

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/93704/E
Site Address:	land northwest of, Urban Terrace, Denby Lane, Grange Moor, Huddersfield, WF4 4EB
Description:	Erection of 12 dwellings and associated works
Recommending Officer:	William Simcock

DECISION – Section 106 Full Permission – Approve

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

Nicholas Hirst

AUTHORISED OFFICER

Date: 05/03/2025

Officer Report

Application: 2023/93704

Site: Land northwest of, Urban Terrace, Denby Lane, Grange Moor, Huddersfield, WF4 4EB

Proposal: Erection of 12 dwellings and associated works

Site Description

The site comprises an irregularly-shaped piece of land on the northern side of Denby Road. Near to its south-western corner it abuts a short row of terraced houses, and their curtilages, known as Urban Terrace. The western extent of the site the boundary is formed by Stoney Royd, a small housing development built as a cul-de-sac off Denby Road. A public footpath (ref. KIR/209/10) runs adjacent to the eastern boundary and an irregular line of trees mark the northern boundary. Further open, undeveloped land lies to the north and east.

The site consists mainly of rough grass and scrub with a few small trees. There is at present, no formal means of access to the public highway. The site is near-level but somewhat elevated compared to the land that lies beyond the eastern boundary.

Description of Proposal

The proposal seeks full planning permission for the erection of 12 no. dwelling houses, and associated works.

The new dwellings would comprise six house types. Along the frontage would be two bungalows (type 'A') to the west of the new access and a pair of semi-detached houses (type 'B') to the east.

A true bungalow, type 'F', would be placed at the centre of the site. There would be two type 'C' houses, which present a single-storey aspect to the front, two-storey to the rear, at the north-western and north-eastern corner respectively; three two-storey houses of type 'U1', placed between these along the northern margin of the site, and a type 'G' dormer bungalow at the west end of the site facing the final turning head.

It is noted that there are two variants of the type 'C' house, which differ only in their internal layout. Both are laid out as three-bedroom houses although one benefits from a room designated as a study which is potentially usable as a bedroom. The following housing mix is proposed:

- 1 and 2 bed: 5 units
- 3bed: 4 units
- 4bed+: 3 units

A new access to the adopted highway would be created near the eastern end of the frontage, the access road curving inwards to the west, with a spur extending eastward to the site boundary.

The estate road is intended to remain private.

All new dwellings would benefit from two parking spaces. Each type 'C' house would also have a single detached garage and the type 'U1' houses would have an integral single garage.

It is proposed that the palette of materials would consist of render, tumbled-effect artificial stone and concrete interlocking roof tiles.

Two areas of public open space (aggregate area 362sqm) would be provided within the site two of these – one north of the first turning head, above the attenuation tank, the other in the centre of the site, to the east of the second turning head – are shown as being landscaped with trees, hedgerows, grass and seating. There is also a smaller landscaped area to the front of Plot 5, but this is not deemed large enough to qualify as public open space.

History of negotiations/amendments received

15-Feb-2024: Transport statement submitted.

12-Mar-2024: Further supporting statement submitted regarding density and housing mix.

Applicant was advised that a slightly higher density (12 units) would be preferred and that 10 units might be deemed an inefficient use of the land. Meeting took place 22-Apr-2024.

Application was taken to Strategic Committee 01-Aug-2024 under the terms of the Delegation Agreement following a request from Ward Councillor John Taylor, since officers were not minded to approve the application and Councillor Taylor was supportive of it. The officer's report to Strategic Committee recommended refusal, on the grounds that:

- 1) The quantum of development proposed, at 10 units, fails to optimise the development potential of the site
- 2) The design and layout of the proposed estate road does not meet adoptable standards and would therefore not allow safe or convenient access by a refuse collection vehicle.

It was resolved that consideration of the application be deferred to allow the Head of Planning and Development to undertake further negotiations with the applicant in respect of:

- The potential to achieve an increased density of development (with more houses being added).

- Identify the constraints within the site, namely coal mining legacy and any underground sewer pipes.
- The development not being gated.
- The provision of a design and layout that will permit acceptable waste collection arrangements.

September 2024: Amended plans including site plan increasing quantum of development to 12 units, with subsequent minor revisions and clarifications. Officers decided that these did not need to be readvertised because:

- (i) There would be no change in relationship between existing and proposed development, (in particular the position of walls and windows in existing and proposed development), nor in that of the relationship between the development and the public highway;
- (ii) No changes to means of access;
- (iii) The increase in the number of units is considered modest and addresses a key concern that officers raised very early in the process.

Cllr Taylor confirmed that he would withdraw his initial objection as he did not object to the increase in the number of units from 10 to 12. The Committee Chair confirmed (24-Sep-2024) that in the absence of a current Committee request by a Ward Councillor, it could be determined as a delegated matter and would not have to be taken to Strategic Committee again.

Nov 2024: Submission of amended landscape scheme and maintenance schedule.

Dec 2024: Submission of amended drainage scheme and supporting information.

Jan-Feb 2025: Submission of Road Safety Audit (RSA), Designers' Response, and updated RSA.

The above three submissions were not readvertised since they related to technical issues which did not change the layout or external appearance of the development.

Relevant Planning History

Application site

None.

Surrounding area

Plots 1-8, Adjacent to Stone Lodge, Denby Lane (to west of site)

2000/91294: Erection of 8 no. detached dwellings with garages – Granted

Land at north Denby Lane, Denby Lane (to east of site)

2021/94747: Erection of 18 dwellings and associated works – Withdrawn

2024/92444: Erection of 21 dwellings and associated works with means of access from Denby Lane – Ongoing

Representations

Final publicity date expiry: 04-Mar-2024

Publicity by site notice and press advertisement in addition to neighbour notification letter since the proposal constitutes Major Development and would affect a Public Right of Way or its setting, thereby meeting statutory requirements as well as the version of the Kirklees Development Management Charter current at the time.

In response, 12 representations were received as a result of the publicity.

Objections or comments

- Low density housing is commendable but the choice of bungalows and no family homes is odd and disappointing. As the school is undersubscribed and the remote nature of the village means car ownership is vital, with bus services infrequent it is not an ideal area for the target demographic of bungalows. A small portion of family homes, particularly one or two 4-bedroom houses, to be incorporated would be an improvement.
- Public footpath must be maintained and have sufficient width.
- Hopefully the development can provide funding for local infrastructure improvements such as paving and cycle infrastructure (which is currently none existent in Kirklees!) - This land is in the local plan so we accept there will development on it, however living directly adjacent we ask that disruption and noise is kept to a minimum.
- I hope that the developers ensure that the mature trees and shrubs which border the area are retained in order to maintain the privacy of neighbouring properties and to maintain the character of the area. I'd also request that construction traffic is not allowed to proceed up Denby Lane past Urban Terrace as this will lead to even greater traffic problems around that area and higher up that road at the junction with Bristfield Road.
- The applicant shows a spur extending to the neighbouring land but these are two separate allocations, the landowner has not given consent for this means of access, nor has it been shown to be the only safe or practical means of access.

- The instability and contamination issues on site must be properly assessed before determination.
- We do not want the number of units to be increased (from the original 10) because this would be over-intensification and would be inappropriate in a small village with parking and traffic problems, limited infrastructure and facilities, and poor public transport.

Supporting comments

- Bungalows are the most appropriate type of housing as they will attract people who are more likely to invest in property and act in a socially acceptable manner. We would not wish to see social housing as it may attract people on benefits who do not wish to adapt to village life.
- The number of social housing units deliverable even with increased overall numbers (2) would not go very far towards meeting demand in the area.
- Bungalows will be more in keeping with local character – which is mostly low-density – than two-storey houses.
- Policy LP21 of the Local plan is in place to ensure new development allows safe and suitable access. With the Council's proposal, we do not feel this is possible, especially because the neighbouring housing allocation will also need access from Denby Lane. We do not consider that maximising the number of driveways on Denby Lane is the safest option from a traffic perspective.
- The defibrillator which would be a welcome addition to the village providing access to this life saving machine to residents at the eastern of the village are currently out of reach of the only other machine located at the western end of the village.

Kirkburton Parish Council – were notified but did not respond.

Ward Councillor comments (Cllr John Taylor):

“I would just like to add my voice to the objections to the proposed changes to the plans for the above site. The proposal for 10 bungalows on this site is something which has strong community support and also meets with the feedback I have consistently got from the place standards initiatives which I have run in the ward (I have done 3 so far). I have two major concerns about what is being proposed, firstly the desire to have a number of properties facing onto Denby Lane with drives and offroad parking accessed from Denby Lane.”

