



JohnsonMowat

Planning & Development Consultants

KCS DEVELOPMENT LTD

**LAND OFF ROSLYN AVENUE,
NETHERTON, HUDDERSFIELD**

HOUSING ALLOCATION HS18

**OUTLINE PLANNING APPLICATION FOR
THE RESIDENTIAL DEVELOPMENT OF 82 DWELLINGS
(THE MATTER OF ACCESS AND LAYOUT FOR DETERMINATION ONLY)**

**PLANNING CASE REPORT
(INCLUDING CLIMATE CHANGE STATEMENT)**

27 November 2023



KCS Development Limited
Land off Roslyn Avenue, Netherton, Huddersfield

Planning Case Report

Date: 27 November 2023

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LIMITATIONS

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by Johnson Mowat Planning Ltd during our investigations.

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- a) the date on which this assessment was undertaken; and
- b) the date on which the final report is delivered.

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1.0 INTRODUCTION

1.1 This Planning Case Report has been produced in support of an Outline planning application for the residential development of 82no. houses and associated works in relation to land off Roslyn Avenue, Netherton, Huddersfield. The application is submitted on behalf of the applicants, KCS Development Limited and covers the entirety of housing allocation HS18. The detailed matters of access and layout only are sought for consideration at this stage with all other matters reserved.

1.2 The application description is as follows:-

“Outline planning application for the residential development of 82 dwellings (the matter of access and layout for determination only)”

1.3 The Application Site falls wholly within the settlement of Netherton and forms part of a housing allocation HS18 in the adopted Kirklees Local Plan (February 2019). The principle of the residential development of the Application Site is therefore considered acceptable by virtue of its allocation as a housing site in the up to date Local Plan.

1.4 This statement should be read in conjunction with the following supporting information:

- Design and Access Statement and supporting plans – Ellis Healey Architecture;
- Statement of Community Involvement – Johnson Mowat;
- Climate Change Statement (part of the Planning Case Report) – Johnson Mowat;
- Topographical Survey – Turnbull Surveying;
- Draft Section 106 Heads of Terms – Johnson Mowat;
- Archaeology and Heritage Desk Based Assessment – Maparch;
- Transport Statement – Optima;
- Travel Plan – Optima;
- Flood Risk and Drainage Strategy – Fortem;
- Levels Strategy – Fortem;
- Health Impact Assessment – Johnson Mowat;
- Ecological Impact Assessment and BNG Assessment – SLR Consulting;
- Tree Survey – SLR Consulting;
- Arboricultural Impact Assessment and Method Statement – SLR Consulting;
- Landscape Plan – Ellis Healey Architecture;
- Air Quality Assessment – SLR Consulting;
- Utilities Report – Landmark Information; and
- Phase 1 Desk Study Report – Betts Geo.



- 1.5 This Planning Case Report identifies the characteristics of the Application Site and its location, the planning history of the Application Site, the planning policy context and the planning case in support of the proposed residential scheme.



2.0 LOCATION AND SITE DESCRIPTION

- 2.1 The Application Site is located on the western edge of the village of Netherton, within the defined settlement limits, which is situated approximately 4kms south west of Huddersfield Town Centre. The Application Site also lies approximately 1.5km north of the village of Honley, 2km west of the village of Berry Brow and approximately 3km east of the town of Meltham.
- 2.2 The Application Site is currently grazing land and defined along its boundaries by trees, hedges and dry stone walls. The land is a regular shape, which slopes from north to south at a gradient which increases on the approach to properties fronting Meltham Road and Church Lane. The Application Site covers an area of circa 3.51 hectares.
- 2.3 The Application Site is bounded to the immediate north by the Dean Wood Local Wildlife Site, and to the west by further agricultural land. Land to the east and south is within residential use, comprising of predominately semi-detached dwellings along Roslyn Avenue and detached dwellings to the south along Meltham Road and Church Lane. To the south east is a public house, the Beaumont Arms, which has mature trees to the rear adjacent to the Application Site boundary.
- 2.4 The Application Site is located solely within Flood Zone 1 according to the Environment Agency (EA) Flood Zone maps, the lowest risk of flooding. Due to the topography of the Application Site, due consideration is given to the drainage strategy which will be discussed further within Section 6 of this report.
- 2.5 The Application Site is located within a sustainable location in relation to access to services, facilities, employment opportunities and public transport links. The nearest bus stops are located adjacent to the Application Site along Henry Frederick Avenue however this is an infrequent service (served by the 354 and 355 buses) with links to Huddersfield Town Centre and South Crosland every two hours. More frequent services are located on Meltham Road, 50 meters from the Application Site via a public footpath link. The Highgate Lane bus stop is served by the 321, 324, K7 and K9 buses with links to Huddersfield Town Centre, Netherton, Meltham and South Crosland at least every 15 minutes at peak times.
- 2.6 The Application Site lies within a 6 minute walk of the village centre which benefits from a number of shops and services.
- 2.7 The nearest school to the Application Site is South Crosland Church of England Junior School and Netherton Pre-School located off Meltham Road. Government records for this



school demonstrate that it is currently at 86% capacity, with availability to take on new pupils in the area.

