

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2024/62/92444/E
Site Address:	Land North of, Denby Lane, Grange Moor, Huddersfield, WF4 4BH
Description:	Erection of 21 dwellings and associated works with means of access from Denby Lane
Recommending Officer:	William Simcock

DECISION – Section 106 Full Permission – Approve

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

Victor Grayson

AUTHORISED OFFICER

Date: 18/09/2025

Officer Report – 2024/92444

Land North of, Denby Lane, Grange Moor, Huddersfield, WF4 4BH

Site Description

The application site is an irregularly shaped parcel of undeveloped land located on the northern side of Denby Lane. It measures approximately 125m north to south. It is varied in width, being generally narrower in the southern and central part of the site, broadening to the north. The site is agricultural in character, consisting of grass with no buildings or structures. The frame of an old barn and a shipping container are located just outside the site, beyond the northern boundary. The land has a gentle downward slope from south to north and west to east. There is a fall in levels of approximately 6.5m from the south-western to the north-eastern corner of the site.

Alongside the western margin of the site is a Public Right of Way (PROW). This comprises two PROWs (both footpaths) on the definitive map for Kirklees. Towards the northern end of the site is DEW/81/10 which is approximately 1m wide and forms the site boundary. Alongside the middle and southern part of the western site boundary is KIR/209/10 which is 2m wide its eastern extent marked by a post and rail fence. This fence does not, however, mark the western boundary of the site – between the site and the PROW is some banking, rising to meet the footpath, forming part of the field and also approximately 2m wide, and which does not form part of the application site.

On the other side of KIR/209/10, west of the site, is further undeveloped land that benefits from an extant permission for housing (reference 2023/93704). To the north of this site and to the west of the present application site, separated from it by the footpath DEW/81/10 and a narrow line of trees, is a large domestic garden plot. To the east of the site is a belt of woodland. To the north is further open agricultural land.

The site lies near the eastern extent of the built-up part of Grange Moor. To the south of the site, and further west, residential use predominates. The site is opposite the junction with Denby Park Drive which is built up on both sides with small to medium-sized detached or semi-detached houses on small plots. East of this and also branching south off Denby Lane is Ben Booth Lane, which is built up along its western side only, although with larger houses and plots. West of Denby Park Drive is a pair of semi-detached bungalows. Further west is higher-density housing including terraced housing.

Description of Proposal

The proposal is for the erection of 21 dwellings and associated works to form a means of access from Denby Lane. Full planning permission is sought.

A new access would be formed opposite Denby Park Drive with a new estate road extending northwards from the access and ending in a hammerhead extending to the western and eastern site boundaries. The road would be built without footways for most of its length. The submitted plans, however, indicate that a footway would be formed along the frontage of the site, within the existing highway verge, and around the western or left-hand radius of the junction. An annotation on the submitted site plan indicates that a link would be maintained to the existing Public Right of Way to the west of the site at the end of the hammerhead.

The new dwellings would be arranged mostly on the western side of the north-south part of the estate road, and north and south of the hammerhead. Plots 20 and 21 would, however, be placed east of the main access road. No public open space is to be provided within the site, however some small landscaped areas are proposed, mostly east of the access road. The housing would comprise a row of four townhouses, six pairs of semi-detached houses, and five detached houses. The house types proposed are Edinburgh (2-bedroom), Bamburgh, Falmouth and Wentworth (3-bedroom), Tewkesbury, Cheltenham and Gosford (4-bedroom). All dwellings would be two storeys (although the Wentworth type would have living accommodation in the roof space) with double-pitched roofs. Each dwelling would be constructed in brick (Carlton – Wolds Autumn blend) with concrete tile roofing (Wienerburger – Calderdale Edge red).

History of negotiations/amendments received

Nov 2024 – Changes to house types and red line boundary extended to include attenuation tank.

Dec 2024 – Further drainage and highway information.

Apr 2025 – Amended Biodiversity information (BNG Metric and habitat conditions assessment).

Jun 2025 – Amended plans for tree issues.

May 2025 – Amended highway details.

June 2025 – Minor change to site plan to accommodate private parking for Plot 11.

Jul 2025 – Site plan with amended boundary fence details.

Aug 2025 – Plans and elevations of Edinburgh house type showing the four houses as a terrace (earlier versions had only shown the plans and elevations for the two end terrace houses). Amended plans for Tewkesbury house type

showing attached garage (consistent with latest Site Layout plan). Site Layout plan rev Y deleting the proposed attached garages for Plots 7-8 and replacing them with external parking spaces.

Sept 2025 – An updated Site Layout drawing and a Highway Areas Plan were submitted.

A second round of publicity was undertaken by site notice and press advertisement (period ended 27/06/2025) – this was principally to ensure that third parties would have the opportunity to comment on the amended location plan which involved a change to the red line boundary.

None of the other amendments were considered significant enough to warrant new publicity since they related to technical information, or were supplied for the purposes of clarification, or resulted in minor changes to the layout or external appearance of the development proposed.

Relevant Planning History

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

2021/20090 – Pre-application enquiry for erection of 20 dwellings. Advice given.

Representations

Final publicity date expires: 27/05/2025

Publicity was by neighbour notification letter, site notice and press advertisement as the proposal constitutes Major Development and affects a Public Right of Way (KIR/209/10 and DEW/81/10).

A total of 11 representations were made (from seven third parties). The following is a summary of the comments received over the entire publicity period:

Highway issues

- Access design is based on the site plan and not the more accurate topographical plan. The indicated centre line of the proposed estate road does not comply with the correct technical position of the sight line operating from the junction to Denby Lane.
- Sight lines indicated on the proposed access arrangement are 2.4m x 43m, which is the appropriate standard for traffic in a 30mph zone. The sight lines in the Transport Statement are measured 0.6m into the nearside carriageway edge, which although the normal arrangement, is inappropriate in this instance because the 5m carriageway of Denby Lane is below the normal width of a 5.5m collector or estate road, and

vehicles will by default have to use the full width of the narrow carriageway in two-way flow conditions.

- The sight lines will cross an unmaintained highway verge in which there may be high vegetation obstructing visibility.
- There should normally be a stagger between junctions instead of having one directly facing another.
- A Stage One Road Safety Audit should be supplied.
- It has not been validated by data to confirm that vehicles actually arrive at the commencement of the sight line at an 85th percentile wet weather speed of 30mph.
- A service vehicle swept path only shows vehicles turning out of the access to the west. Plan "003" still does not show any road widening on Denby Lane (in the direction of the Ben Booth Lane junction) that is likely to be necessary to permit large vehicles to turn both right into the proposed development from Denby Lane and left out of it to Denby Lane.
- Finally, it is unclear from the general layout plan whether it is proposed to extend the footway to Denby Lane across the woodland frontage to connect to the public footpath which runs through my land. These works would be within what I assume to be the nearside highway verge and would cross one of the vehicular access routes to Goat Hill Farm, which is readily apparent by its field gate and access through the woodland. If these works were proposed, it would improve pedestrian accessibility and would assist in safeguarding the sight line from the proposed access. My only comment here is that my access point must be respected and a vehicular crossing suitable for farm sized traffic be provided.
- The recent construction on the adjoining site has proved that the roads between the proposed site and the main roads are insufficient to support the weight of construction vehicles and the increased traffic and weight of residents vehicles – any further construction should include requirement to relay Ben Booth Lane and Wakefield Road between Grange Moor and the Wakefield boundary to an improved quality as the last resurface of Wakefield Road had significantly deteriorated within four months.
- Traffic through Denby Lane and Liley Lane in the village is already dangerous with parked cars and no traffic calming measures and is likely to cause accidents very soon. Road conditions between Grange Moor and the M62 at Cooper Bridge are also atrocious, with pot holes of 8" deep recorded repeatedly on Liley Lane and Bog Green Lane, and accidents on both the aforementioned all too common already without further increased traffic.
- There would be no footways.
- I question how highway access for 21 homes can now be acceptable, when the reason the 18 homes scheme on the same land, was going to be refused under application 2021/62/94747/E was due to access problems?
- Conflict between new access and Denby Park Avenue, and possibly conflict with sight lines for neighbouring development 2023/93074.

- Lack of a reliable bus service means future residents will be entirely dependent on the private car.
- The development will cut into rights of way and footpaths in pleasant green spaces, and limit non-tarmaced pedestrian access around the village.

Design and appearance

- The proposed designs are not in keeping with the rest of the village and Kirklees, particularly not the historical half of the village.
- The plot sizes for the deemed market value do not seem appropriate to similarly sized plots recently sold in the Bedford Avenue area of the village, where prices are significantly below similar size/design/area new builds elsewhere.
- The site layout and housing design does not appear in keeping with the approved and progressing site next door (behind Urban Terrace), and has not even managed to make use of the adjoining spur laid in for this purpose.
- Is the green area between plots 21-22 to be adopted and who will be responsible for its maintenance?
- Tree survey is inadequate and to do a full survey would require access to third party land.

Other considerations

- Other sites in the village (such as the "Grameen Spice" site and soon to be vacated "Blacksmiths Arms" site) are much more suited for residential development if Kirklees deem it absolutely necessary, although again I must stipulate improvements to roads and public transport are also desperately needed before any development progresses.
- The local nurseries and school are already at capacity, with limited local amenities further than this.
- Lack of doctors' surgery locally.
- The fields in question are adjacent to known Lapwing mating grounds, a redlist protected species, and Lapwings have been sighted in the area of concern as well.
- The light and noise pollution from the new development will significantly affect the neighbouring woodland and native flora and fauna, including bats and aforementioned protected species.
- The culvert lies within or abutting third party land. It is unclear from the site development plan if the culvert will be within the proposed plot boundaries of the adjacent plots, and my concerns relate to how any remedial or future maintenance works would be carried out. The drainage strategy shows the position of the culvert post-development to underlie some of the future residential gardens. Some of the associated infrastructure, including manholes, may affect land not within the applicant's ownership. I would therefore expect that any condition you may impose regarding drainage is "negatively worded"

such that development cannot commence until all necessary technical and legal requirements have been carried out.

- Concerns about whether the culvert is able to take on the additional run-off.
- No boundary treatment indicated for plots and landscaped area adjacent to the culverted beck, so how will unauthorised access and fly-tipping be prevented?
- There is an inconsistency between the submitted statement (which says that house size would start at 3-bedroom) and the plans which show a 2-bedroom house type.
- I request that I be informed of the date of the committee meeting.

In addition, the three ward councillors for Kirkburton and Dewsbury South wards respectively were notified. The following comments were made:

Councillor John Taylor – No objection, but I am concerned that Strategic Housing are treating the site as being within Dewsbury and Mirfield when it is functionally part of Grange Moor and therefore should be treated as Rural East Kirklees.

Kirkburton Parish Council were notified but did not comment.

Consultation Responses

The following is a brief summary of consultee advice (more details are contained in the Assessment section of the report, where appropriate):

Internal

- KC Highways Development Management – No objection subject to conditions.
- KC Environmental Health – No objection subject to conditions.
- KC Lead Local Flood Authority – No objection subject to conditions.
- KC Strategic Housing – No objection subject to an appropriate number and mix of affordable units.
- KC Waste Strategy – No objections in principle but amendments / clarifications to design are recommended and the turning head at the northern end of the site needs to have active measures to prevent parking.
- KC Trees – No objection subject to conditions.

External

- Yorkshire Water – No objection subject to conditions.
- Mining Remediation Authority – No objection subject to conditions.

Policy and guidance

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

Kirklees Local Plan:

The site comprises the eastern half of housing allocation HS58.

Site area 1.22ha (gross), indicative capacity 42 dwellings.

The following constraints are noted.