The three Ward Councillors were subsequently notified of the September 2024 amendments and all confirmed that they were supportive of the

amendments and did not wish to seek a committee decision, nor made no further comment.

Consultation Responses

Internal

- KC Strategic Housing – No objection based on the original 10 units; subsequently provided detailed advice on on-site provision of affordable housing for the current version with 12 units.
- KC Landscape – Made comments on the on-site open space; off-site contribution to public open space will be required by S106.
- KC Highways – Support subject to conditions.
- KC Public Rights of Way – Plans should show the presence of the PROW at 2m width with sections and boundary treatments.
- KC Environmental Health – Support subject to conditions.
- KC Lead Local Flood Authority – Support subject to conditions and Section 106 Agreement.
- KC Ecology – No objection, but off-site provision of BNG will be required.
- KC Arboricultural Officer – Support subject to updated Arboricultural Impact Assessment to match current the most up-to-date version of the proposal and implemented during construction.
- KC Designing out Crime Officer – Support subject to condition.

External

- The Mining Remediation Authority – No objection subject to condition.
- Yorkshire Water – No objection subject to condition.
- Forestry Commission – Do not formally comment on the planning application but note a breach of the Forestry Act (unlicensed felling) has occurred and have served a Restocking Notice.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The

statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Local Plan

The site is allocated for housing, allocated HS195, within the Local Plan Proposals Map. The allocation has an indicative capacity of 22 dwellings, with the following noted within the Local Plan:

- The provision of a pedestrian footway is required across the site frontage.
- Public right of way crosses the site reference KIR/209/10.
- A combined sewer crosses this site.
- Potentially contaminated land.
- Part/all of the site is within a high-risk coal referral area.

The following Local Plan policies are considered relevant to the proposal:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place Shaping
- **LP3** – Location of new development
- **LP5** – Masterplanning sites
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity & Geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP34** – Conserving and enhancing the water environment
- **LP52** – Protection and improvements of environmental quality
- **LP53** – Contaminated and unstable land
- **LP63** – New open space
- **LP65** – Housing allocations

Supplementary Planning Documents

- Affordable housing and housing mix SPD
- Housebuilders Design Guide SPD
- Biodiversity Net Gain Technical Advice Note (June 2021)
- Planning Applications Climate Change Guidance (June 2021)
- Highway Design Guide SPD (November 2019)
- Kirklees Dwelling Mix Analysis 2020-2031: Technical Note (Nov 2020)

These documents can also be viewed in <G:\Planning\SPDs & Guidance Notes>.

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2024 and the Planning Practice Guidance suite (PPG), 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.

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- 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

Assessment

The following matters are considered in the assessment below:

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Ecology and trees
- 6) Drainage and flooding
- 7) Climate change
- 8) Other matters
- 9) Representations
- 10) Conclusion

1 – Principle of development

Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development

proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay unless material considerations indicate otherwise.

1A: Spatial strategy

Policy LP1 of the Kirklees Local Plan sets out the Local Planning Authority's approach to the presumption in favour of sustainable development, as laid out in NPPF (Chapter 2), particularly paragraph 11(c). Policy LP1 states that 'when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'.

Policy LP2 requires that 'proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places'.

In considering the abovementioned requirements of Policies LP1 and LP2, proposals are also required to reflect a settlement's size and function, place shaping strengths and opportunities/challenges for growth, spatial priorities for urban renaissance and regeneration, and the need to provide new homes and jobs.

1B: Land allocation, housing need and delivery

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12th December 2024 demonstrated that housing delivery for Kirklees for the past 3 years has fallen below the 75% pass threshold.

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. This paragraph triggers a presumption in favour of sustainable development. For decision making this means:

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- 1. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*

2. *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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

Footnote 8 of the NPPF clarifies that for applications involving the provision of housing, the presumption applies to situations whereby the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test has fallen below the 75% pass threshold.

The council's inability to demonstrate a five-year supply of housing land or pass the Housing Delivery Test weighs in favour of housing development. Nonetheless, this must be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers' assessment, where relevant.

1C: Minerals

The application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 1c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs, having regard to Local Plan delivery targets) for it. Coal extraction is furthermore likely to prove impracticable owing to the necessity of maintaining the requisite stand-off distance between such workings and established residential development. The proposal is therefore not considered to conflict with policy LP38.

1D: Masterplanning

The site is directly adjacent to a further housing allocation which borders it to the north and east (HS58) with an indicative capacity of 42 dwellings. Under Policy LP5, masterplans should only be sought “where feasible and appropriate”. Since the present site falls entirely within one housing allocation, it is considered that both should be treated as distinct entities for planning purposes. Whilst there would be potential benefits in adopting a masterplanning approach, in, for example, the treatment of the PROW and creation of joint Public Open Space to serve both allocations, it is considered that the absence of a masterplanning approach is in this case not fatal to the application, and given the size of the two allocations, it is likely that the benefits would not be proportionate to the additional delays that would be caused.

It is important however to ensure that development on this site does not hinder the future development of the neighbouring allocation. The proposed

layout contains a spur which could (subject to the agreement of all parties involved) be used as a means of access to the larger housing allocation. It should be noted however that this has not been conclusively shown to be the only possible, or even best, means of access to allocation HS58 and therefore at most only very limited weight can be placed on this factor as a benefit of the scheme.

1E: Quantum and density

As noted above, site allocation HS195 sets out an indicative housing capacity of 22 dwellings within the 0.66 hectares of allocated land.

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 will 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. Kirklees has a finite supply of land for the delivery of the 31,140 new homes required during the Local Plan period, and there is a need to ensure land is efficiently and sustainably used (having regard to all relevant planning considerations) which will help ensure the borough's housing delivery targets are met.

Under-use of scarce, allocated development land could potentially contribute towards development pressure elsewhere, at less appropriate sites, including at sites where sustainable development is harder to achieve. Any proposal at application sites capable of accommodating major development would be expected to make a significant contribution towards the quanta set out in the Local Plan.

The number of units originally applied for was 10, under half the indicative capacity. It is noted that constraints applicable to this site have a significant bearing on what development can be achieved. The submitted Design & Access Statement highlights the following technical constraints:

- public sewers crossing the site which require an easement;
- potentially contaminated land; and
- the site being located within a Coal Referral Area with three identified mine entrances on the site.

Regarding the last point, it is acknowledged that the mine entrances present challenges to development, since developers do not consider it good practice to allow to any part of a dwelling, or its private amenity space, driveway or garage, to fall within a 5m radius of such a feature. This provides the rationale behind designating these areas as public open space or road verges. Land contamination and other historic uses (the backfilled quarry and sewage tanks) whilst posing an additional challenge and abnormal cost to the developer, do not however render the remaining parts of the site unfit to receive development (see "land stability and contamination").

Whilst the physical constraints on the site are likely to pose an insurmountable obstacle to developing the site for 22 units, they did not indicate that a quantum of more than ten would be unachievable. Officers were not satisfied that the proposal represented the optimum use of the site and negotiated for a higher quantum of development.

The layout now proposed shows a net increase of two units, giving a total of 12. The area of the site once roads, visitor parking space and public open space are excluded, is about 0.48ha. This would give rise to a net density of 25 per hectare. Given the aforementioned constraints of the site, and since a greatly increased density might result in an over-intense form of development out of keeping with its semi-rural setting, it is considered that the development of the site for 12 units represents an efficient use of land thereby supporting the aims of LP4 and LP7 and paragraphs 129-130 of the NPPF.

1F: Housing mix and affordable housing

In the housing market sub-area designated as Rural East Kirklees, of which this site forms part, the Housing Mix and Affordable Housing SPD recommends that the breakdown of new homes should be:

- 1-2 bedroom: 30-60%
- 3-bedroom: 25-45%
- 4 or more bedrooms: 5-25%.

The selection of house types shown on the plans as originally submitted was 50% 2-bedroom, 50% 3-bedroom.

On the plans now under consideration, A, B and F are 2-bedroom houses, C and G 3-bedroom, U1 is 4-bedroom. Breakdown by number of bedrooms would therefore be:

- 5 x 2-bedroom (42%)
- 4 x 3-bedroom (33%)
- 3 x 4 bedroom (25%).

The mix of house types falls within the parameters set out in the SPD and is therefore acceptable.