- 2.8 The nearest doctors surgery to the Application Site is Netherton Surgery which is located along Meltham Road. The practice is welcoming new patients within the practice area.
- 2.9 Further detailed information relating to the Application Site is contained in the Design and Access Statement. The intention of the Design and Access Statement is to describe the detailed evolution of the scheme based on a full analysis of all relevant constraints and opportunities.



3.0 PLANNING HISTORY

3.1 There have been no recently previously submitted planning applications on this site relating to residential development. The land had long been designated as Green Belt prior to the adoption of the Local Plan in February 2019. Therefore until the adoption of the Kirklees 2019 Local Plan, residential development would have been in conflict with the adopted Development Plan.

3.2 Upon the adoption of the Local Plan in February 2019 the Application Site was allocated for housing and is identified as housing allocation HS18 – land to the west of Henry Frederick Avenue, Netherton, Huddersfield.

Pre-Application Advice

3.3 A pre application enquiry was submitted to the Council by Johnson Mowat on behalf of Redrow Homes in 14th May 2018 in order to obtain planning advice prior to the submission of the detailed application for 72 residential dwellings.

3.4 A pre-application meeting was held on 10th July 2018, where the Council confirmed that the principle of residential use of the Application Site is acceptable upon adoption of the Local Plan, subject to the Application Site being allocated for housing. A number of technical matters were raised as part of the discussions.

3.5 In September 2019, Johnson Mowat issued a public consultation leaflet to local residents and emailed Ward Members about the intention for Redrow to submit a planning application in the near future. In November 2019, Johnson Mowat were instructed to halt all work on the planning application due to contractual issues with the landowner.

3.6 In November 2022, Johnson Mowat were informed that the Applicant, KCS Developments, would be progressing an Outline application on this allocated site. A subsequent pre-application enquiry was submitted to Kirklees Council in April 2023, with a follow up pre-application meeting taking place in June 2023, after which a formal written response was received. The pre-application layout demonstrated how a development of 72no. dwellings could be delivered, however this was increased to 82 as a result of concerns from the Council regarding the low density of development.

3.7 Full details of the pre-application discussions are provided within the Statement of Community Involvement, and the design evolution details are provided within the Design and Access Statement. It is considered that all of the technical matters raised within the



Councils pre-application response have been addressed in the supporting technical documents that form part of this Outline application submission.

Community Consultation

- 3.8 There has been a significant level of public consultation in relation to both the proposed development and the wider housing allocation. This includes a public examination of the Local Plan, the 2019 Redrow consultation, as well as informative letters being sent out regarding the most recent development proposals to over 300 properties within close proximity of the Application Site and dialogue with local Ward Members has also taken place.
- 3.9 As a result of the public consultation undertaken, there have been 9no. written responses received providing feedback on the proposed layout and raising queries regarding the proposed development. In summary, there were approximately 2no. comments of support, 2no. objections and the remaining responses were general queries. All enquiries received a direct response from the Applicant. Full details of the community consultation undertaken can be found within the supporting Statement of Community Involvement.



4.0 PROPOSED DEVELOPMENT

- 4.1 The planning application to which this Planning Case Report refers, seeks Outline planning permission for the residential development of 82no. dwellings (the matter of access and layout for determination only). The proposed development will be accessed via the existing field access at Roslyn Avenue, as detailed on the proposed site layout. This accords with the requirements of Local Plan Allocation HS18, which covers the Application Site.
- 4.2 The proposed accommodation schedule is detailed on the supporting site plan and further set out in the supporting Design and Access Statement.
- 4.3 The development comprises of:-
- A vehicular access point from Roslyn Avenue;
 - The erection of 82 dwellings of a range of tenures and types;
 - Provision of on site affordable homes in line with Local Policy (20%);
 - Maintaining of existing Public Rights of Way and provision of new footpath links to encourage active travel;
 - Usable high quality public open space on-site, including a LEAP;
 - A detailed drainage strategy which ensures the surface water run-off and risk of flooding is no greater than existing;
 - Landscape planting on-site where possible with the introduction of significant landscaping along the western boundary, including a 20m woodland edge buffer to the north; and
 - Significant ecological benefits leading to an on-site Biodiversity Net Gain.
- 4.4 It is considered that the proposed design meets all of the requirements set out within the Local Plan and SPDs, as detailed within Section 5 of this report. The scheme is accompanied by a suite of supporting technical documents which demonstrate that the scheme can be delivered without causing any significant detriment to local residents' current lives or the local environment.



5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.”

5.2 At the time of writing the current Development Plan for Kirklees comprises solely of Kirklees Local Plan (adopted February 2019). The Local Plan is in separate parts which include the Strategy and Policies document, the Allocations and Designations document, the Holme Valley Neighbourhood Development Plan and the Development Plan policies map. The Application Site is an adopted housing allocation (HS18 – Land to the west of Henry Frederick Avenue, Netherpton).

5.3 Netherpton and South Crosland were designated as a Neighbourhood Area in November 2021, however there is currently no made Neighbourhood Plan in place. It is noted that the Council have adopted several Supplementary Planning Documents (SPD) to guide the development process, which are a material consideration in determining the development proposals.

