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:	**2024/62/93221/W**
Site Address:	Parkwood Mill, Stoney Lane, Longwood, HD3 4ZQ
Description:	Erection of 5 dwellings and associated works (within a Conservation Area)
Recommending Officer:	John Holmes

DECISION - REFUSE

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 11 August 2025

Officer Report – 2024/93221

Site Description

The application site relates to a car park which appears to serve part of the wider locality, which relates to a number of former mills which are in the process of, or have been, converted to residential developments.

The site is 1650m^2 in size and is predominantly hard standing. The southern part of the site constitutes a steeply rising land level which accommodates a number of mature trees which are subject to a TPO (refs: 04/98/g1 & 04/98/w1).

Stoney Lane, which is a highway at a higher land level runs to the south of the site. Access to the site is to the northern boundary (Grove Street). To the further north, west and south are buildings and properties in residential use / process of conversion to such use. To the south east and immediately adjacent to the site is a commercial premises which appears to be in a mixed general industrial / storage and distribution use.

Description of Proposal

The Scheme

The applicant is seeking permission for 5 dwellings. The dwellings would be located to the site frontage, specifically the north eastern corner of the site and would have a separate parking area to the western part of the site, which would accommodate 10 parking spaces and a turning area. The dwellings comprise a row of 5 town houses.

The layout of the site would be such that rear amenity spaces could be accessed via a rear access path and a pedestrian access would also be to the front. Soft landscaping is indicated to be incorporated across the site, as well as hard landscaped areas.

The submitted plans indicate the dwellings would be 3 bed properties, which have a floor space of approx. 95m^2.

The dwellings would provide accommodation across three floors and have a height to the eaves of 6.8m and height to the ridge of 10.8m. A stepped section (to the north western end of the terrace) is at a lower ridge height in part (at 9.6m). The dwellings would be of a gable roof design, with gable features protruding from the front of each dwelling which features glazing to the second floor and the gable feature.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application

- Extended Phase One Habitat Survey (ref: 12063) received 2nd December 2024
- Heritage Statement (ref: EH348/03) received 2nd December 2024
- Transport Assessment received 2nd December 2024
- Planning Supporting Statement (dated 29th October 2024) received 2nd December 2024
- Tree Survey and Constraints Report (dated 14th June 2024) received 2nd December 2024
- Drainage Strategy (ref: 8548-ADS-00-XX-RP-S- P1) received 3rd December 2024
- Phase I assessment of land quality (ref: PS3657 – V1) received 14th February 2025
- Arboricultural Impact Assessment (ref: WC-362.1a) received 27th February 2025 and version 1b received 6th May 2025.
- Drainage strategy drawing ref: 500RevP2 received 13th May 2025
- Phase I assessment of land quality dated June 2025 (ref: PS3695 – V1) received 5th June 2025
- BNG Assessment Sheet and Methodology
- Biodiversity Net Gain Assessment (version 1) dated and received 15th July 2025

Relevant Planning History

The most relevant planning history relates to the following planning applications

2025/90354 – Conversion of lower ground floor mill 6 and 7 to 7 residential apartments (Listed Building within a Conservation Area) – Pending determination.

2005/93391 – Demolition of mill buildings, conversion of existing mill buildings to 159 apartments and 7 houses. erection of 4 houses and 24 apartments with car parking and associated works (listed buildings within a conservation area) – Conditional Full Permission 22nd December 2005

2005/93392 – Listed building consent for demolition of mill outbuildings and conversion of mill buildings to 166 apartments/dwellings (within a conservation area) – Consent Granted 13th July 2006.

2003/94668 – Listed Building Consent for demolition of part of Mill – Consent Granted 8th March 2004

2003/93173 – Change of use and refurbishment of mill buildings to 94 dwelling units. outline application for erection of 21 dwellings and 9 apartments including demolition works (listed building within a conservation area) – Conditional Full Permission 11th May 2004.

93/04852 – Outline application for erection of one dwelling and parking space – Refused 7th December 1993 and subsequently dismissed at appeal.