Throughout all housing market areas within Kirklees, all developments of more than 10 units should make a contribution to affordable housing, which should normally be through on-site provision. The applicant has agreed that two of the units shall be affordable. This is considered to meet the above aims, being 20% of 12, rounded down. The proposal is that unit 3 will be a First Home, sold at 30% discount, unit 4 will be a discounted market sale unit at 20% discount. Such a proposal will fail to achieve one of the aims of the SPD, that affordable housing should provide a 55-45% tenure split between social and affordable rent versus intermediate. The agent has put forward the argument in support of this arrangement that a registered provider would not

be willing to take on a single affordable unit in such a rural location. Some email correspondence from a development consultant has been supplied which states that four different registered providers were approached but all rejected the possibility of buying one of the units, either because the number of units available (a maximum of two) would be too small to be of interest, because it is outside their priority area, because they are not interested in 1-2 bedroom homes, or a combination of these reasons. It is considered on balance that, given the small scale of the proposal, the burden of proof has been met, and it would not be reasonable to demand that the affordable housing element makes a contribution to affordable or social rented housing.

The two affordable units would be Plot 3 and Plot 4, both of which are house type B. These are both 2-bedroom houses. Paragraph 5.10, table 3 and 4 finds that there is more demand for affordable 1-2 bedroom houses in Rural East Kirklees than any other type, and that in Rural East Kirklees, 40-79% of all affordable Intermediate units should be 1-2 bedroom. The allocation of these house types is therefore considered acceptable.

Principle 5 of the SPD states that affordable housing provision must be indistinguishable from market housing, in terms of achieving the same high quality of design, and should promote mixed and balanced communities by dispersing the affordable housing throughout the site. The first of these aims is deemed to be met as the Plots 3-4 are not considered to be inferior in terms of design, and whilst they are grouped together rather than spread throughout the estate, this is not considered significant for such a small development.

In conclusion, it is considered that the development makes an appropriate contribution towards meeting the demand for affordable housing, which has been secured by Section 106 Agreement.

1G: Public open space

The layout incorporates approximately 407sqm of land designated Public Open Space (POS) on the applicant's plans, although this includes a semi-circular area of 45sqm which resembles more a highway verge and cannot be said to meaningfully contribute to the development's POS requirements.

Following the principles set out in the Kirklees Open Space SPD, the on-site open space provided within the site falls within the typology "Amenity Green Space" and is considered sufficient in quantity to fulfil this typology. An off-site contribution will however be required in respect of Natural & Semi-Natural Green Space, Parks & Recreation, Outdoor Sports, Children & Young People, but not Allotments. Based on 12 dwellings and the Open Space Standards in part 5 of the SPD, the development attracts liability for a contribution of £26,559 which will accordingly be sought as part of a Section 106 Agreement. This has been agreed by the applicant.

The contribution would be used for the enhancement of existing greenspace and open space facilities in the vicinity, including but not limited to, Grange

Moor recreation ground and Grange Moor Park, which are within the recommended 720m for accessibility of the site.

A full landscaping scheme and maintenance schedule has been submitted. The landscaping scheme and detailed layout of the POS areas will be examined in Section (2) of the Assessment.

2 – Urban design and visual amenity

Policy LP7 of the Kirklees Local Plan states that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. This will need to have regard to the desirability of maintaining an area's prevailing character and setting and the importance of securing high-quality, beautiful and sustainable places as set out in the NPPF Chapter 12.

Relevant design policies include Policies LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; '*Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape*'. These policies are supported by various Principles outlined within the Housebuilders Design Guide (HDG) SPD, of which the following are considered to be particularly relevant to this section:

- Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.
- Principle 5 – Development should form a coherent building line and create active frontages.
- Principle 8 – Transition to open land to be carefully considered.
- Principle 12 – Parking should be well-integrated into the street scene and not dominate frontages.
- Principle 13 – Materials should be appropriate to the site's context.
- Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.
- Principle 15 – The design of the roofline should relate well to the site context.

The site is located on the edge of the settlement of Grange Moor. The site is, however, bounded by a housing allocation to the north and east.

As a general observation, building densities within the settlement of Grange Moor are medium to high, although slightly lower in the north-eastern part of the settlement. Grange Moor has a generally well-defined edge, at least to the west, north and east. The existing development in the vicinity of the site however lacks a clearly defined or uniform character. Directly opposite, on the other side of Denby Lane, is a pair of semi-detached bungalows, with a 2-storey house (Square Pitt House, 6 Denby Lane) occupying a prominent position in the street scene just to the east, and further bungalows (true and

dormer) located off Denby Park Drive. To the west, the relatively high-density Denby Lane Crescent, comprising short rows of townhouses, is also important in forming the local context, as is Urban Terrace itself. Bordering the site to the west, the modern development of Stoneroyd comprises closely-spaced two-storey detached houses.

Coursed natural stone is by far the predominant material in the vicinity of the site although there are two blank rendered gable ends facing the site., The bungalows opposite are random stone. Within the settlement more generally, materials are more varied, with the use of brick (predominantly red brick) being a prominent feature, including on buildings within 150m of the site.

The development as proposed comprises a range of house types. A and F are uncompromisingly contemporary designs in their use of split, asymmetrical roofs, palette of materials (artificial stone, render and timber/aluminium cladding) and non-traditional window configurations (including some that are either very tall and narrow, or square). Type C has a more traditional built form and roof style but still incorporates large areas of glazing in its rear elevation. Types B, G and U1 are more conventional and have roof and window styles typical of the area. These could be described as modern-traditional in appearance would be faced mainly in artificial stone and render with only very limited use of cladding.

Plots 1-4, which would be occupied by house types A and B, would be the ones that would be most prominent from the public highway. There is potentially a case for a more traditional and two-storey house type for Plot 1 so as to respond better to the immediate context provided by Urban Terrace. Units 1-2 being bungalows does however reflect the two houses immediately opposite on the other side of Denby Lane, and it is considered that making Plots 1 and 2 different house types would risk giving rise to an incoherent appearance. It is considered that the proposed house types would meet the test of high-quality contemporary and innovative designs that would complement their surroundings, a requirement that is highlighted in paragraph 8.3 of the SPD. Plots 3-4, which are house type B, would, as previously noted, more closely resemble traditional architectural styles in having a simple rectangular plan and a double pitched roof. They would have their front, and half their side elevation, faced in tumbled-effect artificial stone, with limited use of composite cladding on the front elevation, and the rear and remaining part of the side elevations rendered.

Natural stone would be preferable to artificial stone at least for the front and side elevations of Plots 1-4 since this is by far the dominant material in the development immediately surrounding the site. But it is considered on balance that given the lack of uniformity of materials within Grange Moor, it would be difficult to justify an insistence on natural stone. A high-quality artificial stone will be acceptable, the provision of which can be secured via condition. It is considered that the proposed material pallet would respect the appearance of the surrounding development, including that of Urban Terrace and 6 Denby Lane.

The other eight units would be set back from the existing public highway and would appear more self-contained within the site. Within this part of the proposed development, there would be, as noted, a mix of contemporary and contemporary-traditional house designs, all of which are considered high-quality and have been arranged within the site to produce a coherent appearance, with the three two-story U1 house types forming a continuous row.

It is considered that the layout has avoided placing any of the new dwellings too close to the access road or to Denby Lane in such a way that they would appear overly dominant in the street scene. In fact, those on plots 1-4 would be set back slightly behind the front building line of Urban Terrace. The layout would create a sufficiently coherent building line where it borders Denby Lane and on the northern side of the proposed estate road.

The proposals would avoid creating frontages dominated by parking. The new built development, parking and road infrastructure would be softened both by the proposed residential gardens and by incorporating small areas of public open space and other landscaping. The submitted Arboricultural Impact Assessment shows that trees on or near the site boundaries would be retained, with minor pruning.

It is sometimes desirable to have graded densities on a housing site, with higher densities nearer to established development and lower densities adjacent to open countryside. In this instance the land to the north and east, it is expected, would ultimately be developed for housing, so the any dwellings close to the northern or eastern site boundary would end up being enclosed by development and not seen adjacent to undeveloped land. Even in its present situation, being seen against a backdrop of agricultural or semi-natural land to the north and east, it is considered that the development would not be seen as an obtrusive or non-conforming feature in the landscape, and would not adversely affect long-distance views.

2A Landscaping and detailed layout of POS

A detailed landscaping scheme (including tree numbers and species) with an implementation and maintenance schedule has been submitted.

KC Landscape, in their consultation response of 30-Sep-2024, raised several concerns about the landscaping aspects of the proposal:

- i. Plans should clearly show the impact of the proposed landscape planting on drainage infrastructure – can tree planting be so close to the attenuation tank?
- ii. Scheme should consider accessibility for all – so mown grass paths not acceptable, must be bitmac or gravel
- iii. Needs clear demarcation between public and private space
- iv. Hedges adjoining eastern POS area may limit natural surveillance
- v. There are no street trees.