- The provision of a pedestrian footway is required across the site frontage
- Public right of way crosses the site
- A combined sewer crosses this site
- Potentially contaminated land
- Part/all of the site is within a high-risk coal referral area
- Flood risk, contamination and mining assessments required

Other designations and constraints not mentioned in the allocation:

- A culverted watercourse lies on or adjacent to the site boundary
- There are mature trees adjacent which are not covered by an area TPO
- Listed as potentially contaminated owing to site of former sewage works and opencast working
- Lies within SSSI risk zone but only for infrastructure, combustion processes and agricultural activities likely to cause air pollution

Relevant policies within the Kirklees Local Plan include:

- **LP 1:** Presumption in favour of sustainable development
- **LP 2:** Place shaping
- **LP 3:** Location of new development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 11:** Housing mix and affordable housing
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 32:** Landscape
- **LP 33:** Trees
- **LP 47:** Healthy, active and safe lifestyles
- **LP 52:** Protection & improvement of environmental quality

- **LP 53:** Contaminated and unstable land
- **LP 63:** New open space

Supplementary Planning Documents and guidance:

- Highway Design Guide SPD
- Housebuilders Design Guide SPD
- Open Space SPD
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications
- Waste Management Design Guide for New Developments

National policies and guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published in December 2024 and updated February 2025, the Planning Practice Guidance Suite (PPGS) first launched 06/03/2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

The Government's Technical housing standards – nationally described space standard (2015, updated 2016) document is also relevant.

Assessment

The following matters are considered in the assessment below:

- Principle of development
- Urban design and visual amenity
- Impact on residential amenity
- Highway and transport issues
- Ecology and trees
- Drainage
- Planning Obligations
- Other matters
- Representations

1 – Principle of development

Spatial strategy

Paragraph 48 of the National Planning Policy Framework (NPPF), 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 NPPF. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan will be approved without delay unless material considerations indicate otherwise.

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

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

A residential development of 21 dwellings would contribute towards meeting identified needs. This attracts positive weight in the balance of material planning considerations relevant to the current application.

Full weight can be given to site allocation HS58, which allocates the site for residential development.

Land allocation, housing need and delivery

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

As the council is currently unable to demonstrate a five-year supply of deliverable housing sites and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development. For decision making this means:

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

- 1. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- 2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”*

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

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

Masterplanning

Under Local Plan policy LP5, masterplans should only be sought “where feasible and appropriate”. In the determination of application 2023/93704, it was accepted that whilst a masterplanning approach would have been welcomed and preferred (given it could have resulted in a more coherent, efficient and co-ordinated development, possibly including a looped road layout), it was not essential to the determination of that application since independent development of that site would not have adversely affected the development potential of the neighbouring allocated site (HS58).

Under the current application, the proposal is to develop the eastern half of housing allocation HS58. It is imperative that the development allows future access to the western part of the allocated site by means of the new estate road. Otherwise, the western portion of the site would only be able to achieve access to the existing public highway network by means of the unadopted Red Deer Park Lane, which would raise significant highway safety concerns. The new estate road has been designed to be an adoptable road which would allow future access to the western half of the allocation. The most recent version of the applicant’s Highway Area Plan confirms that highway (that would be offered for adoption) would be provided up to the site’s western boundary, with no intervening strip of land (which could form a ransom strip, and therefore an obstacle to the delivery of housing on the western part of HS58) proposed.

Quantum and density

The gross area of housing allocation HS58 is given as 1.22ha and its indicative capacity as 42 units. The effective capacity of the allocation may in practice be lower than 42 because of site constraints, including the presence of belts of mature trees both within the allocation and adjacent to it, which it is desirable to protect.

The site now under consideration has an area of roughly 0.62ha (not including the extension to the north which is intended to accommodate the attenuation tank, and which is outside the allocation boundary), or 51% of the total allocation area. If the indicative capacity is shared pro-rata, this would imply that the current application site should be able to accommodate 21 dwellings. It is noted that the dwellings within the proposed development would not have very extensive rear gardens or space at the sides. The implications for both local character and visual amenity will be considered in detail in the appropriate sections of this report. It is considered, however, that attempting to increase densities further at this site would risk giving rise to a cramped form of development which would be out of keeping with its edge of village location and would possibly compromise the standard of amenity that the dwellings would provide for future residents. Given the layout proposed, it is considered that it would not be practicable to replace any of the detached units with a pair of semi-detached units whilst still providing acceptable private amenity and parking space.

The default position as set out in Local Plan policy LP7, is that a net density of at least 35 units per hectare should be aimed for. The application has a site area of approximately 0.62ha, and would therefore be expected to deliver 22 units (rounded up) to achieve 35 units per hectare. It is considered that the delivery of 21 units, falling only marginally short of the above-mentioned 22 units, would adhere closely enough to the aims and objectives of LP7 in making efficient use of land, although consideration will be given elsewhere in this assessment to the potential visual impacts of the proposed density.

Housing mix

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

The majority of the application site lies within Dewsbury South ward, with only the south-eastern corner falling within Kirkburton ward. However, looking at the HS58 allocation as a whole, approximately one-third falls within Kirkburton ward, and as the site is functionally related to the settlement of Grange Moor and not Dewsbury, it is considered reasonable that in setting expectations for housing mix, the recommended figures for the Kirklees Rural East housing market area should be used, not those for the Dewsbury and Mirfield housing

market area. The following breakdown for new homes is recommended for Kirklees Rural East:

	Market housing	Affordable rent	Affordable intermediate
1 and 2 bed	30-60%	60+%	40-79%
3 bed	25-45%	20-39%	40-59%
4+ bed	5-25%	0-19%	0-19%

The proposed development would provide:

	Market housing	Affordable rent	Affordable intermediate
1 and 2 bed	2 units, 12%	0%	4 units, 100%
3 bed	11 units, 65%	0%	0%
4+ bed	4 units, 24%	0%	0%

The proposal as originally submitted contained only 4x 2-bedroom houses (all affordable) and therefore clearly fell outside the recommended expectations for 2-bed market units. Following negotiation, 2x 3-bedroom market units were replaced with 2x 2-bedroom market units. As amended, provision is still below the recommended level for 2-bed market units (compliance would be achieved if there were five such units), and there would be an over-provision of 3-bedroom market units. It is acknowledged, however, that an attempt has been made to provide a mix of market housing units, with all sizes (by number of bedrooms, as set out in the above tables) represented. It is considered that, given the quantum of development, the development's failure to fully meet the recommended figures can be accepted as it would not prejudice the council's strategy regarding the provision of a mix of housing types throughout the district.

To summarise regarding the principle of development, the site is a housing allocation in the Local Plan, and the proposal is considered to represent an effective and efficient use of the allocated site, in accordance with relevant planning policy. The proposal would aid in the delivery of housing to meet the council's targets at a time of need. Therefore, the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's local impacts, considered below.

2 – Urban design and visual amenity

The proposal will be considered having regard to the aims of Local Plan policy LP24, and also the Housebuilders Design Guide SPD, in particular:

- Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.
- Principle 5 – Development should form a coherent building line and active frontages.
- Principle 8 – Transition to open land to be carefully considered.

- Principle 12 – Parking should be well-integrated into the street scene and not dominate frontages.
- Principle 13 – Materials should be appropriate to the site's context.
- Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.
- Principle 15 – The design of the roofline should relate well to the site context.

The site is located on the edge of the settlement of Grange Moor and is bounded by open land on three sides. As previously observed, the land to the west is a housing allocation with an extant planning permission, but the land to the north and east is Green Belt. The site frontage, however, faces developed land.

As a general observation, building densities within the settlement of Grange Moor are medium to high, although are slightly lower in the north-eastern part of the settlement. In parts of Grange Moor, such as around the Bristfield Road / Liley Lane junction, development becomes less dense and more sporadic as the village edge is approached, with built development merging into the countryside. The eastern part of Grange Moor, however, has a generally hard and well-defined edge.

The existing development in the vicinity of the site lacks a clearly defined or uniform character. There are variations in heights (although all buildings are 1- or 2-storey), typologies, spacing, orientation and materials. On the other side of Denby Lane, is a pair of semi-detached bungalows, with a 2-storey house (Square Pitt House, 6 Denby Lane) occupying a prominent position in the street scene just to the east, and further bungalows (mostly dormer bungalows) located off Denby Park Drive. All surrounding buildings are in residential use, which at least gives the area a residential character. Furthermore, the presence of generous gardens to the south, grassed highway verges, and adjacent Green Belt land give the application site's surroundings a green character.

Further west is the relatively high-density Denby Lane Crescent (comprising short rows of townhouses), Urban Terrace and the modern development of Stoneroyd which comprises closely-spaced two-storey detached houses.

The proposed development would be of a higher net density than the proposed development on the neighbouring housing allocation for which permission has been granted but not yet commenced (approximately 20 per hectare) and the established development along Denby Park Drive (approximately 28 per hectare), and would also be predominantly two-storey and seen in the context of a mix of bungalows, dormer bungalows and two-storey houses. It should be noted, however, that there are significant areas of higher-density development within 100m of the site. It is noted furthermore that the relatively low-density character of the development adjacent to Urban Terrace (reference 2023/93704, approved but not yet commenced) was not the result of planning officers having a preference for a low-density scheme

on that site, but was due to the developer's wishes and site constraints, in particular mineshaft influence zones.

The two closest neighbouring dwellings the proposed development would face on the southern side of Denby Lane are a true bungalow to the west and a dormer bungalow to the east. To the west, however, the two nearest neighbouring dwellings on the frontage, if the 2023/93704 scheme were to be implemented, would be a small pair of semi-detached two-storey houses.

The proposed houses could be described as contemporary-traditional. They would have a simple plan form with rectangular windows taller than they are wide. Gutters would be of modern type (fixed to a fascia, not supported by corbels or brackets) but windows and doors would have stone or artificial stone heads and cills. Most of the dwellings forming part of the development would have a roof pitch of no more than 35 degrees, which is in keeping with the prevailing roof pitches for two-storey houses in this part of Grange Moor and shallower than that of the nearby dormer bungalows. The house type with the most steeply pitching roof – the Wentworth – and greatest overall height would be located at the northern end of the site and at the point where ground levels are lowest, and as such would not appear unduly prominent from Denby Lane or from the PROW.

The layout has been designed so that in the southern and middle parts of the site, the new dwellings would mostly be set west of the access road (with only plots 20 and 21 placed to the east of the access road), and would thereby avoid the impression of high-density built development extending up to the edge of undeveloped land. The existing woodland would also serve to partially screen and soften the impact of the development from the point of view of an observer approaching from the east.

The proposed layout is generally not conducive to the creation of a clearly defined internal building line owing to the curvature of the access road, but the three dwellings proposed for the Denby Lane frontage would, it is considered, assist in creating or maintaining the appearance of a coherent building line on Denby Lane as they would be set back from the highway boundary by a similar distance. Their degree of setback from the highway boundary would also be similar to that of the neighbouring pair of semi-detached houses on the adjacent site approved under permission 2023/93704. The house types chosen would mostly avoid the creation of blank frontages for houses that are on corner plots or have a side elevation facing the estate road (plots 2, 10, 12, 20 and 21). All except plot 20 would have one or more windows (albeit secondary or non-habitable) within side elevations that face the highway. Plot 20 is the Cheltenham AS housing type. Swapping this for the Cheltenham OP, which would then present a wall with a window to the west, may not be desirable in planning terms because the house would have to be moved approximately 3m further east to ensure that the driveway would not open out on to the junction radius, and this would potentially lead to conflict with the tree belt that lies a short distance from the site boundary. It is considered that the presence of a single blank elevation facing the highway can be accepted in this instance.

Whilst it is noted that lots 12 to 15, with their parking spaces and shared driveway, would present a mostly hard-surfaced edge to the northern part of the estate road, and the Wentworth house type would be placed very close to the highway boundary with only minimal landscaping in between, the overall layout would ensure that a satisfactory amount of soft landscaping would be provided along the estate road boundary and that frontages would not be dominated by parking spaces or other hard landscaping.

The proposed materials are brick and flat concrete tile. Grange Moor lacks a single clearly predominant palette of materials. Whilst there are traditional stone terraced houses a short distance to the west of the application site, the development immediately to the south consists of a mix of stone, red or red-brown brick, white-coloured cladding and rendering. It is stated in the delegated officer's report for approved application 2023/93704 that the materials would comprise a mix of render and tumbled-effect artificial stone, however, the specific materials for that development are reserved by a condition which is yet to be discharged. It is considered that the use of brick as a walling material, and specifically the type proposed which is red-brown in colour, would result in the development having a sufficiently harmonious and cohesive appearance that would also respect the appearance of its surroundings. The proposed use of red roof tiles would not conserve or enhance local character, however, since roofing materials in the vicinity of the site consist mainly of blue-grey natural slate and grey or grey-brown artificial tiles. A condition is therefore recommended to the effect that – notwithstanding the submitted details – a full materials schedule (and samples, if requested) will be required.

