

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2024/61/90058/W

Site Address: Penistone Road / Rowley Lane, Fenay Bridge,
Huddersfield, HD8 0JS

Description: Reserved Matters application, including the considerations of appearance, scale, layout, and landscaping, for the erection of 67 dwellings, pursuant to outline permission 2020/92307 for the erection of residential development (up to 75 units) and the discharge of outline conditions 7 (archaeology), 8 (foul and surface water drainage strategy), 9 (flood routing), 10 (mitigatory tree planting), 11 (cycle parking), 12 (arboricultural assessment), 13 (Ecological Design Strategy), 14 (Ecological Impact Assessment) and 15 (noise impact assessment)

Recommending Officer: Nick Hirst

DECISION – Reserved Matters – Approve

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

Victor Grayson

AUTHORISED OFFICER

Date: 12/06/2025

Application: 2024/61/90058/W

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Site Description

The site is within Almondbury Ward, sited immediately to the east of Penistone Road and is circa 4.4km west of Huddersfield Town Centre.

Rowley Lane runs along the site's north boundary. Across Rowley Lane are residential properties. A former railway line runs along the east boundary, beyond which is an office site and residential properties. To the south is an engineering site, and to the west, across Penistone Road, is open land with sporadic dwellings.

The application site has an area of 2.4ha and consists of part of a roughly rectangular field and Rowley Lane (due to proposed highway improvement / access works). The excluded part of the field is included within the applicant's blue line (land owned by the applicant, but not part of the application site).

The site is sloped, falling from east to west. The north, east, and south boundaries host mature tree belts, with the west boundary hosting smaller and thinner trees.

Description of Proposal

Reserved Matters approval is sought for the erection of 67 dwellings. The Reserved Matters under consideration are appearance, landscaping, layout, and scale. Access was considered and approved at outline stage (application ref: 2024/90058, which concerned a residential development of up to 75 units).

Access into the site, as previously approved, is to be taken via a new priority junction from Rowley Lane. The new estate road, from Rowley Lane, would enter the site and head roughly to the centre, before splitting into branching streets, which themselves split into smaller roads. A mix of standard estate road, shared surface, and private drives would be provided.

Dwellings would be a mix of detached and semi-detached, with a single terrace row. The application includes 2-storey, 2-storey with rooms in the roof space (2.5-storey) and 3-storey storey properties. The following housing mix is proposed:

	Market	Affordable Rent	Affordable Intermediate
1- and 2-bed	10 (18.5%)	5 (71%)	4 (66%)
3-bed	17 (31.5%)	1 (14%)	2 (33%)
4-bed+	27 (50%)	1 (14%)	0
Total:	54	7	6

Dwellings would be arranged around the new road in a typical contemporary estate fashion. Each dwelling would have dedicated parking, sited to the side or front of the property, with certain plots having detached or integral garages. The 2-bed and 3-bed dwellinghouses would have two off-road parking spaces per unit, with the 4- and 5-bed units having three. Ten dedicated visitor parking spaces would be spread around the new road.

Dwellings would be faced in artificial stone with concrete slate replica roof tiles, although certain plots facing towards Penistone Road and Rowley Lane (plots 41 - 50, 66 and 67) would have front (and in limited cases, side) elevations faced in natural stone.

Re-grading and engineering works are proposed across the site to form development plateaus. This includes the provision of a retaining wall along most of the site's west boundary, facing towards Penistone Road. This wall's height would vary between 1m and 4.5m (at the extreme), excluding adjacent battered land, and the wall would be faced in artificial stone. This wall serves a dual purpose of providing level ground for the site, while also ensuring a developable area for potential highway improvements necessary to access the remainder of allocations HS2 and HS3, as was considered necessary at outline stage¹. Atop the west retaining wall, 1.1m flat top railings are proposed.

No details have been provided regarding the facing materials for the other retaining walls within the site.

Boundary treatments include a mix of 1.8m high fencing to rear gardens, pier and panel walling where rear gardens front the public realm, lower fencing and knee rails, and hedgerow planting.

¹ The outline submission was supported by a drawing showing the feasibility of a new roundabout and new road, which would secure future access from Penistone Road to the remainder of HS2 and HS3. It did not form part of that permission (nor this Reserved Matters application), but served the purpose of demonstrating that the current application would not prejudice the future access to the remainder of HS2 and the adjoining HS3 site. This application includes the same indicative roundabout plan, with the now detailed proposed layout, to serve the same function of demonstrating access remains feasible.

Public open space is to be provided to the site's west. This is to include a grassed amenity area and a Local Area of Play (LAP). Other landscaping includes tree planting along the full length of the retaining wall's frontage (within the battered land), around the public open space, and tree planting to front gardens intermediately through the site.

Outline application 2020/92307 was approved with 32 planning conditions. Of those, nine conditions required the submission of specific information as part of the subsequent Reserved Matters application. Those conditions are:

- Condition 7: Archaeology
- Condition 8: Foul and surface water drainage strategy
- Condition 9: Flood routing
- Condition 10: Mitigatory tree planting
- Condition 11: Cycle parking
- Condition 12: Arboricultural assessment
- Condition 13: Ecological Design Strategy
- Condition 14: Ecological Impact Assessment
- Condition 15: Noise impact assessment

Details to address these conditions have been submitted to support the proposal.

Relevant Planning History

Application Site

2020/92307: Outline application, including the consideration of access, for erection of residential development (up to 75 units) – Granted.

Surrounding Area

Land at Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW (Housing Allocation HS1)

2020/90725: Erection of 68 dwellings with associated access, parking and open space (revised plans) – Full permission granted.

2022/93154: Erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank) – Pending consideration.

Land off Hermitage Park, Lepton, Huddersfield, HD8 0JU (Housing Allocation HS2)

2022/91735: Outline application for erection of 80 dwellings and associated work, including the considerations of access, layout, and landscaping – Granted.

2025/90105: Variation of conditions 6 (PROW), 9 (boundary treatment), 38 (bin collection), 40 (car parking) and 41 (access) of previous outline permission 2022/91735 (with access and layout) for the erection of 80 dwellings and associated work – Pending consideration.

History of Negotiations

During the consultation process, consultee have raised various concerns with the proposal. This includes the Lead Local Flood Authority seeking revisions to the drainage strategy, K.C. Trees seeking further details regarding the arboricultural impacts, and K.C. Highways requesting further details and amendments regarding the road, amongst other matters. Planning officers also raised their own concerns regarding the design of the proposal.

Through various stages of negotiations with the applicant, including virtual and in-person meetings and email exchanges, further details have been provided which addressed all originally raised concerns. Based on these details, officers are able to recommend that the application be approved.

Representations

Final publicity date expired: 14/11/2024.

The application has been advertised as a major development via site notices and through neighbour letters sent to properties bordering the site, along with being advertised within a local newspaper. This is in line with the council's adopted Statement of Community Involvement

In total, eight public representations were received in response to the proposal. The following is a summary of the comments received:

- Concerns over the number of units proposed and impact on the local highway, with Penistone Road being too busy.
- The new junction to Rowley Lane is dangerous, as it is on the inside of a curve with limited sightlines, particularly eastward. Access should be taken from Penistone Road.
- Development should not be approved on greenfield land. Brownfield should be prioritised. The land is Green Belt which should never be built on.
- The proposal will harm local ecology.
- The proposal will harm local services / infrastructure, including schools, doctors, and dentists, who are at capacity.
- The applicant has started advertising the development and commenced works on site, without permission having been granted.
- The proposal will increase local pollution.
- The local drainage infrastructure is not suitable for additional housing.
- Mixed market and social housing leads to anti-social behaviour / criminal damage.

- Local councillors should make the decision, not officers or non-local councillors.
- The proposals design is uninspiring and boring, lacking in imagination and design flair. At a very minimum the applicant should be required to at least to use natural stone for the frontages to better blend in with surrounding properties.
- To surround the frontage of the development with an 1100mm fence line will give the development the look and feel of a compound and it not recommended.

In addition to resident's comments, a comprehensive Noise Impact Assessment has been submitted by the adjacent Reliance Precision. This document raises concerns that, should Reliance Precision operate to the extent of its current authorisation (24 hours a day), their operation could affect future residents, therefore resulting in future issues between residents and Reliance Precision which could harm the business.

In response to Reliance Precision's concerns, two meetings were held between the business, applicant, and officers to discuss the matter of noise impacts. This is detailed within the main assessment of the proposal. However, in summary, Reliance Precision have confirmed no objection to the proposal, subject to the imposition of suitably worded conditions that address their concerns. These conditions have been agreed between the parties.

The site falls within Kirkburton Parish. No comments were received from the Parish Council.

The site falls within Almondbury ward. The local ward councillors were notified of the proposal, however no formal comments on the proposal were received in response.

Planning Policy

Kirklees Local Plan (KLP)

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

The application site is part of Housing Allocation HS2 within the Kirklees Local Plan. Allocation HS2 has an indicative housing capacity of 286 dwellings. The site is adjacent to Housing Allocation HS3 (to the west).

The site represents circa 22.5% of HS2's total area (9.33ha) or 27% of the identified developable area (net area reduced to retain woodland/remove high flood risk areas elsewhere in HS2, outside of this application's redline).

Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, active and safe styles
- **LP49** – Educational and health care needs
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP63** – New open space
- **LP65** – Housing allocations

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

Supplementary Planning Documents

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

Guidance documents

- Kirklees Interim Housing Position Statement to Boost Supply (2023)
- Kirklees First Homes Position Statement (2021)
- Providing for Education Needs Generated by New Housing (2012)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets Principles for the West Yorkshire Transport Fund

Neighbourhood Planning

The Lepton Neighbourhood Area was designated on 18/09/2018 in accordance with the Town and Country Planning Act 1990, the Localism Act 2011 and the Neighbourhood Planning (General) Regulations (2012) as amended. The site falls within the defined area.

