



Architecture
Masterplanning
Urban Design

Land at Main Avenue
Cowlersley
Huddersfield

N81:3084
Planning Statement

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1. Introduction

1.1 Purpose of Statement

1.1.1 This Planning Statement has been prepared by IDPartnership Northern on behalf of Thirteen Group to accompany the submission of a full planning application for the erection of 57no. dwellings and associated works on land at Main Avenue, Cowlersley, Huddersfield.

1.1.2 This Planning Statement will assess the development proposal's conformity with the adopted development plan for the area, along with other material considerations, such as the National Planning Policy Framework (NPPF).

1.2 Accompanying Documents

1.2.1 The application submission is accompanied by a number of documents and technical reports. As such, this Planning Statement should be read in conjunction with the following:

- Application Forms;
- Archaeology Assessment prepared by MAP
- Arboricultural Impact Assessment & Arboricultural Method Statement prepared by AWA Tree Consultants;
- Cultural Heritage Assessment by CFA;
- Design and Access Statement prepared by IDPartnership Northern;
- Ecological Impact Assessment, Biodiversity Net Gains Assessment and Matrix by Brooks Ecological;
- Earthwork Specification by Apex Consulting Engineers;
- Flood Risk Assessment and Drainage Strategy prepared by Queensbury Design;
- Ground Appraisal Report by Apex Consulting Engineers;
- Landscaping Strategy prepared by FDA Landscape;
- Phase 1 Geo-Environmental Report by Roberts Environmental Ltd;
- Phase 2 Geo-Environmental Report by Roberts Environmental Ltd;
- Remediation Strategy by Apex Consulting Engineers; and
- Suite of Plans (Including Site Plans, Elevations and Floor Plans, etc) prepared by IDPartnership Northern;
- Sustainability Statement prepared by Anderson Goddard;
- Statement of Community Involvement prepared by IDPartnership Northern; and
- Transport Assessment and Travel Plan prepared by TPS Consultants.

1.3 Statement Structure

1.3.1 The remainder of this statement is structured as follows:

- Section 2 provides an analysis of the site and its context;
- Section 3 discusses the development proposals;
- Section 4 sets out the planning policy context;
- Section 5 comprises of the planning assessment; and
- Section 6 concludes the findings of the assessment.

2. Site Location and Context

2.1 Site Location

2.1.1 The site subject to this application is a parcel of land (circa 1.81Ha.) at Main Avenue, Cowlersley, Huddersfield (see Figure 2.1). The application site currently comprises of scrubland with a mix of self-established trees, scrub and other vegetation. Bounding the northern edge of the site is Jubilee Lane (with existing residential dwellings opposite) as well as Woodside Green Primary School (which sits west of Jubilee Lane), to the east is the existing residential dwellings around Warneford Road and Ayres Drive, to the south is further scrub/grassland, whilst to the west is Main Avenue.

2.1.2 With exception of Woodside Green Primary School, the area is characterised by residential properties and their associated curtilage, as well as area of incidental green space, with some areas of larger open space provision – as is visible in Figure 2.1 with the park and playing pitches to the north-east of the site.

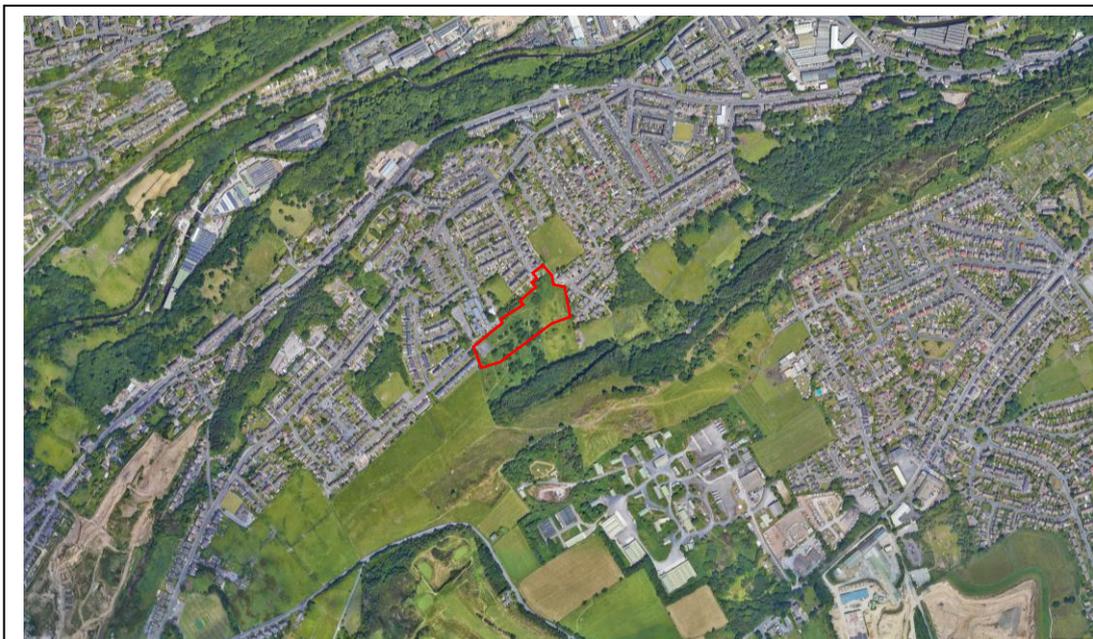


Figure 2.1: Site Aerial (N.B red lined added to broadly denote the site boundary).

2.1.3 The site can be accessed via two vehicular access points, one from Windsor Road to the north and Main Avenue from the west, albeit at present due to current infrastructure and site condition, vehicle ingress is not possible. The site is around 500m from Mount Street Local Centre, with the district centre of Milnsbridge being around 950m. Therefore, the site has good accessibility to local amenities and services, with a variety of provisions being situated in the two nearby centres, such as a supermarket, pharmacy, dentist, public house, along with convenience stores and hot food offerings.