5.4 National Policy Guidance is provided by the National Planning Policy Framework (the Framework) which was adopted on the 27th March 2012 and subsequently revised. The most up to date version is dated September 2023. The Framework is a significant material consideration.

Local Policy

Kirklees Local Plan (February 2019)

5.5 The Kirklees Local Plan was adopted on 27th February 2019 following an examination in public by an appointed Government Inspector. The Local Plan was examined and adopted having regard to the Framework.

5.6 Policy LP 1 sets out the presumption in favour of sustainable development and that development in accordance with the Kirklees Local Plan will be permitted without delay unless material considerations indicate otherwise.

5.7 Subsection 4.2 sets out the Vision for Kirklees for 2031 it includes:-

“a mix of high quality housing which offers choice and meets the needs of all our communities including affordable housing...”



People will have access to a range of local facilities including services, health-care and education provision, and adequate infrastructure.”

- 5.8 Policy LP 2 relates to place shaping and sets out the need for development proposals to build on the strengths, opportunities and address challenges identified within the Plan. Netherton is located within the sub-area of Huddersfield; the plan sets out the strengths/opportunities for growth and challenges to growth within the sub-area.
- 5.9 The Spatial Development Strategy is located at section 6.1 of the plan. It sets out the need for the minimum delivery of 31,140 new dwellings between 2013 and 2031 (1730 per annum) through allocation sites and taking account of windfalls, committed housing figures and losses/demolitions. It identifies that the settlement of Netherton will provide approximately 410 dwellings through housing allocations across the plan period.
- 5.10 Policy LP 3 relates to the location of new development and sets out that the location of new development will reflect the spatial strategy. It sets out the requirements for development and the need for development to support housing growth in a sustainable way.
- 5.11 Policy LP 4 relates to the provision of infrastructure. It sets out that development should contribute to its provision either on site or off site through planning conditions, legal agreements or Community Infrastructure Levy Contributions.
- 5.12 Policy LP 7 relates to the efficient and effective use of land and buildings. It requires (amongst other requirements) for access to adjoining undeveloped land (where the requirement is needed). The policy also requires a net density of 35 dwellings per hectare where appropriate.
- 5.13 The supporting Proposed Site Areas Plan (2246 PL 106) demonstrates how the developable area of the Application Site is calculated, with the landscape buffer zones, drainage infrastructure and land locked greenspace being identified as non-developable. This approach was agreed with the Council during pre-application discussions. The proposed dwelling density is 29 dwellings per hectare based on the net site area (2.83Ha).
- 5.14 It is noted in the pre-application discussions that a density below 35 dwellings per hectare would be acceptable given the opportunities and constraints that the Application Site presents. The proposed development accounts for requirements set out within the Housebuilders Design Guide and Highways Design Guide, all of which were adopted subsequent to the Kirklees Local Plan. It is considered that the proposed development



strikes a deliverable balance between prioritising good quality design, and making the most efficient use of land.

5.15 Policy LP 11 requires that housing is of high quality and design and contributes to mixed and balanced communities.

“all proposals for housing must provide a broad mix 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. For schemes of more than 10 dwellings or those of 0.4ha or greater in size, the housing mix should specifically reflect the proportions of households that require housing and achieve a mix of house size and tenure.”

5.16 Policy LP11 further requires that for developments over 10 homes, affordable housing should be 20% of the total homes, subject to viability. In terms of the affordable homes these should:-

- a. cater for the type of affordable need identified in the latest housing evidence in terms type, tenure, size and suitability to meet the needs of specific groups;
- b. incorporate appropriate arrangements to retain the benefits of affordability for initial and subsequent occupiers or for the subsidy to be recycled for alternative affordable housing provision; and
- c. be indistinguishable from market housing in terms of achieving the same high quality of design.”

5.17 The proposed development includes the provision of policy compliant affordable housing, equating to a total of 16 dwellings on-site. The proposals seeks to provide the following affordable and market housing mix:-

Table 5.1 Proposed Housing Mix

No. of Bedrooms	Market Housing	Affordable Housing		Total Housing
		Rent	Intermediate	
1 Bedrooms	0 (0%)	4 (44%)	2 (29%)	6 (8%)
2 Bedrooms	28 (42%)	2 (22%)	3 (42%)	33 (40%)
3 Bedrooms	26 (39%)	1 (12%)	2 (29%)	29 (35%)
4 Bedrooms	12 (18%)	2 (22%)	0 (0%)	14 (17%)



5.18 Kirklees Council adopted a Housing Mix and Affordable Housing SPD in March 2023, which sets out the following guidance for development in Netherton (Huddersfield South):-

Table 5.2 Affordable Housing and Housing Mix SPD Targets

No. of Bedrooms	Market Housing	Affordable Housing	
		Rent	Intermediate
1 and 2 Bedrooms	30% - 60%	40% – 79%	40% - 79%
3 Bedrooms	25% – 45%	0% – 19%	20% - 39%
4 Bedrooms	5% - 25%	20% – 39%	0% - 19%

5.19 It is considered that the proposed housing mix will sit comfortably within the surrounding character area, providing high quality family housing that meets the local housing need. The proposed development falls within the identified range for each dwelling type as set out within the Housing Mix and Affordable Housing SPD. Whilst this document is not linked to Local Plan Policy LP11, it has been based on the findings of the Strategic Housing Market Assessment (SHMA).