Landscaping

The development, as previously noted, would not provide any new Public Open Space within the site boundaries but would incorporate some landscaping.

The landscaping scheme that is being considered as part of the submitted documents must be treated as indicative since there have been changes to layout since the original submission, and whilst it contains some notes on implementation, it does not include an implementation or maintenance schedule. Therefore, it does not contain sufficient detail to be acceptable as a full or comprehensive landscaping scheme. The indicative scheme shows the laying out of areas of maintained grass, the planting of shrubs and native hedges, and the planting of four trees within a maintained area and a further nine within private gardens. Paragraph 136 of the NPPF advises that streets should be tree-lined unless there are demonstrable reasons why they should not be. The trees proposed would not be actual "street" trees in the sense of being located within the public highway, but would be at the front of the proposed dwellings (either within private gardens or landscaped areas) and would therefore enhance the public realm. The incorporation of trees within the public highway, to create tree-lined streets, would not be reasonably practicable in this instance as it would only be possible if the estate road were

substantially widened to include a footway either side, which in turn would most likely mean a significant reduction in the number of units delivered.

While indicative, the submission demonstrates that a high-quality landscaping scheme may be achieved. It is recommended that approval should be subject to the condition that a detailed landscaping scheme, including planting methods (details of tree pits), and a schedule for implementation and maintenance, shall be submitted for approval.

Trees

There is a broad belt of deciduous woodland close to the eastern boundary of the site, and a line of mixed broadleaved trees and conifers adjacent to part of the western boundary within a neighbouring residential garden, of which the latter overhangs the site to a greater degree. KC Trees initially expressed concern about the lack of clarity concerning how the works would impact on the root protection zones of trees, and officers also expressed concerns about the compatibility of plot 21 with the trees to the east, since on the original layout it was shown very close to the boundary. The latest Arboricultural Impact Assessment and Method Statement (AIA and AMS), it is considered, demonstrate that all works can be undertaken without giving rise to the loss of trees arising from root damage. Plot 21 would now have its side wall 2.5m from the site boundary. Whilst it is recognised that the trees adjacent are likely to increase in size, it is considered that the increased separation distance would result in an acceptable relationship between the trees and the new dwelling and would not result in a situation in which future residents would suffer an unacceptable degree of nuisance from overshadowing, debris fall or other factors.

The AMS advises the use of protective fencing, the use of low impact methods to construct foundations for the garage to plot 11, and the use of low-impact methods to lay new hard surfaces where these are required within tree root protection zones.

Approval, it is recommended, should be subject to a prescriptive condition requiring the development to be carried out in full accordance with the approved AMS. Subject to this condition, the development would comply with the aims of Local Plan policy LP33.

Urban design conclusion

It is considered that the quantum, density, layout, scale and design details of the proposed development would result in a scheme that would, subject to conditions including regarding details of materials being supplied, complement and sufficiently harmonise with its surroundings. The proposal incorporates a suitable amount of landscaping, including tree planting, and would ensure the long-term retention of valuable trees surrounding the site. It would therefore assist in the aim of enhancing the townscape and creating high-quality places as set out in policy LP24 of the Local Plan and Chapter 12 of the NPPF.

3 – Impact on residential amenity

The following principles within the Housebuilders Design Guide SPD are of particular relevance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

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

Principle 16 – All new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards. The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers. These are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design).

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

Internal space

Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard has become more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.

The house types that are now being applied for would each benefit from the following amount of internal space:

House type	Bedrooms / floors	Floorspace (GIA sqm)	Minimum NDSS expectation (GIA sqm)

Tewkesbury	4-bed, 2-storey	119	97
Cheltenham	4-bed, 2-storey	143	97
Gosford	4-bed, 2-storey	128	97
Wentworth	3-bed, 3-storey	100	90
Falmouth	3-bed, 2-storey	109	84
Bamburgh	3-bed, 2-storey	98	84
Edinburgh	2-bed, 2-storey	72	70

The figures in the third column above were based on measurements taken from the applicant's drawings, and are not the figures listed on the applicant's Site Layout rev Y.

All exceed the minimum figure in the NDSS for the relevant type of dwelling. It is therefore considered that the amount of internal floorspace are, in each case, satisfactory for the types of dwelling proposed.

Outlook, light and privacy for future occupants

The proposed dwellings have been sited and designed so that none would overlook their neighbours' windows or amenity space at close quarters. All would receive what are considered to be adequate amounts of natural light and would not suffer undue obstruction to outlook.

The recommended 12m distance between habitable and non-habitable room windows would not be complied with at plots 11 to 12 and 1 to 3. The separation distance in both cases would be 10m. In both cases the wall containing the habitable room window would be north-facing, meaning that the arrangement would have minimal impact upon the ability of the affected property to receive direct sunlight. Plot 11 would have a relatively open aspect at the rear, or south, where its main amenity space is located, whereas its northern outlook is across the proposed estate road. It is also noted that privacy (between elevations 10m apart) cannot reasonably be protected (in the same way it can be protected across adjacent plots) when there is an intervening public space (in this case, the estate road). Plot 1 has its main amenity space to the north and therefore might be more negatively affected by having an opposing side wall in close proximity. Any future potential occupant would, however, be aware of this situation, and since only a very small number of dwellings within the proposed scheme would be affected by the reduction in the recommended minimum distance, it is considered that the shortfall can be accepted.

Four house types – the Edinburgh, Falmouth, Wentworth and Cheltenham – would all have at least one side-facing window at first-floor level or above. These are all secondary or non-habitable. To protect the privacy of future residents it is recommended that all be obscurely-glazed, except in the eastern elevation of plots 20 to 21 where this measure would be unnecessary as they would face the belt of woodland.

Provision of private garden space

All new dwellings would be provided with a private rear garden. Whilst there is no standard dimension for a new garden in any adopted Kirklees Council document, the expectation is under the Housebuilder Design Guide SPD that 10.5m should normally be maintained between a wall containing a habitable room window, and adjacent land, and this can be treated as a useful starting point. Some of the 3-bedroom houses, notably at plots 1, 5 and 7, would have rear gardens that are considerably shorter than this, but in the case of plot 1 it would be partly compensated for by additional amenity space at the side. The 2-bedroom houses would have rear gardens varying between 7.0m and 8.5m in length which is considered to be commensurate with the size of the property and the living accommodation provided. Taking a view of the proposed development as a whole, the proposed provision is considered to be acceptable in terms of scale and quality.

Potential impact upon existing (or proposed) residential development:

The following assessment will have regard to the recently-approved development north-east of Urban Terrace (reference 2023/93704), and the relationship between the two sites that would occur if both were implemented. It is noted that the two sites are separated by the corridor formed by the PROW and adjacent undeveloped land which is 4m in width, and furthermore that the proposed development would necessarily be set lower than the average finished floor levels for the Urban Terrace development (although a definitive set of proposed levels has not been supplied) owing to the natural contours of the land. Officers do not have the benefit of a combined site plan showing both schemes, but it is possible to calculate the distances between dwellings within the two sites, with a reasonable degree of certainty, by using scaled measurements taken from the respective site plans.

The dwellings that would have the closest relationship to each other would be plot 4 in scheme 2023/93704 (type Bungalow F) which would be placed approximately 2m from the site boundary for that scheme, and plots 7 and 8 (Bamburgh house type) within the proposed scheme. The plans show the approved plot 4 to contain a kitchen window facing south-east. The room that it serves would in fact be an open-plan kitchen/living/dining area, but it would not be the principal window to this space – the principal window to this room would face north-west, towards the property's rear garden. It could, however, be regarded as habitable for planning purposes and it is assumed that it would be clear-glazed. It is anticipated that boundary treatments will either prevent or significantly curtail overlooking between ground floor windows but would not be effective at preventing a line of sight between upper floor and ground floor windows. The position of the south-east facing wall containing the kitchen window is 27.5m south-east of the northern site boundary (using scaled measurements on site plan reference 22D26-FBA-ZZ-XX-DR-A-0708) and the centre point of the window would be a further 1.5m in from the side wall of plot 4. From this it can be calculated that both bedroom windows in the rear elevation of plot 7 would be approximately 19.5m from this kitchen window. This falls short of the recommended 21m distance by 1.5m, but given the angles involved, the two windows would be perceived as looking across

rather than towards each other and it is considered that this would not give rise to a significant degree of overlooking.

Plot 8's rear windows would look towards the side wall of plot 4 in the approved scheme 2023/93704. This contains small secondary windows (500mm wide) which again are likely to be clear-glazed. The two bedroom windows in plot 8 would average 19m from this window. Again, given the angle between the two dwellings, with the bungalow being oriented north-west / south-east and plot 8 facing almost due west, a clear view into the bungalow's side window would not be provided, and it is considered on balance that the 2m shortfall, since it would only affect one secondary window in this elevation, would not be perceived as intrusive.

Plots 3 to 6 would face towards the development site to the west but their outlook would be towards the turning head and public open space, or in the case of plot 3, at most only over the northern corner of the approved plot 4's curtilage, and it is considered that the separation distance between the two sites would mean that the impact would not cause a material loss of privacy. In the case of plot 11, the closest window to the boundary of the application site would be approximately 8m from it. In the case of the corresponding dwelling within the approved scheme 2023/93704 which has a rear elevation facing north, plot 5, this would be approximately 7.5m, so the combined distance when the width of the footpath and associated land (measured 5.5m across the diagonal) would be approximately 21m. Furthermore, both dwellings would face each other's rear elevations at approximately 45 degrees, so even if the layout included a very minor shortfall from the recommended 21m, it is considered that this would not be intrusive.

Finally, 8 Denby Lane, the only existing dwelling that directly faces the site at the front, is approximately 21m from the site boundary and it is considered that no material loss of amenity to that property would occur.

To conclude, it is considered that the proposed development would not give rise to any material loss of amenity to residential properties outside the site boundaries.

Potential for amenity impacts during construction

Given the scale of the development and its proximity to established residential properties, it is recommended that the submission of a Construction Environmental Management Plan (CEMP) pre-commencement be required by condition, so as to guard against the possibility of noise, dust and artificial light giving rise to loss of amenity during works.

Residential amenity conclusion

It is considered that the layout of the development would provide an acceptable standard of living for future occupants whilst not harming the amenities of neighbouring properties, thereby according with the aims of Local Plan policy LP24(b). Besides the conditions on the use of obscure glazing for

side-facing windows and the submission of a CEMP already referred to, a condition will be required concerning the erection of boundary treatments to prevent overlooking between residential gardens – this is considered in more detail in the appropriate section.

4 – Highway and transport issues

The site would gain access to the public highway network via Denby Lane, a part-adopted and unclassified road. It is proposed to access the site via a newly formed access onto Denby Lane opposite the junction with Denby Park Drive. As previously noted, a PROW runs alongside the site and emerges on to Denby Lane.

Suitable visibility splays of 2.4m x 43m have been demonstrated. These are appropriate for a road with a 30mph speed limit. A speed survey has not been undertaken in support of the application. Such a speed survey is not considered to be necessary, given the width of Denby Lane and the fact that drivers are likely to slow down upon reaching the outskirts of the village because of possible hazards associated with vehicles emerging from junctions. It is reasonable to assume that the vast majority of vehicles (85% or more) approaching the proposed new junction will be travelling at 30mph or less. The extent of the visibility splays and absence of a speed survey was not raised as a concern by KC Highways Development Management (KC HDM) either during the course of this application or 2021/94747 upon which KC HDM also commented.

The TRICS database has been used to estimate development related trips. The trip rates – derived from the TRICS database for ‘Residential- Houses privately owned’ – have been calculated as 13 at the weekday morning peak, and 15 at the weekday afternoon peak (both ways – i.e. the aggregate of arrivals and departures). This degree of traffic generation is not expected to have any detrimental effect on the existing network and is therefore considered acceptable with a priority give-way arrangement onto Denby Lane as proposed.