3. Proposed Development

3.1 Proposals

3.1.1 The proposals comprise of the redevelopment of land at Main Avenue, Cowlersey, with the erection of 57no. dwellings and associated works. The development will deliver a mix of housing typologies and tenures that will be entirely affordable homes, along with open space and incidental landscaping, vehicular access and parking provision, *inter alia*.



Figure 3.1: Proposed Site Plan

3.1.2 As can be seen in Figure 3.1, the proposal will look to continue Main Avenue eastwards and it will turn northwards adjoining Windsor Road, thus providing a through route. The development will continue the linear arrangements of dwellings that will predominantly front onto the new street, with three areas being proposed that will be served via shared surface private drives. A mix of parking solution are proposed with allocated provision being situated on driveways to the front or side of dwellings, with landscaping used where necessary to limit the visual impact of parked vehicles. Visitor parking has also been provided with parallel bays predominantly used, albeit some perpendicular visitor bays have also been utilised in appropriate locations.

3.1.3 The use of street trees and other landscaping has been incorporated into the scheme to not only soften the street scene and create a visually attractive development but to also ensure the proposals assimilate with the surrounding context, particularly that to the south which is characterised by a plethora of

greenery. The proposals include a dedicated central area of open space that provides space for future users (and also existing residents in the locality) for informal play space and recreation. The open space has been designed so it has an appropriate spatial arrangement with the proposals in respect of being visible from the surrounding properties and the wider street to provide natural surveillance, and deliver a safe and inclusive space. Furthermore, part of the land to the south of the site (visible in Figure 3.1 which is outlined in blue), is to be retained as open space and will look to be enhanced for ecological benefits, but access will be retained to provide more informal areas/incidental spaces of open space for residents, given that such access to open space is widely acknowledged as being beneficial to the physical and mental wellbeing of the community.

3.1.4 The development will provide 57no. dwellings as aforementioned. These will be comprised of the following mix:

- 8no. 2-bed apartments;
- 15no. 2-bed dwellings;
- 27no. 3-bed dwellings; and
- 7no. 4-bed dwellings.

The above mix is split across eleven different housing typologies, to provide a range of high quality homes that look to meet the needs of local people. As alluded to previously, the development will be a fully affordable development with Thirteen Group being the applicant and end operator of the proposals.



3.1.5 As part of the development proposals, significant consideration has been afforded to ensure the delivery of a high quality residential development provides homes that meet local housing need but that also positively contributes to the area in terms of character and appearance. As such, consideration has been given to how the design of the scheme can integrate suitably with the local context whilst being reflective of modern design and looks to incorporate good design principles. Whilst the scheme will create modern,

high quality, contemporary dwellings, the design has been informed significantly through analysis of the locale, such as fenestration arrangement, roofscape and materiality, as well as identification of what features could be incorporated to enhance the area, such as the use of street trees and inclusion of driveways to improve the character and visual interest of the street scene.

3.1.6 The area has a mix of material palette, some of which are no longer considered to be desirable. Notwithstanding, stone is considered to be reflective of local vernacular, as such, the dwellings look to use a reconstituted stone in appropriate location to complement the existing vernacular, albeit buff brick is also used to add differentiation within the street scene and assist with place making and is thus considered to be acceptable in this instance. The Proposed Streetscene is depicted in Figure 3.2, to give a visual representation of how the proposals will look.

4. Planning Policy Context

4.1 Decision Making

4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the statutory development plan, unless material considerations indicate otherwise. However, under the Levelling Up and Regeneration Act (LURA) 2023, Section 38 of the Planning and Compulsory Purchase Act 2004 has been amended as follows:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- (a) the development plan, and*
- (b) any national development management policies.*

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.'

In light of the amendment, it is worth noting that no national development management policies are in place at present, on this basis the development plan remains to be the primary consideration throughout the decision making process. Should conflicts with policies arise, then all decisions should be taken by having applied appropriate weight to all relevant material considerations (including local priorities and needs) and a balanced judgment should be reached as to whether such material considerations justify a departure from the development plan.

4.2 The Adopted Development Plan

4.2.1 The development plan in place for the area that the site is situated in is the Kirklees Local Plan (adopted 2019), which consists of Kirklees Local Plan Strategy and Policies Document, Allocations and Designations Document and the Planning Policies Map. As

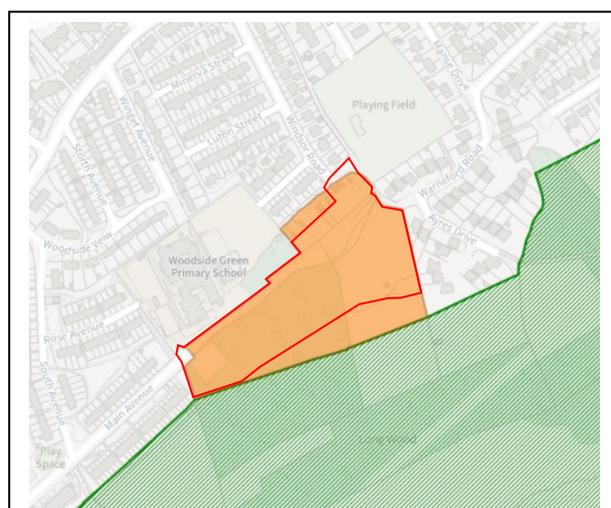


Figure 4.1: Extract from Kirklees Policy Map (N.B site location broadly denoted by red line)

can be seen in Figure 4.1, the site predominantly falls within an allocated site for residential development (ref. HS156) under Policy LP65, whilst to the south of the site is a green belt designation (as denoted by the green shaded area in Figure 4.1). On this basis, the following policies are considered to be relevant in this instance, but may not necessarily be exhaustive of all the policies that may be deemed pertinent to the development proposals by the Local Planning Authority (LPA):