5.20 The Kirklees SHMA identifies a dominance in two and three bedroom properties (65.7%) within Kirklees existing housing stock. The SHMA also identifies that Huddersfield South is categorised by predominantly 1 and 2 bedroom housing, with the lowest level of owner occupied housing across the district. The development proposal seek to balance the existing mix, in providing 43no. 3 and 4 bedroom houses, whilst also ensuring that home ownership in this area of Kirklees is increased.

5.21 Policy LP 20 relates to sustainable travel. It sets out that development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. The Council will support alternative modes of transport and development close to local facilities. It also requires Travel Plans for major planning applications which is provided in this case.

5.22 A Travel Plan has been prepared by Optima, which comprises a package of measures tailored to meet the individual needs of the development with a view to promoting greener, cleaner travel choices which reduce the reliance on taking journeys in single occupancy vehicles. A set of mechanisms, initiatives and targets are created which together enable the development to reduce the impact of travel and transport on the environment.



- 5.23 Policy LP 21 relates to highway safety and access it requires that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. The proposal does not conflict with the criteria set out by this policy and detailed considerations in terms of these matters are contained within the supporting highways documentation.
- 5.24 A Transport Assessment has been prepared by Optima, which confirms that the development proposals are forecast to generate approximately 46 and 49 two-way vehicle movements during the morning and evening peak hour periods. Capacity assessments were undertaken at key junctions on the highway network which confirm that the proposed development can be satisfactorily accommodated.
- 5.25 Policy LP 22 is a general policy on parking. In relation to car parking provision the policy sets out:-
- “f. new developments will incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the Application Site including a mix of on and off street parking in accordance with current guidance;*
- g. provision will be made to meet the needs of cyclists for cycling parking in new developments;*
- h. provision will be made to accommodate the needs of disabled people for the parking of vehicles.”*
- 5.26 The Kirklees Council Highways Design Guide SPD states that the Council has not set local parking standards for residential and non-residential development. Instead, reference is given for residential developments to provide the following car parking provision:
- 1 to 2 bedroom apartments provide one dedicated parking space;
 - 3+ bedroom apartments provide two dedicated parking spaces;
 - 2 to 3 bedroom dwellings provide a minimum of two off-street car parking spaces;
and
 - 4+ bedroom dwellings to provide three off-street car parking spaces.
- 5.27 The proposed development will provide 2 off-street car parking spaces for 2 to 3 bedroom dwellings and 3 off-street parking spaces for 4+ bedroom dwellings and these will be located within the curtilage of each property. In addition to this, the apartment complex



located in the south of the Application Site will provide 6 dedicated parking spaces which is also in line with the Council's recommendations. It can therefore be concluded that the development meets the recommended level of parking for residents.

- 5.28 With regard to visitor parking, Council guidance recommends that (in most circumstances) at least one visitor parking space per four dwellings is considered appropriate. On this basis, the development provides 20 off-carriageway visitor parking spaces for the 82 dwellings. Additionally, on-street vehicular parking is also provided throughout the development which can be utilised by visitors. Therefore the overall visitor car parking provision exceeds the Council's requirements.
- 5.29 The site layout has is considered to be acceptable with a level of on-street parking, combined with the generous carriageway width, would not be detrimental to development traffic manoeuvring along Henry Frederik Avenue. In consideration of the low level of traffic generated, the acceptable parking beat survey results and the internal parking provision proposed by the development, there will be no adverse impact to on street parking on the access routes to the Application Site and therefore no mitigation measures are required.
- 5.30 Policy LP 24 relates to design and promotes the pre-application process. It then provides a checklist of criteria to promote good design, which the proposed scheme does not conflict with. A pre-application meeting has been undertaken, and design subsequently revised on the back of feedback from the Council, full details of which can be found in the Design & Access Statement as well as the Statement of Community Involvement.
- 5.31 Policy LP 28 relates to drainage and sets out a presumption in favour of SuDS. Fortem have undertaken a Flood Risk Assessment with regards to the development proposals, developing a subsequent Drainage Strategy with details of surface water drainage and foul drainage measures.
- 5.32 The Flood Risk Assessment confirms that the site is at a low risk of flooding, and mitigation measures are in place to ensure the proposed development and surrounding areas are not at increased risk of flooding. This includes raising finished floor levels to be a minimum of 150mm above external levels.
- 5.33 Surface water is proposed to be attenuated in the south west of the site, and discharged to a 300mm diameter combined water sewer in Meltham Road at a restricted rate of 5 l/s. The surface water drainage is designed such that there is no external flooding for the 1in30 year event and all flows to be retained on site for up to the 1in100 year event + climate change. Foul water will also be discharged to the combined



water sewer in Meltham Road. Due to the location of the existing combined sewer, a new off-site combined sewer route through an existing residence is required.