Lepton Vision Steering Group were producing a Neighbourhood Development Plan for Lepton on behalf of Kirkburton Parish Council. At a Kirkburton Parish Council Neighbourhood Plans Committee meeting held on the 20/10/2022, the steering group stepped down from producing a Neighbourhood Plan for the Lepton area. The plan is therefore on hold.

In light of the above, there is no adopted neighbourhood plan which carries material weight in the decision-making process.

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) and the Planning Practice Guidance Suite (PPGS), together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

Climate change

The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by

2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On 12/11/2019 the council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Consultation Responses

K.C. Conservation and Design: Have noted that, at outline stage, the proposal was concluded to cause less than substantial harm to the Grade I Woodsome Hall and there would be a degree of impact on the Grade II listed 1 Woodsome Road. This remains the case, and while they consider the layout to be acceptable, they advised that revisions to design aspects including materials and boundary treatment should be considered.

K.C. Ecology: Have reviewed the details submitted as part of this application pursuant to conditions 13 (Ecological Design Strategy) and 14 (updated EclA). They have confirmed no objection to the details submitted pursuant to condition 14. For condition 13, initially, they accepted the net gain calculations but considered that not all aspects of the condition had been addressed. This led to further details being submitted in response to the concerns raised.

K.C. Environmental Health: Most matters pertinent to environmental health, such as contamination and air pollution, were considered and conditioned at outline stage, with no further consideration required as part of the Reserved Matters submission.

With regard to noise impacts, K.C. Environmental Health have been involved in negotiations between the council, applicant, and the adjacent business Reliance Precision. This included comparing and considering the different Noise Impact Assessments submitted by the applicant and business. In conclusion, it is considered that the concerns of Reliance Precision and the amenity of future residents may be addressed via suitably worded conditions.

K.C. Education: Identified a required education contribution of £118,791 given the number of units proposed.

K.C. Trees: Commented as follows:

'The submitted landscape plan is sufficiently detailed, and all suggested species and planting techniques are acceptable. I am confident that all previous concerns have been addressed and all the submitted tree information details a sufficient level of protection during construction. There are no objections and happy for conditions 10 and 12 to be released.'

K.C. Highways (Development Management): Provided advice and feedback through the application process, including on the layout and design of the internal road. In conclusion no objection, subject to conditions².

K.C. Landscape: Advice offered regarding the proposed landscaping and public open space provision, including on-site provision and off-site contribution.

K.C. Lead Local Flood Authority: Provided advice and feedback through the negotiation period. Expressed initial concerns regarding the details submitted pursuant to condition 13 (surface water drainage strategy). Following the submission of further details, concluded no objection to the proposal (advice was offered regarding the management and maintenance of the drainage system).

K.C. Strategic Housing: Advised on the makeup of a policy-compliant affordable housing proposal for the development, with guidance on tenure and size mixture also provided.

Historic England: Offer no comment, although advise that comments from local specialist conservation and archaeological officers be sought.

Mining Remediation Authority (formerly the Coal Authority): Advised that they raised no objection to the original outline application and consequently raised no objection to this reserved matter submission.

West Yorkshire Archaeology Advisory Service: Having reviewed the submitted report, have confirmed that 'the archaeological potential of the identified features is therefore negligible to low and no further work is recommended'.

West Yorkshire Police Designing Out Crime Officer: No objection subject to a condition requiring that the development receive a Secure by Design accreditation. Further advice, outside the scope of planning, also provided to the applicant.

Yorkshire Water: Have commented that they consider no observation comments are required from Yorkshire Water.

Assessment

² Several of the conditions requested by K.C. Highways were previously imposed at outline stage, and therefore need not be repeated.

The following matters are considered in the assessment below –

- Principle of development
- Assessment of the Reserved Matters: Appearance, Scale, Layout and Landscape
- Other matters
- Representations
- Conclusion

Land use and principle of development

Paragraph 48 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 will 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

The parent outline permission 2020/92307 established the principle of development at the site for the following, with all matters bar access reserved:

Outline application, including the consideration of access, for erection of residential development (up to 75 units)

Having been considered and determined as part of the outline planning permission, no further assessment of the principle of development is appropriate or necessary as part of this application, as it is considered that this Reserved Matters submission is fully compliant with the outline permission. The development will be subject to the relevant outstanding conditions set out in the outline permission. Accordingly, an assessment of the Reserved Matters applied for is required, followed by assessment of any other material considerations.

Masterplan

In accordance with the requirements of the Local Plan, applications for development at allocations HS2 and HS3 are required to be supported by a masterplan. The masterplan was submitted and subsequently approved as part of the parent outline permission (ref: 2020/92307).

The masterplan splits the allocation into four phases;

- Phase 1: The application site, the first half of HS2, to be accessed from Rowley Lane, to host up to 75 dwellings.

- Phase 2: Northeast of allocation HS3, to be accessed from Hermitage Park (itself accessed from Rowley Lane). To host up to 80 dwellings. This would not allow vehicle access into the remainder of the allocation. There is a live application for this phase, ref: 2022/91735.
- Phase 3: The remainder of HS2, to the east of the current application (phase 1) site. Approximately 100 – 200 dwellings. To be accessed via a new roundabout from Penistone Road and road past Phase 1.
- Phase 4: The remainder of HS3, to the west of Phase 2. Approximately 140 – 230 dwellings. Also be accessed via the new roundabout from Penistone Road and road past Phase 1.

The document includes indicative design standards for dwellings, consideration of infrastructure (drainage, roads, footpaths, open spaces etc.), climate change mitigation, amongst other matters.

This reserved matter submission will be considered in the context of the approved masterplan, where relevant.

Assessment of the Reserved Matters: Appearance, Scale, Layout and Landscape

Appearance is defined as:

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

Scale is defined as:

the height, width and length of each building proposed within the development in relation to its surroundings.

Layout is defined as:

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

Landscape is defined as:

the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

Housing mix (market units)

Local Plan policy LP11 seeks for proposals to provide a representative mix of house types for local needs. This is expanded upon and detailed within the council's Affordable Housing and Housing Mix SPD (March 2023).

The following is the proposed market housing mixture:

- 1- and 2-bed: 10 (18.5%)
- 3-bed: 17 (31.5%)
- 4-bed+: 27 (50%)

Affordable units are excluded from the above, and shall be considered later within this assessment.

The site is within the Huddersfield South subarea within the council's Affordable Housing and Housing Mix SPD, which identifies the following desired mixture:

<i>Huddersfield South</i>	Market Housing	Affordable Rent	Affordable Intermediate
1 and 2 bed	30-60%	40-79%	40-79%
3 bed	25-45%	0-19%	20-39%
4+ bed	15-35%	20-39%	0-19%

The proposal under-provides 1- and 2-bed units, while over-provides 4-bed+ units. The SPD's standards should, however, be noted as a starting point, following a 'comply or justify' approach.

Notwithstanding the above, it must be recognised that the outline application was assessed and determined (December 2022 (committee decision)) prior to the Affordable Housing and Housing Mix SPD (March 2023) coming into force. The applicant has noted this, stating:

It is recognised that the Local Authority adopted an Affordable Housing and Housing Mix SPD in March 2023, however as the application was taken to Planning Committee in December 2022, it did not form part of the decision making process for the Outline consent.

The applicant also claims that housing mix is not a reserved matter and therefore does not fall to be considered, although officers give limited weight to this specific argument. Nevertheless, the fact that the outline application predates the SPD is noted. Despite this, officers have worked with the applicant to bring the proposal closer in line with the SPD than originally submitted, which has achieved a reduction in 4-bed+ units, and an increase in both 1- and 2-bed and 3-bed units, compared to the original scheme. Further

comprise could not be reached, with the applicant relying on Strategic Housing Market Assessment data, stating:

It is considered that the proposed housing mix will sit comfortably within the surrounding character area, providing high quality family housing that meets the local housing need. The Kirklees SHMA identifies a dominance in two and three bedroom properties (65.7%) within Kirklees existing housing stock. The SHMA also identifies that Kirklees Rural East is categorised by predominantly 3 and 4 bedroom family housing. The development proposal seek to balance the existing mix, in providing 17no. 2 bedroom houses, whilst also providing large family houses in keeping with the character of the surrounding area.

Considering the above circumstances, which are considered to carry material weight to warrant a deviation from the SPD's standard, the shortfall compared to the SPD's expectations is not considered to cause substantial material harm in the planning balance, and it may be accepted.

Urban design

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

Consideration is first given to the site's masterplan. In addition to various other matters, including transport connections and phasing, it includes indicative design standards and details. Of the several character areas identified within the masterplan area, phase 1 (the application site) included two: the 'Edge' and 'Internal' areas. As a brief overview of the masterplan's expectations for these areas:

Edge

- Slate roofs and stone to face walls of houses.
- Low stone walls to key areas.
- Generally, 2 storeys, with some 2.5 and 3 storey homes to key locations.
- Front gardens to lawn, with no boundary treatment.
- Timber birdsmouth fencing to top of bank.

Internal

- Slate roofs and stone to face walls of house.
- Generally, 2 storeys, with some 2.5 storey homes to key locations.

- Some front gardens to have feature planting.
- Front gardens to generally to lawn with no boundary treatment.
- Some use of short terraces, maximum 4 dwellings, opportunities for front driveways.

In general, officers are satisfied that the proposed details adhere to the above, and to other, expectations set out within the masterplan. The proposal does not fully adhere to all aspects, such as timber birdsmouth fencing to the top of banks, however the divergences are considered reasonable at this more detailed design stage and do not undermine the aims and objectives of the masterplan. Where relevant, these shall be considered further within the following assessment.

The council's Housebuilders Design Guide SPD sets out what the council considers to be good residential design, to raise the quality of housing that is delivered in the district.

First considering density, the following was stated in the previous committee report at outline stage:

A total of 75 dwellings, across the site area of 2.2ha, would represent a density of 34 dwellings per ha. If calculating the proportionate contribution for the allocation's developable area, 27% of 286 is 77.2. Up to 75 units would, therefore, broadly comply with the indicative capacity and policy LP7. While made at outline, and the proposal is 'up to 75 units', officers are satisfied that the indicative density and maximum sought is an effective, efficient, and appropriate use of the housing allocation land. A lower density may be appropriate, if demonstrates to be 'appropriate' at Reserved Matters stage.