Subsequently, KC Landscape commented on the Management Scheme submitted November 2024 and indicated it was acceptable. However, they also raised concerns about the lack of clarity concerning public access to the POS area surrounding the attenuation tank.

Officer comments are:

- i. Cellular confinement systems are shown which will prevent root intrusion into the attenuation tank.
- ii. Alternative path treatment can be conditioned.
- iii. It is considered the plans show a clear distinction between public and private, although additional boundary treatments will be required in places for the sake of the privacy of future residents.
- iv. The POS is still open to view from the north and west, so that it is considered it would attract adequate surveillance.
- v. Paragraph 136 of the NPPF states that streets should be “tree-lined” unless there are demonstrable reasons to the contrary. In this instance the layout has been designed without public footways; to incorporate footways would reduce the capacity of the site still further. The proposed landscaping layout incorporates 12 newly planted trees, the majority of them within dedicated open space and other managed areas, others within gardens that face the new estate road. The lack of street trees is not considered to be a significant shortcoming in the proposal.

It is noted that the presence of the attenuation tank will not be an obstacle to public access, since as it also underlies the driveway to Plot 5, it is clearly going to be below existing ground level. The only shortcoming is the lack of a designated pathway and seating since this could be a disincentive to its use and would mean it would not be safely useable by people with limited mobility or sensory impairments.

Rectifying these issues would not involve any significant changes to the proposal it is considered that they can be addressed by means of a condition requiring details of access and seating for both POS areas.

Subject to this minor change, it is considered that the landscaping scheme is satisfactory and that the scheme made the best use of the opportunities available to secure well-designed open space, and thereby fulfils the requirements of Policy LP63.

Trees

No trees within or on the boundaries of the site are protected by a tree preservation order. The applicant’s tree survey identifies several individual trees within the site close to the western site boundary, most of which are

deemed to be within category 'B' (moderate quality), and two stretches of hedgerow along part of the northern boundary (evergreen and judged to be low-quality) and the northernmost part of the western boundary (mixed, moderate quality) respectively.

The Arboricultural Impact Assessment predicts that no trees will need to be removed to facilitate the development, nor will any direct or indirect impacts (including excessive overshadowing, debris fall, or other factors giving rise to perceived nuisance and therefore pressure for removal) occur affecting the trees' viability. Officers concur with this view. The Arboricultural Officer confirms that there are no objections subject to a condition for the Arboricultural Method Statement and Tree Protection Plan submitted (November 2023) being updated to match the most up to date version of the proposal and then implemented during the construction. It would thereby comply with the aims of Policy LP33.

The Forestry Commission is the forestry regulator in England and the enforcing body for activities governed by the Forestry Act 1967 and the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999. The Forestry Commission has commented on the application, and have determined that the recent felling of trees on the site constituted a breach of the Forestry Act and has served Restocking Notice (under section 17A of the Act).

The provisions of the Forestry Act are however a separate regime of control to the planning system and as such the serving of a Restocking Notice is not a material consideration. It should be noted however that the granting of planning permission does not annul any obligations that the landowner may have under the Forestry Act.

Urban design and visual amenity: conclusion

In conclusion, it is considered that the development has been designed to a high standard and would represent an enhancement to the local townscape. Subject to conditions on a detailed landscaping scheme as set out above, and samples of all materials and finishes being inspected, the development would support the aims of LP24(a) and Chapter 12 (paragraph 130b-d) of the NPPF.

3 – Impact on residential amenity

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

Privacy, light and space about buildings

Principle 6 sets out the typical minimum separation between new and existing dwellings in the interests of avoiding a negative impact on privacy or light. These are:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- 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 metres distance from the side wall of the new dwelling to a shared boundary.

The site is bounded by land to the north and east that is presently undeveloped but lies within a housing allocation. Most of the new houses would be placed within the site so as to comply with the recommended stand-off distance of 10.5m with respect to existing undeveloped land. However, one of the rear bedroom windows in the two-storey Plot 6 would be slightly short, at 10m. It is considered that this very small deficit, for a dwelling that has its rear wall slightly angled from the site boundary, would not materially compromise the future development of the adjacent housing allocation, HS58, and given the wider benefits of delivering a 12-unit development with a range of house types, it would be unreasonable to reject the proposal on this basis.

Considering the relationship between Plots 9-11 and the existing development on Stoneroyd, the closest distance between any mutually facing rear windows would be well in excess of the recommended 21m distance. Those facing the development on the opposite site of Denby Lane would also maintain a substantial separation distance from the nearest new front windows (approximately 29m for 2-4 Denby Lane, whereas no. 6 has no windows facing the site). It is considered that none of the existing dwellings close to the site would either suffer compromised privacy through being overlooked at close quarters or suffer undue loss of light or outlook as a result of the proposed development. There is no adverse ground levels proposed which could warrant greater separation distances.

Layouts should also ensure that privacy is maintained and that a satisfactory level of light and outlook is achieved for new dwellings and their future occupiers. Considering the relationship between plots 2 and 12, which are a two-storey house and bungalow respectively, the minimum distance between the rear wall of Plot 2 and the facing side wall of Plot 12 would however be 12m, and Plot 2 would have only high-level windows in that elevation. There would therefore be no window to window overlooking, and as the distance from the northern wall of Plot 2 to the common boundary would meet the recommended 10.5m it is considered that the relationship would not be overbearing despite Plot 2 being two-storey and positioned to the south.

The site plan indicates that the garden boundaries, including those where the garden edges meet the PROW, are to be formed by timber fences – height

and other details are unspecified. To the front, an annotation on the plans states that the stone wall is to be rebuilt to the rear of the visibility splay. No boundary treatments are specified for the northern or western site boundaries. It is recommended that a condition for a full scheme of new or retained boundary treatments is imposed in the interests of visual and residential amenity. This would also need to preserve the amenity of PROW users.

To sum up, it is considered that the layout of the proposed dwellings within their respective plots would allow all future residents to experience satisfactory levels of natural light and outlook, and that furthermore it would not compromise the privacy, light or outlook of any existing dwellings.

Floor and garden space

The various house types would provide the following internal space:

- A. 2 bedrooms – 96 sqm
- B. 2 bedrooms – 72 sqm
- C. 3 bedrooms – 130 sqm
- F. 2 bedrooms – 97 sqm
- G. 3 bedrooms – 135 sqm
- U1. 4 bedrooms – 160sqm

In terms of floorspace, all would meet or exceed the minimum requirements set out in the Nationally Described Space standards for 2-, 3- and 4-bed houses, as applicable. All private garden spaces would be commensurate in size to their host dwellings and provide a good standard of amenity to occupiers.

Noise

There are no sources of noise or odour within the local area that would be likely to affect residents' long-term enjoyment of their property.

Due to the proximity of the site to neighbouring residential dwellings, KC Environmental Health propose the imposition of a pre-commencement condition for a Construction Environmental Management Plan (CEMP) to minimise and mitigate any adverse effects from the construction phase of development on the residential amenities of neighbouring occupiers. Officers agree with this approach and would secure the relevant conditions in the interests of compliance with LP24(b) and LP52.

Residential amenity – Conclusion

It is considered that subject to conditions as set out above the proposed scheme would deliver a high standard of amenity to future occupiers whilst not compromising those of existing residents, and would therefore comply with the aims of Local Plan policy LP24(b) and the relevant parts of the Housebuilders' Design Guide.

4 – Impact on highway safety

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 will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

Paragraph 115 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 116 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.

A Transport Statement, reference 23102 Denby Lane TS by Via Solutions, has been submitted in support of the application.

Proposed site access and traffic generation

It is proposed to access the site via a single point of access off Denby Lane, an adopted but unclassified road. A stage 1 safety audit and designers' response has been undertaken and submitted. This identified potential problems both at the access and along the proposed estate road but concluded that these could be addressed at detailed design stage, after permission has been granted. This is accepted by Highways Development Management.

The supporting highway statement finds that there have been no recorded injury accidents along this stretch of the A64 (Denby Lane) within the last five years, . The traffic generation associated with 12 units would be minimal and would not have any impact upon the safe and efficient functioning of the highway network. Suitable visibility splays of 2.4m x 43m at the access have been demonstrated.

A footway has been provided along the eastern edge of the estate road as far as the first turning head, which was absent on the earliest version of the layout and is considered to be a significant improvement to pedestrian safety. In addition, a footway is shown along the whole length of the frontage as a build-out, which is considered necessary in the interests of the improved safety and convenience of future users, and to ensure that increased vehicular traffic on Denby Lane does not adversely affect the safety of existing users.