93/04810 – Engineering Works and formation of Car Park – Conditional Full Permission 26th November 1993

Representations

None

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

> **KC Conservation & Design –** No objection is raised in their response provided by email dated 11th March 2025 whereby they advise the site is within the Longwood Edge Conservation Area, within close proximity and within the setting of Grade II Listed Buildings. The complex of Parkwood Mills and associated offices with attractive detailing retains evidence of the industrial heritage which gives this area its strong local distinctiveness. Evidence of the original water course and mill pond is still visible to the northwest of the complex. The watercourse is no longer visible at this site in this location.
>
> They recommend that any development should require an Archaeological recording condition prior to development and consultation with West Yorkshire Archaeology Service.
>
> They advise that residential dwellings in the area are generally 2 storey but there are some 3 storey dwellings, so in view of the large scale of the mills, it is considered that 3 storey is acceptable in this location. They go on to acknowledge the proposed design is contemporary but with some traditional form, with large contemporary glazed windows.
>
> They advise that the materials proposed on the application form state brick and render which is not acceptable. As this site is within the setting of Listed Buildings and within the Conservation Area it is considered that natural stone and natural Welsh blue slate would be required at this site. Regarding the large windows and doors, they should be a traditional material of timber or metal, not plastic in this location in close proximity to the Listed Buildings. The use of a dark colour finish for windows and doors and recessing them 150mm from the face of the stone would assist these details to assimilate into the design. White fascia boards should be omitted. Rainwater goods should be metal not plastic.
>
> They further advise that boundary treatment and landscaping are important in this location. The low natural stone boundary wall with

coping and coursing to match existing are important to the setting. Retention of the trees at the rear and appropriate landscaping to the front would be welcomed avoiding domestic paraphernalia at the front. They advise that if railings are proposed they should remain plain, functional and traditional in appearance, not ornate.

They confirm that they consider that the scale, form, siting, design & massing are considered acceptable in this location subject to conditions regarding archaeological recording and that appropriate materials and details are agreed.

KC Ecology – Within their initial response dated March 6th 2025, the Ecology Team set out that a number of omissions from the preliminary ecological appraisal which has been submitted require addressing.

Further information was submitted on 15th July 2025 to address the outstanding information and the Ecology Team was further consulted.

Following review of the further submitted information the Ecology Team confirm that they have no objection to the development on the basis that a net gain of 0.31 biodiversity units (74.84% net gain), with low to medium distinctiveness habitat through the creation of trees, shrubs, and vegetated garden would be achieved and due to habitat being enhanced with broadleaved woodland and mixed scrub.

They confirm that they consider an appropriate method to secure this would be inclusion of a landscaping condition.

KC Environmental Health – Within their initial response dated 24th January, 2025, they state that further information is required, specifically a Phase I assessment of land quality.

Further information was subsequently submitted.

Within a further consultation response of 6th March 2025 the Environmental Health Team state that, further to their initial comments a Phase 1 Desk Study by Phil Shelton Geotechnical Consultancy, dated February 2025, ref: PS3657 – V1, has been submitted.

They go on to identify that the report highlights several potential sources of onsite contaminants including made ground, former tanks and a filled pond. The consider a Phase II is therefore necessary.

Within this response the Environmental Health Team confirm that a Phase II assessment is necessary and that conditions are recommended in relation to noise impact of the development upon future occupiers and also a condition restricting construction times. Informative notes are also advised in relation to construction times and requirements of undertaking the noise assessment.

The response of the Environmental Health Team is taken into account and discussed in more depth in the 'Assessment' section of this report.

KC Highway Structures – Confirms they consider there to be no retaining structures liable to a formal technical approval. No objections or conditions are set out in their response.

KC Highways Development Management – Objects to the proposed development as confirmed within their consultation response dated 20th March 2025.

Within this response they state the site is in a low sustainable location which would be car dominated. They go on to state that the site is currently designated as a car park for the surrounding residential developments in Parkwood Mill and was created as part of planning permission 09/90615 which was partly implemented with the construction of the car park. A previous 2005 planning consent (05/93391) for 4 dwellings on the site was not implemented, permission 11/91252 for changes to Mill 4 shows the 37-space car park in place and DoC application 12/92491 (not discharged) also showed the car park on submitted drawing 062- 2900/g and so we have to assume that the 2009 consent still remains in place.

There are records of parking issues and complaints along Grove Street and Stoney Lane lodged with the Kirklees Highway Safety team and Streetview shows an increase in on-street parking in the area after the car park was fenced off, including unsociable parking on the mini-roundabout at the junction of Grove Street and Stoney Lane. It is considered that the loss of the parking is causing the current on street parking issues, and we would expect this to be exacerbated with the development in place.

Pre-application highways advice (22/20125) indicated that there would be a shortfall of parking spaces in the area with the removal of the car park and that this is a significant concern and has resulted in overspill parking on the highway. It also requested that with the full application the parking for the whole Parkwood Mill residential complex should be considered, and there is no evidence of this within the submitted documents accompanying this current application.

The current proposed layout (drawing No 001-P1 Rev P2) shows 10 off-street parking spaces and we would expect visitor parking to be displaced on to the street where there are already issues with parking.

The Highways Team objects to the proposal on highway safety grounds on the basis it has formed part of the car parking provision for developments which have been undertaken in the vicinity of the site.