It is proposed that the access road is to be built to adoptable standards, as set out in the Highway Design Guide SPD, the Highways Guidance Note – Section 38 Agreements for Highway Adoptions March 2019 (version 1) and associated documents. During the application process, further information has been sought and obtained from the applicant regarding forward visibility envelopes, which it has been demonstrated do not cut across third party land or across private parking bays. Officers are now satisfied that an adoptable layout is achievable. Although not explicitly referred to in their written response, KC HDM have also confirmed to the case officer that the proposed estate road is of an acceptable standard to serve future development for which permission may be sought on the parcel of land to the west of the site forming part of the same housing allocation – this is implicitly acknowledged on the proposed site plan with the words “Potential future vehicular link”. As noted above, the most recent version of the applicant’s Highway Area Plan confirms that highway (that would be offered for adoption) would be provided

up to the site's western boundary, with no intervening strip of land (which could form a ransom strip, and therefore an obstacle to the delivery of housing on the western part of HS58) proposed.

All new dwellings would be provided with an appropriate number of parking spaces for the number of bedrooms (a minimum of two spaces for every 2- or 3-bedroom house, and three for every 4-bedroom house). For some of the dwellings, garages (either integral, attached or detached) would form part of this provision. The integral garages for the Cheltenham and Gosford house types as shown on the submitted floor plans would meet current minimum internal dimensions (3m width, 6m depth). The site layout plan indicates that the Falmouth and Tewkesbury house types would benefit from a single garage. Based on scaled measurements, the internal width of the proposed garage for the Tewkesbury house type (plot 11) would just meet the 3.0m standard. On the basis of scaled measurements taken from the site layout plan at 1:500, the detached garage for plot 21 would also comply with the standard minimum internal width of 3.0m. However, the detached garage has not been shown on the floorplans or elevations for the Falmouth house type. For the avoidance of doubt, it is recommended that a condition be applied requiring the submission of a set of additional floorplans and elevations for plot 21, showing the design and internal dimensions of the garage. This should also be applied in the case of plots 16 to 18 (Wentworth house type). In their case, the provision of a garage is not necessary to meet the parking requirement since they are designated 3-bedroom houses on the revised floorplans, and the parking requirement would be met by the two external spaces, however plans and elevations of any external garage or store should be supplied for the avoidance of doubt as to what is to be built at this site.

Visitor parking would be provided at the standard rate of one for every four dwellings, and in the form of bays parallel to the highway. This is considered acceptable.

Refuse collection vehicles would be able to enter the site, turn and depart in a forward gear and all collection points would be within the recommended carry or drag distances for refuse collection crews. Bin stores (suitable for three standard wheeled bins) would be provided in each plot, and a presentation point on the highway boundary is also shown for each plot (these would be shared in the case of plots 12 to 15). It is noted that plots 12 to 15 would be accessed off an unadopted spur where a refuse collection vehicle would not enter, and their arrangement in a terrace would restrict access to the rear gardens where the bin stores are to be located. This would mean that the route from the bin store to the collection point would be considerably longer (at least for plots 13 to 15) than the 25m recommended in the council's guidelines on waste management. The KC Waste Strategy, consulted early in the process, recommended that they each be given an independent means of access or alternatively have their bin stores at the front (suitably screened). The first option would mean a reduction in the number of units (possibly from four to three) as there is insufficient space within the layout to keep the number of units the same and reconfigure them. The second option would not be possible as there would then be insufficient room for vehicle swept paths,

unless the bin stores were placed up against the wall of the house, which would restrict pedestrian access and would raise safety and security concerns. It should be noted that even if one unit were deleted, so as to provide a potential passageway between the proposed dwellings, this would still mean that the route to the collection point, whilst reduced, would be over the recommended 25m.

In conclusion, whilst the arrangement for plots 13 to 15 is far from ideal for the convenience of future residents, it would not be possible to achieve anything better without a reduction in the number of units (which is undesirable since it would conflict with the aforementioned aim of boosting housing supply) or a complete redesign of the layout, and therefore this aspect of the proposals can be accepted in this instance.

For plot 21, the carry distance would exceed the recommended 25m by approximately 3m. It is considered that this can be accepted since there are no evidently better locations for the bin collection point – if it were moved further north, it would be immediately adjacent to the house wall or the boundary fence, which would interfere with future access for maintenance.

KC Waste Strategy have also recommended that the turning head at the northern end of the site should have active measures to prevent parking. However, KC HDM do not consider this to be necessary. As previously noted, the proposed amount of private and visitor parking provision meets the council's current standards. It is therefore considered that the risk of uncontrolled parking taking place on the new estate road in such a way as to obstruct the passage or turning of refuse or other service vehicles is minimal, and no conditions are required to guard against such an eventuality.

KC Highway Safety have advised that a 2.0m tarmac surfaced footway should be formed across the site frontage in place of the existing grass verge and this should tie into the point where the existing footway terminates in the vicinity of Urban Terrace (a distance of circa 85m). It is noted that the creation of a footway across the site frontage was required by condition in the determination of application 2023/93704. If that development were to be completed first, then the new footway associated with the current application site would only have to tie into the new adjacent footway, which would mean building it across the current application site frontage and the PROW. In the event that the footway required under permission 2023/93704 were not to be delivered or was delayed, then the new footway (required of the proposals currently under consideration) would have to extend as far as the eastern end of Urban Terrace to tie in with the existing footway. Whilst this would place a larger responsibility upon the developer of the site currently under consideration, it is considered that this would not be unreasonable since the development would give rise to increased vehicular movements and pedestrian activity in the vicinity of the site, and a footway connecting with the existing footway network would be the only way to ensure that this would not give rise to an increased risk of accidents. If a stretch of footway were to be built across the site frontage only and did not connect with the existing network, it would not serve its intended purpose of assisting pedestrian safety.

A stage 1 safety audit and designers' response has been submitted and approved. The Designers' Response highlights two problems requiring attention, and the following recommendations are made:

- Achievement of the visibility splay may require some cutting back of vegetation. The Designers' Response recommends that the height of the vegetation must be regularly maintained so as not to exceed 600mm in height. This recommendation has not, however, been incorporated into the recommended condition by KC HDM, and it is considered that it would be sufficient for any condition to specify that visibility splays must be cleared of all obstructions to visibility exceeding 1m in height above the adjoining carriageway and thereafter maintained as such.
- The existing carriageway surface on Denby Lane at the proposed site access is poor which may increase the risk of skidding and subsequent collisions for vehicles entering / exiting the site. The Designers' Response recommends that at the stage of detailed highway design, discussions with the council will take place regarding the extent of resurfacing. KC HDM have also not recommended that this should be incorporated into a condition. It is considered that the state of the carriageway surface, whilst less than ideal, is not so unsatisfactory that it would be liable to give rise to a material increase in accidents without amelioration. If the council's Section 38 team consider that improvements (other than remedial works to restore the carriageway to its pre-development condition) are necessary, it may be possible to achieve this under other powers.

The proposed development is therefore considered acceptable from a highways perspective. KC HDM have recommended that permission be subject to the following conditions:

- Areas to be surfaced and drained
- Visibility splays to be provided
- Footway to be provided
- Access to be constructed as approved
- Submission of Estate Street Phasing Plan
- Temporary waste collection arrangements if development is to be phased
- Defects survey (pre- and post-development)
- Construction management plan
- Vehicle and pedestrian spaces to be laid out

These conditions are considered to be reasonable, although some changes to the wording will be required. The stipulation that parking spaces be drained in accordance with government guidance regarding permeable surfacing is considered unreasonable since the applicant's drainage strategy (see section below) is not based on infiltration and this is not usually imposed as a

condition where discharge to sewer or watercourse with attenuation storage is the chosen method.

In addition to the formation and retention of private parking spaces, it is recommended that the erection of private garages to serve the new development (where these form part of the parking provision) be conditioned. The latter stipulation should not, however, apply to plots 16 to 18. Although the applicant originally conceived these as 4-bedroom houses, the current plans show them to be 3-bedroom, and as such they only require two parking spaces each, which are provided in the form of external parking spaces. These garages fall short of the required minimum width in any case (by 600mm in the case of plot 16), however if the developer still wishes to construct them, they could still be used for domestic storage.

Local Plan policy LP20 states that proposals for new development shall be designed to encourage sustainable modes of travel and demonstrate how links have been utilised to encourage connectivity. In general, it is desirable for new development to take opportunities to achieve greater connectivity with the existing PROW network, in the interests of promoting both sustainable transport and healthy and active lifestyles. The opportunity exists to create a linkage to the PROW (DEW/81/10) that runs parallel to the northern part of the site's western boundary, and this is indicated by an annotation. Further details will, however, be required, and an appropriate condition is recommended.

The following conditions relevant to transport and servicing are also recommended:

- Details of secure cycle storage provision to serve each dwelling.
- The provision of a minimum of one electric vehicle charge point (EVCP) – this can be a prescriptive condition.
- Details of the design of bin enclosures.
- Details of PROW link including width and surfacing.
- Details of any drainage infrastructure within public highway (in order to prevent overloading of infrastructure).

In conclusion, it is considered that the development demonstrates safe access to the existing highway network, safe and satisfactory internal access and adequate parking for future users. Subject to the above conditions, it would avoid any adverse impact on the free and safe use of the highway and would accord with policies LP21 and LP22 of the Local Plan and Principle 12 of the Housebuilders Design Guide SPD.

5 – Ecology and trees

No part of the site is designated as part of the Wildlife Habitat Network. The belt of woodland to the east, and the site forming housing allocation HS195 to the west, both fall within the network. The site is in an Impact Risk Zone for a Site of Special Scientific Interest but this zone is only relevant to certain

infrastructure proposals, combustion, or those judged likely to give rise to a significantly increased risk of air pollution, which is not the case here.

A Preliminary Ecological Appraisal (PEA) by JCA Ltd was submitted in September 2024 (undertaken May 2024). A BNG Metric version 4.0 and Habitat Conditions Assessment were subsequently submitted based on the same desk study and fieldwork.

The site was found to consist mainly of modified grassland with areas of bare ground from agricultural access, areas of tall ruderal species, scattered rushes, abundant perennial ryegrass and areas of scattered scrub. No notable species of flora or fauna were found. The habitats to be removed are considered to have limited to no potential suitability to support great crested newts and other amphibians. No records of reptiles were returned by the West Yorkshire Ecology Service. The drystone retaining wall on the west of the site could potentially support hibernating reptile species. The habitats to be removed are considered to have limited to no potential suitability to support reptile species. Recommendations regarding birds, bats, hedgehogs, hares and invertebrates, all of which could experience disturbance or reduced opportunity through the removal of semi-natural habitat, are made at the end of the report. These include recommendations regarding a pre-construction site walkover and restrictions on outdoor lighting.

The provision of a Biodiversity Net Gain (BNG) of 10% is a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (hereafter the Act). This is subject to limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12/12/2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development. The applicant has not put forward a case that the development is exempt from the 10% provision, nor do officers consider exemption applicable. In accordance with national guidance, the application is supported by an assessment confirming the pre-development biodiversity value of the on-site habitat, on the date of application.

The submitted BNG Metric found the baseline habitat value to be 1.24 habitat units with no hedgerow or watercourse units. This is considered to be in line with the results of the PEA and Habitat Conditions Assessment, which found the grassland to be “poor”.

The submitted BNG Metric calculated that, following on-site post intervention, there would be 0.47 habitat units – this would result from the creation of domestic gardens, with none of the existing habitat retained. A 10% net gain would mean a post-development total of 1.364 habitat units, resulting in a deficit of 0.89 habitat units (rounded to two decimal places), which would have to be compensated for off-site. This calculation appears to assume that the only new habitat created would be domestic gardens, however the latest version of the proposed site plan shows that there would also be a small

(approximately 150sqm) area of landscaping incorporated into the development besides gardens. The indicative landscaping scheme shows that up to four trees can be planted in this area, which KC Trees accept would be feasible as long as they are small trees. This indicates that the BNG Metric has slightly underestimated the potential for habitat creation on site, although it is acknowledged that the contribution made by public landscaped areas would almost certainly not be enough to eliminate the need for off-site gain. Further consideration (and recalculation) of the application site's post-development value would take place at conditions stage, when the applicant applies to discharge the statutory pre-commencement condition requiring a Biodiversity Gain Plan. At that stage, further consideration would be given to the inclusion of private gardens in the post-development value figure (given that it cannot be assumed that habitat within private gardens would be retained), and to the contribution that the above-mentioned landscaped area would make to that value.