It is now considered that the means of access is satisfactory (subject to further details as set out in proposed Highway Officer's conditions below) and that it would allow safe and convenient access to the local highway network for new residents whilst not adversely affecting the safety or convenience of existing road users.

Internal layout, parking and servicing

All dwellings would be served by sufficient dedicated parking, in accordance with the Highways Design Guide SPD's guidance. Visitor parking provision would likewise comply with the SPD's guidance.

A swept path has been shown which demonstrates that a refuse collection vehicle can turn around in the turning head at the end of the estate road. However, the proposed estate road is not being offered for adoption, raising issues of waste collection. Originally it was the developer's intention that a private waste collection service would be used. The Council however has a statutory duty to collect refuse from residential properties. It cannot be guaranteed that any private collection arrangement can be maintained in perpetuity, and in the event of its cessation such responsibility would revert to the Council. Any proposal must either provide an internal road layout that is proven to be suitable for refuse collection vehicles or ensure that refuse collection can be undertaken from the existing adopted highway in conformity with the standards set out in the council's Waste Management Design Guide for New Developments. This proposal seeks the latter.

The distance from the collection point to the refuse collection vehicle, as specified in the British Standard, should be no more than 15m. Section 46 of the Environmental Protection Act 1990 (EPA) empowers a Waste Collection Authority to set its own standards for waste collection arrangements, however, and Kirklees Council's internal policy is that the drag from the bin collection point (BCP) to the refuse collection vehicle (RCV) should not be more than 10m, and preferably no more than 8m. The drag distance from the householder's own waste storage point to the presentation or collection point should also not exceed 25m. In short, any layout that requires refuse collection workers to drag bins more than 10m would, under current Kirklees standards, not normally be deemed acceptable.

The Council's waste collection service has introduced a range of criteria to determine whether waste can be collected from a private road or if an alternative collection point will need to be introduced:

- The road surface is in a good state of repair, free of unsafe potholes and/or is of asphalt (or a similar bound surface).
- There should be a minimum of 5 households located on the private road (although the service may be provided to fewer properties where the alternative road end collection is deemed to be hazardous or undesirable for any other reason and provided all other criteria are met).

- The road is at least 3 metres in width without obstruction from trees, shrubs, cables, etc. which could cause damage to the side of the vehicle or mirrors.
- The minimum height clearance should be 3.75 metres without obstruction from overhanging branches, cables etc. which could cause damage to the lighting on the roof of the vehicle.
- There should be sufficient turning area to allow a collection vehicle to turn in no more than three manoeuvres.
- There are no health and safety risks to waste collection vehicles and/or employees arising from road conditions such as adverse cambers; poor visibility at bends; risk of flooding; unprotected steep embankments.

The proposed estate road would appear to fulfil the above criteria. Each household is shown to be provided with storage space for three bins, and its own bin collection point. However, the developer has provided a shared bin collection point accessible from Denby Lane. This is to act as a fallback option in the event that Council, acting as refuse collection authority, decides that they cannot collect from the estate road. The shared bin collection point would require some householders to drag bins more than 25m, but as a shared collection point it is the best arrangement that is achievable. It is therefore considered that arrangements for the storage and collection of wastes are satisfactory.

Public Right of Way

A Public Right of Way, footpath KIR/209/10, runs along the eastern boundary of the site. The definitive line of the path is contiguous with the eastern site boundary as indicated by the application's red line boundary. Any proposal for development must ensure that the safe and convenient use of a PROW crossing or adjoining the site is unaffected and, where possible, should be retained at a width of at least 2m. A concern raised by officers during the planning process was that the site plan did not clearly show the PROW at its definitive width and furthermore appeared to show its line displaced 2m to the east of its definitive position at the point where it meets Denby Lane. The latest plans show the PROW with a minimum width of 2m along the eastern boundary of the site. The eastern edge of the proposed Plot 3 is now co-existent with the definitive line of the PROW at the point where it meets Denby Lane, and, judging by aerial photographs, the actual line of the path is to the right (east) of the definitive line. A note on the plan says that minimum distance from the junction will be surveyed on site – this is considered an unnecessary precaution and does not need to be conditioned.

KC PROW have been notified and have not made any further comment. Planning officers are now satisfied that the development would not encroach on the PROW or negatively affect its usability. Approval is however recommended to be subject to a condition for a scheme of boundary treatments which should be selected to ensure that the PROW does not feel too "boxed in", which would be a deterrent to its use. For example, without prejudice to a future detailed assessment, the use of 1.8m close-boarded

fences may be considered unacceptable since they would increase the sense of enclosure of the path leading to reduced passive surveillance and increased safety fears on the part of people using it.

Cycling provision

The site does not present opportunities for new links to the existing cycling network. The site plan shows each dwelling provided with a generic “secure cycle locker”. No details are provided. A condition for detailed to be provided is recommended, in the interests of ensuring satisfactory provision.

Highway issues – proposed conditions

In addition to the conditions previously recommended, the following conditions are recommended by Highways Development Management:

- The approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies ‘Guidance on the permeable surfacing of front gardens (parking areas)’
- Before development commences, any obstruction shall be set back to the rear of the proposed visibility splays as shown on approved plan number 22D26-FBA-ZZ-XX-DR-A-0719-P09 and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.
- The development shall not be first occupied until a footway 2.0m metres wide has been provided along the site frontage as shown on plan no 22D26-FBA-ZZ-XX-DR-A-0719-P09, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
- Means of access to and from the site shall be in accordance with the preliminary access design(s) as shown on the approved plan ref. 22D26-FBA-ZZ-XX-DR-A-0719-P09 and fully constructed and made operational prior to first occupation of the development and thereafter retained and maintained for the lifetime of the development.
- Where implementation of the development hereby approved is to be phased and / or any of the dwellings hereby approved are to become occupied, prior to the completion of the development and the adoption of the estate road, details of temporary waste collection to be submitted and approved.
- Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the LPA including point of access for construction traffic, details of the times of use of the access, the routing of construction

traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site.

- Pre-and post-development condition surveys of the state of the highway, with a scheme for the remediation of defects post-development.

All of the above are considered reasonable by the case officer (with minor changes to wording for clarity) except that (i) the provision of visibility splays should be before any dwelling is occupied, not before development commences, and (ii) the submitted drainage scheme presupposes that parking areas will be impermeable and drained by run-off to an attenuation facility in common with the rest of the site. These two conditions will therefore be modified appropriately.

In addition, it is recommended that a further condition is imposed to secure the integral garages being retained as such and not converted to living accommodation to ensure that a suitable number of parking spaces for dwellings 6-8 (three) is retained.

Highway issues – conclusion

Subject to conditions the development would ensure the safe and efficient use of the highway network is not negatively affected and would promote sustainable transport. It would provide a safe means of access to the highway network, a convenient internal layout, and adequate parking, as well as improved pedestrian provision. It would thereby accord with the aims of LP20, 21 and 22 of the Local Plan.

5 – Biodiversity

The application was submitted before the provisions of the Environment Act requiring mandatory 10% Biodiversity Net Gain (BNG). But under clause (i) of Policy LP30, development must result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures being secured through the establishment of a legally binding agreement. Loss of biodiversity must, at the very least, be compensated for, and a net gain delivered (on or off site) even if it is less than the 10% now treated as standard.

A Preliminary Ecological Appraisal and BNG report was submitted with the application. It finds that mosaic scrub woodland is the dominant habitat, and is of medium distinctiveness, moderate condition. None of the existing semi-natural habitat would be retained. The report advises that the opportunity exists to create compensatory habitat features on site such as bird boxes and wildflower-rich grassland but acknowledges that most of the compensatory provision to ensure 10% biodiversity net gain would have to be off-site. The report was examined by the Council Ecologist and its findings are accepted. No protected species are likely to be harmed by the development.

The value of the existing habitat on site has been calculated at 5.22 habitat units, which would be lost because of the development. There is limited opportunity for creating habitat on site. A total of 0.86 habitat units would be created/retained on site, these mostly comprising modified grassland and vegetated garden, with some urban trees, giving rise to a net loss of 4.36 habitat units. It has been calculated from this that to compensate for the loss of existing habitat and to provide a 1% net gain, which is the bare minimum acceptable, 4.41 habitat units would need to be created off-site, which would mean that a contribution of £101,430 will be required.

This has been agreed by the applicant and incorporated into the Section 106 Agreement.

