'when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.'*
- 10.71 A sequential test has been submitted as part of this application. A smaller area of search has been proposed by the applicant using the council's latest Strategic Housing Market Assessment (SHMA). This has included the Huddersfield Local Market Area. This is acceptable as an area of search as the SHMA sets out the National Housing and Planning Advice Unit housing market evidence showing three local market areas within Kirklees (Huddersfield Local Market Area being one of them).
- 10.72 As sources of site, the submitted sequential test uses local plan allocations, sites with extant planning consent, recently-expired applications and sites contained on the brownfield register. However, the test does not include windfall sites.
- 10.73 The report concludes by setting out that that there are no sites available that are sequentially preferable to the proposed development site. This site offers a unique opportunity for high-quality affordable housing within a sustainable residential area of Kirklees.
- 10.74 The submitted Design and Access Statement and submitted technical reports clarify how the proposals meet a defined local need. It is pertinent to note that the proposal relates exclusively to the provision of affordable housing, with a viability assessment having been submitted to show that the site can only be developed for 100% affordable units. Therefore, this has discounted a significant number of sites. Other sites have also been discounted where existing structures/hardstanding would need to be removed along with any associated contamination, as have sites that would require cut and fill and associated earthworks.
- 10.75 As such, officers are satisfied with the sequential test (demonstrating that the proposal for residential development in Flood Zone 2 is justified, as there are no sequentially preferable sites available) as the land is a current vacant brownfield site, just out of the centre of Milnsbridge. It is also again noted that planning permission has historically also been granted for development at this site under planning application 2011/90823 granted in November 2012.

Other matters

Ecological considerations

- 10.76 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 185 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 186 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This is echoed in Policy LP30 of the Kirklees Local Plan.

- 10.77 Furthermore, Policy LP30 of the Kirklees Local Plan outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Principle 9 of the Housebuilders Design Guide SPD echo the Local Plan in respect of biodiversity.
- 10.78 An Ecological Appraisal has been submitted with this application, outlining that the site comprises 0.21ha of dense (inaccessible scrub and saplings) 0.31 ha of hardstanding with chipped vegetation and scattered scrub. Remaining building foundations were present on the southern aspect, while on the northern aspect a rubble / brick pile wall had been created. Nesting birds were noted on site to the north within the dense scrub. Given the presence of nesting birds, limited lighting on site and dense vegetation, the report suggests that a Construction and Environmental Management Plan (CEMP) should be conditioned and produced. The CEMP would detail protection measures, and pre/during clearance ecology checks for protected species. The report also outlines that “enhancements are easily achievable within the development where the incorporation of native planting, bat, bird and hedgehog nesting boxes are recommended. Inclusion of hedgehog highways and residential information of artificial boxes and hedgehogs are also recommended”. As such, a condition requiring on-site biodiversity enhancements is recommended.
- 10.79 A 10% net biodiversity gain should be demonstrated in accordance with chapter 15 of the NPPF, Local Plan Policy LP30, and the council’s Biodiversity Net Gain Technical Advice Note. Achieving biodiversity net gain within an application site is the preferred option.
- 10.80 The applicant has submitted a biodiversity metric calculation. This sets out the application site’s existing values (i.e., its baseline), as well as the site’s post-development values, and the changes (in units and percentages), as follows:

Unit type	Existing (baseline)	Proposed (post-development)	Change in units	Percentage change
Habitat	0.42	0.52	0.10	24.34%
Hedgerow	0.00	0.03	0.03	N/A
Watercourse	0.20	0.20	0.00	0.00

- 10.81 In this case, KC Ecology are satisfied that the scheme can achieve an on-site 10% net gain and therefore this would be secured via a recommended condition requiring a Biodiversity Enhancement Management Plan to secure 0.52 habitat units, 0.03 hedgerow units and 0.22 river units.

Trees

- 10.82 Policy LP33 of the Kirklees Local Plan states that “the Council would not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity...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”. This is supported by Principle 7 of the Housebuilders SPD.

- 10.83 In this case, KC Trees have confirmed that there are no trees or shrubs at the site that merit retention or proposal. As a result, there is no objection to the scheme from a tree perspective.

Contaminated land

- 10.84 This site has been identified on the council's mapping system as potentially contaminated land due to its former use/s (site reference: 275/9). As such, a Stage II Report and Contamination Remediation Statement have been submitted in support of the application.
- 10.85 In this instance, officers require the Stage I Report referred to in the Stage II Report to confirm its validity, post-clearance sampling to confirm the site condition and to inform a revised remediation strategy, clarification regarding changes to site levels, and further commentary on asbestos risk and the depth of clean cover proposed. As such, full land contamination conditions are recommended.

Noise

- 10.86 The proposals introduce sensitive noise receptors close to potential noise sources. KC Environmental Health therefore recommend a Noise Assessment be submitted before any enabling or construction work commences.

Electric vehicle charging points

- 10.87 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of an electric vehicle charging point for each dwelling. Technical details of the chargers to be submitted would be required at the discharge of condition stage. This is to ensure compliance with Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the NPPF.

Construction activities

- 10.88 The site is adjacent to existing residential properties. All reasonable steps must be taken to minimise and mitigate adverse effects from construction-related activities that may lead to a loss of amenity. As the submitted documents do not include a Construction Environmental Management Plan (CEMP), a condition to secure this is recommended.

Crime prevention

- 10.89 The West Yorkshire Police's Designing Out Crime Officer has been formally consulted as part of this application. The officer has raised no objection to the proposed layout but has requested that a condition requiring security measures be attached to the application in the case of an approval. This would include details of boundary treatments, lighting, window and glazing details, doors and locking systems, CCTV and alarms and cycle and motorcycle storage, in accordance with Policy LP24 (e) of the Kirklees Local Plan.