At 67 units, as now proposed, the development would represent a density of 30.5 dwellings per hectare (dph). This remains reasonably close to the 35dph expected under policy LP7 and is considered to remain an effective use of the allocation.

The dwellings are to be a mix of two storeys, split level (two / three storey), and three storeys. Whilst the area is predominantly characterised by two storey dwellings, split level and three storey units are not without precedent, and their modest use, where appropriate, was accepted within the masterplan. The layout has been designed to have the two-storey units on the edge of the proposed development, thereby reducing the prominence of the taller units, and therefore mitigating their impact on the wider area. More generally, the roof forms within the site have been designed to follow the topography and would reflect the characteristic of roof lines rising up the hillside. Considering these factors, the proposed heights of the units are considered acceptable.

Architecturally, the proposed dwellings have a typical contemporary design that references Pennine vernacular. The design of the proposed units would sit comfortably within the site's context, would be of a suitably high quality,

and would appear attractive, while harmonising adequately with the established built environment. Again, this adheres to the vision of the masterplan.

Dwelling materials are to include natural stone and artificial stone. Natural stone is to be used along the frontage to Penistone Road (plots 41 - 50, 66 and 67). Within the site artificial stone would be the main material, with render used sparingly to add visual interest. Roofs are proposed as concrete slate replica roof tiles.

The proposed natural stone along Penistone Road would result in a high-quality feature and would help enable the development to harmonise with the character of the area. This acceptance is subject to an acceptable end product being used, securable via condition. The internals of the site would be located away from neighbouring natural stone buildings and given the identified viability issues at the site, subject to a suitably high-quality artificial stone being used, its use in part of the site is not opposed. The plans reference the specific product 'Marshall Cromwell pitched faced stone weathered'. Insufficient detail has been provided to confirm whether this material is a suitable product for this site, although in principle artificial stone is not opposed. Finally, roofing in the area is likewise varied and the use of an artificial tile, again subject to a suitable end project being used, would not appear incongruous in the area. Overall, the materials are deemed acceptable, subject to acceptable samples being approved via condition.

Retaining walls are proposed throughout the site. Mostly, these are to be located within rear gardens, reducing their prominence in the public realm. None of the retaining walls within the gardens are so tall as to raise concerns regarding visual impacts. A condition requiring details of their materials is considered reasonable.

Notwithstanding the above, the proposal includes a sizable retaining wall along the west and north boundary that would be prominently visible from Penistone Road, Rowley Lane, and further west, across the valley. The retaining wall would run for a length of circa 210m and its height would vary, being up to approximately 4.5m at its tallest point. Officers are satisfied that the wall, as proposed, is necessary to enable delivery of the proposed development and to ensure the future access to phases 3 and 4 would not be prejudiced. In terms of being necessary, the land is currently steeply sloped, and reasonable developable plateaus must be achieved for plots and the road. The applicant has taken opportunities to reduce the maximum height of the wall by introducing stepping and the aforementioned garden retaining walls, where feasible, while also ensuring the internal road complies with the council's maximum gardens for potential adoption. In terms of the phases 3 and 4 access, this has been (at outline stage) indicatively designed to skirt around the edge of the site. The proposed development must not prejudice the future ability to deliver the necessary infrastructure to access phases 3 and 4, having due regard to the necessary land and, in this case more importantly, the level of the land. Any new road would need to be at suitable gradients to ensure it is safe, deliverable, and adoptable by the council. The

proposed retaining wall therefore must achieve the appropriate land level outside the side, for the potential future road infrastructure to be accommodated.

With the need for the wall established, it still must also be noted that the wall (at its maximum and at areas adjacent to the maximum) is taller than would be desirable, particularly at such a prominent location. To mitigate the impact, officers have worked closely with the applicant to secure the most appropriate design, in terms of materials, landscaping, and boundary treatment.

For the wall's materials, a specific product has been proposed, namely the Anchor Vertica – Canelletto artificial stone product. While a natural product would be preferable, and was advocated for by officers, the applicant pushed back, claiming that, due to the scale of the retaining wall, it would not be feasible. Officers accept this claim, subject to a suitably high-quality product being used (alongside landscaping, considered below). Officers are satisfied that that proposed is such a product, and accept its use, although details of the coursing and mortar are required via condition, along with a management and maintenance strategy to ensure the stone does not degrade.

In terms of landscaping, 17 trees (standards or larger) planted at frequent intervals in front of the full length of the walls are proposed, along with low level shrub planting and a flowering plant mix. These would go a substantial way towards helping screen the wall and soften its appearance, with the delivery of the proposed landscaping, along with the ongoing management details, securable via condition. Finally, the applicant originally proposed a timber railing fence atop the retaining wall which would adhere to the expectations of the masterplan. However, the masterplan envisioned a batter, not a solid retaining wall. Officers considered a timber fence would not sit well atop the retaining wall. In response, the applicant proposes a metal railing, which is considered better in principle, although further details are required. These details, and the implementation of the final boundary treatment, are recommended to be secured via condition.

For landscaping generally across the site, the submitted landscaping strategy has shown that the site may be attractively landscaped to a high quality, which is welcomed. This includes the planting of numerous trees including the streets being tree-lined (although these would be in either public open space or front gardens, as opposed to being within the highway). A condition requiring adherence to the submitted landscaping strategy, while requiring details of implementation and management, is recommended.

Condition 10 on the outline permission required that the landscaping strategy provide replacement planting at a minimum ratio of 1:2, which has been achieved, while condition 12 required that the Reserved Matters application be supported by a fresh Arboricultural Survey, Impact Assessment, and Methodology, which it has been. These conditions are assessed in a dedicated section later within this report.

For other boundary treatments, excluding the railings atop the western retaining wall, typical contemporary arrangements are proposed, namely 1.8m close boarded fencing to rear gardens, with post and rail systems where rear gardens are adjacent to the public realm, for a higher quality finish. These details are acceptable, and their delivery may be secured via condition.

The applicant has demonstrated that careful consideration has been given to the appearance, scale, layout, and landscaping of the development, to achieve an attractive design that would harmonise well with the existing environment. The design of the units and the wider site has had to balance several constraints, including reducing the reliance on retaining walls, keeping the heights of units to a minimum, and harmonising with the site's surroundings.

In summary, the proposed works would notably change the character and appearance of the site and wider area, while being visible from Penistone Road and across the valley. Nonetheless, the proposed development is deemed to be designed to a high standard. The proposal would represent an attractive continuation of the adjacent residential environment, while appropriately transitioning to the rural landscape to the west. Accordingly, the proposal is deemed to comply with the aims and objectives of policies LP2 and LP24 of the Kirklees Local Plan, and Chapter 12 of the NPPF.

Impact on Local Heritage Assets

Section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a heritage asset or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This requirement is mirrored by policy LP35 of the Local Plan.

There are various heritage assets within the surrounding area. Of these, the following are considered most relevant to the proposal: Woodsome Hall (Grade I listed), which has two Grade II listed outbuildings, and 1 Woodsome Road (Grade II Listed). The specific heritage value of these assets was identified at outline stage. The site is also recognised to have potential archaeological interest.

The proposal's potential impact on each of the above heritage assets, and their respective heritage value, was considered at outline stage. It was concluded that both heritage assets would be impacted upon by the proposal, with the following summary being given in the previous committee report:

10.93 The site is within a sensitive historic environment. While it is accepted the development will, inevitably, cause less than substantial harm to the identified heritage assets, subject to quality design at reserved matters stage this is not expected to develop to substantial

harm. The public benefits of delivery housing at a time of need are considered to outweigh the identified less than substantial harm.

The outline assessment was based on indicative details and presumed impacts. The current Reserved Matters application includes specific details of the proposals, which enable a more detailed assessment.

For the reasons given in the previous section, officers have concluded that the proposed development would harmonise with the character of the area, would be attractive, and would be of a suitably high quality. Once implemented, the development would blend into the surrounding environment, being a continuation of the settlement of Lepton. Nevertheless, it remains the case that the site, and therefore the development, would be visible from Woodsome Hall and 1 Woodsome Road, and therefore would impact upon their setting through introducing development on land which was historically open.

The proposed details put forward with this Reserved Matters submission align with those expected at outline stage. The proposed dwellings, particularly on the outside of the site (and therefore most visible from Penistone Road and the heritage assets), are to be two storeys in height, faced in stone, with a design that references Pennine vernacular. The three-storey / split level units are contained within the site and, when viewed from outside, are expected to appear as dwellings of varied heights, climbing the hillside, as is typical for Lepton.

The proposed western retaining wall would be a new feature, although retaining walls are not without precedent in the local area. As has been previously considered, while its height is greater than desirable, this is necessary to deliver the proposal and has been designed to minimise impacts through the use of carefully selected materials and landscaping.

These factors, plus the separation distance between the site and heritage assets, allows officers to conclude that the impacts of the proposal upon the heritage value of the identified heritage assets would indeed be less than substantial. It therefore remains the case that the public benefits of the proposal, namely the delivery of housing at a time of need, would clearly outweigh the identified harm. Having due regard to Section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990 and the general duty it introduces in respect of listed buildings, the requirements of Chapter 16 of the NPPF, and policy LP35 of the Kirklees Local Plan, officers are satisfied that the proposal complies with these policies and would not cause substantial harm to the historic environment.

It should be noted that the masterplan and the indicative roundabout's potential impact on the heritage assets were also considered at outline stage. Given that the masterplan has been approved and the roundabout (and/or other highway improvement) is not part of this application, a further assessment on these elements is not required at this stage. Likewise, the archaeological impacts of the proposal were considered at outline stage and

addressed via condition. Consideration of the archaeological condition is undertaken later within this report.