The Council Ecologist recommends two conditions relating to the protection and enhancement of biodiversity – the submission of a biodiversity management and enhancement plan covering a 30-year period, and the submission of a CEMP (Construction Environmental Management Plan): Biodiversity to guard against the possibility of harm to biodiversity during the construction period. The first condition is not considered proportionate as it would not accord with current Government guidance that a plan for the long-term management of biodiversity should only be required where the new habitat created would be “significant”, which in this case it is not, since fewer than one habitat unit would be created and as the resultant habitat would not be of increased quality or distinctiveness.

The second is considered advisable as a precautionary measure since, as the PEA states, the presence of foraging bats, amphibians, reptiles and ground nesting birds cannot be conclusively ruled out.

Subject to the above conditions, and the signed Section 106 Agreement already referred to, the development would ensure that a net gain in biodiversity is achieved and that harm to animal species during the construction phases can be avoided. It would thereby accord with the aims of Policy LP30 and Chapter 15 of the NPPF.

6 – Drainage and flooding

The site lies within Flood Zone 1 according to the Environment Agency and the council’s Strategic Flood Risk Assessment. There are no watercourses, culverted or open, present on site or on the site boundaries.

The applicant’s Flood Risk Assessment (FRA) concludes that the disposal of surface water by means of infiltration is not practicable. Attenuation storage would be used instead, the water ultimately discharging to a public sewer. The Lead Local Flood Authority (LLFA) officer initially raised several concerns, including lack of clarity over how it would affect drainage for existing properties at Urban Terrace, and advised against the use of crate storage. Subsequently, hydraulic calculations and evidence of a survey showing that the existing terrace properties at Urban Terrace do not connect to a soakaway

within the site has been provided, and LLFA also accept crate storage on residential sites subject to a detailed management and maintenance plan.

Foul water drainage would be to the existing foul water sewer.

Based on the amended details, the Lead Local Flood Authority are now able to support this application subject to the following conditions:

1. *Development shall not commence until a scheme showing a detailed plan and cross section of the selected attenuation tank alongside a detailed maintenance and management regime for the storage facility including the flow control device. The regime shall include an itinerary and schedule of tasks forming a method statement that in turn has been risk assessed by the Principal Designer under CDM Regulations 2015. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.*
2. *Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:*
 - *phasing of the development and phasing of temporary drainage provision.*
 - *include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.*

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

These conditions are considered reasonable and it is recommended that they be imposed on the decision notice.

Furthermore, in order to fulfil the Local Planning Authority's obligation to ensure adequate maintenance and management of sustainable surface water drainage, the Section 106 Agreement entered into with the developer has provision for the setting up of a management company to carry out maintenance and management of SUDS features up until such a time as they are adopted by Yorkshire Water or a NAV equivalent.

Yorkshire Water have requested the following conditions be applied:

- i. The site to be developed with separate systems of foul and surface water drainage;
- ii. No piped discharge prior to completion of drainage works, which should be based on the drainage hierarchy with flow restriction for run-off
- iii. No building or obstructing landscape feature be located within 3m either side of the sewer.
- iv. No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented.

The first two conditions are considered redundant as a drainage scheme has been submitted and the aims of these conditions would be covered by those proposed by the LLFA. The submitted documents however indicate a public foul water sewer running west-east across the middle of the site, which the applicant proposes to divert to the south where it will run parallel to another existing sewer. The 3m easement is acknowledged on the applicant's plans but it is recommended it be conditioned, for the avoidance of doubt. The fourth condition is considered reasonable in the interests of public health and the continued efficient operation of drainage systems in the local area. For the sake of simplicity, however, the last two conditions can be amalgamated into a single condition.

In conclusion, it is considered that subject to the above conditions, the development would ensure the safe and sustainable drainage of the site and avoid the possibility of drainage or flooding issues arising in the local area and thereby accord with the aims of LP27 and LP28.

7 – Climate Change

The Local Plan pre-dates 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 will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The following measures are proposed in the applicant's Climate Change Statement.

- Installation of solar PV to the roofs of the new dwellings;
- Fit low energy light fittings, efficient appliances and smart metering;
- Provided external space for drying washing naturally; Developers are expected to follow the waste management hierarchy during clearance and construction;
- Use as many locally sourced materials as possible;
- Use timber from sustainable Forest Stewardship Council (FSC) sources or from a known source with a sustainable purchasing policy;
- Use recycled aggregates as fill where required, if possible;

- Initiatives to promote energy efficiency within homes. This can include extra insulation of walls, roofs and floors, argon filled low emissivity double glazing or triple glazing, high efficiency heating boilers that respond to solar gain and have zone temperature control.

It is considered that a satisfactory attempt has been made to minimise carbon emissions associated with the development and thereby mitigate climate change. It is recommended that a condition be applied to the decision that details of solar PV equipment (and any other carbon-reduction measures to be incorporated into the development) be submitted to and approved in writing by the Local Planning Authority before work commences above foundation level, since these have not been shown on the plans or elevations.

8 – Other issues

Ground Contamination and Stability

Paragraph 196 of the NPPF states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and that any risks arising from land instability and contamination are investigated. This approach is also supported by Policy LP53.

Most of the site comprises land that is deemed potentially contaminated owing to its former use as a sewage works. It also lies fully within a Coal Referral Area.

A Coal Mining Risk Assessment, including an intrusive report, has been submitted, which plots the position of the former mineshafts and zone of influence, and states that remedial works (including capping of shafts, drilling and grouting to stabilise the site), would be required to ensure safe development and occupation. The carrying out of remedial works, and submission of a statement certifying that the site has been rendered safe, have been recommended by the Mining Remediation Authority and can be conditioned.

A Geo-investigation Phase 2 report has been submitted to assess contamination. KC Environmental Health noted the presence of colliery spoil and given its sensitive end-use further testing of the combustibility of this material is required. Additional information was provided, which KC Environmental Health have considered. KC Environmental Health have concluded that whilst the issues of risk from mine gas and from combustible materials (colliery spoil) are not wholly resolved, that there is sufficient information to support the application, subject to conditions being applied to any consent granted. These will consist of the submission of a revised Phase 2 investigation report, remediation strategy, implementation of the remediation strategy and submission of a validation report.

In conclusion, the proposal, as conditioned, complies with the aims and objectives of Local Plan policy LP53 and paragraphs 196-197 of the NPPF.

Crime mitigation

The West Yorkshire Police Designing Out Crime Officer has made a number of comments and recommendations, particularly with regard to home security, lighting and boundary treatments, but has not raised any site-specific concerns.

It is considered that the site layout allows for an adequate amount of passive surveillance of, and by, the proposed dwellings. To ensure that all opportunities are taken to improve the security of the new development, it is recommended that a condition is imposed requiring details of what measures are to be taken to minimise crime and the fear of crime. As previously noted, careful consideration will need to be given to the treatment of the footpath.

It is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime in accordance with Local Plan policy LP24(e).

Section 106 Agreement

The following matters are covered in the completed and signed Section 106 Agreement:

- The provision of two units as affordable housing (one discounted market sale, one First Home);
- The payment of a financial contribution to off-site Public Open Space;
- The payment of a financial contribution to achieve Biodiversity Net Gain off site;
- The submission of a plan for the managed areas (Public Open Space);
- The submission of a plan for the management and maintenance of on-site drainage infrastructure.

9 – Representations

Concerns that have not already been examined in the main part of the assessment are highlighted here with officer responses.

- *Low density housing is commendable but the choice of bungalows and no family homes is odd and disappointing.*

Response: Only a minority of the proposed units are true bungalows. The scheme contains a mix of house styles including some that are suitable as family homes.

- *Hopefully the development can provide funding for local infrastructure improvements such as paving and cycle infrastructure (which is currently non-existent in Kirklees!)*

Response: Contributions towards off-site highway and transport improvements (including cycle infrastructure) have not been sought as such a proposal would be disproportionate to the scale of the development, and in the case of cycle infrastructure, not directly related to it.

- *I hope that the developers ensure that the mature trees and shrubs which border the area are retained in order to maintain the privacy of neighbouring properties and to maintain the character of the area.*

Response: Trees and shrubs (although most are proposed to be retained) are not the most reliable way of providing privacy screening. The permission will be subject to a condition requiring screening to the site boundaries where appropriate.

- *I'd also request that construction traffic is not allowed to proceed up Denby Lane past Urban Terrace as this will lead to even greater traffic problems around that area and higher up that road at the junction with Bristfield Road.*

Response: This shall be considered further as part of the Construction Management Plan to be provided via condition.