A further document (Ref TN01 – Highways Technical Note) was submitted which sets out a parking review of the wider locality and application site.

The response of the Highways Team and submitted information is discussed in section 4 of this report.

KC Drainage (Lead Local Flood Authority, LLFA) – Within their initial response dated 11th February 2025 they advise that they consider the attenuated discharge rate of 5.0l/s (subject to a minimum HydroBrake outlet diameter of 75mm) and the proposed discharge to the Longwood Brook culvert an acceptable approach to drainage.

They go on to advise that it is noted that, on the schematic plan in Appendix C of the FRA, the location of the HydroBrake is shown in the MH adjacent to the attenuation tank – this is not acceptable to the LLFA as the plan shows further surface water drainage downstream of the HydroBrake which would be allowed to drain off-site unattenuated.

They confirm that as the culvert is classed as an ordinary watercourse Land Drainage Consent will be required. They further note that part of the parking area and turning head is shown extending over the culvert, therefore a structural assessment of the culvert will need to be provided to the LPA for approval by the LLFA to confirm that it will be able to withstand wheel loadings from traffic. The attenuation tank is identified as being located under the access road, therefore calculations proving the structural capacity of the tank to withstand the expected wheel loadings from vehicles will need to be provided.

The LLFA would prefer the tank to be of concrete construction (e.g. Carlow) or the storage provided in oversized concrete pipes. However, if a cellular tank is to be provided. They confirm that if not those options, details will need to be provided.

Finally, within their initial response of 11th February 2025 the confirm that hydraulic calculations will need to be provided to confirm that the attenuation storage is sufficient to prevent off-site flooding or flooding to proposed/existing buildings for the critical 1 in 100 year (plus climate change) rainfall event.

A number of conditions are therefore advised in their response of 11th February.

Following on from their initial response, further information was submitted (8548-ADS-XX-00-DR-C-500, Drainage Strategy, Rev P02 dated 09/05/2025). This was reviewed by the LLFA who stated they considered the temporary drainage was acceptable although confirmed the following requirements needed to be addressed:

- Access into the tank for inspection/maintenance to be indicated on the drawings
- Hydraulic calculations to be submitted.
- Access Road drainage within the site is to be indicated on the drainage plan.
- On-site surface water run-off at the public roadside boundary is to drain to the site drainage system.

KC Trees – Within their initial response, dated 22nd January 2025, they state they consider there to be a lack of information to make a full assessment in relation to the proposed development.

Subsequent information was submitted including a tree survey, AIA and AMS, all in line with BS5837: 2012 as required by Kirklees Council Local Policy LP33. Woodsage Consulting Ltd. has also included a shadow plan as part of report ref. WC-362.1a

The KC Trees Team confirm, within their further response dated 19th March 2025, that the site is currently used as a car park and is located within the Longwood Edge conservation area (CA32) and there is a group TPO on the site which protects four sycamores (Ref 04/98/g1) and there is also a woodland TPO on the site (Ref 04/98/w1). They note that the survey identified a total of 12 individual trees and one tree group may be impacted by the proposed development.

They go on to state, two protected trees T001 and T002 (both cat c) are proposed to be removed from the eastern boundary. These are both multi-stemmed sycamores, growing closely with a metal fence of limited arboricultural value. Furthermore, approximately 150 m2 of protected group G001 (cat c) would require removal and/or crown lifting to facilitate the proposals. The loss of these trees would be acceptable with adequate mitigation planting. This should be submitted as part of a landscaping plan to the Council.

Within their response they note that a number of trees and their root protection areas would be encroached upon by the development. They state that these trees could be successfully retained, despite these encroachments if the works are carried out as per the AMS with all the tree protective measures in place as described and with arboricultural supervision where required.

They conclude that as future residents of the proposed dwellings are unlikely to tolerate the presence of the protected trees overhanging the rear gardens, nor the nuisance of shedding branches or falling leaves. Additionally, as the trees are located to the South of the proposed dwellings, and the future residents may not tolerate the shade cast by the canopies, which cast all the rear gardens into shadow and extends almost completely over the entire row buildings. These conflicts would place pruning pressure on the TPO'd trees, and they may also be pressure to remove them entirely.

Within their response of 19th March 2025 the Trees Team confirm the identified pressures to protected trees is to such a degree that the proposals cannot supported from an arboricultural perspective.

A revised Arboricultural Impact Assessment (ref: WC-3621b) was submitted and received on 16th June 2025.

In addition the scheme was amended moving the dwellings northward within the site. The Trees Team was further consulted and provided their further response on 8th July 2025, stating that the amendment will not significantly reduce the shading in the rear gardens, which would still be almost perpetually cast in shadow. They reiterate their initial objection with their response of 8th July on the basis the development would conflict with policies LP33 and LP24 of the Kirklees Local Plan.