Representations

- 10.90 As noted above, eight representations have been received by local residents. This includes five supportive comments, two objections and one general comment. The representations have been considered in the above assessment.

Financial contributions and planning obligations

- 10.91 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the relevant tests. They must be: (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.
- 10.92 The following represents a policy-compliant suite of Section 106 obligations for the proposal:
- Affordable Homes: Seven units (albeit the proposal is for 100% affordable housing).
 - Public Open Space (off site contribution): £74,430.69.
- 10.93 Section 106 obligations that would be required regardless of the financial contributions include the provision of the site's on-site green space and management / maintenance arrangements for the drainage (prior to adoption) and the private parking areas to the north and south of the internal access road.
- 10.94 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 applicant has also stated that the site is only developable for 100% affordable housing. 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.

- 10.95 The applicant's viability assessment has been reviewed by an independent viability assessor (Altair) appointed by the council, to advise officers on this specialist subject.
- 10.96 A review of the applicants viability report has been undertaken which has been considered as two different scenarios: a fully compliant Section 106 package (including 20% affordable housing (in line with Policy LP11) and the off-site POS contribution of £80,583) and a scheme to deliver 100% affordable housing with no further financial contributions. The applicant's viability assessment for the scheme concludes that it is not viable for them to provide a fully compliant Section 106 package.
- 10.97 Altair have therefore reviewed the submitted information and drawn conclusions upon the accuracy of the applications assumptions. In doing this, Altair have used the applicant's residual land value calculation and examined how the applicant's figures compare to industry benchmarks along with current economic factors and evidence. The following table illustrates the key assumptions within the report and how they compare:

Assumption	Applicant	Altair
Open Market Values	£6,695,000	£6,895,000
100% Affordable Rent Income	80% of OMV	80% of OMV
Build Costs	£4,604,819	£4,343,104
Contingency Fees	3.00%	3.00%
Developer's Return (Private Sale)	17.50%	17.50%
Developer's Return (Affordable Housing)	8.00%	6.00%
Professional Fees	8.00%	8.00%
Sales & Marketing Fees	3.00%	2.50%
Sales Legal Fees	£750 pu	£750 pu
S106 / CIL	£80,583	£80,583
Finance Costs	8.50%	7.50%
Programme	Pre Con: 3 mths Construction: 18 months Sales: 2.5 pcm AH Sales: At completion	Pre Con: 3 mths Construction: 18 months Sales: 2.5 pcm (30% sold off plan) AH Sales: S-Curve through construction
Benchmark Land Value	£390,000	£390,000

Table 8 - Summary of Assumptions

- 10.98 Altair's report concludes that the application cannot viably support the normal affordable housing requirement and Section 106 financial contribution when considering industry standard profits (i.e. a 17.5% profit margin). However, their assessment demonstrates that for a not-for-profit developer (who would deliver only the 100% affordable units) the scheme may be feasible, when taking into account current day income and cost assumptions.
- 10.99 Officers accept this position and agree that the only viable solution for the site would be to deliver it for 100% affordable units, with no other Section 106 contributions to be secured.

10.100 An Affordable Housing Statement has been submitted in support of the application following the viability review, which sets out that the units within the site would be retained as 100% affordable in perpetuity. This is welcomed and an appropriately worded condition to secure this would be attached to the decision notice.

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 site is currently a vacant brownfield site, within an existing residential area, close to the centre of Milnsbridge. A planning permission was previously granted for residential development under application 2011/90822.

11.3 Site constraints include neighbouring properties, nearby heritage assets and a culvert that runs beneath the site. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable, with conditions proposed to ensure that a high quality development would be delivered, to protect the setting of the nearby listed buildings and conservation area. There would be no undue harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed and can on balance be supported. Other planning issues such as drainage, contamination, ecology for example have been addressed through the proposal.

11.4 Viability issues have demonstrated that the site can only be delivered for 100% affordable dwellings, with no financial contributions towards off-site public open space improvements. The tenure proposal is greatly welcomed as the scheme would provide much-needed affordable units within the area of Milnsbridge.

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 documents.
3. Samples of all walling materials.
4. Notwithstanding the submitted plans, plots 1-3 to be developed from natural stone to the front and gable elevations.
5. Notwithstanding the submitted plans, the roofing materials to include artificial or natural blue slate, including samples.
6. Details of windows and doors.
7. All windows to be set back into the reveal by 100mm.
8. Full details/locations of PV panels.
9. Full details/locations of the air source heat pumps.
10. Full details of boundary treatments.

11. Details of measures to deter crime and anti-social behaviour.
12. Submission of a CEMP.
13. Management and maintenance of green space.
14. Submission of full drainage details.
15. Management and maintenance of drainage features (crate storage/attenuation).
16. Bin store details.
17. Details of temporary waste storage and collection (during construction).
18. Submission of Phase 1.
19. Submission of Phase 2.
20. Submission of Remediation Strategy.
21. Implementation of Remediation Strategy.
22. Submission of Validation Report.
23. Submission of a Noise Assessment and Mitigation Scheme.
24. Details of EVCP's.
25. Permeable surfacing to all vehicle parking areas.
26. Details of any new retaining walls/ building retaining walls adjacent to the proposed adoptable highway.
27. Proposed design and construction details for the reconstruction/strengthening of culverted section of Longwood Brook within the highway footprint.
28. Details of any drainage in the highway.
29. Submission of an up to date survey of Longwood Brook.
30. Development in accordance with Affordable Housing Statement.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership – Certificate B signed.