- *The applicant shows a spur extending to the neighbouring land but these are two separate allocations, the landowner has not given consent for this means of access, nor has it been shown to be the only safe or practical means of access.*

Response: The existing of a spur does not mean that the developer wishes to make this a means of access into the neighbouring allocation, which is in any case currently the subject of an unrelated application by a different developer.

- *Bungalows are the most appropriate type of housing as they will attract people who are more likely to invest in property and act in a socially acceptable manner. We would not wish to see social housing as it may attract people on benefits who do not wish to adapt to village life.*

Response: Concerns about the behaviour or lifestyle of future residents are conjectural and cannot be treated as a material consideration.

- *The number of social housing units deliverable even with increased overall numbers (2) would not go very far towards meeting demand in the area.*

Response: The purpose of seeking and increased quantum of development was to make more efficient use of the site and thereby increase housing delivery overall, not affordable housing in particular. The provision of two affordable units complies with policy expectations, and additional affordable housing cannot be reasonable expected.

- *The defibrillator which would be a welcome addition to the village providing access to this life saving machine to residents at the eastern of the village are currently out of reach of the only other machine located at the western end of the village.*

Response: This is noted, but it was a feature added by the developer on their own volition, and not at the request of planning officers. It is not deemed essential (from a planning perspective) and therefore cannot be the subject of a condition.

10 – Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

The proposal would develop a designated housing site at a level that is below its indicative capacity. The quantum of development proposed is considered to be the highest realistically achievable given the constraints of the site and the need to deliver a development that will be in character with its rural setting. The development would achieve safe access to the local highway network. It would deliver an appropriate mix of housing types and would secure two affordable housing units.

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.

Recommendation: Conditional full permission, with S106 agreement

Report dated: 05/03/2025

Decision Authorisation: Delegated Powers
Application Number: 2023/93704
Officer Recommendation: Conditional full permission

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP7, LP20, LP21, LP22, LP24, LP30, LP33, LP52 and LP53 of the Kirklees Local Plan.

3. Notwithstanding the submitted information, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required pre-commencement to ensure that any possible risks arising from combustible materials and mine gas can be assessed, and if necessary remedial measures incorporated into the development at an appropriate stage.

4. Where site remediation is recommended in the approved Phase II Intrusive Site Investigation Report, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required pre-commencement to ensure that necessary remedial measures can be incorporated into the development at an appropriate stage.

5. Remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. If remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing

within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

6. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

7. No above ground development shall commence until remedial works to address land instability arising from shallow coal mining legacy and recorded mine shafts 422416-004, 422416-005 and 422416-029 have been carried out in full, to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that there are no risks to the safety of future users or occupiers of the site arising from land instability, and to accord with the aims of Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

8. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.

Reason: To ensure that there are no risks to the safety of future users or occupiers of the site arising from land instability, and to accord with the aims of Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

9. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that

will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- (i) Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- (ii) Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction
- (iii) Artificial lighting used in connection with all construction related activities and security of the construction site.
- (iv) A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included.

The plan thus approved shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan. This information is required pre-commencement to ensure that the amenities of local residential properties are safeguarded at all stages in the development process.

10. Development shall not commence until a scheme showing a detailed plan and cross section of the selected attenuation tank alongside a detailed maintenance and management regime for the storage facility including the flow control device. The regime shall include an itinerary and schedule of tasks forming a method statement that in turn has been risk assessed by the Principal Designer under CDM Regulations 2015. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works

comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: To ensure that the site can be drained in a safe and sustainable manner at all times and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This information is required pre-commencement to ensure that sustainable drainage arrangements are incorporated into the development at an appropriate stage.

11. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure that the development does not give rise to flood risk or pollution of the water environment during the construction phase and to accord with the aims of Policy LP27 of the Kirklees Local Plan. This information is required pre-commencement to ensure that suitable temporary drainage arrangements are in place at all stages of the construction process.

12. All spaces to be used for the parking of vehicles as shown on the site plan shall be provided and laid out with a hardened and drained surface, and the integral garages provided to serve Plots 6-8 provided, before the dwelling they serve is first occupied (or in the case of visitor spaces, before any part of the development is first occupied), and shall thereafter be retained, free from all obstruction to their use by vehicles

Reason: To ensure that sufficient parking for all future users of the site is provided and retained in the interests of highway safety and to ensure that informal parking does not interfere with the servicing of the site, and to accord with the aims of Policies LP21 and 22 of the Kirklees Local Plan.

13. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), all integral garages to Plots 6-8 shall be retained as such and shall not be converted to living accommodation.

Reason: To ensure that sufficient parking for all future users of the site is provided and retained in the interests of highway safety and to ensure that informal parking does not obstruct turning space or interfere with the servicing of the site, and to accord with the aims of Policies LP21 and 22 of the Kirklees Local Plan.

14. Before any part of the development is first occupied, any obstruction shall be set back to the rear of the proposed visibility splays as shown on approved plan number 22D26-FBA-ZZ-XX-DR-A-0719-P09 and the land within the visibility splays cleared of all obstructions to visibility. Before any part of the development is occupied, the access shall be tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with the aims of Policies LP20-21 of the Kirklees Local Plan. Details

are required pre-commencement to ensure that intervisibility is provided at all times including during the construction period.

15. Means of access to and from the site shall be in accordance with the preliminary access design(s) as shown on the approved plan ref. 22D26-FBA-ZZ-XX-DR-A-0719-P09 and shall be fully constructed and made operational prior to first occupation of any new dwelling within the development and shall be thereafter retained and maintained as such.

Reason: To ensure that the development gains access to the existing highway network in a safe manner, and to accord with the aims of Policies LP20-21.

16. No part of the development shall be occupied until a footway 2.0m metres wide has been provided along the site frontage as shown on plan no 22D26-FBA-ZZ-XX-DR-A-0719-P09, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The footway so approved shall thereafter be retained.

Reason: In the interests of highway safety and to allow for safe pedestrian access to and from the site, and to accord with the aims of Policies LP20-21 of the Kirklees Local Plan.

17. Before any new dwelling is first occupied, details of the design of enclosures for bin storage for the new dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. All the approved bin enclosures shall be provided, and all of the areas shown on the approved site plan for the storage and collection of wastes including both private and communal bin presentation points, laid out with a hard surface and made available for use, before any new dwelling is first occupied, and thereafter retained as such, free from all obstructions to their use.

Reason: In the interests of visual amenity and to ensure the provision of satisfactory facilities for the separation, storage and disposal of wastes, to meet the requirements set out in Policy LP24 part d(vi) of the Kirklees Local Plan.

18. Where implementation of the development hereby approved is to be phased and / or any of the dwellings hereby approved are to become occupied, prior to construction commencing above foundation level, details of temporary arrangements for the storage and collection of waste from the dwellings, and the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The temporary waste collection arrangements thus approved shall be implemented throughout the construction phase.

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

19. Prior to construction commencing, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning

Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. All construction arrangements shall be carried out in accordance with the approved CMP throughout the period of construction.

Reason: To ensure that no harm to the safety or convenience of highway users occurs during the construction process and to accord with the aims of Policies LP20 and LP21. This information is required pre-commencement to ensure that the safety and convenience of highway users are not adversely affected at any stage during the development process.

20. Development shall not commence until a survey of the existing condition of the highway on Denby Lane has been submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on St Mary's Avenue shall be submitted to and approved in writing by the Local Planning Authority.

All of the identified works shall be implemented before any part of the development is first brought into use.

Reason: To ensure that any deterioration in the quality of the highway that may occur during construction is remedied in the interests of the safety and convenience of highway users, and to accord with the aims of Policies LP20-21 of the Kirklees Local Plan. This information is required pre-commencement to ensure that an accurate record of the condition of the highway is obtained so that any defects arising from construction can be accurately identified and remediated.

21. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e. a protected strip width

of 6 metres, that crosses the site, and no construction works in the relevant area(s) of the site (within 3m of any existing or proposed public sewer) shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: So as to ensure that public sewer infrastructure is maintained in the interests of the continued safe drainage of the site and the local area, and to accord with the aims of Policy LP28 of the Kirklees Local Plan. This information is required pre-commencement to ensure that no damage to the

public sewer or interruption to maintenance access occurs at any stage in the development process.

22. Notwithstanding the submitted details, an amended Arboricultural Method Statement and Tree Protection Plan, updated to match the most up-to-date version of the proposal as shown on the approved site plan, shall be submitted to and approved in writing by the Local Planning Authority before development commences. Development shall be implemented in accordance with the Arboricultural Method Statement and Tree Protection Plan thereby approved.