- LP1 – Presumption in favour of sustainable development;
- LP2 – Place shaping;
- LP3 – Location of new development;
- LP7 – Efficient and effective use of land and buildings;
- LP11 – Housing mix and affordable housing;
- LP20 – Sustainable travel;
- LP21 – Highways and access;
- LP22 – Parking;
- LP24 – Design;
- LP26 – Renewable and low carbon energy;
- LP27 – Flood risk;
- LP28 – Drainage;
- LP30 – Biodiversity and geodiversity;
- LP32 – Landscape;
- LP33 – Trees;
- LP35 – Historic environment;
- LP47 – Healthy, active and safe lifestyles;
- LP51 – Protection and improvement of local air quality;
- LP52 – Protection and improvement of environmental quality;
- LP53 – Contaminated and unstable land;
- LP63 – New open space; and
- LP65 – Housing Allocations.

4.3 National Planning Policy Framework

- 4.3.1 The National Planning Policy Framework (NPPF)(December 2024) sets out the Government’s Planning Policies for England and how these are expected to be applied. The NPPF replaces the previous version (from December 2023) of the NPPF. The NPPF must be taken into account in preparing Development Plans, and is a material consideration in planning decisions. Alongside the NPPF is the Planning Practice Guidance (PPG) which provides further guidance on matters contained within the NPPF and clarifies how certain elements should be dealt with, interpreted and managed.

4.3.2 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. In order to achieve this, the planning system has three overarching objectives, which are interdependent and need to be supported in mutually supportive ways:

'a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'.

4.3.3 The NPPF confirms, in paragraph 10, that at its heart is a presumption in favour of sustainable development (as set out in paragraph 11) and that this should be seen as fundamental part of both plan-making and decision-taking. For decision taking:

'c) approving development proposals that accord with an up-to-date development plan without delay; or

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

i. 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

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, 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'.

4.3.4 Paragraph 61 is clear that in order *'to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is*

needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'. The NPPF is clear in that a variety of housing should be provided that meets the needs of all members of the community who has different housing requirements.

4.3.5 Paragraphs 124 and 125 of the NPPF supports proposals that seek to use under utilised land and buildings where they could be used more effectively, in particular in meeting the need for homes. Other specific policy areas of the NPPF will be referred to as appropriate throughout this statement.

4.4 Other Material Considerations

4.4.1 As part of the LPA's development management processes, there are a number of Supplementary Planning Document (SPDs) which provide assistance on a plethora of matters. These SPDs are not part of the adopted development plan, but are material considerations and provide guidance on the interpretation of relevant policies and how these are to be applied. In this instance the following SPDs are deemed to be of relevance:

- Kirklees Affordable Housing and Housing Mix SPD (2023);
- Kirklees Highways Design Guide SPD (2019);
- Kirklees Housebuilders Design Guide SPD (2021); and
- Kirklees Open Space SPD (2021).

4.4.2 In addition to the abovementioned SPD's the LPA have a number of other documents which provide guidance on other related matters which a considered to be applicable, these are:

- Biodiversity Net Gain Technical Advice Note (2021);
- Interim Affordable Housing Policy (2020);
- Waste Management Design Guide for New Developments (2020).

4.5 Pre-Application Enquiry

4.5.1 As part of the process, Thirteen Group submitted a Pre-Application Enquiry to Kirklees Council in 2022 for residential development on the application site. Correspondences were received from Planning Officers and Consultees as part of the enquiry. The pre-app was carried out in line with the guidance stipulated in paragraph 40 of the NPPF, which states:

'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'.

4.5.2 The response from the LPA, provided a basis for which the applicant could proceed with bringing forward a high quality development on the site that would accord with all relevant planning policies. In summary, the pre-app response from the LPA was supportive of a residential development of the site, albeit with aspects raised that such would be subject to considerations of acceptable design, highway configuration, open space, *inter alia*. Nonetheless, the applicant has sought to work proactively with the LPA and has sought to obtain the views of the LPA prior to submission of this application in order to assist with the timely delivery of a residential development on an allocated site.

4.5.3 Saliently, to further assist with the application process, the applicant has entered into a Planning Performance Agreement (PPA) with the LPA to ensure the proposals as considered within an appropriate timeframe and assist with the delivery of development. Under the PPA, continual discussions have been undertaken with Officers regarding a range of matters, something that has been done proactively with the intention of assisting the LPA with the determination of the application and ensure as much technical information is provided at the point of submission as is feasible.

4.6 Public Consultation

4.6.1 As part of the pre-submission process, and in accordance with the guidance from Kirklees Council, the applicant has undertaken consultation with the local community and stakeholders to obtain their views on the development of the site and allow any concerns to be raised that the applicant could look to address as part of the scheme.

4.6.2 Please refer to the accompanying Statement of Community Involvement (SCI) for further information on the process that was undertaken for the consultation. However, it is worth noting that the consultation carried out provided considerable insight from the local community and stakeholders. The comments received were reviewed by the project team and resulted in the proposals being amended in line with some of the points raised by stakeholders. Thus demonstrating the importance of including the local community as part of the planning process and exemplifies the importance of pre-application engagement and front loading, which is strongly recommended and supported within the NPPF.

5. Planning Assessment

5.1 Overview

5.1.1 Due to the nature of the proposals and the surrounding context, the following considerations are pertinent to the planning considerations:

- Principle of Development;
- Affordable, Accessible and Adaptable Housing;
- Design and Amenity;
- Highways, Transport and Access;
- Flood Risk and Drainage;
- Open Space and Landscaping;
- Ecology;
- Contamination;
- Energy Sustainability; and
- Planning Obligations.