Finally, in response to the 8th July response, the applicants' agent set out the following summarised points in an email dated 30th July:

- It is accepted that, despite the dwellings being repositioned slightly northward to address previous concerns, there will remain some degree of shading to the rear gardens, particularly due to the south-facing position of the tree belt.
- important to evaluate these impacts in the broader planning context and consider whether the benefits of the proposed development outweigh the identified drawbacks
- While concerns have been raised regarding future pressure from residents to prune or remove the trees, it must be emphasised that such works would remain subject to TPO regulations and any requests would need to be justified and authorised by the Local Planning Authority (LPA)
- while shading is acknowledged, it does not render the outdoor amenity space unusable. Many residential gardens in urban areas are subject to partial shading due to trees or neighbouring structures, and such conditions do not necessarily constitute a significant detriment to residential amenity.
- Provision of new housing in a sustainable and previously developed location.
- Urban regeneration of a long-disused brownfield site, which currently contributes little to the local environment or economy.
- Efficient land use in line with the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development.
- Visual and environmental improvements, including landscaping and better integration of the site into the surrounding built form.
- limited impacts on the protected trees are tolerable within the wider planning context

The impact of the development in light of the submitted detail and consultee responses is discussed in more detail in section 6 of this report.

KC Waste – Within their response dated 27th January 2025, they advise that to meet the operational requirements of the Authority a number of issues need to be addressed. They confirm that no waste related information is set out in the application form. Their response sets out a number of matters relevant for dealing with wastes at the site, and confirms that the private access drive would not be entered onto by a refuse collection vehicle. Within their response they confirm they defer to Highways colleagues for technical analysis of the scheme. No objections or conditions are set out in their response.

Yorkshire Water – Within their initial response dated 23rd January 2025 they state that they have no objection to the proposed development subject to condition. They reiterate this in their further response in relation to revised drainage details (drawing 8548-ADS-XX-00-DR-C-500revP2 dated 09/05/2025).

Historic England – Confirms they are not offering advice and that such confirmation should not be interpreted as being a comment on the merits of the application.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

History of Negotiations / Contact

The following is a summary of the contact undertaken with the applicants' agent relating to this application:

- 21/01 – Email notifying of delay to processing of consultations
- 22/01 – Email providing copy of the response of the Arboricultural Officer
- 28/01 – Email providing copy of the response of the Environmental Health Team
- 29/01 – Email providing copy of the response of the Waste Team
- 10/02 – Email suggesting revised target date to allow submission of detail in light of consultee responses.
- 12/02 – Email providing copy of the response of the Lead Local Flood Authority
- 24/02 – Emails suggesting revised target date to allow submission of detail in light of consultee responses.
- 10/03 – Email to agent advising of response from Ecology
- 10/03 – Email to agent advising of further response from the Environmental Health Team
- 20/03 – Email to agent advising of further response of Arboricultural Team and suggesting awaiting response from Highways Team before

looking to further submit any details. Advised of option to withdraw in the circumstances.
- 20/03 – Email providing copy of the response of the Highways Team
- 27/03 – Email to agent confirming agreement for awaiting receipt of further detail from them before progressing the application. Suggested revised target date set out in the email.
- 08/05 – Email to agent advising from review of the scheme and consultee responses it appears some of the issues cannot be overcome.
- 02/06 – Suggested revised target date provided in response to request the application not be determined prior to submission of further information
- 19/06 – Email to agent advising I would progress the application at the earliest opportunity to do so.
- 15/07 – Email to agent advising of the further response of the LLFA and advising the application will be progressed to determination.
- 15/07 – Further response of the Arboricultural Team provided

Allocation and Policy

The site is within Longwood Edge Conservation Area within the Kirklees Local Plan (adopted 2019). The site is also located within proximity to historic landfill sites and in an area with a known presence of bats.

A Culverted watercourse runs across the south of the site and protected trees (TPO refs: 04/98/g1/04/98/w1) are within the site. The site is in an area a low risk of ground movement as a result of former mining activity as identified by the Mining Remediation Authority.