Reason: To ensure the protection and long-term viability of trees within or on the boundaries of the site and to accord with the aims of Policy LP33 of the Kirklees Local Plan. This information is required pre-commencement to ensure that no harm arises to any retained trees at any stage in the development process.

23. Samples of all facing and roofing materials to be used in the development shall be submitted to, or left on site for the inspection of, the Local Planning Authority before work on the superstructure of any dwelling commences. The development shall be implemented using the approved materials.

Reason: To ensure that the development conserves and enhances the townscape and visual amenity in accordance with the aims of Policy LP24(a) of the Kirklees Local Plan.

24. Before any new dwelling is occupied, a full scheme of boundary treatments showing the location, height and design of any new or retained fences, walls and other boundary treatments forming part of the proposed development, shall be submitted to and approved in writing by the Local Planning Authority. All of the approved boundary treatments shall be erected or constructed before any part of the development is occupied, and shall thereafter be retained as such.

Reason: In the interests of visual and residential amenity, to ensure that the safety, character and useability of the adjacent Public Right of Way is not adversely affected, and to accord with the aims of Policy LP24 and LP20 of the Kirklees Local Plan.

25. Before development commences above foundation level, details of the proposed solar array to be incorporated into the roof of each dwelling, or any other on-site renewable energy generation to be provided as part of the proposal, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development during construction and shall thereafter be retained as such.

Reason: To ensure that the proposed development contributes to the Council's target of achieving 'net zero' carbon emissions by 2038 and thereby reducing the causes of climate change, and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

26. Before any dwelling is brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of measures to protect

future occupants from crime, and the fear of crime. The approved measures shall be implemented before the dwelling to which they relate is first occupied and thereafter retained as such.

Reason: To ensure that future occupants are adequately protected from crime and the fear of crime and to accord with the aims of Policy LP24 of the Kirklees Local Plan.

27. Notwithstanding the details on the landscaping scheme prepared by Rosetta Landscape Design, an amended landscaping plan shall be submitted to and approved by the Local Planning Authority before construction work commences above foundation level showing in detail the means of public access to the two areas of public open space, and shall include the following:

- The path giving access to the POS situated to the west of Plot 12 surfaced in bitmac or a similar material providing a sealed, cohesive surface.
- A pathway also surfaced in bitmac or another material providing a sealed, cohesive surface, crossing the area of POS located above and around the attenuation tank to the south-east of Plot 5, and seating provided in this area.

All hard and soft landscape works shall be carried out in accordance with the landscaping scheme as approved in accordance with this condition within the first planting, sowing or landscape management season following the commencement of development. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the Local Planning Authority.

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP33 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

28. Before any part of the development is brought into use, details of secure covered cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be provided before any part of the development is brought into use and shall be so retained thereafter.

Reason: In the interests of cyclist safety and security, to ensure a satisfactory layout, and to promote the use of low-impact means of transport, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

29. One electric vehicle recharging point shall be installed within the dedicated parking area or garage for each of the approved dwellings before the dwelling to which the recharging point relates is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In accordance with the aims of Policy LP24(d & v) of the Kirklees Local Plan and Chapter 14 of the NPPF, to promote infrastructure which encourages modes of transport with low carbon emissions.

30. No development shall take place (including demolition, ground works, and vegetation clearance, other than where necessary to undertake site investigation works) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information and specifically to nesting birds, badgers and invasive plant species.
- b. Identification of “biodiversity protection zones”, where appropriate.
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.
- f. Responsible persons and lines of communication.
- g. Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Kirklees Local Plan Policy LP30. This information is required pre-commencement to ensure that impacts on biodiversity do not occur at any stage in the construction process and that invasive species are not allowed to spread.

Contaminated land – Footnote

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

Construction Environmental Management Plan – Footnote

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document “Guidance on the assessment of dust from demolition and construction” Version 2.1 2023.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited

Approved Access – Informative

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38 or 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Management and Maintenance of Private Estate Streets – Informative

The applicant is advised that it is their responsibility to inform the potential purchasers of the properties served by any unadopted streets that the streets will remain unadopted and provide details of the ongoing management and maintenance requirements and their obligations. The potential purchasers must also be advised by the developer of the potential implications of the streets remaining private, which are described in DfT Advice Note 'Highway Adoption' at Annex C 'A Guide for Home Buyers': Highways Adoption (publishing.service.gov.uk)

The applicant is advised to consult with the Local Highway Authority guidance document on 'Private Streets and the Advance Payments Code': Highways guidance note: Private Streets and the Advance Payments Code (kirklees.gov.uk)

Management of waste – Informative

This condition is required as the Waste Collection Authority will not enter construction sites, nor will they routinely enter private drives or unadopted streets. Therefore, should the applicant's intentions regarding the adoption of streets change from that considered at the planning approval stage, this may necessitate changes to the developments waste strategy and the facilities that have been agreed in principle, which may require applications to vary the approved plans. For further information regarding the Waste Collection Authority requirements, see the following guidance note:

<https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

NOTE: Works within the highway

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			15-Dec-2023
Location plan	PP-12644696 v1		15-Dec-2023
Site plan as proposed	0719	P09	31-Jan-2025
Public Right of Way plan	0601	P01	12-Jul-2024
Site constraints plan	1000	P02	20-Dec-2023
Site constraints plan	1010	P06	20-Dec-2023
Block plan	700	P02	17-Sep-2024
Plans and elevations house type A	2000	P06	17-Sep-2024
Plans and elevations house type B	2000	P07	17-Sep-2024
Plans and elevations house type C Plot 5	2000	P15	27-Sep-2024
Plans and elevations house type C Plot 9	2000	P14	27-Sep-2024
Plans and elevations house type F	2000	P05	17-Sep-2024
Plans and elevations house type G	2000	P04	17-Sep-2024
Plans and elevations house type U1	2000	P06	27-Sep-2024
Proposed long sections	D901	1	15-Dec-2023
Proposed landscaping plan	3875/2	J	19-Nov-2024
POS and amenity areas plan	0730	P01	07-Feb-2025
SUPPORTING DOCUMENTS - GENERAL			
Design and access statement			17-Sep-2024
Supporting statement			12-Mar-2024
Climate change statement			15-Dec-2024
Lithos Gas Risk Assessment	016/4511/AG/JHR		15-Dec-2023
Lithos preliminary findings	016/4511/AG/JHR		15-Dec-2023
Geo-environmental report	E21/7792/R001		15-Dec-2023
Phase I Report	KR/GEODS/G23054		27-Mar-2024
Certificate of Analysis	22-22300		11-Jul-2024
Certificate of Analysis	22-20871		11-Jul-2024
Coal Mining Risk Assessment	KR/CMRA/G23054		24-May-2024
Coal Mining Risk Assessment report	KR/CMRA/G23054		27-Mar-2024
DRAINAGE			
Flood Risk Assessment	FRA/RWO/Y20054.100	2	01-Oct-2024
Long sections	Y22054-D901	2	01-Oct-2024
Overall engineering layout	D900	5	19-Dec-2024
Hydrobrake	SHE-0076-350-2055-		19-Dec-2024

Plan Type	Reference	Version	Date Received
	3500		
Hydrobrake	SHE-0075-3100-1680-3100		19-Dec-2024
SUDS maintenance schedule			28-Nov-2024
Storm sewer design criteria			28-Nov-2024
Impermeable Areas Plan	D204	1	31-Oct-2024
Plan showing existing position of sewer	YCP 120924 003		07-Jan-2025
LANDSCAPING, TREES, BIODIVERSITY			
Landscape maintenance schedule		A	19-Nov-2024
Tree Survey	Iain Tavendale		15-Dec-2023
Arboricultural Impact Assessment	Iain Tavendale		15-Dec-2023
Tree plan	Iain Tavendale		15-Dec-2023
Tree shadow plan	Iain Tavendale		15-Dec-2023
Preliminary Ecological Appraisal	MAB Environment & Ecology	1	15-Dec-2023
BNG Metric updated			21-Jan-2025
HIGHWAYS			
Transport Statement	23102 Denby Lane TS	3	13-Sep-2024
Road adoption plan	0750	P03	14-Feb-2025
Affordable housing plan	0721	P01	31-Jan-2025
Swept path analysis	Via Solutions		18-Nov-2024
RSA Stage One	2024-12 Grange Moor RSA1	0	08-Jan-2025
RSA Stage One designers' response	GG119 Via Solutions		08-Jan-2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer undertook negotiation with the applicant at several stages in the application to ensure that the proposal made efficient use of the site, delivered affordable housing, suitable drainage arrangements and an appropriate layout for access and servicing.