It is considered that the BNG Metric and supporting documents submitted provide together enough information to allow the application to be determined.

In accordance with The Act, due regard must also be given to whether the proposed net gain (including enhanced areas of existing habitat) amounts to a significant enhancement. Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development's BNG, relative to the biodiversity value before development. The Act requires that the maintenance of these significant enhancements must be secured with a legal agreement, for a minimum of 30 years (although this can be secured by condition in some cases). In this case, the proposed on-site provision is not anticipated to be "significant".

The PPG states the following on identifying significant gains:

What counts as a significant enhancement will vary depending on the scale of development and existing habitat, but these would normally be:

- *habitats of medium or higher distinctiveness in the biodiversity metric*
- *habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development*
- *habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development*
- *areas of habitat creation or enhancement which are significant in area relative to the size of the development*
- *enhancements to habitat condition, for example from poor or moderate to good*

As none of the existing semi-natural habitat is to be retained, it would not attribute to "significance" in this regard. New habitat is stated (by the applicant) to amount to 0.47 habitat units, all of which would be "low distinctness". The example for "significant" includes a large number of

biodiversity units relative to the biodiversity value of the site before development, which the council currently considers to be 1 habitat unit. On the matter of gardens, the PPG says:

Non-significant enhancements are habitat enhancements whose loss will not significantly decrease the development's biodiversity value. They should still be included in your metric calculations. Examples could include private gardens which have a low distinctiveness value, or container planting. These enhancements do not normally require maintenance provisions, so for non-significant enhancements, you do not need to have an HMMP, legal agreement or commitment to maintain them for 30 years.

Officers would also consider it unreasonable to require private gardens to be managed and maintained by a management company (or similar) for a period of 30 years. Accordingly, a legal agreement for habitat management or a condition for a Habitat Management Maintenance Plan (HMMP) is not considered necessary in this case.

As a precautionary measure, given the semi-rural nature of the site and proximity to semi-natural habitat, it is recommended that the submission of a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) be required by condition, pre-commencement, so as to guard against the possibility of harm to fauna occurring during construction.

In conclusion, the development supports the aims of Local Plan policy LP30 and Chapter 15 of the NPPF.

6 – Drainage

The site is not registered as being at risk of flooding in either the Kirklees Strategic Flood Risk Assessment or that undertaken by Kirklees Council, and falls within Flood Zone 1.

It is proposed that foul water discharge would be to the combined public sewer and that surface water be disposed of by a connection to the culverted ordinary watercourse that lies close to the eastern boundary of the site, via an attenuation tank which would be located at the northern end of the development site.

Kirklees Lead Local Flood Authority (LLFA) were consulted on the application and confirm that they are supportive of the proposed drainage scheme in principle, although further details will be required which can be incorporated into suitably-worded pre-commencement conditions. The submitted Flood Risk Assessment (FRA) states that the allowable surface water discharge rate would be 3.5l/s – this is acceptable to the LLFA provided the outlet diameter of the flow control device is not less than 75mm. It is noted that the hydraulic calculations in Appendix D of the FRA assume a discharge rate of 5.0l/s – these calculations should be revised with the rate set at the minimum for a 75mm diameter flow control device. Furthermore, hydraulic calculations will need to be submitted to confirm that the attenuation storage is sufficient to

prevent off-site flooding during the critical 1 in 100 year (plus CC) rainfall event, details of the concrete tank are required indicating a low flow channel to reduce the risk of siltation within the tank, and details of the new manhole over the existing culvert where the attenuated surface water outfall from the site is connected are needed. The LLFA have confirmed that all of these matters can be determined at the discharge of conditions stage and that there are no outstanding drainage concerns which would prevent the granting of planning permission.

The following conditions are therefore recommended:

- Submission of detailed drainage scheme
- Submission of details of overland flow routing
- Submission of construction phase flood risk and pollution plan

The presence of a combined sewer crossing the application site is acknowledged on plan 101 Rev I by Advant Engineers. The plan proposes that the sewer be diverted so as to avoid buildings and allow future access for maintenance. Yorkshire Water do not object to the drainage strategy nor to the proposed diversion. The plan shows a drainage easement of the correct width (3m either side of the centre line of the re-routed sewer). Yorkshire Water have not asked that the maintenance of a drainage easement be conditioned, however it is recommended that permitted development rights for extensions and outbuildings be removed by condition for plots that have any significant part of their curtilage within the easement, since otherwise there would be no reliable way to prevent private owners from building over the easement and thus interfering with future maintenance. Yorkshire Water have recommended two conditions: 1) that the site be provided with separate foul and water drainage and 2) that the development be carried out in accordance with the Flood Risk Assessment. However, these conditions are considered unnecessary since the same matters are adequately covered by the more detailed and specific conditions requested by the LLFA.

Subject to the above conditions, the development would comply with the aims of Local Plan policies LP27 and LP28 and of Chapter 14 of the NPPF in ensuring that the site is drained in a safe and sustainable manner and that future residents are protected from the risk of flooding.

7 – Planning Obligations

Affordable Housing

Four affordable units are to be provided which is commensurate with the 20% requirement for a 21-unit development. According to the Part 5 of the council's Affordable Housing and Housing Mix SPD, the tenure split between affordable/social rented and intermediate should normally be 55% / 45%, which would imply, in this case, two units of each type. The developer has, however, requested that all affordable units be intermediate, given that it would be difficult to find a registered provider willing to take on one or two affordable units in a rural area. The developer has informed the case officer

by email that a total of nine Registered Providers were approached in April 2025 and asked for expressions of interest in acquiring two of the four units, all of whom either declined or failed to respond. Four of the Registered Providers rejected the proposal because the number of units were too small to be of interest. A further five did not offer any response – of these, two had been asked, also in April 2025, about a similar opportunity in Holmbridge, and one said they would not be interested in sites in the Huddersfield area, while another said that they would not be interested in developments of fewer than 20 affordable units. Evidential emails have been supplied. It is considered that the developer has taken reasonable steps to seek a Registered Provider to take ownership of two hypothetical Affordable Rented units within this development, without success. For development delivering a significantly larger number of affordable units, it might be reasonable to ask the developer to consider other alternatives such as shared ownership. However, it is considered that in the circumstances, since this development would normally only be expected to deliver two affordable/social Rented units, and as a similar approach was adopted in the case of application 2023/93704, the provision of all four affordable units as intermediate, whilst not ideal, can be accepted.

Two of the four would be First Homes, two would be Discounted Market Sale units. This would accord with the recommended split between First Homes and other intermediate tenures within the council's Affordable Housing and Housing Mix SPD.

Table 4 within the SPD recommends that for intermediate affordable housing within this housing market sub-area, 40-79% of units should be 1- or 2-bedroom. Whilst ideally the provision of one or two 3- or 4-bedroom intermediate units would have been preferred (as it would provide a mix more closely compliant with recommended breakdown in the above table), it is acknowledged that there is a greater requirement for 1- and 2-bedroom affordable houses than any other type. Given the scale of the development, this small deviation from the recommended breakdown is considered acceptable.

All affordable units are to be of the same housing type (Edinburgh). Principle 5 and paragraph 6.2 of the SPD requires that affordable housing within a development should not be inferior to market housing within the same development in terms of design, landscaping, or parking provision. The four affordable units would be built to the same design as the 2-bedroom market units within the development. They would be provided with rear gardens, whose length would be variable but would not be markedly different than the 2-bedroom market houses, and all would benefit from two parking spaces. They would be clustered in one part of the estate rather than dispersed, however it is considered that for such a small number of houses, the degree of clustering would not be liable to give rise to social exclusion.

The provision of the aforementioned affordable units has been secured under a Section 106 agreement.

Public Open Space

The proposal does not incorporate any on-site Public Open Space (POS). The requirements for POS will therefore have to be met by means of an off-site contribution. According to the principles set out in the council's Open Space SPD, the development would be required to make a contribution towards the Amenity Greenspace, Natural & Semi-Natural Green Space, Parks & Recreation, Outdoor Sports and Children & Young People typologies, but not to the Allotments typology. Based on the number of dwellings and the Open Space Standards in part 5 of the SPD, and taking into account that which is to be provided on site, the development attracts liability for a contribution of £57,624 which has accordingly been secured as part of a Section 106 agreement. Under the terms of the Section 106 agreement this would be used to improve recreational facilities within Kirkburton Ward.

Management and maintenance

Clauses have been incorporated into the Section 106 agreement to ensure appropriate arrangements are in place for the ongoing management and maintenance of certain features on the site. This includes arrangements for the management and maintenance of drainage infrastructure (prior to adoption by a statutory undertaker) and landscaped areas (or "managed areas") on site in perpetuity. As noted in the ecology section, as the habitat is concluded to be "not significant", clauses relating to net gain management are not required.

Section 106 agreement

A draft engrossment version of the necessary Section 106 agreement has been viewable online since 09/08/2024. A completed and signed Section 106 agreement (dated 16/09/2025) has been viewable online since 18/09/2025. The minor differences between the draft engrossment and the completed versions (for example, on page 18, an added paragraph 4.2 concerns commencement of works after the freehold has been transferred) are not considered so significant as to necessitate a further period (of the completed agreement being visible online) before the council's decision letter is issued.

Also of note, the completed Section 106 agreement includes Site Layout rev X. Although rev Y of this drawing has subsequently been submitted, given the reason for the use of this drawing in the Section 106 agreement, the inclusion of rev X raises no significant concerns.

8 – Other matters:

Climate change

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 site is located approximately 350m from a bus stop with services to Huddersfield and Wakefield. Grange Moor does not benefit from a very frequent bus service (i.e. more than hourly) to any destination. Furthermore, it offers only a very limited range of shops and services, although there is a primary school within the village. For these reasons it is anticipated that whilst future residents would be principally reliant on the use of the private car for the majority of their daily needs, the option of public transport would be viable for at least some journeys, and the site cannot be considered isolated. It is also noted that combined trips could be made. Furthermore, the site is a housing allocation. It would not be possible to justify a refusal, or a significant reduction in the number of units, on the basis of limited public transport or local service availability.

The applicant has proposed the following measures:

- The construction specification of every home will include high levels of insulation in the ground floor, external walls and roof spaces to meet current building regulations.
- There will be triple glazing and photovoltaics, subject to review on SAP for current building regulations.
- The detailed house type designs will incorporate the thermal bridging guidance produced by the Government, thereby reducing a significant source of heat loss.
- An efficient gas condensing boiler will be installed in each property. The heating designs of each house type will include dual zone controls with delayed start thermostats.
- Energy efficient lamps / LED bulbs will be installed in every light fitting.
- Each entrance will be illuminated with an energy efficient external light.
- white goods installed in each property or offered to purchasers will be energy efficient with an A+/A rating.
- Use of smart metering to control energy usage.
- External drying space in gardens.

It is considered that in principle these are positive measures but owing to limited detail, a condition is recommended to the effect that full details of any measures to limit carbon emissions associated with the development (which are expected to include microgeneration equipment, measures to increase energy efficiency above the standards demanded by the Building Regulations, or some combination of these), must be submitted and approved before work commences above foundation level.

Crime and security

The West Yorkshire Police Designing Out Crime Officer was not consulted on this application, however the potential vulnerability of the new dwellings to crime or fear of crime must still be given proper consideration.

The proposed boundary fences have been designed to provide security and privacy for future residents, and fencing to most rear gardens would be 1.8m in height. In some locations a combined wall and fence would be used, also 1.8m in height.