Residential amenity

Policy LP24(b) of the Kirklees Local Plan advises that proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

The nearest residential property to the west, across Penistone Road, is over 100m from the site boundary and would not be impacted by the proposal.

Due south is the business Reliance Precision. The relationship between Reliance Precision and the site shall be considered later in this assessment.

There are existing residential properties to the north, on Rowley Lane, and east of the site, on Woodsome Park. The nearest of the proposed new dwellings to those existing are in excess of 30m away, with intervening features including Rowley Lane itself to the north, and the former railway line to the east. By virtue of these separation distances and intervening terrain features, officers are satisfied that the proposed new dwellings would not result in materially harmful overbearing, overshadowing, or overlooking impacts upon existing residents. This is concluded having due regard to the varied topography of the area, which is not so severe to prejudice this assessment.

1 and 3 Woodsome Drive would directly face the new retaining wall along the site's west boundary. The distance is again in excess of 30m, and the wall's height would not be substantial in relation to potentially causing harmful impacts to residential amenity by being overbearing or causing overshadowing.

Summarising the above, officers are satisfied that the proposed development's layout, scale, and appearance would not prejudice the amenity of existing neighbouring residents adjacent to the site.

Consideration must also be given to the amenity of future occupiers and the quality of the proposed units. The sizes of the proposed residential units are a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units.

House type	Number of beds and height	Number of units	Proposed (GIA, m ²)	NDSS (GIA, m ²)
<u>Market house types</u>				
Avocado	2-bed 2-storey	10	70.3	70
Clover	3-bed 2-storey	2	88.6	84
Dandelion	3-bed 2-storey	3	92.4	84
Eucalyptus	3-bed 2-storey	6	97.9	84
Macadamia	3-bed 3-storey	5	112.8	90
Manuka	3-bed 3-storey	1	118.8	90
Linden	4-bed 2-storey	7	118.4	97
Primrose	4-bed 3-storey	3	119.8	103
Poppy	4-bed 2-storey	6	123.4	97
Rosemary	4-bed 2-storey	5	126.3	97
Wild	5-bed 2-storey	6	144.6	119
<u>Affordable house types</u>				
2B3P	2-bed 2-storey	9	73.3	70
3B4P	3-bed 3-storey	3	86.5	90
4B6P	3-bed 2-storey	1	97.2	84

All the proposed units exceed the NDSS minimums. All of the proposed houses would also benefit from being dual aspect, and would have satisfactory outlook, privacy and natural light. This is taking into consideration the separation distances between units within and existing dwellings outside of the site, with separation distances being adequate in each case.

The separation distances within the site, between the new dwellings, are appropriate, raising no issues regarding overbearing, overshadowing, or overlooking between future residents. All the garden spaces are considered commensurate in scale to their host dwellings, although many would have retaining walls, either at the end of the garden or splitting their garden into two sections. Neither section of the divided gardens would be so small as to be redundant and, as noted, would add up to reasonably sized gardens for each plot. Retaining walls, including in rear gardens, are not an uncommon feature of the district and are an often-necessary inclusion. None of the proposed retaining walls are considered to cause undue overbearing or overshadowing of their respective dwelling or neighbour. Overall, the proposed retaining walls are deemed acceptable.

Public Open Space in excess of 2,600sqm, consisting of amenity green space, natural / semi-natural green space, and a Local Area of Play (LAP) (details of the LAP and its implementation recommended to be secured by condition) would be provided on site and would contribute to the amenity of future residents, as well as those in the area. This is a sizable provision, although it does not account for all required typologies (the provision does not include allotments, parks and recreation, and outdoor sport). To offset the shortfall a contribution of £135,698 is required, to be spent in the local area. This enhancement of local facilities would benefit both new and existing neighbouring residents.

With regard to noise pollution, the following condition was imposed at outline stage:

15. Plans and particulars relating to the Reserved Matters of layout and/or appearance shall, notwithstanding the submitted information, include a further Noise Impact Assessment report. The Noise Impact Assessment shall:

a) Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme where required.

b) Clearly show which external amenity areas at which plots will have daytime noise levels that exceed 50dB LAeq,16hour and for these plots provide a detailed specification for the additional noise mitigation measures that are required so that the outdoor noise levels at these plots does not exceed 50dB LAeq,16hour.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Reason: *In the interest of protecting the amenity of future occupiers through mitigating the impacts of noise pollution, in accordance with Policies LP24 and Lp52 of the Kirklees Local Plan.*

The principal sources of concern regarding noise pollution are Penistone Road (road traffic) and the adjacent Reliance Precision. The applicant has submitted a Noise Impact Assessment in response to the above. Consultation has been undertaken with K.C. Environmental Health on this matter.

The submitted document adequately demonstrates methods to manage noise from Penistone Road, through mitigatory glazing specification. This is acceptable.

With regard to Reliance Precision, the company has provided a rebuttal Noise Impact Assessment. Their concern is that future residents of the development may complain over their operations, which are variable in time and volume. They note that the applicant's assessment does not consider Reliance's 'worse case' impact, given they can lawfully operate 24 hours a day, seven days a week (without prejudice to statutory noise nuisance).

Officers seek to avoid a situation where an existing business's operations are unduly prejudice via avoidable complaints, which may potentially harm their business, and must also seek to protect future resident's amenity.

Following review of the applicant and Reliance's contrasting Noise Impact Assessments, a meeting was held (between council officers, the applicant, and representatives of Reliance Precision) to discuss the concerns raised and whether a compromise could be reached. The further comments received from Reliance Precision are a material planning consideration which must be

considered in relation to the submitted Reserved Matters (layout and appearance (including window locations and orientations of units)). Part of the discussion regarded a disagreement over the relevant testing criteria. It was considered that there was no fundamental issue prohibiting a suitable mitigation strategy being agreed, however, further information was required (by officers, as well as representatives of the business) to clearly demonstrate the concerns of Reliance Precision had been addressed

In light of the above, it is not considered reasonable to approve the details submitted pursuant to outline condition 15 at this time. However, it is noted that the condition explicitly requires such details at Reserved Matters stage. Nevertheless, the applicant has sufficiently demonstrated that there are no fundamental noise related issues that would prohibit the proposed layout from being acceptable, which goes to the core reason why the condition required details at Reserved Matters stage. It is considered reasonable that the outstanding details could be submitted at a later date. It is therefore not considered reasonable or necessary to delay determination of this Reserved Matters application. This would necessitate condition 15 being addressed within the Reserved Matters decision notice, albeit without an approval, to be superseded by a replacement condition (although more comprehensively worded in light of the further details) on the decision notice. This course of action is therefore recommended, to ensure noise pollution is suitably managed, in compliance with policies LP24 and LP52 of the Kirklees Local Plan.

Highway arrangements

The matter of access was considered at application stage. The submitted plans adhere to the details approved at that time. Other matters which fall under the scope of 'principle', including traffic generation and sustainable travel, were likewise considered at outline stage and found to be acceptable.

This assessment is limited to the Reserved Matters under consideration, predominantly in this case being the layout of the highway.

Regarding the internal road arrangements, the submitted details have been reviewed by K.C. Highways Development Management, who considered them to be acceptable in principle. A Stage 1 Road Safety Audit of the design has been undertaken and found no issues. The preliminary road design is deemed to comply with the standards of the Highway Design Guide SPD. Furthermore, based on the available details, there is no prohibitive reason preventing a road scheme for adoption being brought forward at Section 38 stage.

It is intended that the proposed road would be adopted, excluding shared drives (serving five or fewer units), although whether the road is adopted would be subject to the separate Section 38 process.

Swept path analysis has been provided which demonstrates acceptable turning arrangements for refuse vehicles. Several shared private drives are proposed – each of these would be served by a waste collection area,

allowing for effective collection by refuse services. The provision of these waste collection areas would be secured by recommended conditions. All units are shown to have adequate space for the storage of three waste bins in their rear gardens.

All dwellings would have dedicated off-street parking in accordance with the Highway Design Guide SPD. Garage spaces are a minimum of 3m x 6m, therefore able to accommodate a vehicle. In terms of visitor parking, the Highway Design Guide SPD recommends one per four dwellings. This amounts to 17 dedicated spaces, with the proposal including 10 dedicated parking bays. While this falls short of the required standards, the shortfall is not substantial and all dwellings would have sufficient private parking. Opportunities for on-street parking, without blocking turning areas, are also anticipated to be available.

Conditions were imposed at outline stage regarding structural details of retaining walls adjacent to the existing or proposed adopted highway, as well as any structures below the adoptable highway. These need not be repeated, although a dedicated condition for structural details of the western retaining wall, which would not be adjacent to an existing or proposed adopted highway, is recommended.

The masterplan and highway implications for remainder of allocation HS2 and HS3

The applicant site is a component part of allocation HS2. Allocations HS2 and HS3 are adjacent to one another and, per the Local Plan, require a masterplanned approach for their combined development.

Due to the layout of the wider masterplan area, phase 1 is more detached from the remainder of the phases, which are closer to and more interwoven with each other. Nevertheless, the masterplan included an expected connection from phase 1's southern tip, to the new access road, to provide a through connection. This has been proposed, which is welcome, and the delivery of it (although it may need to remain closed, until such a time as the road to phases 3 and 4 comes forward) may be secured via condition.

As noted previously in this report, at outline stage the (then) applicant was required to demonstrate how access would be provided to the remainder of allocation HS2 and into HS3, given that the current proposal is self-contained. This led to various negations which cumulated in an indicative highway design being provided. This showed a roundabout being constructed on Penistone Road, with an off-branch providing access around the current application site towards the remainder of allocation HS2 and into HS3. This indicative plan was accepted as demonstrating that the outline permission would not prejudice the future development of HS2 and HS3.

This Reserved Matters submission has had to build upon the previously-submitted indicative plan, to continue to demonstrate that the proposal and the matters under consideration (layout, scale, appearance, landscaping)

would not harm the ability for the remainder of HS2 and HS3 to be brought forward. Officers and K.C. Highways Development Management are satisfied that this has been achieved, via the delivery of the western retaining wall, technical details of which have been previously recommended to be secured via condition.