- 5.34 Policy LP 30 this policy seeks to protect the biodiversity and geodiversity of international, national and local importance to Kirklees. An Environmental Impact Assessment (EclA) has been prepared by SLR, and confirms that there is a semi-natural ancient woodland, forming part of Dean Wood Local Wildlife Sites (LWS) bordering the northern boundary of the Application Site, and a non-ancient woodland bordering the northeastern boundary of the Application Site which is designated as a Kirklees Local Habitat Network (LHN).
- 5.35 A 20m buffer is incorporated in the proposed layout, between the development and outer edge of the canopy of Dean Wood LWS ancient woodland, to safeguard the protected area. This exceeds the 15m minimum stated by Natural England. It was agreed during pre-application discussions with KC Ecology that the LHN did not require the same protection as ancient woodland, and there was not the same buffer zone requirements. However, in the interest of protecting the LHN, there is a 15m buffer zone provided to the building line of proposed dwellings.
- 5.36 Kirklees Biodiversity Net Gain Technical Advice Note (2021) provides guidance on how Biodiversity Net Gain should be achieved by development within Kirklees in accordance with Local Plan policy LP30. Kirklees Council expect developments to deliver a minimum of 10% net gain in biodiversity, which is due to become a national standard introduced through government legislation in January 2024.
- 5.37 Biodiversity Metric 4.0 was used to calculate the existing baseline score for the Application Site and the post-development score of the scheme, considering the relevant biodiversity enhancements. The Application Site itself is calculated to have a baseline value of 7.62 habitat units and 0.24 hedgerow units. Post-development, it is predicted to support 8.51 habitat units and 6.17 hedgerow units, equating to a 11.71% net gain in habitat units and 2,465.61% net gain in hedgerow units. This is achieved through a high quality landscaping scheme which supports this application submission and demonstrates full compliance with LP30 .
- 5.38 Policy PLP 32 relates to landscape and seeks for proposals to enhance the landscape character of the area. Policy PLP 33 seeks to protect trees and woodland of significant amenity. The development proposals have been designed in line with Policy HS18 which requires a landscaped buffer zone to Dean Wood Local Wildlife Site to the north.
- 5.39 An Arboricultural Impact Assessment (AIA) has been prepared by SLR which confirms that no trees are required to be removed to enable development, and those which may require



pruning at the Application Site access are predominantly low quality (Category C). This is due to the Application Site being predominantly clear of trees, with clusters found along the Application Site boundaries or within adjacent land. The landscape planting scheme demonstrates substantial tree planting across the Application Site, and ensures buffer zones are considered to protect trees and woodland of significant amenity or ecological value.

- 5.40 Policy PLP 34 seeks to conserve and enhance the water environment including water bodies, groundwater, manage water demand and improve water efficiency, use of SuDS and disposal of surface water. As set out previously, the proposed development promotes SuDS with surface and foul water being discharged to an existing combined sewer on Meltham Road through a new off-site combined sewer routed through an existing residence.
- 5.41 Policy LP 35 relates to the historic environment and seeks to conserve the significance of designated heritage assets. Policy HS18 recognises that the allocation is located within an area that affects the setting of Castle Hill, which is a scheduled ancient monument that is designated as grade II listed.
- 5.42 An Archaeology and Heritage Desk Based Assessment has been provided by MAP Archaeological Practice and is submitted in support of this application. Overall, it is considered that the proposed development, through layout, open space and landscape treatment, fully accords with the recommendations made by the Local Plan Inspector and the development requirements for the Application Site set out under Policy HS18 of the adopted Kirklees Local Plan. The Report concludes that the development can therefore be brought forward in accordance with National and Local planning policy without substantive harm to the significance of the built heritage assets identified.
- 5.43 A Geophysical Survey has indicated that features of potential archaeological origin are present within the site boundary, however the nature, date, quality of survival and importance of any archaeological deposits or features which may be present on the site cannot be fully assessed without further archaeological evaluation. As such it is recommended that a programme of Trial Trenching is undertaken following planning permission being secured and prior to the commencement of development, in order for West Yorkshire Archaeology Advisory Service to make a more reasoned decision regarding the need for further archaeological work.
- 5.44 Policy LP 47 promotes health, active and safe lifestyle through access to open spaces, local initiatives for healthy food, improving walking and cycling, energy efficient design, air

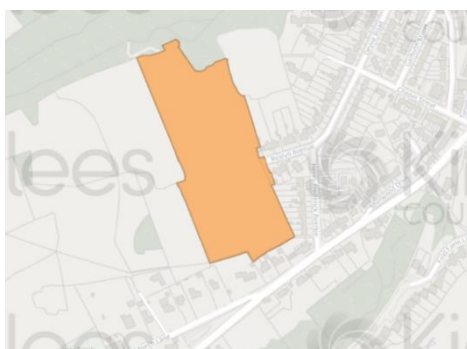


quality and inclusive environments. A Health Impact Assessment supports the application, and the supporting Travel Plan demonstrates the sustainability of the Application Site with regards to active travel.