Listed buildings are in proximity to the site, specifically to the south west at a distance of 7.5m and to the north west at a distance of 15m at their closest points to the site boundary.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

LP1 – Achieving Sustainable Development
LP2 – Place Shaping
LP3 – Location of new development
LP7 – Efficient and effective use of land and buildings
LP11 – Housing Mix and Affordable Housing
LP20 – Sustainable travel
LP21 – Highway and Access
LP22 – Parking
LP24 – Design
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and Geodiversity

LP33 – Trees
LP35 – Historic Environment
LP51 – Protection and Improvement of Local Air Quality
LP52 – Protection and Improvement of Environmental Quality
LP53 – Contaminated and Unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

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

Chapter2 Achieving sustainable development
Chapter9 Promoting sustainable transport
Chapter12 Achieving well-designed & beautiful places
Chapter14 Meeting the challenge of climate change, flooding and coastal change
Chapter15 Conserving and enhancing the natural environment
Chapter16 Conserving and enhancing the historic environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)
The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

Assessment

1 – Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings

The site is 1760m^2 which provides an approximate density of 25 – 30 dwellings. In this case such a density is considered acceptable given the extent of the site which is taken up by protected trees and the constraint this creates in terms of development of the land.

Policy LP11 of the Kirklees Local Plan requires that All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test

(HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations

2 – Impact on character and appearance of the area (including impact upon historic environment):

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.*

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is

required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

The dwellings scale and design are set out in the 'proposal' section of this report. The response of the Conservation Team is set out in the 'consultations' section and it is not considered necessary to repeat these details in full here.

Sections 66(1) and 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas and to 'have special regard to the desirability of preserving listed buildings or its setting or any features of a special architectural or historic interest which it possesses. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraphs 213 – 215 of the NPPF, which outline that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

The proposed dwellings would front the highway and would see parking set out on land to the side of the dwellings. Given the permitted use of the site as a car park the layout of the site is considered to be coherent and relate to the existing street scene and would see an active frontage created. Whilst there will be an element of parking dominating part of the site, it is considered suitable landscaping can ensure this is softened and having regard to the permitted use as a car park it is considered is acceptable visually.

The proposed materials are not considered to be suitable, and whilst the design and form is considered to have an acceptable impact with windows relating well to the street frontage, it is considered that the materials of construction would need to be heavily controlled through the use of appropriately worded conditions requiring a full scheme of materials to be submitted and approved by the LPA and these would need to include use of natural stone and blue slates, timber window frames and also requiring their placement with a 150mm reveal.

The extent of the roofscape is considered to be acceptable in this case given the fact the proposal is to a site which is not in close proximity to any key buildings / features from which to take reference given the scale of buildings surrounding the site differs greatly.

The proposal is considered to have an acceptable impact upon the visual amenities of the locality and subject to inclusion of the recommended conditions is not considered to lead to a harmful impact in relation to the setting of the Conservation Area or that of nearby listed buildings.

Given the scale of the development and extent further additions could be undertaken (having cognisance of the fact the site is within a Conservation Area) it is not considered it would be appropriate to remove permitted development rights in the event of any grant of permission.

Therefore it is considered that with regard to visual amenity and heritage subject to conditions the development would not have a harmful impact and is acceptable in this regard.

3. Impact on Residential Amenity

A core planning principle as set out by policies within Chapter 12 of the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan.

Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The space standard for a 3 bedroom property over 3 floors is, as a minimum, $90m^2$ which the proposed dwellings would meet the standard for.

The impact with regard to light for future occupiers, in relation to principle 6, is discussed in more depth in the 'other issues' section of this report and in particular in relation to impact upon trees.

With regard to the level of internal space provided, this is considered to meet the requirements of the space standard for a 3 bedroom property over 3 floors is which requires $90m^2$, as a minimum.

In terms of the amenity space provision, whilst the size of the amenity space is considered to be commensurate to the scale of the dwellings proposed, the impact of the usability of the amenity space in relation to principle 17 is discussed in more detail in the other issues' section of this report and in particular in relation to impact upon trees.

Noise

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

The response of the Council's Environmental Health Team is set out in the 'consultations' section of this report whereby they set out in relation to noise conditions restricting construction hours and also which requires submission of a scheme of measures to protect the occupiers from noise from all significant noise sources.

In this case it is considered it would be unreasonable to restrict hours of construction given the scale of the development and distance sited from neighbouring occupiers.

It is noted the dwellings would be in proximity to nearby noise sources, including the highways and also commercial uses nearby. A condition requiring measures to determine the existing noise climate and predict the noise climate in living rooms, gardens and bedrooms and what attenuation (if necessary) would be undertaken is recommended by the Environmental Health Team.

On the basis of the inclusion of the recommended condition it is considered the development would have an acceptable impact with regard to noise for future / neighbouring occupiers.

Shading

The proposed gardens would be impacted by shade from the large mature trees close to the dwellings. The impact of this shading is considered in light of the submitted detail which has undertaken a shading assessment and identifies that shading would occur. The applicants' agent has set out their contention that such shading is a common occurrence in urban settings.