Flood risk and drainage

The principles of the site's flood risk and drainage arrangements were assessed and established as part of the parent outline permission. Regarding flood risk, it was concluded that there are no flooding issues within the site and, because it lies within Flood Zone 1, a sequential test was not required.

Regarding drainage, the below conditions were imposed at outline stage requiring details to be submitted at Reserved Matters stage. This was to ensure that the layout, scale, appearance, and landscaping details under assessment would not prevent a suitable drainage strategy being secured.

8. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall, notwithstanding the submitted information, include a Foul and Surface Water Drainage Strategy. This shall include:

- a) An assessment of the proposed discharge point, giving due regard to the drainage hierarchy, as indicatively undertaken in sections 8 and 9 of the submitted Flood Risk Assessment ref. 11469/PJM/001/01,*
- b) percolation tests (where appropriate),*
- c) Details of off-site works and outfalls,*
- d) Details of balancing works to attenuate flows generated by the critical 1 in 30-year storm event with an appropriate allowance for climate change*
- e) plans and longitudinal sections,*
- f) hydraulic calculations,*
- g) phasing of drainage provision,*
- h) existing drainage to be maintained/diverted/abandoned (where appropriate),*
- i) a detailed maintenance and management regime for the storage facility including the flow restriction. This shall include an itinerary and schedule of tasks, including how to gain access to and into any sustainable drainage features shall be overseen by the Principal Designer after risk assessments have been performed under CDM Regulations 2015.*

No part of the development shall be occupied until the approved drainage scheme and maintenance and management plan to serve the development or each agreed phase of the development to which the dwellings relate has been implemented in full. The approved scheme shall thereafter be retained during the life of the development.

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

The Lead Local Flood Authority (LLFA) have reviewed the technical details of the attenuation tank and drainage system, as well as the proposed management and maintenance arrangements. Following initial concerns, as detailed within their consultation responses dated 19/03/2024, 05/06/2024, 10/11/2024 and 07/03/2024, acceptable details have been provided with the LLFA do not object to.

The LLFA has advised that the drainage system, and its management and maintenance, would need to be the responsibility of a dedicated management company (or a residential management group). The applicant proposes that they, 'the developer', would be responsible until the (intended) adopted by Yorkshire Water. The original Section 106 agreement allows for either a management company or the developer to be responsible for the drainage, and has provisions for either. Accordingly, while the LLFA's advice is noted, officers do not object to the developer being the formal responsible party in this case.

Yorkshire Water has also been consulted, and have confirmed no objection to the proposal in their comments dated 28/02/2024.

The submitted details demonstrate a safe and suitable surface water drainage system, with appropriate management and maintenance arrangement proposed, in accordance with the condition's requirements. Accordingly, the details may be approved, although the relevant condition has ongoing requirements, preventing full discharge at this time. A note of the ongoing requirement is recommended to be included in the decision notice.

9. Plans and particulars relating to the Reserved Matter of layout and/or landscape shall include an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions. Flood routing shall avoid property curtilage where reasonably practicable and utilise the road network and open spaces. Prior to the approved dwellings being occupied, the works comprising the approved storm event scheme shall be completed and such approved scheme shall thereafter be retained.

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

In their consultation response dated 19/03/2024 the LLFA confirmed that 'Flood routing drawings show that the proposed road network for both phases will act as a conduit for overland flow and no curtilage will be affected.' Accordingly, they offered no objection to the discharge of condition 9.

Officers concur with this assessment and recommend that the details be approved, although the condition has ongoing requirements, preventing full discharge at this time. A note of the ongoing requirement is recommended to be included in the decision notice.

Ecology

The site's suitability, from an ecological perspective, was considered at length as part of the outline process. While this found no fundamental issues and allowed the outline to be supported, conditions were imposed for further updated survey work to be provided at Reserved Matters stage (given the transient nature of ecological matters) along with details of on-site net gain.

These are conditions 13 (Ecological Design Strategy) and 14 (updated Ecological Impact Assessment (EclA)), which are considered below.

13. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall include an Ecological Design Strategy (EDS) which demonstrates that a biodiversity net gain is achieved post-development. The EDS shall detail a minimum increase of 10% in habitat units and 10% in hedgerow units, based on an up-to-date review of the site's ecological baseline value using the Biodiversity Metric 3.1 (or as amended). The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works;*
- a) Review of site potential and constraints;*
- b) Detailed design(s) and/or working method(s) to achieve stated objectives;*
- c) Extent and location/area of proposed works on appropriate scale maps and plans;*
- d) Details on the establishment of the habitats on the site;*
- e) Type and source of materials to be used where appropriate, e.g., native species of local provenance;*
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- g) Persons responsible for implementing the works;*
- h) Details of initial aftercare and long-term maintenance;*
- i) Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain; and*
- j) Details for disposal of any wastes arising from works.*

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

Reason: *To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan.*

The applicant has submitted the following documents pursuant to condition 13:

- Ecological Design Strategy (Eds) ref Fe305/Eds01 rev D
- Biodiversity Impact Assessment (Bia) ref Fe305/Bia01 rev B
- The Biodiversity Metric 4.0 – Calculation Tool, dated 17/12/2024.

The document identifies an on-site baseline of 4.98 habitat units and 0.61 hedgerow units. There are no river units.

A 10% increase of these figures would be 5.48 habitat units and 0.67 hedgerow units.

On-site, the proposal would result in 3.26 habitat units, a 34.42% net loss, and 0.94 hedgerow units, a 53.44% net gain. The proposal is therefore 2.22 habitat units below a 10% net gain. The over-provision of hedgerow units does not negate the net loss of habitat units.

In line with the Kirklees Biodiversity Net Gain Technical Advice Note, off-site compensation can be secured through one, or a combination of, the following:

- Management of land within the control of the developer;
- Purchase of the required compensation value from a Habitat Bank;
- Payment of a commuted sum to the Local Planning Authority; or
- A combination of all or some of the above.

The Section 106 agreement secured at outline stage secures the delivery of off-site provisions, therefore needing either 2.22 habitat units to be delivered elsewhere within the district or a financial contribution of £51,060 (based on £20,000 per habitat units, plus 15% administration charge).

For the on-site provision (3.26 habitat units and 0.94 hedgerow), K.C. Ecology raised initial concerns that the submission failed to address points a to k. In response, an updated Ecological Design Strategy (EDS) was submitted during the course of the application. The updated EDS directly responds to all previously outstanding matters and is considered acceptable.

Officers therefore consider that, having regard to the previously agreed Section 106 agreement for off-site delivery, the submitted details are acceptable and may be approved.

The condition has ongoing requirements, preventing full discharge at this time. A note of the ongoing requirement is recommended to be included in the decision notice.

14. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall, notwithstanding the submitted information, be supported by an Ecological Impact Assessment (EclA) which is supported by updated ecological survey(s), including a bat survey.

Reason: To ensure due regard and appropriate assessment is given to the proposal's impact on local ecology and protected species, in accordance with Policy LP30 of the Kirklees Local Plan.

K.C. Ecology have commented as follows:

The EcIA provides a comprehensive assessment of the site and I support the discharge of condition 14. The information collected from the EcIA should be utilised to outline the principles within the CEMP: Biodiversity (secured via condition 23 of the outline submission), which is to be submitted as part of a separate discharge of condition application. Although the updated EcIA has determined that bats may not be utilising T1 at the site for roosting purposes, I would like to see mitigation measures such as an aerial inspection prior to its removal incorporated into the CEMP, to ensure that impacts to protected species are minimised as extensively as possible. This should be applied to all protected species that may be present at the site and potentially impacted by construction activities.

I support the discharge of condition 14, however, the measures detailed above should be incorporated into the CEMP: Biodiversity, as part of a separated application.

Officers concur with the assessment, which suitably updates and builds upon the EcIA submitted at outline stage. It is therefore recommended that condition 14 be discharged, although a note regarding the details expected to be included in the CEMP: Biodiversity (required via condition 23) is also recommended.

Other matters

Planning obligations

The following matters were secured via obligations within a Section 106 agreement at outline stage (via agreement dated 13/12/2024):

- Affordable Housing³
- Open Space off-site provision and/or contribution
- Education contribution⁴
- Net Gain off-site provision and/or contribution
- Travel Plan
- Bus stop improvement
- Roundabout contribution
- Management and Maintenance

³ A drafting error was identified within the original agreement regarding this provision. This was rectified within the Section 106 Deed of Variation agreement dated 06/06/2025.

⁴ A drafting error was identified within the original agreement regarding this provision. This was rectified within the Section 106 Deed of Variation agreement dated 06/06/2025.

Of the above obligations, several required further details to be considered and approved at Reserved Matters stage. These are considered as follows:

Affordable Housing: The Section 106 agreement requires that 20% of units be provided as affordable homes, with a tenure split of 55% affordable rent and 45% intermediate housing (including 25% first homes).

In addition to the Section 106 agreement's requirement regarding tenure, the council's Affordable Housing and Housing Mix SPD identifies the expected size mix (for the Huddersfield South sub-area) as follows:

<i>Huddersfield South</i>	Market Housing	Affordable Rent	Affordable Intermediate
1 and 2 bed	30-60%	40-79%	40-79%
3 bed	25-45%	0-19%	20-39%
4+ bed	15-35%	20-39%	0-19%

The following is the applicant's proposed offer:

	Affordable Rent	Affordable Intermediate
1- and 2-bed	5 (71%)	4 (66%) (inc. 2 first homes)
3-bed	1 (14%)	2 (33%) (inc. 1 first home)
4-bed+	1 (14%)	0
Total:	7	6 (inc. 3 first homes)

The above complies with the Section 106 agreement's requirements with regard to 20% provision (13 units) and tenure (as close as practical to a 55% / 45% split, with 25% first home). In terms of sizes proposed, the minimal shortfall in 4-bed affordable rent compared to the SPD's expectations is noted, but is not deemed unreasonable, particularly given the smaller scale of the proposal.