- 5.45 Policy LP 49 relates to educational and health care needs and requires the Council to work with applicants prior to a planning application being submitted. A pre-application was submitted prior to the submission of the application, and the development proposals have been subject to extensive public consultation. The KC Education consultation response to the pre-application identified that there is currently a surplus of primary school places, however a contribution would be required to accommodate the number of secondary school pupils expected to be generated by the proposed development.
- 5.46 Policy LP 53 requires that contamination assessments and/or instability risk assessments are provided on unstable, contaminated or suspected contaminated land. A Phase 1 Desk Study Report has been provided by Betts Geo Consulting Engineers, which identifies a low/low-moderate risk for contamination and a moderate risk for ground gas which implies some redial action may be necessary at the site due to landfill to the north east and several potentially infilled quarries surrounding the site. The likes of remedial actions will be confirmed once the geotechnical and intrusive ground investigation has been completed. It is expected that this will be conditioned and dealt with either at Reserved Matters, or pre-commencement, as the level of contamination risk is not significant enough to prevent this Outline application being determined.
- 5.47 Policy PLP 63 requires new housing development to provide or contribute to new open space or the improvement in the existing provision. The Application Site provides a usable and meaningful area of open space on site at the south, with links to existing public rights of way. Areas of open space provide links between the proposed development and the existing settlement of Netherton.
- 5.48 Kirklees Council have adopted an Open Space Supplementary Planning Document which inform applicants and developers of the minimum level of open space the council would normally expect to be provided in connection with housing developments. It is considered that the proposed development meets the typology requirements set out in the Kirklees SPD, as shown on the POS Typologies Plan (2246 PL 115) and set out within the table below:-

Landscape Area	Kirklees Requirement (m ²)	Proposed Scheme (m ²)
Natural and semi natural green space (48.6m ² per dwelling)	3985	4146
Parks and recreation (19.44m ² per dwelling)	1594	1598
Amenity green space (14.58m ² per dwelling)	1195	1383
Allotments & community food growing (5m ² per dwelling)	410	528
Children and Young people (13.4m ² per dwelling)	1098	1109
Outdoor Sports Facilities	Provided off-site	N/A
Total	8282	8756

- 5.49 It is confirmed in the Design and Access Statement that the proposed development has an overprovision of greenspace (474m²), in accordance with LP63, and every typology requirement as set out in the Open Space SPD is addressed.
- 5.50 The Application Site is identified as housing allocation HS18 – land to the west of Henry Frederick Avenue, Netherton. The Policy text sets out a number of technical documents which have been required and submitted with the application. The proposals also have regard to the other requirements set out in the allocation text, many of which have been considered during this planning policy analysis. The table below sets out how the allocation constraints have been considered as part of the proposed development.





Site HS18	
Local Plan ID	HS18
Site address	Land to the west of Henry Frederick Avenue, Netherton, Huddersfield
Ownership	Private
Gross site area (Ha)	3.53
Net site area (Ha)	3.45 - Buffer zone for Dean Wood Local Wildlife Site to the north, therefore small area removed from developable area
Constraints	<ul style="list-style-type: none"> • Potentially contaminated land • Site is in an area that affects the setting of Castle Hill • Deanwood Local Wildlife Site lies to the north of the site
Allocation	Housing
Indicative capacity	132 dwellings
Reports required	<ul style="list-style-type: none"> • Transport Assessment • Travel Plan • Contamination report (Phase 1 and 2) • Flood Risk Assessment • Surface water drainage report • Heritage Impact Assessment • Ecological Assessment • Health Impact Assessment
Other site specific considerations	<ul style="list-style-type: none"> • Access to be gained from Roslyn Avenue. • A minimum of 20m buffer will be required to the north of the site due to the proximity of Deanwood Local Wildlife Site. • Where site is steeper soakaways may not be advisable.

Constraint	Response
Potentially contaminated land.	A Phase 1 Desk Study Report supports the development of the site, assessing the land as having a Low/Low-Moderate risk for contamination and a Moderate risk for ground gas. It is expected that intrusive ground investigation works, and subsequent mitigation measures, can be conditioned and dealt with prior to commencement of development.
Impact on the setting of Castle Hill.	The proposed development is supported by an Archaeology and Heritage Desk Based Assessment given the identified potential for the proposals to impact on the setting of Castle Hill. This confirms that the development will have a negligible impact on the setting and significance of Castle Hill given the proposals are in keeping with existing dwellings within the immediate vicinity of the site and views across the development will largely be maintained.
Impact on Dean Wood Local Wildlife Site.	An Ecological Impact Assessment (EclA) supports the proposals and details the impact on Dean Wood Local



	Wildlife Site. This details that any impact is mitigated through a 20m buffer zone to the LWS, which goes beyond the recommended 15m buffer guidelines set by Natural England. Furthermore, the proposals provide biodiversity net gains above the statutory 10% requirement.
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National Policy

National Planning Policy Framework (September 2023)

5.51 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date. The Framework is a material consideration which must be taken into account in all planning decisions.

5.52 Paragraph 2 of the advice states:-

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.”

5.53 There are three objectives (Paragraph 8) to sustainable development comprising economic, social and environmental roles.

5.54 Paragraph 10 sets out that the heart of the framework is a presumption in favour of sustainable development.

5.55 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating:-

“For decision-taking this means:

c) *approving development proposals that accord with an up-to-date development plan without delay;* (JM underlining).

5.56 It is considered that the proposal complies with the Development Plan which allocates the Application Site for housing.