5.1.2 The above aspects will now be discussed in turn, in relation to local and national planning policies, along with any other relevant material considerations.

5.2 Principle of Development

5.2.1 Paragraph 61 of the NPPF states that the Government's objective is to significantly boost the supply of homes, alongside ensuring there is a sufficient amount and variety of land coming forward where it is needed to support this. Paragraph 124 states *'planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'*.

5.2.2 The Statement Vision for Kirkless (SV) within the Local Plan, whilst not a planning policy it provides insight into the wider strategic aims of the Authority and how development management can be used to assist with achieving the aims and aspirations for the area. Within the SV the following key, relevant points are stipulated:

- *'Development will have taken place in a sustainable way (balancing economic, social and environmental priorities) and by making efficient and effective use of land and buildings supported by necessary infrastructure and with minimal effect on the environment'*;

-
- *'There will be a mix of high quality housing which offers choice and meets the needs of all our communities including affordable housing';*
 - *'The local character and distinctiveness of Kirklees and its places will be retained. The natural, built and historic environment will be maintained and enhanced through high quality, inclusive design and safe environments, opportunities for play and sport, the protection and enhancement of green infrastructure, safeguarding and ensuring a sufficient supply of minerals, minimisation of waste, enhancement of distinctive and contrasting landscapes, tree and woodland protection, opportunities for local food growing, the enhancement of biodiversity and geodiversity and the protection and enhancement of heritage assets'.*

The above points set out within the SV align with the requirements of the NPPF, in particular the delivery of housing in appropriate locations to meet housing needs.

- 5.2.3 As alluded to in the preceding section, the application site is allocated for residential development (which is proposed in this instance) and is identified as HS156 under Policy LP65. As such, by virtue of the allocation it is considered that the proposals would duly accord with the Spatial Development Strategy, LP1 (Sustainable Development), LP2 (Place Shaping) and LP3 (Location of Development). Whilst some of the aforementioned policies have a number of requirements, most of which will be discussed further in this section, as and when necessary, but from a high level perspective the proposals would fully accord in respect of the strategic, sustainable delivery of residential development as set out by these policies.
- 5.2.4 The proposals are for a development on an allocated site under Policy LP65 (ref. 156), which demonstrates the acceptability of the scheme. Nevertheless, the site allocation is acknowledged as having a gross and net area of 2.18Ha, thus as part of the Local Plan a standard density of 35dph has been applied which infers an indicative capacity of 76no. dwellings. Saliently, the application boundary does not fully correspond with the allocation boundary. For example, part of the northern area of the allocation encompassed all of the existing garages on the southern side of Jubilee Lane, whereas the application boundary excludes a significant proportion of this area. Likewise with the south-eastern corner of the allocation, due to the site constraints and challenges with topography as well as biodiversity, the application excludes part of the south-eastern corner. Albeit, the application boundary does include a small segment of land on the north-eastern corner (encompassing part of Jubilee Lane and a parcel of grassland on the northern side) which is not within the allocation itself. Nonetheless, this results in a gross site area for the application site of 1.81Ha which is less than the allocation.
- 5.2.5 Making efficient and effective use of land is an expectation of both the NPPF and the Local plan. Officers raised concerns initially on the densities as part of the Pre-Application Enquiry that was submitted and the fact that Policy LP7 seeks to ensure that developments make effective and efficient use of land, in line with the requirements of the NPPF (as set out in Section 11). It is worth noting that Policy LP7 prescribes a somewhat arbitrary figure of 35dph (net density) as being the recognised standard across

the authority area. However, this figure has been applied on the premise of little consideration of site specific constraints.

5.2.6 Nonetheless, as alluded to above the application boundary comprise of a gross area of 1.81dph which equates to approximately 31.49dph, which is slightly lower than the 35dph referred to in LP7. However, it is worth acknowledging that once site constraints are factored in, the developable net area equates to 1.55Ha, resulting in a 36.77dph, which exceeds the 35dph stipulated by LP7. It is salient to note that under Policy LP7, the 35dph requirement is the net density, not gross, on this basis, the proposals are considered to provide a sufficient density that accords with Policy LP7, as well as the NPPF in respect of making efficient and effective use of land.

5.2.7 Notwithstanding the above, Policy LP1 of the Local Plan acknowledges the presumption in favour of sustainable development and echoes the NPPF, whereby proposals that accord with policies within the adopted development plan for the area will be approved without delay, unless material considerations indicate otherwise. This statement will demonstrate that there are no material considerations that outweigh the benefits of the development proposals, given the scheme is a sustainable form of development.

5.2.8 Saliently, at present Kirklees Council are not able to provide a 5 year housing land supply as is required by national planning policy. On this basis, and in accordance with footnote 8 of the NPPF, this triggers the presumption in favour of sustainable development as is set out in paragraph 11 (d) of the NPPF (also referred to as the tilted balance). On this basis, the proposals should be viewed favourably, owing to the fact that it represents a sustainable form of development and the benefits of the scheme are not significantly and demonstrably outweighed by any adverse impacts.

5.2.9 In light of the above points, it is considered that the proposals comprise of a sustainable form of development that accords with Local Plan Policies LP1, LP2, LP3, LP7 and LP65, along with the NPPF. As such, the principle of development is considered to be acceptable.

5.3 Affordable, Accessible and Adaptable Housing

5.3.1 The NPPF is clear that significantly boosting the supply of homes is a key objective for the Government, in particular when it comes to the provision of homes that meet the needs of the community, which has expressed in paragraph 63 of the NPPF includes (but not limited to) those who require affordable homes.