The proposed affordable housing offer is acceptable.

Public Open Space: A Public Open Space plan has been submitted (pursuant to the considerations of layout and landscaping). This demonstrates that the proposal would provide 1,645.67sqm of natural and semi-natural Public Open Space and 1,122.43sqm of amenity grassland. The proposal also includes a Local Area of Play (LAP), which is welcome, although it falls below the expectation for a Local Equipped Area of Play (LEAP) required for 50+ units.

Due to the shortfall in other typologies applicable to a development of this scale, as set out within the council's Open Space SPD (including the shortfall of a LEAP), an off-site contribution of £135,698 has been identified.

Education: The Section 106 agreement requires that an education contribution, to be calculated at Reserved Matters stage, be paid.

K.C. Education have confirmed that, based on current cohort numbers and available school spaces, the education contribution's value is £181,744.

An appropriate Deed of Variation was completed on 06/06/2025. This amends the Section 106 agreement dated 13/12/2024, securing obligations which are up-to-date in light of what is now proposed at Reserved Matters stage.

Crime mitigation

The West Yorkshire Police Designing Out Crime Officer has noted no fundamental concerns relating to crime associated with the proposal. They have, however, requested that a condition be imposed requiring that the development achieve Secure by Design Accreditation.

It is considered beyond what is reasonable and necessary to impose such a condition, having regard to local and national planning policy and guidance. However, a condition requiring the submission and approval of a crime mitigation and management strategy is deemed appropriate and in accordance with the aims of Local Plan policy LP24.

Permitted development

The assessment undertaken has been based upon the plans as submitted. If approved and built, the dwellings would benefit from various Permitted Development rights by virtue of The Town and Country Planning (General Permitted Development) (England) Order 2015. This potentially includes extensions, outbuildings, and outbuildings.

Planning practice guidance establishes a high bar for removing Permitted Development rights. In this case, officers consider there to be no grounds to do so.

Consistency of plans

During the course of the application amendments have been made to various plans, including the layout. Certain technical plans have not been updated to reflect the amended layout, however, their technical details remain appropriate. A condition is therefore recommended that specifies which layout the development (i.e., specifically the dwellings and road) shall adhere to.

Discharge of Conditions

Outline application 2020/92307 was approved with 32 planning conditions. Of those, nine conditions required the submission of specific information as part of the subsequent Reserved Matters application. Those conditions are:

- Condition 7: Archaeology
- Condition 8: Foul and surface water drainage strategy
- Condition 9: Flood routing
- Condition 10: Mitigatory tree-planting
- Condition 11: Cycle parking
- Condition 12: Arboricultural assessment
- Condition 13: Ecological Design Strategy
- Condition 14: Ecological Impact Assessment
- Condition 15: Noise impact assessment

These conditions are assessed, as follows:

Condition 7: Written Scheme of Archaeological Investigation (WSI) and Designer's Response

7. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall, notwithstanding the submitted information, include a Written Scheme of Archaeological Investigation (WSI) and Designer's Response. The WSI and Designer's Response shall include the statement of significance and research objectives, and:

- *The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*
- *The programme and timetable for post-investigation assessment and subsequent analysis, publication, dissemination, and deposition of resulting material.*
- *The designer's response document should detail how the findings of the archaeological evaluation (covered by the WSI), if any, have been addressed via the proposed landscaping and/or layout details.*

Thereafter the development shall be undertaken in accordance with the approved details.

Reason: *In the interest of the historic environment and archaeological interest, in accordance with Policy LP35 and Chapter 15 of the NPPF. This is a pre-reserved matters condition to ensure appropriate investigation and mitigation take place prior to the detailed design stage and may be appropriately considered.*

This condition was imposed on the advice of the West Yorkshire Archaeology Advisory Service, who have reviewed the submitted details and confirmed that the submitted details are acceptable. The report outlines the results of site investigations (three ditches, one of which contained modern materials, and all the ditches aligned some of the surviving field boundaries). The report identified that the site's archaeological potential is negligible to low, and no further work is recommended.

Given the findings of the report, and that no further work is required, condition 7 is recommended to be discharged in full.

Condition 8: Foul and surface water drainage strategy and Condition 9: Flood routing

The details submitted pursuant to these conditions have been assessed elsewhere within this report, and found to be acceptable.

Neither condition may be discharged in full at this stage, as each has an ongoing requirement which must be adhered to. A note of this is recommended to be included in the decision notice.

Condition 10: Mitigatory tree-planting and Condition 12: Arboricultural assessment

10. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall include a strategy of tree mitigatory planting. This shall include a minimum replacement ratio of two trees for every one removed, to off-set the loss of trees along the site's Rowley Lane frontage. The strategy shall include a review of the trees to be lost and the species, number and size of the proposed planting and a timetable for implementation of the replacement planting. Thereafter the strategy shall be implemented in accordance with the approved details. The approved tree mitigatory planting strategy shall, from its completion, be maintained for a period of five years. If, within this period, any tree dies, become diseased or is otherwise removed, it shall be replaced with another of a similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: *In the interest of visual amenity and landscaping, to comply with the aims of Policies LP24 and LP33 of the Kirklees Local Plan. The details are required at layout stage, as well as landscaping, to ensure adequate space within the site is made available*

12. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall include a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement, in accordance with British BS 5837. The method statement shall include details on how the construction work will be undertaken with minimal damage to trees and their roots to be retained, within and adjacent to the site. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: *In the interest of visual amenity and landscaping, to comply with the aims of Policies LP24 and LP33 of the Kirklees Local Plan.*

The Reserved Matters application has been submitted with supporting Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement, per condition 12's initial requirement.

The Arboricultural Survey and Impact Assessment identifies that *'In order to facilitate the proposed development, it will be necessary to remove G3, T4, T5, circa nineteen trees within G6 (as shown in red on the plan at Appendix 6) and T8. Of these, G6 and T8 fall into retention category 'A', T5 falls into retention category 'B' and G3 and T4 fall into retention category 'C'.* In total, the proposal includes the felling of 27 trees of varying maturity and sizes.

Condition 10 includes a minimum replacement rate of 1:2 trees. The proposed landscaping strategy includes 54 standard (including half, heavy, and extra heavy standard sizes) trees being planted. This includes a string of trees along the site's west and south boundaries, which are expected to grow into a sizable and attractive tree-belt around the development. Trees are also proposed throughout the site. This includes within front gardens (not the adoptable highway), which will give a tree-lined effect to the road. The mitigatory re-planting is therefore considered acceptable and in accordance with the requirements of condition 10.

The trees are to be planted within the following planting season, after the relevant area of open space (or garden) has been laid out.

The Impact Assessment also considers the proposals' impact on trees to be retained and, as noted, the proposal is supported by an Arboricultural Method Statement. This has been reviewed by K.C. Trees, who consider the provisions to be acceptable.

Accordingly, the submitted documents are considered to comply with the initial requirements of each condition and are recommended to be approved. However, both conditions have ongoing requirements that must remain and therefore neither condition may be discharged in full at this stage. A note of the ongoing requirements is recommended to be included in the decision notice.

Condition 11: Cycle parking

11. Plans and particulars relating to the Reserved Matters of appearance, layout and/or scale shall include further details of secure cycle parking for each of the hereby approved dwellings. The cycle parking shall then be implemented in accordance with the approved details before each dwelling is occupied and shall thereafter be retained.

Reason: *To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.*

The submitted details confirm that, for units with garages (minimum size: 3m x 6m), cycle storage is to be provided within the garage. For units within garages, the plan ref C005 – 102 rev H shows the location of timber lockable bike stores (1.8m x 0.8m). These are located in rear gardens, close to the dwellings and accessible from the proposed rear paths / patios. The applicant has also confirmed that each shed is to accommodate a Sheffield stand within.

The use of garages or the proposed sheds are considered acceptable, offering both security from crime and protection from the elements. Officers therefore recommend that the submitted details be approved, although given the condition has an ongoing requirement, the condition cannot currently be fully discharged. It is recommended that a reminder of this requirement be included in the decision notice.

Condition 13: Ecological Design Strategy and Condition 14: Ecological Impact Assessment

These conditions have been considered elsewhere within this assessment, where it was concluded that the submitted details were acceptable.

Condition 15: Noise impact assessment

The details submitted pursuant to these conditions has been assessed elsewhere within this report. In summary the details are not acceptable, however, as has been detailed, it is considered reasonable to state that requirement of condition 15 has been addressed (albeit without stating that an approval is issued) in favour of re-imposing a similar (albeit more comprehensive) condition and including this in the Reserved Matters decision notice.

Representations

The following are responses to the matters raised within the public representations received, which have not been previously addressed within this assessment.

- Concerns over the number of units proposed and impact on the local highway, with Penistone Road being too busy.
- The new junction to Rowley Lane is dangerous, as it's on the inside of a curve with limited sightlines, particularly eastward. Access should be taken from Penistone Road.

Response: These matters were considered and found to be acceptable as part of the outline submission, which included the consideration of access, and an assessment of the traffic generation impacts (of up to 75 units) on the local road network.

- Development should not be approved on greenfield land. Brownfield should be prioritised. The land is Green Belt which should never be built on.

Response: The site is not Green Belt, although is greenfield land. Nevertheless, the parent outline permission established the principle of residential development on the site.

- The proposal will harm local services / infrastructure, including schools, doctors, and dentists, who are at capacity.

Response: This concern was raised and addressed at outline stage. The response provided then (in the previous committee report), is repeated for convenience and transparency:

There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. With regard to schools, an education financial contribution is to be at outline secured.

- The applicant has started advertising the development and commenced works on site, without permission having been granted.

Response: This does not form a material planning consideration to the assessment of this proposal.

- The proposal will increase local pollution.

Response: The representation raises no specifics of what 'pollution' is being referred to. It is presumed to relate to air pollution however, which was considered and found to be acceptable at outline stage.

- Mixed market and social housing leads to anti-social behaviour / criminal damage.