5.57 Beyond Chapter 4 of the Framework there are 13 topic areas (as well as Annex 1 and 2) which form the Framework document and those topic areas considered of relevance to this planning application are set out below.

Section 4: Decision Making

5.58 In determining applications, Paragraph 38 states:-

“Local Planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

5.59 Paragraph 47 requires that:-

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

Section 5: Delivering a Sufficient Supply of Homes

5.60 Paragraph 60 reiterates the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Section 8: Promoting healthy and safe communities

5.61 Paragraph 92 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Section 9: Promoting Sustainable Transport

5.62 Paragraph 105 sets out that:-

“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve



air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

5.63 Paragraph 112 sets out development should:-

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

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

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

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

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

5.64 Paragraph 113 sets out that:-

“all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

Section 12: Achieving Well Designed Places

5.65 Paragraph 126 stresses the Government’s commitment to achieving good design, high quality buildings and places.

5.66 Paragraph 130 sets out planning policies and decisions should:-

“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;



- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the Application Site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

5.67 Paragraph 131 requires new streets to be tree-lined, aligning with the governments current focus on 'building beautifully'. Although this has implications on the density of the proposed development, given the space required for street-trees, the supporting landscape plans demonstrate how street trees have been given consideration even at this Outline stage.

Section 13: Protecting Green Belt Land

5.68 Although the Application Site was removed from the Green Belt through the adoption of the Local Plan, the land to the west remains designated as Green Belt. Paragraph 148 provides protect to the Green Belt, even from those developments which are not directly situated within the Green Belt:-

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.”

5.69 It has been agreed through pre-application discussions with the Council that the proposed development would provide a 5m non-developable buffer along the western boundary with the adjoining Green Belt land. This has been utilised for landscape planting and introduction of street trees, and will ensure no harm arises to the Green Belt as a result of the development proposals.



Section 14: Meeting the challenge of climate change, flooding and costal change

5.70 Paragraph 154 sets out that new development should be planned to:-

- “a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”*

5.71 Further at Paragraph 157 it sets out that:-

“In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”*

Section 15: Conserving and enhancing the natural environment

5.72 Paragraph 174 sets out the requirement to contribute to and enhance the natural environment in polices and decisions by:-

- “d) minimising the impacts on and providing net gains for biodiversity....*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*



Section 16: Conserving and enhancing the historic environment

5.73 Paragraph 194 sets out:-

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

Annex 1: Implementation

5.74 Paragraph 218 with regard to decision taking:-

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”

5.75 The proposals constitute sustainable economic development and under the circumstances, it is clear that significant weight should be attached to this. The proposals wholly conform to the advice in the Framework and it is considered that the applicants are entitled to anticipate presumption being weighed in their favour.

Other Material Considerations

National Planning Practice Guidance (March 2014)

5.76 The Planning Practice Guidance (PPG) is an extensive online resource of detailed policy guidance provided by the Ministry of Housing, Communities and Local Government. The PPG sits alongside the Framework and is an online only resource that was first published by government in March 2014 but has been subject to frequent updates and revision. The list of topics covered includes:

- Advertisements
- Air quality
- Appeals
- Appropriate assessment
- Before submitting an application
- Brownfield land registers
- Build to rent
- Climate change
- Community Infrastructure Levy



- Consultation and pre-decision matters
- Crown development
- Design: process and tools
- Determining a planning application
- Effective use of land
- Enforcement and post-permission matters
- Environmental Impact Assessment
- Fees for planning applications
- Flexible options for planning permissions
- Flood risk and coastal change
- Green Belt
- Hazardous substances
- Healthy and safe communities
- Historic environment
- Housing and economic land availability assessment
- Housing and economic needs assessment
- Housing needs of different groups
- Housing for older and disabled people
- Housing: optional technical standards
- Housing supply and delivery
- Land affected by contamination
- Land stability
- Lawful development certificates
- Light pollution
- Making an application
- Minerals
- Natural environment
- Neighbourhood planning
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Permission in principle
- Plan-making
- Planning obligations
- Renewable and low carbon energy



- Rural housing
- Self-build and custom housebuilding
- Strategic environmental assessment and sustainability appraisal
- Town centres and retail
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements
- Tree Preservation Orders and trees in conservation areas
- Use of planning conditions
- Viability
- Waste
- Water supply, wastewater and water quality
- When is permission required?

5.77 The PPG can be read in full on the Department for Levelling Up, Housing and Communities website.



Climate Change Statement

- 5.78 Sustainability is an inherent part of this development including the use of high-quality design materials, sustainable measures and construction methods.
- 5.79 The principle of development in this location has already been considered sustainable by virtue of its location on the edge of settlement and its proximity to existing services, facilities and public transport connections. These were matters which were considered during the Application Site allocation process.
- 5.80 Although only at the Outline stage, the proposed development has capacity to incorporate a number of sustainable principals and measures such as:
- 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. The Applicant intends to use local labour during the construction works.
 - 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.
 - 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.
 - 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 healthy communities and active travel.
 - A Travel Plan to be adopted to promote sustainable modes of travel.
- 5.81 Cumulatively these measures support the intent of the recently declared 'Climate Emergency' (2019) and the Councils 2038 Carbon Neutral Vision. Further measures are set out in the Sustainability Statement set out in the Design and Access Statement (DAS). All measures will assist in reducing Climate Change.
- 5.82 Ther Applicant is agreeable to a condition which relates to the construction management of the development proposals in order to protect the amenity of local residents and ensure sustainable construction practices are followed.