Whilst shading may be a reasonably common occurrence in other circumstances, consideration has to be afforded by the LPA to the impact of the development in terms of the amenity of future occupiers. It is clear from the detail submitted the proposal would see light restricted to the rear of the dwellings and particularly at the ground floor level, whilst not simply an impact to the amenity space, the impact as a result of the need for artificial lighting

within the dwellings for longer periods of time is not considered to be conducive to a high standard of amenity for occupiers of the dwelling.

Therefore, as a result of the level of shading that would be experienced by occupiers of the proposed development, the proposal is not considered to accord with policy LP24 of the Kirklees Local Plan and principle 6 of the Housebuilders Design Guide.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The submitted information and response of the Highways Team is set out in the Consultations section of this report.

As set out in the Consultations section of this report, following receipt of the response of the Highways Team further information was submitted, specifically document TN01 (Highways Technical Note). At paragraph 3.4 of the Note, it sets out that the proposals would provide 26 fewer spaces than the parking standards suggest. This is on the basis of an analysis of the development of a number of buildings in the location.

A Parking survey was undertaken on Tuesday 1st April between 0:00 – 5:30 and also at 12:00. This survey was undertaken at sites within 200m of the site. Given the topography and the distances involved it is considered unlikely that many of the further roads included in the assessment would realistically be utilised unless all other options closer were unavailable (such at Ayton Road, Royles Head Lane & Dodlee Lane).

It is notable from the survey that Stoney Lane had a higher percentage rating in relation to parking stress. This would lead to the conclusion that given this is the closer of the locations to the site and neighbouring residential developments users are parking in the closest location possible, particularly when considering the topography of the locality.

Whilst the content of the technical note is noted, following verbal discussions with the Highways Team on 31st July, they confirmed their concerns remained in relation to this proposed development as a result of parking provision for neighbouring developments, and the impact of introducing further residential properties into the locality when also coupled with the fact this would lead to a loss of parking provision. In addition, there is a currently pending application for further residential development in close proximity to the site.

The response of the Highways Team within their consultation makes reference to the fact there are complaints being received about the impact of

on street parking in the vicinity. Such parking is referenced by the Highways Team that parking on Stoney Lane / Grove Street is taking place to a significant extent. In this case the impact of the proposal upon Highway Safety as a result of on street vehicular is considered to be further exacerbated by two key factors. Firstly proposal would remove an existing area which is intended as part of the original development to be utilised for vehicular parking and the proposal would introduce 5 dwellings whereby there is potential for additional demand associated with those dwellings.

It is the first factor which is considered to cause the most significant impact in this case. The removal of the area for vehicular parking for Parkwood Mills residents / visitors (shown to be in place for the residents as recently as May 2023 – as shown on google street view images) is considered to have led to a detrimental level of on street parking taking place in the locality.

On street parking is not considered to be a suitable solution in this location to address parking demand for the residential developments of the former mills / industrial buildings which has taken place since the mid 2000s. The locality is not able to easily accommodate the use of the highways with multiple numbers of vehicles parked on street. It is notable much of the in street parking undertaken appears to partially utilise the footway, which is owing to the carriageway widths and fact the route is highly trafficked.

It is therefore considered that, when weighing together the response of the scheme as submitted including all submitted details, the response of the Highways Team, on site observations and those held on record by the Council (including those received in complaint by the Council's Highways Team) the scheme would further exacerbate existing on street parking and have a significant impact as a result upon the functioning of the highway leading to a detrimental impact of the development upon access and highway safety. The proposal is therefore concluded to be contrary to policies LP21 and LP22 of the Kirklees Local Plan and policies contained within Chapter 9 of the National Planning Policy Framework.

5. Climate Change

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

Considering the scale and nature of the proposed development, it is considered that it would be unreasonable of the LPA to insist upon a scheme

of measures to be undertaken to require carbon reduction technologies to be included as part of the development. Taking account of the requirements of building regulations, including the requirement to provide electric vehicle charging to new dwellings, it is considered the impact on climate change is not to such a degree which needs further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Trees

Insofar as Chapter 15 of the NPPF seeks to conserve / protect the environment, it is considered relevant in the consideration of this application. Policy LP24(j) requires that proposals ensure good design by the retention of valuable or important trees. Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Stating the following:-

> *'The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. 'Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks.*
>
> *Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.'*

Paragraph 6.9 of the housebuilders Design Guide SPD is also of relevance and sets out the following:

> *'Planning permission will not be granted for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should have regard to the Wildlife Habitat Network, Habitats of Principal Importance and green infrastructure networks and consider the contribution that the trees and hedgerows make to the local distinctiveness of the area. Existing tree and landscape features should be incorporated into a scheme at the concept or initial design stage and sites should show a net gain in tree coverage.'*

The application site hosts a number of mature protected trees within its parameters.