5.3.2 Policy LP11 relates to housing mix and affordable housing provision. Policy LP11 requires, *inter alia*, residential developments to comprise of appropriate housing mix to accommodate different household types and take account of up to date evidence on housing need, along with a requirement of 20% provision of affordable homes on all scheme over 10no. dwellings. Additional guidance on affordable housing and mix is set out within the Affordable Housing and Housing Mix SPD (AHHM). As stipulated

previously, the proposals are for the entire scheme to be affordable homes, thus exceeding the 20% provision required by Policy LP11.

5.3.3 Turning to housing mix and tenure, the proposals are for 57no. dwellings which consist of the following mix:

- 8no. 2-bed apartments;
- 15no. 2-bed dwellings;
- 27no. 3-bed dwellings; and
- 7no. 4-bed dwellings.

Of these dwellings, a total of 6no. will be affordable shared ownership, with the remaining quantum being for affordable rent. Of the 6no. shared ownership properties, 4no. will be 4-bed dwellings with the remaining 2no. being 3-bed dwellings.

5.3.4 The application is accompanied by an Affordable Housing Statement which provides further insight into the breakdown on the housing mix and tenure, in line with Policy LP11 and the Affordable Housing and Housing Mix SPD (AHHM). In summary, the AHHM acknowledges that a 55% and 45% tenure split is deemed sufficient for affordable rent, and intermediate (such as shared ownership), respectively. Pertinently, this tenure split is in relation to the provision of 20% affordable housing provision on a market housing scheme, which is not the case in this instance, given the entirety of the scheme is for affordable housing, thus the suggested tenure split is not considered to be appropriate.

5.3.5 It is worth noting that applying this methodology to the current scheme (notwithstanding the entire affordable provision), LP11 and the AHHM would require 11no. affordable homes, 5no. of which would be intermediate housing such as shared ownership. A total of 6no. shared ownership properties are proposed, which exceeds the requirement but is also considered acceptable, following research undertaken by Thirteen Group that there would be demand for such quantum and a marginal exceedance of the provision stipulated by LP11 and the AHHM would be appropriate.

5.3.6 In addition to the above, it is worth noting that 68% of the development will provide dwellings which conform with M4(2) adaptable and accessible standards. Whilst there is no requirement with Kirklees (either in the Local Plan or any additional guidance such as SPDs), it is worth noting that these standards have been implemented as the applicant are conscious of the need to future proof dwellings. Therefore, building dwellings to meet M4(2) standards allows for these dwellings to be adapted in the future should future occupants require such alterations to meet their needs should such circumstances arise.

5.3.7 Therefore, in light of the above, it is considered that the proposals fully accord with Policy LP11, the Affordable Housing and Housing mix SPD, along with the guidance within the NPPF. The fact the proposals will provide an entirely affordable scheme that seeks to meet an identified housing need should be afforded significant weight in the decision making process and viewed favourably by the LPA.

5.4 Design and Amenity

5.4.1 The importance of ensuring development is of high quality design is a fundamental part of sustainability. As is set out in Section 12 of the NPPF, good design is a crucial part of the planning system, with paragraph 131 expressing that:

'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

5.4.2 The NPPF continues by setting out how important design is in terms of place-making and health and wellbeing with paragraph 135 (part f) stating that *'planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*. *'Design quality should be considered throughout the evolution and assessment of individual proposals'* (paragraph 137 of the NPPF). Therefore, it is evident that good design is interconnected to ensuring proposals achieve good standard of residential amenity for future users.

5.4.3 Local Plan Policy LP24 relates to design and the Council's expectations for new development and the need to achieve good design which *'should be at the core of all proposals'*. Policy LP24 sets out a number of criteria, which expresses the design expectations for developments - these criteria will be referred to as and when necessary. Policy LP47 relates to the delivery of healthy, active and safe lifestyles which is achieved through good design and consideration to how design can positively influence the amenity of users.

5.4.4 Furthermore, the Housebuilder Design Guide SPD (HBDG) provides further relevant guidance on residential developments, in particular for design quality and expectations. There are a number of principles within the HBDG which are pertinent in this instance and therefore reference will be made to these throughout this section.

5.4.5 It is worth noting that this application is supported by a Design and Access Statement prepared by IDPartnership Northern which provides in depth detail and justification of the proposals in respect of design and interrelated aspects. Nonetheless, this section intends to demonstrate how the proposals comply with relevant national and local planning policy, some of which is mentioned above, as well as other relevant guidance such as that within the HBDG.

5.4.6 In terms of the spatial arrangement of the proposed development, this has largely been dictated by the constraints of the site, the primary one being the topography. The road layout has been designed to allow

an efficient use of the site (as required by Policy LP7), and looks to connect Main Avenue and Windsor Road, with the built form arranged to front the street, with areas of private drive utilised to create more intimate areas and enable development to be delivered across the site and make use of the site's irregular shape. The development looks to continue the horizontality that is established by Main Avenue to the west, with the built form suitably arranged as the main thoroughfare turns northwards and adjoins Windsor Road.