Climate Emergency

5.83 Kirklees Council declared a Climate Emergency in 2019 on the basis that urgent action is required to improve and protect the environment.

2038 Carbon Neutral Vision

5.84 Kirklees Council are aiming to be completely carbon neutral by 2038.

5.85 In this context carbon emissions from human activities in Kirklees will need to be dramatically reduced to zero with any remaining emissions safely removed from the atmosphere. This has also been referred to as achieving 'net zero' carbon emissions by 2038. In order to meet the Carbon Neutral Vision the Council will: -

- Set a Carbon Budget
- Increase the Amount of Electric Charging Points
- Allow Low Emission Cars to Park for Free
- Add more Electric Vehicles to the Council's Fleet
- Environmental Impacts Considered in All Decisions
- Plant More Trees
- Create a Climate Commission and Green Charter
- Host a Youth Summit
- Increase Recycling Rates
- Develop a Programme and Action Plan

5.86 The Applicants are dedicated to taking pro-active measures to reduce the consumption of energy and natural resources and thus helping mitigate climate change. In order to do this, various measures are implemented in the fabric specification of buildings and construction methods. Electric Vehicle Charging points are also to be provided for every proposed dwelling, further looking to mitigate the impacts of climate change.

5.87 Further measures are set out in the Sustainability Statement set out in the Design and Access Statement. All measures will assist in reducing Climate Change. These measures are also supported by a willingness to introduce meaningful tree planting and opportunities for biodiversity net gain across the Application Site.



6.0 THE PLANNING CASE

6.1 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

Principle of Development

6.2 The Application Site is allocated for housing under reference HS18 - Land to the west of Henry Frederick Avenue, Netherton. The principle of the residential development of the Application Site is therefore accepted.

6.3 The number of dwellings proposed seeks to make efficient use of the Application Site whilst also adhering to the onsite constraints and other matters, such as adhering with design SPD's, which were not fully examined at the Local Plan stage.

6.4 The basis for determining these applications is therefore contained in the Development Plan which retains full weight.

Other Material Considerations

6.5 Having regard to the Application Sites suitability in principle for residential development, other material considerations are contained in the supporting reports and technical documents which support the application. A list of the documents is contained at para 1.4 of this report.

Planning Balance

6.6 The Application Site is an allocated residential site located on the edge of the village of Netherton in the adopted Local Plan (2019). The Application Site is within a sustainable location by virtue of its allocation in the Local Plan and has excellent access to social and physical infrastructure.

6.7 The Application Site is subject to no significant environmental constraints that would prevent the delivery of housing and the various technical reports produced to accompany this application submission demonstrate that there will be no adverse impacts as a result of granting planning permission.

6.8 The proposed development will be in keeping with the local characteristics and proposes a mix of property types without detriment to neighbouring amenities. The settlement characteristics and the Application Site's opportunities and constraints have been assessed in the supporting Design and Access Statement.



6.9 Other benefits include:-

- The provision of a range of new house types to provide increased housing choice including affordable homes and bungalows.
- The provision of high quality usable public open space, with direct links via existing public rights of way towards Netherton village centre.
- Enhancements to existing public rights of way, increasing the accessibility of the development and proposed recreational greenspace.
- The provision of 10% biodiversity net gain on site.
- The development would generate a significant amount of investment to the area in terms of the construction value and associated spend during the construction period.
- Planning Gain Package.
- Council tax revenue.
- Community infrastructure contributions.
- New Homes Bonus.
- Indirect “spin-off” jobs in services and other business from the wage spending of construction workers and supplier sourcing and additional resident expenditure as a result of new homes.

6.10 Having regard to all of the above, it is clear that there is a significant presumption in favour of the development. The proposal is fully policy compliant and has demonstrated there to be no technical issues which would prevent the grant of planning permission.



7.0 SUMMARY AND CONCLUSIONS

- 7.1 Section 38(6) of the 2004 Act provides for a determination other than in accordance with a development plan if material considerations indicate it is appropriate.
- 7.2 This planning application seeks the development of an allocated housing site and is made in the context of the Government's requirement to significantly boost housing land supply, the presumption in favour of sustainable development and the Development Plan.
- 7.3 The development proposed constitutes sustainable development as accepted by the Council by virtue of its allocation in the Local Plan. The Application Site is a housing allocation, and its development will assist the Council in meeting its aspirations for Netherton together with a significant number of economic and social benefits.
- 7.4 The Application Site would make for a compatible use and the technical reports accompanying the application detail how the development will not give rise to any adverse impact upon matters of transport, drainage, trees or ecology or the amenities of present and future occupiers.
- 7.5 Therefore taking account of all of the above factors including all merits of the scheme taken as a whole, this report has demonstrated that the proposal clearly constitutes 'sustainable development'. There are significant material considerations that weigh heavily in its favour. The scheme is in accordance with the Local Plan and the application should be approved without delay.