Response: The requirement for all housing applications of greater than 10 units to include 20% affordable is an established Local Plan policy (LP11) and is consistent with expectations of the National Planning Policy Framework. No significant concerns have been raised by the West Yorkshire Police Designing Out Crime Officer. There is no evidence to support the claim that a mix of market and social housing leads to anti-social behaviour or criminal damage.

- Local councillors should make the decision, not officers or non-local councillors.

Response: Planning applications are assessed and determined in accordance with the Council's delegation agreement. In this case, the application is delegated to officers for determination.

Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve Reserved Matters, subject to conditions

Report Dated: 10/06/2025

Application Number: 2024/90058
Decision Authorisation: Delegated Powers
Officer Recommendation: Approve

Conditions and Reasons

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Compliance conditions

2. The layout of the development hereby approved shall be in accordance with plan reference C005 102 rev H.

Reason: For the avoidance of doubt as to what is being permitted, given subsequent revisions to various plans.

3. Details of any additional tree works required during the construction process that is not identified within the submitted information shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

Reason: To protect trees that provide visual amenity value, to comply with Policies LP24 and LP33 of the Kirklees Local Plan.

4. Prior to the occupation of the hereby approved dwellings, a waste storage and collection strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall confirm the location and layout of the dedicated waste storage area(s), whether a separate collection point is proposed and its location, arrangements for the collection and removal of the waste, along with any proposed screening. Prior to occupation, the development shall be implemented in accordance with the approved scheme and shall thereafter be retained.

Reason: In the interest of visual amenity, residential amenity, and highway effectiveness, to comply with policies LP21 and LP24 of the Kirklees Local Plan.

5. Before any above ground works commence, notwithstanding the submitted plans, details of finish floor levels and ground levels shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be completed in accordance with the approved levels details, which shall thereafter be retained.

Reason: To ensure acceptable final ground and floor levels, in the interest of visual and residential amenity and to comply with Policy LP24 of the Kirklees Local Plan.

6. The landscaping of the hereby approved development shall be implemented in accordance with the details shown on plan refs GL2199 01 rev D, GL2199 02 rev D, and GL2199 03, and shall be fully planted within the first planting season after occupation of the 60th unit. Thereafter, all landscaped areas shall be managed and maintained in accordance with the detailed contained within the Landscape Management Plan reference GL2199. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the provision and establishment of acceptable landscape scheme to ensure a good quality development, to comply with Policy LP24 of the Kirklees Local Plan.

Prior to specified trigger

7. Prior to above ground works commencing, a scheme detailing the locations, and including cross-sectional information, the proposed designs and construction details, of the proposed new retaining walls adjacent to the north and west boundaries of the site, as shown on plan ref C005-BT2, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development for that phase and thereafter retained during the life of the development.

Reason: To ensure the structural stability and safety of the site, in accordance with Policies LP24 and LP53 of the Kirklees Local Plan.

8. Prior to works above foundation level commencing, notwithstanding the submitted information, a Noise Impact Assessment report shall be submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment demonstrate how each dwelling hereby approved shall adhere to BS8233 regarding sound insulation and noise reduction. The report shall:

a) Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open (35dB daytime / 30dB nighttime) and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including (but not necessarily limited to) the potential use of acoustic barriers an alternative ventilation scheme, where required.

b) Clearly show which external amenity areas at which plots will have daytime noise levels that exceed 50dB LAeq,16hour and for these plots provide a detailed specification for the additional noise mitigation measures that are required so that the outdoor noise levels at these plots does not exceed 50dB LAeq,16hour.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Reason: In the interest of protecting the amenity of future occupiers through mitigating the impacts of noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

9. Prior to their use, details and samples of all the external facing materials to be utilised on the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The proposed details shall adhere to the material legend shown on plan ref C005 MP1 rev C. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

10. Prior to their use, details of all the external facing materials for the proposed retaining walls, excluding the western retaining wall, as identified on plan ref C005 – BT2, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

11. The western retaining wall, as identified on plan ref C005 – BT2, shall be faced in the artificial stone ‘Anchor Vertica – Canelletto’. Prior to the erection of the western retaining wall, details of the wall’s coursing and mortar, along with a management and maintenance strategy for the retaining wall, shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include confirmation of the party responsible for the ongoing management and maintenance. Thereafter the development shall be undertaken, and thereafter operation, in accordance with the approved details.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

Prior to occupation

12. Prior to the occupation of any dwelling, the boundary treatment for that dwelling shall be installed in accordance with the details shown on plan ref BT1 rev B. Thereafter the boundary treatment so installed shall be retained.

Reason: To ensure an appropriate appearance and design, in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan.

13. Prior to the occupation of any dwelling within plots 41 – 44 and 50 – 65, notwithstanding the submitted plans, a comprehensive boundary treatment plan for the boundary treatment to sit atop the site’s western and southern retaining wall, as denoted by the purple line on plan ref BT1 rev B, shall be

submitted to, and approved in writing by, the Local Planning Authority. The details shall include product specification details, typical elevations, typical cross sections showing the relationship with the adjacent retaining wall, and the proposed colour. Thereafter the approved boundary treatment shall be installed, prior to the occupation of any dwelling within plots 41 – 44 and 50 – 65.

Reason: To ensure an appropriate appearance and design, in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan.

14. Prior to the occupation of the hereby approved dwellings or works associated with the delivery of the Play Area (a Local Area of Play (LAP)), as shown indicatively on plan ref C005 102 rev H commencing, notwithstanding the submitted details, a scheme providing details of the play equipment to be installed within the Play Area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for the implementation of the play equipment. The approved scheme shall be fully implemented in accordance with the timetable and be so retained thereafter.

Reason: To ensure adequate provision of equipment, in accordance with Policy LP63 of the Kirklees Local Plan.

15. Prior to occupation of the hereby approved dwellings, notwithstanding the submitted plans, a Crime Mitigation and Management Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details, which shall be retained thereafter.

Reason: To identify measures to limited the opportunity of crime, and reduce the fear of crime, in accordance with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

16. Prior to the occupation of plots 24 – 32, details of the southern connection path linking the site to the later phase access road, as indicatively shown on plan ref C005 102 rev H, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, construction specifications, drainage works, surface finishes, signage (if required), and treatment of sightlines. The scheme shall also include temporary means of closure, until such a time that the later phase access road is completed, whereafter the means of closure shall be removed. Prior to the occupation of plots 24 – 32, the southern connection path shall be constructed in accordance with the approved details, and shall thereafter be retained.

Reason: In the interest of promoting connectivity and pedestrian movements, to comply with Policy LP21 of the Kirklees Local Plan.

Discharge of Conditions

This application seeks to discharge conditions 7, 8, 9, 10, 11, 12, 13, 14, and 15, imposed on the parent outline application ref 2020/92307. These are considered below:

Condition 7: Archaeology

You have submitted the following documents pursuant to condition 7:

- The letter dated 07/11/2023 from Archaeological Services Durham University.
- The report reference 6046 by Archaeological Services Durham University.

I can confirm that the submitted details are acceptable. The submitted information concludes that the site's archaeological potential is negligible to low and advises that no further investigation or works are required.

These details are considered acceptable and condition 7 is hereby discharged.

Condition 8: Foul and surface water drainage strategy

You have submitted the following documents pursuant to condition 8:

- Document titled Proposed SWS Operations & Maintenance Itinerary for the Development Off Penistone Road, Fenay Bridge, dated 03/04/2025.
- Plans ref STS3889 rev 0
- Plan ref E23/8060/043_01 rev A
- Plan ref E23/8060/043_02 rev A
- Plan ref E23/8060/001 rev F

I can confirm that the submitted details are acceptable and are hereby approved.

Notwithstanding the above, the condition has a requirement which must be adhered to, to ensure ongoing compliance. This is as follows:

No part of the development shall be occupied until the approved drainage scheme and maintenance and management plan to serve the development or each agreed phase of the development to which the dwellings relate has been implemented in full. The approved scheme shall thereafter be retained during the life of the development.

Further to the above, you are reminded of the associated requirement set out in clause 5 of the Section 106 agreement dated 13/12/2023.

Condition 9: Flood routing

You have submitted the plan ref E23/8060/019 rev A pursuant to condition 9.

I can confirm that the submitted details are acceptable and are hereby approved.

Notwithstanding the above, the condition has a requirement which must be adhered to, to ensure ongoing compliance. This is as follows:

Prior to the approved dwellings being occupied, the works comprising the approved storm event scheme shall be completed and such approved scheme shall thereafter be retained.

Condition 10: Mitigatory tree planting and Condition 12: Arboricultural assessment

You have submitted the following documents pursuant to conditions 10 and 12:

- Plan ref GL2199 01 rev D
- Plan ref GL2199 02 rev D
- Arboricultural Method Statement ref 21115-B/ AJB
- Arboricultural Impact Assessment ref 21115-A/AJB

The above is in addition to the following statement provided on planting timing:

Open space trees will be planted in planting season and completed as one, once the open space is laid out. Trees within plot curtilage will be delivered as the plot is handed over.

I can confirm that the submitted information is acceptable and hereby approved for both conditions.

Notwithstanding the above, each condition has ongoing requirements which must be adhered to, to ensure ongoing compliance with the condition. These are as follows:

Condition 10

Thereafter the strategy shall be implemented in accordance with the approved details. The approved tree mitigatory planting strategy shall, from its completion, be maintained for a period of five years. If, within this period, any tree dies, become diseased or is otherwise removed, it shall be replaced with another of a similar size and species unless the Local Planning Authority gives its written consent to any variation.

Condition 12

Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Condition 11: Cycle parking

You have submitted the following information pursuant to condition 11:

- Plan ref C005 – 102 rev H
- Product sheet, Galvanised Sheffield Stands

The above details that, for units with garages, cycle storage is to be provided within the garage. For all units without garages, a 1.8m x 0.9m Timber Lockable Bike Store, with Sheffield Stand within, are to be provided.

The submitted details are acceptable for the initial requirement of condition 11.