Plots 11 to 15 would only benefit from 1.5m high fencing where these plots are adjacent to the PROW. This is considered necessary since at that point the development would back onto the PROW with no intervening space and the installation of 1.8m fencing would risk making the PROW (which is already narrow) seem very enclosed which might discourage its use. As these properties would therefore have less effective protection from intruders than the others, a condition is recommended, requiring details of additional domestic security measures.

The use of 1.8m fencing for the middle and southern stretch of the western site boundary is, however, deemed acceptable since it would be set approximately 2.0m away from the PROW and would be on land that is lower in height. It would therefore not have an oppressive or overbearing impact upon future users.

No boundaries are shown fronting Denby Lane. In the case of plots 1 and 2, there are parking spaces that would open out directly on to the highway so it might be more convenient for future occupants to keep the front boundary unenclosed. Plot 3 would have a front garden adjoining the highway boundary. Whilst occupants might prefer to have some form of boundary treatment for the sake of privacy, it is not considered essential and an open frontage can be accepted.

It is recommended that a condition be imposed requiring that the boundary treatments be constructed or erected in accordance with the details supplied, subject to (i) details of the proposed wall / fence (including walling materials) being supplied; (ii) all garden boundary fences, including those that form the boundary between plots and the outer boundaries of the site, must have at least one hole or gap in them to facilitate hedgehog movement; and (iii) an appropriate opening in the fence to facilitate access to/from the PROW to/from the development.

Land contamination

Paragraphs 187(e) and 196 of the NPPF state that planning policies and decisions should prevent new development from contributing to, or being put at risk from, land instability and that a site is suitable for its proposed use.

Council records indicate the application site is potentially contaminated land owing to its past uses as a sewage works and other unspecified industrial uses (Kirklees site references: 141/11 and 142/11). A Geoenvironmental Appraisal & CMRA report by Groundtech Consulting Limited (22/05/2024, GRO-24078-5170, rev 1.1) has been submitted in support of the application. The report, in as far as it relates to land contamination, is a combined preliminary risk assessment and intrusive investigation report.

The report recommends additional works including bio-accessibility testing of the topsoil, additional rounds of ground gas and groundwater monitoring and combustibility testing. Subsequently, a Ground Gas Risk Assessment report authored by Groundtech Consulting (November 2024, GRO-24087-5293) was received. The report continues the ground gas assessment for the site and reports that six ground gas monitoring visits have been completed between April and June 2024. No methane was detectable, but levels of carbon dioxide (CO₂) were recorded within the standpipes – the concentrations ranged between 0.1% v/v and 6.9% v/v. Oxygen (O₂) concentrations ranged between 3.8% v/v and 20.9% v/v. The site has been considered as Characteristic Situation (CS) 1. Groundtech add that the existing workings would be grouted which would remove the source of potential mine gas on site.

However, KC Environmental Health officers do not agree with the conclusions of the ground gas risk assessment. Due to the elevated carbon dioxide, depleted oxygen, the presence of hydrogen sulphide and known mineworking on site, the applicant was asked to reconsider the risk assessment to revise the gas characterisation or, in the first instance provide additional monitoring in worst-case pressure events to support the conclusions of the ground gas assessment. In addition the applicant was asked to provide the results of the additional soil testing suggested in the previous report.

In response to these comments, a Permanent Ground Gas Risk Assessment Groundtech Consulting (dated January 2025, GRO-24087-5293 v.1.1.) was received. This report provides additional commentary regarding the ground gases encountered during the monitoring programme. Groundtech have determined that the detected ground gas concentrations are likely to stem from historical sewage works and related storage tanks, or from deeper made ground associated with nearby open cast mining activities. The report also adds that mine workings were identified in only one location, adding that the workings in the south should not be ruled out as a source of gases on-site, however the workings in the southern section of the site would be grouted which would remove the source of mine gases in this area. The consultants have reaffirmed that the initial classification of CS1 remains valid.

KC Environmental Health officers accept the conclusions of this report and therefore do not recommend the imposition of the standard conditions CLC1 and CLC2 (relating to the submission of a Phase I and Phase II report). It is, however, recommended that the applicant be required to submit a Remediation Strategy, which will need to include results of the additional soil testing suggested in the Geoenvironmental Appraisal & CMRA report by Groundtech Consulting Limited (22/05/2024, GRO-24078-5170 rev 1.1).

In summary, KC Environmental Health now recommend conditions requiring the submission and approval of a remediation strategy, the implementation of the remediation strategy so approved, and the submission of a validation report.

A further Remediation Strategy and separate Ground Gas Risk Assessment were submitted (August 2025) and are being considered by KC Environmental Health. As KC Environmental Health will not have time to fully assess and report on these documents before the target determination date of this application, it is recommended that these should not be included within the list of approved documents, and that the above conditions should still be applied.

Coal mining legacy

The application site falls within a Coal Referral Area, meaning it is deemed to be at high risk of land instability caused by coal mining legacy. Mining Remediation Authority (MRA) records indicate that the site is underlain by recorded shallow coal workings and probable unrecorded underground shallow coal workings, and that the application site is likely to have been subject to historic unrecorded coal mine workings at shallow depth associated with a thick coal outcrop.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site, including the results of an intrusive site investigation. This information has been used to inform the relevant part of a Geoenvironmental Appraisal & CMRA report by Groundtech Consulting Limited (22/05/2024, GRO-24078-5170 rev 1.1) to accompany the planning application.

The MRA concurs with the recommendations of the submitted report, namely that coal mining legacy potentially poses a risk to the proposed development and that remedial works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The MRA recommend that permission can be granted subject to two standard conditions stating:

- No development shall commence until the remediation works and/or mitigation measures have been implemented on site.
- Before first occupation, a signed statement shall be submitted, authored by a competent person, confirming that the site has been made safe for occupation.

Minerals

The application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 1c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs, having regard to Local Plan delivery targets) for it. Coal extraction is furthermore likely to prove impracticable at this site, owing to the necessity of maintaining the requisite stand-off distance between such

workings and established residential development. The proposal is therefore not considered to conflict with policy LP38.

Removal of permitted development rights

It is recommended that permitted development rights falling within Part 1, Class A, D and E (extensions, porches, and outbuildings) be removed for plots 1 and 4 to 7 since there is a risk that any such works would be within the easement of the diverted sewer. The same restriction should be applied to plots 19 and 20 because the exact position of the culverted watercourse, which lies on or close to the eastern site boundary, has not been determined by means of a site survey, and it is important that built structures are not allowed to be built over a culverted watercourse where they would interfere with access for maintenance.

In addition, it is recommended that Part 1, Class A and E permitted development rights be removed in the case of plot 3 because any extension to the side of that property would bring development yet closer to the rear elevation of plot 1 – this, as previously noted, is one of the property's main elevations and could therefore should not have its outlook restricted further.

Finally, it is recommended that the right to construct porches to the front or eastern elevation should be withdrawn for plots 12 to 15 since any such structures would restrict the passage of pedestrians along the frontage which in turn would mean that any residents wheeling bins out on collection day would have to push or drag them between parked cars, which could present difficulties if cars were parked close together.

Conditions

Draft conditions were shared with the applicant team on 13/08/2025. On the same day the applicant confirmed that the pre-commencement conditions were agreed. Subsequent changes to the draft conditions did not necessitate consultation with the applicant team.

9 – Representations

11 representations were made. All objections and comments that have not been addressed in the main part of the assessment are summarised below with issues raised and officer responses:

Highway issues

- Access design is based on the site plan and not the more accurate topographical plan. The indicated centre line of the proposed estate road does not comply with the correct technical position of the sight line operating from the junction to Denby Lane.

Response: KC HDM who provided advice on this application are aware of this objection, have examined the latest plan, and have confirmed that the sight lines have in fact been plotted correctly.

- Sight lines indicated on the proposed access arrangement are 2.4m x 43m, which is the appropriate standard for traffic in a 30mph zone. The sight lines in the Transport Statement are measured 0.6m into the nearside carriageway edge, which although the normal arrangement, is inappropriate in this instance because the 5m carriageway of Denby Lane is below the normal width of a 5.5m collector or estate road, and vehicles will by default have to use the full width of the narrow carriageway in two-way flow conditions.

Response: Since this comment was made, the sight lines have been amended. Visibility splay drawing revision A shows the visibility splays measured 300mm into the carriageway. KC HDM are now satisfied that they have been drawn correctly.

- There should normally be a stagger between junctions instead of having one directly facing another.

Response: This is not considered to be grounds to refuse the application. The council's Highway Design Guide SPD does not explicitly state that all junctions should normally be staggered. This is something that must be assessed on a case-by-case basis, and in this instance, KC HDM have not raised this specific issue as a concern.

- A service vehicle swept path only shows vehicles turning out of the access to the west. Plan "003" still does not show any road widening on Denby Lane (in the direction of the Ben Booth Lane junction) that is likely to be necessary to permit large vehicles to turn both right into the proposed development from Denby Lane and left out of it to Denby Lane.

Response: The service vehicle swept paths only show vehicles turning out of the access to the west. It is noted that the road east of the proposed access appears to be slightly narrower. However, the swept paths do not take up the full width of the road and there is no evident reason why it should not be possible for a service vehicle to turn left out of the access, or turn right into it. KC HDM have raised no concerns about this aspect of the development.

- It is unclear from the general layout plan whether it is proposed to extend the footway to Denby Lane across the woodland frontage to connect to the public footpath which runs through my land. These works would be within what I assume to be the nearside highway verge and would cross one of the vehicular access routes to Goat Hill Farm, which is readily apparent by its field gate and access through the woodland. If these works were proposed, it would improve pedestrian accessibility and would assist in safeguarding the sight line from the proposed access. My only comment here is that my access point must be respected and a vehicular crossing suitable for farm sized traffic be provided.

Response: The applicant will not be required to provide a footway extending any further east than the application site since this would bring limited benefits compared to a footway to the west linking in with existing footway provision.

- The recent construction on the adjoining site has proved that the roads between the proposed site and the main roads are insufficient to support the weight of construction vehicles and the increased traffic and weight of residents vehicles – any further construction should include requirement to relay Ben Booth Lane and Wakefield Road between Grange Moor and the Wakefield boundary to an improved quality as the last resurface of Wakefield Road had significantly deteriorated within four months.

Response: It is considered that such a requirement would be onerous and disproportionate given the scale of the development. The standard condition regarding a pre- and post-development survey, with the developer being required to restore defects that have arisen during construction, is deemed sufficient.

- Traffic through Denby Lane and Liley Lane in the village is already dangerous with parked cars and no traffic calming measures and is likely to cause accidents very soon. Road conditions between Grange Moor and the M62 at Cooper Bridge are also atrocious, with pot holes of 8" deep recorded repeatedly on Liley Lane and Bog Green Lane, and accidents on both the aforementioned all too common already without further increased traffic.

Response: It would be wholly unreasonable to reject housing development on the site on the grounds of claimed deficiencies in local road infrastructure. It is considered that owing to the scale of the development, it would be disproportionate to require the developer to contribute to any off-site highway improvement works (other than the footway referred to earlier).

- There would be no footways.

Response: Owing to the gradients, KC HDM have advised that footways within the estate would not be necessary.

- I question how highway access for 21 homes can now be acceptable, when the reason the 18 homes scheme on the same land, was going to be refused under application 2021/62/94747/E was due to access problems?

Response: The comments made by KC HDM at the time of the 2021 application did not indicate that the site was incapable of accommodating more than 18 dwellings.

- Possible conflict with sight lines for neighbouring development 2023/93074.

Response: KC HDM are aware of the neighbouring approval and took this into account in providing advice the application. The sight lines do not cut across third party land.

- The development will cut into rights of way and footpaths in pleasant green spaces, and limit non-tarmaced pedestrian access around the village.

Response: The PROW will not have its course obstructed or diverted as a result of the proposed works. Subject to suitable conditions (in particular

regarding boundary treatments, as already set out in the appropriate section), its useability would be unaffected.

- The local nurseries and school are already at capacity, with limited local amenities further than this.

Response: Developer contributions towards school capacity would only be required for a development comprising 25 or more dwellings.

- Lack of doctors' surgery locally.