There has been a number of assessments, which include that in relation to shading, submitted as part of the application. These have been assessed by the Council's Arboricultural Team who have concluded that the impact of the

development as a result of the level of shading which would result and impact that would lead to in terms of pressure for the pruning of trees would be significant in this case.

In the absence of interventions to the trees (which is that which should ordinarily take place given the level of protection afforded to them) it is likely that the trees would increase in size which would further exacerbate the pressure to prune or remove the trees. The site is clearly impacted by the trees currently, to some degree, as a result of leaf drop from the trees. Whilst this impact is small scale given the current use of the site as a car park, it would be a more significant impact to the proposed development which would see the use of part of the site as private amenity spaces / roof slopes serving dwellings.

Whilst further information has been submitted, it is considered this does not satisfactorily demonstrate the development can be accomodated by the site without there being a significant level of shading to the properties which will lead to an inevitable pressure from occupiers of the dwellings for there to be interventions undertaken to the protected trees including pruning and potentially leading to pressure for their removal completely.

The trees play an important role in contributing the amenity character of the locality, and have an ecological value which is of benefit having regard to the fact the site is in proximity to a watercourse. The trees appear to be native species and are of a mature size and age and their loss would have a significantly detrimental impact in terms of the combined result upon the character of the street and also the biodiversity of the site.

The more intensive use of the site for residential purposes would likely increase pruning pressure having regard to the impact of the built form upon the existing trees, as well as the future pressure for felling / pruning of the trees in the event of any grant of permission, it is considered the impact of the proposal would be unacceptable in this regard. It is therefore concluded that this application does not sufficiently demonstrate that the site could acceptably accommodate the development as shown on the submitted plans, without detrimentally impacting upon trees. As such, the proposal is considered to be contrary to Policies LP24 and LP33 of the Kirklees Local Plan and policies within Chapter 15 of the NPPF.

Drainage

Policy LP28 of the Kirklees Local Plan & Section 14 (‘Meeting the challenge of climate change, flooding and coastal change’) of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

Policy LP27 of the Kirklees Local Plan relates to flood risk and sets out, amongst other things, a site specific flood risk assessment and inclusion of flood mitigation measures be undertaken for developments.

The development proposal includes a drainage strategy outlined in submitted drawing 8548-ADS-XX-00-DR-C-500, Drainage Strategy, Rev P02.

The Council's Drainage Team confirm the proposal is considered to be acceptable subject to condition relating to a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rate of 5.0l/s. In addition a condition relating to overland flow routing is also recommended by the LLFA.

Yorkshire Water set out they have no objection on the basis of a condition requiring the scheme to accord with the submitted details.

On the basis of the inclusion of the conditions required by the LLFA it is considered the development is acceptable in this regard, in accordance with the aforementioned policies.

Land Quality

With regard to land quality, paragraphs 187, 196 and 197 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

Within their response the Environmental Health Team set out they seek for a phase II assessment of land quality to be undertaken prior to determination of the application. The applicants' agent has submitted further detail following their review of the response of the Environmental Health Team.

Whilst the response of the Environmental Health Team is noted, weight is afforded the fact that detail relating to land quality has been submitted at this stage as well as the scope of conditions available to the LPA to use and require pre commencement investigations of land quality.

In this case conditions could be included to require the carrying out of a Phase II assessment, remediation identified as necessary and verification following the undertaking of the remediation measures. On the basis of the inclusion of conditions requiring the pre commencement investigations and works, and post development verification they have been successful it is considered the impact of the development upon land quality would not be significant in this case and refusal on grounds further investigations do not form part of the application submission could not be substantiated in this case.

Ecology

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is accompanied by a BNG assessment which demonstrates provision of a net gain in excess of 10%.

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The submitted biodiversity net gain assessment sets out that the retention and enhancement of existing habitats facilitates the maximum provision of on site biodiversity units. The sites proposals allow for retention and enhancement of the woodland and scrub. The scheme is proposing the retention and enhancement of woodland and scrub, urban tree planting creation, vegetated gardens, and introduced shrub.

The Council's Ecologist has stated they have no objection to the proposal on the basis that any approval is subject to a landscaping condition which would ensure the scheme as set out in the submitted BNG assessment could be secured.

Having regard to the submitted detail and response of the Council's Ecologist it is considered net gain can be ensured by inclusion of an appropriately worded condition that requires submission of a landscaping scheme. In addition it is noted that a condition is in place in law which would need to be formally discharged which requires a net gain to be provided. Notwithstanding the condition in place, in law, it is considered appropriate to include a condition requiring landscaping to be submitted to the LPA to achieve the net gain as required by the aforementioned planning policies.