Condition 13: Ecological Design Strategy

You have submitted the following details pursuant to condition 13:

- Ecological Design Strategy (Eds) ref Fe305/Eds01 rev D
- Biodiversity Impact Assessment (Bia) ref Fe305/Bia01 rev B
- The Biodiversity Metric 4.0 – Calculation Tool, dated 17/12/2024.

The submitted details are considered acceptable, for the initial requirement of condition 13. However, be aware that condition 13 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance:

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

These documents identify that on-site, the proposal would result in 3.26 habitat units, a 34.42% net loss, and 0.94 hedgerow units, a 53.44% net gain. The proposal is therefore 2.22 habitat units below a 10% net gain. The over-provision of hedgerow units does not negate the net loss of habitat units.

In accordance with Clause 8 of the Section 106 agreement dated 13/12/2023, the shortfall of 2.22 habitat units would need to either be delivered off-site or via a financial contribution of £51,060, with details (per the requirement of Clause 8) to be submitted and approved separately.

Condition 14: Ecological Impact Assessment

You have submitted the document Ecological Impact Assessment (EcIA) referenced FE305/EcIA01 rev A pursuant to condition 14.

I can confirm that the submitted details are acceptable and condition 14 is hereby discharged.

Notwithstanding the above, please note the following advice from K.C. Ecology regarding the Construction Environmental Management Plan: Biodiversity required pursuant to condition 23:

The information collected from the EcIA should be utilised to outline the principles within the CEMP: Biodiversity, which is to be submitted as part

of a separate discharge of condition application. Although the updated EclA has determined that bats may not be utilising T1 at the site for roosting purposes, I would like to see mitigation measures such as an aerial inspection prior to its removal incorporated into the CEMP, to ensure that impacts to protected species are minimised as extensively as possible. This should be applied to all protected species that may be present at the site and potentially impacted by construction activities.

Condition 15: Noise impact assessment

You have submitted the following information pursuant to condition 15:

- Document titled 'Noise Assessment' by Miller Goodall, referenced 102384
- Document titled 'Technical Note' by Miller Goodall, referenced 102384-4

I refer you to the ongoing discussions with regard to the submitted details, and noise from the nearby Reliance Precision business. The Local Planning Authority are unable to currently fully assess the above, nor conclude assessment of condition 15.

For the avoidance of doubt, the requirement of condition 15 (imposed on the outline) is hereby considered to have been addressed (although it should not be inferred to have been discharged), with no further details required pursuant to that condition, and is replaced by condition 8 imposed on this Reserved Matters approval.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Block Plan	C005 – BT1	Rev B	16/12/2024
Block Plan	C005 – BT2		02/06/2025
Block Plan	C005 – MP1 (Materials Plan)	Rev C	02/05/2025
Block Plan	E23/8060/001	Rev F	30/10/2024
Block Plan	Tree Constraints Plan		10/01/2024
Proposed Site / Block Layout	C005 – 102	Rev H	16/12/2024
Proposed Site Section	SK04.01	Rev A	24/01/2025
Proposed Site Section	SK04.02	Rev A	24/01/2025
Proposed Site Section	SK04.03	Rev A	24/01/2025
Highways Plan	C005 – 160		11/04/2025
Highways Plan	AMA-22387-ATR005 - 1.2	Rev P02	17/12/2024
Highways Plan	AMA-22387-ATR005 - 2.2	Rev P02	17/12/2024
Highways Plan	AMA-22387-ATR006 - 1.2	Rev P02	17/12/2024

Plan Type	Reference	Version	Date Received
Highways Plan	AMA-22387-ATR006 - 2.2	Rev P02	17/12/2024
Highways Plan	AMA-22387-SK007	Rev P01	11/10/2024
Highways Plan	E23/8060/005_01	Rev A	30/10/2024
Highways Plan	E23/8060/005_02	Rev A	30/10/2024
Proposed Elevations	Tupelo 1 of 2		11/10/2024
Proposed Elevations	Tupelo 2 of 2		11/10/2024
Proposed Elevations	Rosemary 1 of 2		11/10/2024
Proposed Elevations	Rosemary 2 of 2		11/10/2024
Proposed Elevations	Primrose 1 of 2		11/10/2024
Proposed Elevations	Primrose 2 of 2		11/10/2024
Proposed Elevations	Poppy 1 of 2		11/10/2024
Proposed Elevations	Poppy 2 of 2		11/10/2024
Proposed Elevations	Manuka		11/10/2024
Proposed Elevations	Manuka / Macadamia		11/10/2024
Proposed Elevations	Macadamia		11/10/2024
Proposed Elevations	Macadamia		11/10/2024
Proposed Elevations	Linden 1 of 2		11/10/2024
Proposed Elevations	Linden 2 of 2		11/10/2024
Proposed Elevations	Jarrah 1 of 2		11/10/2024
Proposed Elevations	Jarrah 2 of 2		11/10/2024
Proposed Elevations	Ironbark 1 of 2		11/10/2024
Proposed Elevations	Ironbark 2 of 2		11/10/2024
Proposed Elevations	Garages		11/10/2024
Proposed Elevations	Eucalyptus 1 of 2		11/10/2024
Proposed Elevations	Eucalyptus 2 of 2		11/10/2024
Proposed Elevations	Dandelion 1 of 2		11/10/2024
Proposed Elevations	Dandelion 2 of 2		11/10/2024
Proposed Elevations	Avocado 1 of 2		11/10/2024
Proposed Elevations	Avocado 2 of 2		11/10/2024
Proposed Elevations	4b6p 1 of 2		11/10/2024
Proposed Elevations	4b6p 2 of 2		11/10/2024
Proposed Elevations	3b4p 1 of 2		11/10/2024
Proposed Elevations	3b4p 2 of 2		11/10/2024
Proposed Elevations	2b3p (end) 1 of 2		11/10/2024
Proposed Elevations	2b3p (end) 2 of 2		11/10/2024
Proposed Elevations	2b3p (mid) 1 of 2		11/10/2024
Proposed Elevations	2b3p (mid) 2 of 2		11/10/2024
Proposed Floor Plans	Tupelo		11/10/2024
Proposed Floor Plans	Rosemary		11/10/2024
Proposed Floor Plans	Primrose		11/10/2024
Proposed Floor Plans	Poppy		11/10/2024
Proposed Floor Plans	Manuka		11/10/2024
Proposed Floor Plans	Macadamia (semi)		11/10/2024

Plan Type	Reference	Version	Date Received
Proposed Floor Plans	Linden		11/10/2024
Proposed Floor Plans	Jarrah		11/10/2024
Proposed Floor Plans	Ironbark		11/10/2024
Proposed Floor Plans	Garages		11/10/2024
Proposed Floor Plans	Eucalyptus		11/10/2024
Proposed Floor Plans	Dandelion		11/10/2024
Proposed Floor Plans	Avocado		11/10/2024
Proposed Floor Plans	4b6p		11/10/2024
Proposed Floor Plans	3b4p		11/10/2024
Proposed Floor Plans	2b3p (end)		11/10/2024
Proposed Floor Plans	2b3p (mid)		11/10/2024
Proposed Landscaping Layout	C005 – 001 (POS Typology Plan)	Rev B	02/05/2025
Proposed Landscaping Layout	GL2199 01	Rev D	16/12/2024
Proposed Landscaping Layout	GL2199 02	Rev D	16/12/2024
Proposed Landscaping Layout	GL2199 03		16/12/2024
Conservation/Heritage Assessment			08/02/2024
Design and Access Statement		Rev A	12/02/2024
Drainage / Foul Sewerage Assessment	Proposed Sws Operations & Maintenance Itinerary		03/04/2025
Drainage / Foul Sewerage Assessment	Retaining Tank / Proposal Drawing		11/02/2025
Drainage / Foul Sewerage Assessment	E23/8060/043_01	Rev A	11/02/2025
Drainage / Foul Sewerage Assessment	E23/8060/043_02	Rev A	11/02/2025
Ecological/Biodiversity Statement	Ecological Impact Assessment - Fe305/Ecia01	Rev A	02/01/2025
Ecological/Biodiversity Statement	Biodiversity Impact Assessment - Fe305/Bia01	Rev B	20/12/2024
Ecological/Biodiversity Statement	Biodiversity Metric Calculation Tool - Fe305		20/12/2024
Ecological/Biodiversity Statement	Ecological Design Strategy - Fe305/Eds01	Rev D	20/12/2024
Flood Risk Assessment	Flood Routing Plan		02/05/2025
Flood Risk Assessment	8060RA001		08/02/2024
Landscape Assessment	Landscape Management Plan	(Issue 3)	04/10/2024
Location Plan	2307-SI-01		10/01/2024

Plan Type	Reference	Version	Date Received
Noise Assessment	Technical Note, Ref. 102384 – 4		10/01/2025
Noise Assessment	NOISE ASSESSMENT / 102384		17/04/2024
Other Assessments	Galvanised Sheffield Stands – Product sheet		02/05/2025
Other Assessments	Letter by Archaeological Services University of Durham (ASDU), dated November 2023.		02/05/2025
Other Assessments	Anchor Vertica – Canelletto, product sheet		02/05/2025
Other Assessments	Geophysical Survey by Archaeological Services University of Durham (Asdu), Dated November 2023.		02/05/2025
Other Assessments	Retaining Wall Method Statement		31/01/2025
Supporting Information	Energy Statement		10/01/2024
Transport Assessment	Stage 1 RSA Response Report		02/05/2025
Transport Assessment	Stage 1 Road Safety Audit		02/05/2025
Transport Assessment	Stage 1 Road Safety Audit – Overseeing Organisation		15/05/2025
Tree / Arboricultural Survey	Arboricultural Method Statement / 21115-B/AJB		11/10/2024
Tree / Arboricultural Survey	Arboricultural Impact Assessment / 21115-A/AJB		11/10/2024
Tree / Arboricultural Survey	Arboricultural Survey / 21115/AJB		10/01/2024

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.