Response: Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance that requires a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

- The fields in question are adjacent to known Lapwing mating grounds, a redlist protected species, and Lapwings have been sighted in the area of concern as well.

Response: It is considered that the submitted PEA, BNG Metric and Habitat Conditions Assessment are adequate for the purposes of assessing the site's existing biodiversity value. As a precautionary measure, it is recommended that a CEMP:Biodiversity be secured by condition so as to guard against the possibility of negative impacts during construction.

- The light and noise pollution from the new development will significantly affect the neighbouring woodland and native flora and fauna, including bats and aforementioned protected species.

Response: No non-domestic lighting is proposed as part of the scheme, other than street lighting (which is likely to be required for adoption purposes and the details of which are covered by other legislation).

- Concerns relate to how any remedial or future maintenance works would be carried out to the culverted watercourse without affecting third party land and whether it is able to take on the additional discharge from the site. The culvert lies within or abutting third party land. It is unclear from the site development plan if the culvert will be within the proposed plot boundaries of the adjacent plots, and my concerns relate to how any remedial or future maintenance works would be carried out. The drainage strategy shows the position of the culvert post-development to underlie some of the future residential gardens. Some of the associated infrastructure, including manholes, may affect land not within the applicant's ownership. I would therefore expect that any condition you may impose regarding drainage is "negatively worded" such that development cannot commence until all necessary technical and legal requirements have been carried out.

Response: The applicant's site plan, with its blue line boundary to indicate land within their ownership, indicates that all drainage infrastructure would be

within the red line boundary or other land that the applicant owns. The LLFA is satisfied that the watercourse is sufficient to take on the discharge from the site (with the proposed attenuation). It is, however, still the developer's responsibility to ascertain whether or not they need the consent of one or more third party landowners to discharge to the watercourse. Rights of access to the point of connection for future maintenance, if this requires third party consent, has not been raised as a specific concern by the LLFA and it is considered it can also be deemed a private (civil) matter. The plans indicate that no built development will take place directly over the culverted watercourse and, as previously stated, a condition withdrawing permitted development rights is recommended so access would remain unimpeded. The standard conditions recommended by the LLFA are negatively worded, in the sense that they stipulate that no new dwelling may be occupied until the relevant works have been implemented.

- No boundary treatment indicated for plots and landscaped area adjacent to the culverted beck, so how will unauthorised access and flytipping be prevented?

Response: The latest site plan shows a scheme of boundary treatments including for the eastern site boundary.

- The plot sizes for the deemed market value do not seem appropriate to similarly sized plots recently sold in the Bedford Avenue area of the village, where prices are significantly below similar size/design/area new builds elsewhere.

Response: It is not clear which development is being referred to, or what the specific concerns are relating to house size or design.

- The site layout and housing design does not appear in keeping with the approved and progressing site next door (behind Urban Terrace), and has not even managed to make use of the adjoining spur laid in for this purpose.

Response: The spur referred to could in theory have been used to secure access to development on this site, but it does not follow that this was the sole or main reason why the spur was provided and it does not amount to a reason to reject an alternative means of access. Design issues are addressed elsewhere in the report.

- Is the green area between plots 21-22 to be adopted and who will be responsible for its maintenance?

Response: As with other landscaping schemes on developments of this type, responsibility for its maintenance would rest with a management company, the formation of which is the subject of a Section 106 agreement.

- Other sites in the village (such as the "Grameen Spice" site and soon to be vacated "Blacksmiths Arms" site) are much more suited for residential development if Kirklees deem it absolutely necessary, although again I must stipulate improvements to roads AND public transport are also desperately needed BEFORE any development progresses.

Response: It is not deemed proportionate in this instance, given the scale of the development, to require the developer to contribute to off-site infrastructure improvements. Whilst the reuse of vacant buildings and previously developed land is to be encouraged, the existence of previously developed land in the local area that may have development potential would not provide a defensible or policy-based reason to reject acceptable development on greenfield sites.

- There is an inconsistency between the submitted statement (which says that house size would start at 3-bedroom) and the plans which show a 2-bedroom house type.

Response: This is noted but as the submitted drawings (site plan, elevations, floorplans) are consistent with each other, the application can be assessed without any uncertainty as to what is being approved.

- I request that I be informed of the date of the committee meeting.

Response: This application is being determined under delegated powers, which is the default position for applications of this nature and scale under the Delegation Agreement currently in force.

- Councillor John Taylor – No objection, but I am concerned that Strategic Housing are treating the site as being within Dewsbury and Mirfield when it is functionally part of Grange Moor and therefore should be treated as Rural East Kirklees.

Response: The housing mix and balance aspects of the application have been assessed as if the site is within the Rural East Kirklees housing market area.

10 – Conclusion:

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

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

Recommendation – GRANT FULL PLANNING PERMISSION (subject to conditions and a Section 106 agreement)

Decision Authorisation: Delegated Powers

Application Number: 2024/92444

Officer Recommendation: Grant full planning permission (subject to conditions and a Section 106 agreement)

Conditions and Reasons

1. The development hereby permitted shall be begun not later than three years from the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, 2, 20, 21, 22, 24, 28, 30 of the Kirklees Local Plan and Principles 2, 5, 6, 8, 9, 12, 13, 14, 15, 17, 18, 19 of the Housebuilders Design Guide Supplementary Planning Document.

3. Development shall not commence until a scheme of details of finished floor levels of each dwelling, together with corresponding finished ground levels of land, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details so approved and no dwelling shall be occupied until the works relating to that dwelling have been completed, and these works shall be so retained.

Reason: To ensure the development is in character with its surroundings, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that the appropriate levels are ascertained at an appropriate stage of the development process.

4. Notwithstanding the details on the approved plans, an additional set of floorplans and elevations for plots 16 to 18 and 21, which shall show the design and internal layout of the proposed detached garages (indicated on the Site Layout plan Revision Y), shall be submitted to and approved in writing by the Local Planning Authority before development (other than site clearance or the formation of a new access to the site from Denby Lane) commences. In the case of plot 21, the garage shall have a minimum internal width of 3.0m. The garages shall be provided in accordance with the plans thus approved before the dwelling to which they relate is first occupied.

Reason: For the avoidance of doubt as to what is being approved and to ensure that all garages forming part of the recommended level of parking provision for that dwelling under the Kirklees Highway Design Guide Supplementary Planning Document are of an adequate size to provide

garaging for a private car, and to accord with the aims of Policies LP22 and 24 of the Kirklees Local Plan.

5. No above-ground development shall commence until the remediation works and/or mitigation measures to address land instability arising from coal mining legacy (as identified in the Geo-environmental Appraisal and Coal Mining Risk Assessment, reference GRO-24078-5170 Revision 1.1, prepared by Groundtech Consulting) have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

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

This pre-commencement condition is necessary to ensure that any potential land stability issues are addressed at the appropriate stage.

6. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the completion of the remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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

7. Groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

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

This pre-commencement condition is necessary to ensure that the presence of contamination can be assessed at an appropriate stage in the development process.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days.

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

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

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

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

10. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall relate to the construction phase of the development hereby approved, and shall include the following details:

- A timetable of all works;
- Any phasing of development;
- Hours of works;
- Point(s) of access for construction traffic;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;

- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

11. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan: - Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period in full accordance with the approved details.

Reason: To ensure avoidance of ecological and subsequent harm in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This is a pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

12. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including discharge rates indirectly or directly to watercourse, attenuation for the critical 1 in 100 (plus an allowance for climate change) rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: To ensure that the site can be drained in a safe and sustainable manner at all times and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

This pre-commencement condition is necessary to ensure that suitable drainage infrastructure can be incorporated into the development at the construction stage.

13. Development shall not commence until 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 (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

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

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

- Phasing of the development and phasing of temporary drainage provision:
- Methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented; and
- A plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm.

It shall be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not

exceed 2.5 litres per second per ha, unless otherwise approved by the Local Planning Authority. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the safe and sustainable drainage of the site during construction and prevent pollution of the water environment in accordance with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

This pre-commencement condition is necessary to ensure that safe and sustainable arrangements for the disposal of surface water are in place throughout the construction period.

15. Before development commences, a scheme detailing locations and including cross-sectional information together with the proposed design and construction details of all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the construction phase of the proposed development and thereafter retained as such.

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

This pre-commencement condition is necessary to ensure that details of the internal adoptable roads and their relationship to drainage infrastructure are agreed at an appropriate stage of the development.

16. The development shall not commence until a survey of the existing condition of the highway on Denby Lane has been submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on Denby Lane shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into use.

Reason: To ensure the maintenance of the condition of the highway in the interests of the safety of highway users, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary so as to ensure that an accurate record of the condition of the highway, and any deterioration resulting from development, is accurately recorded and assessed.

17. Before work on any dwelling commences above foundation level, details of measures to limit carbon emissions associated with the development, which may include but not be restricted to solar panel arrays or other on-site

microgeneration measures, and measures to provide energy efficiency performance above the standards mandated by the Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The measures thus approved shall be implemented and made operational before any new dwelling to which it relates is first occupied and shall thereafter be retained as such.

Reason: To ensure that the development contributes to the council's ambition to have net zero carbon emissions by 2038 and to accord with the aims of Chapter 14 of the NPPF, Policy LP24(d) of the Kirklees Local Plan, and Principle 18 of the Housebuilders Design Guide Supplementary Planning Document.

18. Prior to works commencing on the superstructure of any dwelling, notwithstanding the submitted details, a landscaping scheme including a landscape management and maintenance plan (LMMP) shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include:

- Details of hard and soft landscaping including planting plan and specification;
- An implementation, management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees;
- Details of initial aftercare and long-term maintenance for minimum of 5 years and seasonal maintenance operations. This shall include any SuDS features, existing trees and vegetation retained on site, slopes and bankings, woodlands, plus management of any equipment or playable/educational space, including where relevant RoSPA safety inspections; and
- Details of monitoring and remedial measures, including replacement of any equipment, safety surfacing, site furniture, trees, shrubs, hedgerows or planting that fails or becomes diseased within the first five years from completion.

The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 5-year period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, to ensure that opportunities are taken to enhance the biodiversity of the site, and to accord with the aims of Policies LP24 and LP30 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

19. Notwithstanding the details contained within the Planning Support Statement dated July 2024, full details of all external materials (including, where requested, samples made available for inspection on site) shall be submitted to and approved in writing by the Local Planning Authority, before work commences on the superstructure of any dwelling. The development shall be constructed only using the approved materials.

Reason: To ensure that the development respects the character of its surroundings, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

20. All private vehicle parking areas indicated on the site plan shall be laid out with a hardened and drained surface before the dwelling to which they relate is first brought into use and shall thereafter retained as such.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

21. The means of access to and from the site shall be in accordance with the preliminary access design(s) as shown on the approved Site Layout revision Y and fully constructed and made operational prior to first occupation of any part of the development and thereafter retained as such.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with the aims of Policy LP21 of the Kirklees Local Plan.

22. Before any part of the development is first brought into use, any obstruction to visibility shall be set back to the rear of the proposed visibility splays as shown on approved drawing 160126-003 Revision A and the visibility splays shall be cleared of all obstructions to visibility over 1m in height above the adjoining carriageway, tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: To ensure adequate visibility and a satisfactory layout in the interests of highway safety and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

23. Before any part of the development is first occupied, a footway 2.0m metres wide shall be provided along the site frontage and tied into the termination of the existing footway west of the site, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The footway so approved shall thereafter be retained.

Reason: In the interests of highway safety and to allow for safe pedestrian access to and from the site and to accord with the aims of Policies LP20 and LP21 of the Kirklees Local Plan.

24. The construction of any new estate streets shall not commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the works that are to be completed for each phase of the development. No dwelling within each relevant phase shall be occupied until the estate street(s) that provide access to those dwelling(s) has been completed in accordance with the Estate Street Phasing and Completion Plan.

Reason: To ensure that the estate streets serving the development are completed to an acceptable standard and are available for use by the occupants and other users of the development, in the interest of highway safety and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

25. No dwelling or building shall be occupied within each development phase, until all areas and associated features shown within each development phase on the approved plans to be used by vehicles and pedestrians, including streets, footpaths, cycle tracks, loading, servicing and parking areas have been laid out, surfaced and drained, such that loose materials and surface water does not discharge or transfer onto the adjacent highway, and shall thereafter be retained as such the lifetime of the development.