- 5.4.7 The proposals look to provide a consistent building lines as much as possible, albeit subtle breaks (be that setting forward or backwards) have been used to positively respond to the wider spatial arrangement of the scheme and site constraints. The use of subtle changes to building lines helps to add visual interest in the street scene, but such design interventions have been done in a manner to ensure properties do not appear intrusive or jarring to the character of the street scene. It is considered that the proposals in this respect are acceptable and accord with Principle 5 of the HBDG.
- 5.4.8 In terms of the built form, the proposals seek to deliver a mix of typologies that meet the housing needs of people within the area, with the typologies primarily comprising of family homes. The built form, whilst contemporary in terms of its architectural style, have been designed through analysis of the character of the local area in terms of form, scale, layout, details and materiality, as required by Policy LP24, and also by P2, P13, P14 and P15 of the HBDG.
- 5.4.9 The development will primarily deliver semi-detached dwellings with parking to the front or side, enabling the proposals to deliver an appropriate density (in accordance with Policy LP7 and P4 of the HBDG). The majority of dwellings will be 2 storeys (as will the proposed apartments), albeit House Type 24 is a two and a half storey dwelling with the inclusion of a dormer with living space within the roof void. Nonetheless, the use of HT24 seeks to add some visual interest within the street scene and due to the form and scale being commensurate with the other typologies, HT24 will not appear overly intrusive nor incongruent with the established character of the area and is considered to be a welcomed addition to the proposals.
- 5.4.10 In the interest of good design and place making, the proposals have been designed to provide active frontages to the street scene and other key spaces. The proposals incorporate typologies that provide dual frontage/active gables which is crucial on corner plots where different access points meet and/or there are areas of open space. The use of such typologies allows for opportunities for natural surveillance to occur which helps to create safe and inclusive streets and spaces (as required in Policy LP24 under criteria e and g, as well as P5, P11, P14 of the HBDG).
- 5.4.11 Details and materiality that are prevalent in the area have also been analysed, considered and subsequently informed the design of the scheme to ensure the proposals assimilate with the local character appropriately. The use of stone and brick for elevational treatment, along with the use of cills and detailing around entrances are evident of the aspects that have been incorporated into the scheme that have been informed by the wider locality. Likewise for fenestration pattern, the proposals have been informed by window proportions and arrangements in the area, whilst acknowledging that the

development is a modern, contemporary scheme whereby repeating fenestration from older properties may not be overly desirable, but it is crucial that the existing characteristics have clearly informed the design rationale generally. Therefore, in light of the above it is considered the proposals accords with LP24 (criteria a) and P5, P11, P13 and P14 of the HBDG.

- 5.4.12 The key part of the spatial arrangement and overall layout of the proposals is to integrate with existing routes in the locality and provide good levels of accessibility and permeability throughout for different users, whilst ensuring the design of the scheme enables different users to move harmoniously without causing conflicts. LP24 requires high levels of sustainability that are proportionate to the proposals, whereby walking and cycling are encouraged and facilitated through good design. This is also reiterated in Principles 10 and 11 in the HBDG and Key Design Drivers 1 and 3 in the HDG.
- 5.4.13 As can be seen in the suite of plans that accompany the application, the proposals have sought to adjoin existing routes in the locality. In terms of vehicular access, the proposals connect with Main Avenue and Windsor Road that provide a through route, albeit designed in a manner which promotes low speed traffic, and provides appropriate means of access, turning and parking (as set out within the highway section, below). In respect of pedestrians and cyclists, connections to existing routes is evident, with users able to utilise the Main Avenue and Windsor Road, as aforementioned, whilst access is also possible to Jubilee Lane and Warneford Road. A stepped accesses have also been included on the south-eastern and south-western corners of the site to provide access to the retained area of open space to the south of the site. This has been down due to the feedback from local stakeholders that this area is used informally by existing users, and the inclusion of such infrastructure would enable access henceforth.
- 5.4.14 Therefore, in terms of the design of the development for access routes the proposals are deemed to be of high quality and accord with Policy LP24, along with P10 and 11 of the HBDG; and KDD1 and 3 of the HDG.
- 5.4.15 The delivery of high quality design and place making is not solely reliant upon the built form and streets, but is also dependent upon landscaping and open space. The proposals have been devised with careful consideration of landscaping and open space, and how such can be integrated into the overall design to enhance the street scene and provide quality place making. Whilst the specific aspects of landscaping and open space are discussed further in due course along with the relevant policies and guidance, it is key to understand these elements from a design perspective.
- 5.4.16 The proposals include street trees which not only provide ecological and environmental benefits (to be discussed further in due course), but visually enhance the street scene. Saliiently, the NPPF encourages the use of tree lined streets (in appropriate location) due to the plethora of benefits that arise from such design interventions. In addition to street trees, the scheme has been designed to include as much landscaping within the street scene, as is reasonably. The landscaping includes grassed front gardens and hedgerows, all of which add to the character and appearance of the street scene.

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- 5.4.17 The proposals include an area of dedicated open space that provides opportunity for informal play and recreation. This is situated centrally along the eastern edge – adjacent to Warneford Road. Whilst the site has limited opportunities for extensive areas of open space due to site constraints, as well as it being noted the good level of accessibility to existing areas of open space in the locality, it still remains important for some provision to be provided to benefit future users. The area of open space terminates views eastwards along Main Avenue (and through the proposed development) with the properties around Warneford Road visible beyond the area of open space.
- 5.4.18 The design of the scheme ensures the area of open space is a positive addition to the scheme and dwellings in the locality have been orientated and configured internally to provide natural surveillance of the space to ensure it is a safe and inclusive area for all.
- 5.4.19 Therefore, in respect of design and the landscaping and open space of the development, it is considered to be entirely acceptable, which accords with the NPPF, Local Plan Policy LP24, LP32, LP63; and P11 of the HBDG.
- 5.4.20 Intertwined with good design is ensuring that developments provide a high standard of amenity for existing and future users. This is set out throughout Section 12 of the NPPF, along with local planning policies and guidance further expressing the importance that good design has on the quality of life of people.
- 5.4.21 The proposed development has been arranged to ensure the scheme assimilates with the local context. Consideration has been afforded to ensure the proposed dwellings have appropriate separation distances not just between themselves, but neighbouring properties. In addition to this, considerations have been given to ensure no issues arise from the proposals in respect of overbearing, overshadowing or overlooking to any extent that would be deemed as detrimental to the amenity of existing or future users. The guidance set out within the Housebuilder Design Guide (HBDG) has been used to inform the proposals and adhere to the guidance set out within the document, along with the requirements set out in P5, P6 and P16 too.
- 5.4.22 The layout of the scheme has been devised to ensure future users have suitable access arrangements, external amenity space and will not be unduly impacted in respect of amenity by virtue of the design of the development. The internal configuration of all typologies has been designed to ensure suitable living arrangements in terms of size and spatial arrangement. All habitable rooms benefit from sufficient daylight penetration and outlook to ensure future users are provided with good living conditions to enable good health and wellbeing. Saliently, all dwellings either meet or exceed the Nationally Described Space Standards (NDSS). Whilst there is no definitive policy within the Local Plan requiring such standards to be met, Principle 16 of the HBDG does acknowledge these standards and that these should be used as best practice. Nonetheless, given the proposals comply with NDSS, it is considered the development does achieve a high standard of amenity for future users in terms of internal configuration and living space, in accordance with Policies LP24 and LP47, along with P16 of the HBDG.
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5.4.23 Furthermore, and as alluded to above, the proposals include a dedicated area of open space, as well as provides suitable access arrangements to existing areas of open space (be it dedicated areas of play and recreation or more informal spaces), to ensure users have equitable access to open space and facilitate the following of a healthy and active lifestyle, as is supported in Policy LP47.