Subject to condition the proposal is considered acceptable in regard to ecological impact.

Archaeological Recording

The requirements of LP35 and section 16 of the NPPF are set out in section 2 of this report and it is not considered necessary to repeat them again here. The Conservation Team set out in their response they consider a scheme of

archaeological recording to be necessary as a condition upon any grant of permission.

Whilst their response is noted, the site does not feature any ancient monument or other historical features such as millponds which it is considered justify the inclusion of such a condition to require pre commencement investigations in this case given that historic maps from 1922 and 1955 show various buildings upon the site (which have since been cleared) and that the longwood brook has been re aligned via a culvert.

Therefore, taking account the fact works have been undertaken at the site throughout the 20th century at varying points it is considered it is unlikely substantial artefacts would be present and therefore it is not reasonable of the LPA to include this recommended condition.

7. Representations

No representations have been received.

8. 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.

In this case the tilted balance as set out in paragraph 11 of the NPPF is considered to be engaged. However this does not, in itself, lead to an automatic assumption that development proposals should be granted permission. In this case it must be considered if 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.

The development would provide housing and contribute to provision of dwellings in the district which contributes to meeting an unmet need identified as being applicable in this case given the LPA is unable to demonstrate a 5 year housing land supply. This is a matter which weighs in favour of the proposal.

The fact the development could be undertaken, subject to conditions, such that it has an acceptable impact in relation to visual amenity, heritage, residential amenity, drainage, land quality, ecology and climate change considerations is afforded a minimal level of weight in favour in this case.

However, the impact of the development as a result of removing an area of parking which has been utilised for occupiers of nearby apartments and the further impact of the loss of this area of parking would have a significant impact upon highway safety.

The proposal would see a threat to the total or partial loss of protected trees which have a high amenity value and which contribute to the biodiversity of the site.

In terms of undertaking a planning balance, the factors which weigh in favour are noted, in particular the lack of 5 year housing land supply for the district. However the resultant impact of the development upon access and highway safety and also protected trees is not considered to be outweighed by this beneficial element of permitting the development for which permission is sought.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered, the proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation **REFUSE**

Decision Authorisation: Delegated Powers

Application Number: 2024/93221

Officer Recommendation: Refuse for the following reasons:

1. The proposed development would further exacerbate existing on street parking demand in the locality having a detrimental resultant impact upon the functioning of the highway. The development would have an unacceptable impact upon highway safety as a result of additional on street parking contrary to policies LP21 and LP22 of the Kirklees Local Plan and policies contained within Chapter 9 of the National Planning Policy Framework.

2. As a result of the proximity of the development to existing trees, the development would threaten the viability of trees of significant amenity, including protected trees. This would lead to a high likelihood of tree loss to the detriment of the visual amenity of the locality. This would be contrary to Policies LP24(j) & LP33 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

3. As a result of the level of shading that would be experienced by occupiers of the dwellings, the development is not considered to afford an acceptable standard of natural light for future occupiers contrary to Policy LP24(b) of the Kirklees Local Plan, principle 6 of the Housebuilders Design Guide and policies contained within Chapter 12 of the NPPF.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Site Plan	003-RevP3	16th June 2025
Proposed Plans	001-RevP3	16th June 2025
Hard Works	AT.25.12063.100r1	16th June 2025
Soft Works	AT.25.12063.101r1	16th June 2025
Proposed Elevations and Sections	002RevP2	16th June 2025
Extended Phase One Habitat Survey (ref: 12063)		2nd December 2024
Heritage Statement	ref: EH348/03	2nd December 2024
Transport Assessment		2nd December 2024
Planning Supporting Statement (dated 29th October 2024)		2nd December 2024
Tree Survey and Constraints Report (dated 14th June 2024)		2nd December 2024
Drainage Strategy	ref: 8548-ADS-00-XX-RP-S- P1	3rd December 2024
Phase I assessment of land quality	ref: PS3657 – V1	14th February 2025
Arboricultural Impact Assessment	ref: WC-362.1a	27th February 2025
Arboricultural Impact Assessment	WC-362.1b	6th May 2025
Drainage strategy drawing.	500RevP2	13th May 2025
Phase I assessment of land quality dated June 2025	PS3695 – V1	5th June 2025
Biodiversity Net Gain Assessment (version 1) dated and received 15th July 2025		15th July 2025
BNG Assessment Sheet and Methodology		15th July 2025
Highways Technical Note dated 25th April 2025	TN01	6th May 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. Discussions were undertaken throughout the processing of the application. Further information was submitted during the course of the application to seek to address the issues which were identified.

Coal – low