Reason: In the interests of highway safety and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

26. Where implementation of the development hereby approved is to be phased and / or any of the dwellings hereby approved are to become occupied, prior to the completion of the development and the adoption of the Estate Streets (including where it has been agreed that the streets are to remain private), details of the temporary and permanent arrangements for the storage and collection of waste from the dwellings, and the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any part of the development. The arrangements and collection points so approved shall be implemented prior to first occupation of the development, or the phase of the development to which they relate, and shall thereafter be managed and maintained in accordance with the approved details.

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

27. Prior to any dwelling being first occupied and before any new boundary treatments are installed or erected along the western boundary of the site, and notwithstanding the details included in the approved Site Layout revision Y, details shall be submitted to and approved in writing by the Local Planning Authority of the proposed link between the estate road and Public Right of Way, DEW/81/10 The details shall confirm the width of the gap in the fence and the treatment of surfaces. The link shall be provided in accordance with the approved details before any dwelling is first occupied and thereafter retained as such.

Reason: To ensure connectivity between the development and the Public Right of Way network, in accordance with the aims of Policy LP20 of the Kirklees Local Plan.

28. The development shall be implemented in full accordance with the approved Arboricultural Method Statement, reference AMS 01 (02) and Tree Protection Plan reference TPP 01 A by Arbtech dated 19/06/2025.

Reason: To ensure that the health and continued viability of trees adjacent to the application site is not adversely affected by the development and to accord with the aims of Policy LP30 of the Kirklees Local Plan.

29. No dwelling shall be occupied until details showing the provision of secure (from crime and the elements) bicycle storage facilities to serve the residential properties have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided and made available for use prior to the first occupation of the dwelling to which it relates and thereafter retained as such.

Reason: To comply with the council's sustainability objectives by encouraging the use of low-impact modes of travel, the promotion of healthy, safe and active lifestyles, and protection against crime and the fear of crime, in accordance with the aims of Policies LP20, 24 and 47 of the Kirklees Local Plan, the Highway Design Guide Supplementary Planning Document, and Chapter 8 of the National Planning Policy Framework.

30. The attached and detached garages shown on the approved Site Layout plan Revision Y serving plots 11 and 21 and all integral garages shown on the approved plans and elevations for the proposed dwellings on plots 9, 10 and 20, shall be constructed before the dwelling to which they relate is first occupied. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), these garages shall thereafter be retained as such and shall not be converted to living accommodation.

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

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

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

32. Prior to the first occupation of any dwelling, a minimum of one electric vehicle charging point shall be provided within the garage or parking space serving that dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of a minimum of 16 Amps and a maximum demand of 32Amps. The charging points shall be retained thereafter.

Reason: To ensure residents of the development are encouraged to use low carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, Chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

33. Notwithstanding the details on the submitted plan reference Site Layout revision Y, an amended scheme of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any new dwelling is first occupied, and shall include the following:

- Design details of the proposed 1.8m wall with fencing above, including the materials to be used in the walling; and
- A plan which shall show that new boundary fences, including boundaries between gardens and those forming the outer boundaries of the site, shall be provided with a gap of 130mm by 130mm to allow the passage of hedgehogs, and shall also show a suitable gap in the boundary fence to facilitate the footpath link required by condition (27).

The approved boundary treatments shall be erected or constructed before first occupation of any dwelling(s) to which they relate, and shall thereafter be retained.

Reason: To ensure that the privacy of existing and future residents is protected, to ensure that future residents have adequate protection from crime and the fear of crime, in the interests of visual amenity, and to ensure that any long-term impacts on the biodiversity of the site and its surroundings are prevented or minimised, in accordance with the aims of Policies LP24(a-b), and LP30 of the Kirklees Local Plan.

34. Before any new dwelling is first occupied, details shall be submitted to and approved in writing by the Local Planning Authority of measures (other than boundary treatments) to protect future residents from crime and the fear of crime. The approved measures shall be implemented before any new dwelling is first brought into use and thereafter retained.

Reason: In the interests of minimising the risk of crime for the development and its users, and to accord with the aims of Policy LP24(e) of the Kirklees Local Plan.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification):

- No development included within Classes A, D and E of Part 1 of Schedule 2 to that Order shall be made to Plots 1, 4 to 7, 19 or 20;
- No development included within Classes A or E of Part 1 of Schedule 2 to that Order shall be made to Plot 3; and
- No development included within Class D of Part 1 of Schedule 2 to that Order shall be made to Plots 12 to 15

as shown on the approved Site Layout revision Y.

Reason: In the interests of the safe and sustainable drainage of the site and surrounding land, to ensure that extensions or outbuildings do not impinge upon the proposed sewer easement or interfere with future access to the culverted watercourse (the exact position of which has not been determined

by site survey work), to ensure that porches to plots 12 to 15 do not obstruct pedestrian access routes especially on bin collection days, and to ensure that extensions and outbuildings to plot 3 do not give rise to an overbearing impact upon plot 1, in accordance with the aims of Policies LP24(b and d(vi)), LP27 and LP28 of the Kirklees Local Plan and Chapters 12 and 14 of the National Planning Policy Framework.

36. All side-facing windows above ground floor level, with the exception of those in the eastern elevations of plots 20 and 21, shall be non-opening or top-opening only and shall be fitted with obscure glazing to give a grade 5 degree of obscurity before the dwelling to which they relate is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification), windows of this type shall thereafter be retained.

Reason: To protect the privacy of future occupants and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Note – Biodiversity Gain Plan

In accordance Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) development may not be begun unless:

- a) A biodiversity gain plan has been submitted to the local planning authority; and
- b) The local planning authority has approved the plan.

The biodiversity gain plan must include:

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) The pre-development biodiversity value of the onsite habitat;
- c) The post-development biodiversity value of the onsite habitat;
- d) Any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) Any biodiversity credits purchased for the development; and
- f) Any such other matters as the Secretary of State may by regulations specify.

Note – Sewer diversion and adoption

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and

constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements. A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

Note – Drainage conditions

The developer's attention is drawn to the comments of the Lead Local Flood Authority who have highlighted various shortcomings in the submitted drainage information that will need to be addressed at the discharge of conditions stage.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024%2f92444>

Note – Drainage infrastructure

Regarding condition 15, the developer is advised in order to discharge this condition, it will be necessary to apply for and obtain an Approval In Principle for the works.

All new storm water attenuation tanks/pipes/culverts/manholes with internal diameter/ spans exceeding 0.9m should be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with BD63- Inspection of Highway structures. Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

Note – Construction times

Noisy construction related activities should not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays
- With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction" Version 1.1 2014 provides detailed information regarding dust control.

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

Note – Off-site Highway Works

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the works.

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

Interference with the highway without such permission is an offence which could lead to prosecution.

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

Note – Section 38 Agreement

The applicant should be aware that the internal street layout will need to be built to adoptable standards if offered for adoption under Section 38 of the Highways Act 1980. The applicant is advised to make early contact with the Highways Section 38 team at Highways.Section38@kirklees.gov.uk to initiate the Section 38 process, technical approval and agreement. Further information is available on the council's website at: [Highways Guidance Note - Section 38 Agreements for Highway Adoptions \(kirklees.gov.uk\)](#)

Any future applications for adoption under Section 37 must demonstrate to the satisfaction of the Highway Authority that all of the roads applied for under Section 37 have been constructed to an adoptable standard in accordance with [Highways Guidance Note - Section 38 Agreements for Highway Adoptions \(kirklees.gov.uk\)](#)

Until such time that the Section 38 (or Section 37) process has been fully completed and the Local Highway Authority have confirmed that the streets

have been built to an acceptable standard (following the maintenance period), there is no guarantee that the streets will ultimately become adopted highway. Therefore, until the streets have been fully adopted, the purchasers of the properties will be responsible for the ongoing management and maintenance of the streets servicing their properties. It is the developer's responsibility to inform the potential purchasers of the properties of the adoption status of the streets prior to purchase. The potential purchasers must also be advised by the developer of the potential implications of the streets remaining private, should adoption not occur for any reason, which are described in DfT Advice Note 'Highway Adoption' at Annex C 'A Guide for Home Buyers': Highways Adoption (publishing.service.gov.uk)

Note – Waste collection

The Waste Collection Authority will not enter construction sites, nor will they routinely enter private drives or unadopted streets. Therefore, should the applicant's intentions regarding the adoption of streets change from that considered at the planning approval stage, this may necessitate changes to the developments waste strategy and the facilities that have been agreed in principle, which may require applications to vary the approved plans. For further information regarding the Waste Collection Authority requirements, see the following guidance note: <https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			29/08/2024
Location plan	Site Location	B	21/05/2025
Topographical Survey	2795/001	A	10/09/2024
Site Plan as proposed	Site Layout	Y	09/09/2025
Managed areas plan	2307/07/001	B	04/07/2025
Highway areas plan	Highway Areas Plan – Estate street to be offered for adoption		11/09/2025
Visibility splays drawing	160126-003	A	09/05/2025
Streetscene elevations as proposed	Streetscene drawing	A	17/04/2025
Masterplan showing development site and adjacent site	Housing allocation HS58		25/09/2024
Proposed indicative landscaping layout	H2 240401-1		29/08/2024
Edinburgh AS plans and elevations	2020/20/12		29/08/2024
Edinburgh OP plans and elevations	2020/20/13		29/08/2024
Edinburgh 4-unit row plans	2407-04-04 1 of 2		18/08/2025

Plan Type	Reference	Version	Date Received
Edinburgh 4-unit row elevations	2407-04-04 2 of 2		18/08/2025
Bamburgh AS plans and elevations	2020/21/12		29/08/2024
Bamburgh OP plans and elevations	2020/21/13		29/08/2024
Falmouth OP plans and elevations	2019/15/13		29/08/2024
Gosford OP plans and elevations	2020/34/13		29/08/2024
Wentworth OPP plans and elevations	Planning AS	B	03/06/2025
Wentworth AS plans and elevations	Planning AS	B	03/06/2025
Tewkesbury AS plans and elevations	2022/35/13	A	19/08/2025
Cheltenham OPP plans and elevations	4BDIG-CHE-802		03/06/2025
Cheltenham AS plans and elevations	4BDIG-CHE-801		03/06/2025
Planning Statement	Alistair Flatman Planning		10/09/2024
Transport Statement	160126-001	01	29/08/2024
Geo-environmental Appraisal and Coal Mining Risk Assessment	GRO-24078-5170		10/09/2024
Preliminary Ecological Appraisal Report	21986a/JF		10/09/2024
Biodiversity Accounting Assessment Report	21986/JF		10/09/2024
Arboricultural Survey	Arbtech 2795/001	A	10/09/2024
Flood Risk Assessment	E24/8223/FR01		07/10/2024
Proposed Drainage Layout	Advant 24017-101	I	16/12/2024
SUDS Operation & Maintenance Plan	Advant 24017- DSR-003	A	16/12/2024
Construction Phase Drainage Plan	Advant 24017-116	A	16/12/2024
Swept Path Analysis	160126-004		16/12/2024
Highways Technical Note	160126-002-001		16/12/2024
Ground Gas Risk Assessment	GRO-24087-5293	1.1	23/01/2025
BNG Metric	4.0		09/04/2025
BNG Habitat Condition Assessments	Technical annex 1		09/04/2025
Document Register RSA			29/05/2025
Road Safety Audit Stage One	19184		29/05/2025
Road Safety Audit Designers' Response			30/05/2025
Arboricultural Impact Assessment and Method Statement	Arbtech		19/06/2025
Document Register			30/06/2025
RSA Response Report	160126-004-002		30/06/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer requested several amendments during the application process in the interests of visual and residential amenity and highway safety, providing a greater mix of house types, providing a safe and satisfactory layout for highway and access purposes, the drainage of the site and the protection of mature trees adjacent to the site, which informed the decision.

Report Dated:

15/09/2025