5.4.24 As such, in light of the above it is considered that the proposals represent good quality design and place making and will deliver a standard of amenity for existing and future users. The proposals positively respond to site constraints, integrate with the local context, whilst creating a vibrant, attractive and visually interesting development. The development does not give rise to any issues that may be deemed as detrimental to the amenity of users. On this basis, the proposals accord with all relevant policies and guidance in relation to design and residential amenity, which includes Local Plan Policies LP7, 24, 32, 47 and 63, Principles 2, 4, 5, 6, 10, 11, 13, 14, 15 and 16 of the Housebuilder Design Guide, Key Design Drivers 1 and 3 of the Highway Design Guide, along with Section 12 of the NPPF, namely paragraph 131, 135 and 137.

5.5 Highways, Transport and Access

5.5.1 Paragraph 116 of the NPPF states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'*.

5.5.2 Policy LP20 of the Local Plan expresses the important of developments being located in accordance with the spatial development strategy to assist with reducing the need to travel, and travel needs can be met through the use of sustainable forms of transport. Policy LP20 states:

'Proposals for new development shall be designed to encourage sustainable modes of travel and demonstrate how links have been utilised to encourage connectivity. Proposals will be required to facilitate the needs of the following user hierarchy:

a. pedestrians

b. cyclists

c. public transport

d. private vehicles'

5.5.3 Policy LP21 relates to highways/access and requires proposals to *'demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users'*; and they will be *'permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe'*, the latter of which reverberates the test set out in Paragraph 116 of the NPPF. Policy LP21, provides further specific requirements, *inter alia*,

providing sufficient infrastructure for all users, proportionate technical assessments as and when necessary, ensure suitable layout to provide safe access.

- 5.5.4 Furthermore, Policy LP22 sets out a number of principles in respect of parking expectations for developments. Alongside the aforementioned Local Plan policies, the LPA have two pertinent SPDs, the Highway Design Guide (HDG) and the Housebuilder Design Guide (HBDG), both of which provide additional guidance on a plethora of aspects relating to the design of roads and residential developments, respectively. Both SPD's have also been considered as part of the proposals and much like the Local Plan policies and parts of the NPPF, the Key Design Drivers (KDD) and the Principles (P) within the HDG and HBDG will be referred to as and when applicable.
- 5.5.5 As set out in Section 3 of this statement, the proposals comprise of the continuation of Main Avenue eastwards, with a standard road construction (in line with KDD7), which will then turn northwards and adjoin Windsor Road. This arrangement is similar to that which was reviewed by Officers and Consultees as part of the Pre-Application Enquiry, which was acknowledged by the LPA as being acceptable. The scheme includes three areas of shared surfaced streets, one at the eastern end, another at the western end and a central courtyard on the northern part of the site. These streets have been incorporated as part of the design to assist with place-making and delivering good urban design, as aforementioned, but the use of these streets assists with informing vehicles that other users have equal priority along these routes and thus helps to create healthier, more inclusive streets in accordance with P11 of the HBDG. The highway configuration, layout of roads and pavements is considered to be wholly acceptable and accords with the guidance set out within the HDG and the HBDG, along with the requirements of Policy LP21 in this regard.
- 5.5.6 A mix of parking solutions have been incorporated into the scheme. A contributing factor to this is due to the fact that along Main Avenue, and indeed in the wider area, there is limited in curtilage parking, which results in vehicles parking within the highway. This has a detrimental impact upon the character and appearance of the street scene. Therefore, and in accordance with the requirements of Policy LP21 and 22, along with P12 of the HBDG and KDD23 of the HDG, in curtilage allocated parking has been utilised as much as possible to benefit the primary street scene. The proposals incorporate as many driveways to the side of properties as is possible in order to remove the visual impact of parked vehicles. Some front parking on driveways has been used as and where necessary, but in such instances these are accompanied by landscaping and street trees to help to visually soften any views that may be achieved.
- 5.5.7 Pertinently, the proposals have been formulated in respect of vehicular parking provision with consideration for KDD20 of the HDG, which provides recommended parking standards. The development accords with these standards for allocated resident parking and it is worth noting that all dwellings benefit from an electric vehicle charging point to further encourage the use of more sustainable form of transport (as specifically inferred in Policy LP24 criterion v). Moreover, consideration has been afforded to visitor parking too, which is recommended at a rate of one space per 4no. dwellings. Visitor parking has been

spread across the scheme to provide sufficient quantum throughout and accords with the requirements of KDD20.

5.5.8 Continuing with parking provision, in line with LP20 and the need for developments to encourage the use of sustainable form of transport such as cycling, necessary infrastructure should be encompassed as part of proposals, including cycle parking. Policy LP21 requires all developments to *'provide on-site safe, secure and convenient cycle parking/storage facilities to encourage sustainable travel modes'*, whilst LP22 acknowledges that provision is necessary in new developments to meet the needs of cyclists in respect of parking. As is evident from the Proposed Plans all dwellings will benefit from cycle stores. All houses benefit from dedicated cycle stores that are located within private amenity space, such as rear gardens. The proposed apartments will benefit from a shared cycle store which is easily accessible from all apartments and will be safe and secure. KDD20 of the HDG recommends one cycle space per dwelling, which the proposals comply with. Therefore, the development is deemed to be acceptable in terms of cycle parking provision, in accordance with LP21, LP22 and KDD20.

5.5.9 Integration with existing access routes (for all user types) is crucial to ensuring a development assimilates appropriately with the local context; as well as providing and encouraging the use of sustainable forms of transport. The proposals provide vehicular connections to Main Avenue and Windsor Road as aforementioned, but also provide access for pedestrians and cyclists too. Due to the site constraints and local context, providing additional routes to achieve good levels of accessibility and permeability for pedestrians and cyclists, as well as providing direct access to public transport connections is limited. Nonetheless, the proposals do incorporate connections to Warneford Road to the east, as well as retaining Jubilee Lane which allows access to the recreation ground to the north-east of the site. The development also includes stepped access to the south to provide access to the area of open space – something that came to fruition following the engagement with local stakeholders during the public consultation.

5.5.10 Moreover, another consideration in terms of access arrangements is servicing. The layout of the scheme allows suitable access for all necessary servicing vehicles as well as turning provision (as demonstrated by accompanying technical reports/details, such as swept path analysis). For refuse, the majority of dwellings will present refuse kerbside, whilst those dwellings that are situated on private drive will present refuse at the dedicated bin collection points (BCP) to allow disposal to occur in accordance with the Council's refuse practices. As such, the scheme thereby complies with KDD26, KDD27 and KDD28 of the HDG,

5.5.11 Therefore, it is considered that the proposals positively integrate with the local context and provide sufficient, safe and inclusive means of access for all user types, in accordance with LP4, LP20 and LP21 of the Local Plan, P10 and P11 of the HBDG; KDD1, KDD3, KDD26, KDD27 and KDD28 of the HDG.

5.5.12 The application is supported by a Transport Assessment and Travel Plan by TPS Consultants, which provide in depth information on various highway, transport and access related aspects and should be read in conjunction, with this statement, along with all other submitted information. Nonetheless, in light of the

above and information provided within the accompanying report, it is considered that the proposals do not contravene the requirements set out within paragraph 116 of the NPPF and fully accord with Policies LP4, LP20, LP21, and LP22 of the Local Plan; KDD20 and KDD23 of the HDG, along with P10, P11 and P12 of the HBDG.

5.6 Flood Risk and Drainage

5.6.1 The NPPF clearly expresses that new developments, in particular housing and other vulnerable uses, should be located on land that is at the lowest risk of flooding and proposals should be made safe for their lifetime without increasing flood risk elsewhere. Policy LP27 reaffirms much of the guidance regarding flood risk that is set out within the NPPF, albeit providing further clarification on area specific matters and requirements.

5.6.2 The application site is situated within Flood Zone 1 and is therefore at the lowest possible risk of flooding from fluvial sources. However, given the current site context and the fact the proposals will introduce new areas of hardstanding, it is necessary to demonstrate that surface water (as well as foul waste) will be dealt with appropriately and not perpetuate issues elsewhere as a result of the development.

5.6.3 As is set out in the submitted information, the proposals will look to utilise a storage tank that will be located underneath the eastern area of open space, which will deal with surface water and will comply with the required run off speeds. Furthermore, all foul water will be disposed of via new connections to the existing sewer system for which there is sufficient capacity to accommodate the proposed development, as confirmed by Yorkshire Water.

5.6.4 The submission is accompanied by technical information in the form of a Flood Risk Report and Drainage Strategy by Queensbury Design which provides in depth details in regards to drainage matters. As the aforementioned report sets out, it is considered that all drainage infrastructure that will deal with both surface water and foul water will provide adequate provision and the drainage strategy is deemed to meet all necessary technical requirements. In addition to this, the proposals are not considered to give rise to issues of flooding elsewhere in the vicinity and all proposed mitigation is deemed to be acceptable in all respects.

5.6.5 It is for these reasons that the proposals are deemed to accord with the requirements of both Policy LP27 and LP28, along with the guidance within the NPPF.

5.7 Open Space and Landscaping

5.7.1 The NPPF sets out the importance of open space and landscaping. Paragraph 103 states that *'access to a network of high quality open spaces and opportunities for sport and physical activity is important for*

the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

- 5.7.2 Policy LP32 states *that 'proposals should be designed to take into account and seek to enhance the landscape character of the area.'* Whilst Policy 33 acknowledges that planning permission will not be granted for developments which directly or indirectly threaten trees or woodland of significant amenity, with the policy continuing by acknowledging that *'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.'*
- 5.7.3 Policy LP65 relates specifically to new open space provision for new development and expects well designed new and improved areas of open space to assist with physical activity for users. *'New housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal. New open space should be provided in accordance with the council's local open space standards or national standards where relevant.'*
- 5.7.4 In terms of the proposed open space and landscaping, as can be seen from the submitted information, the use of landscaping throughout the site is central to the delivery of a high quality, visually attractive development, with the use of street trees, incidental areas of landscaping, and front gardens all contributing to the character of the development. The inclusion of green infrastructure also contributes to the delivery of a network of habitats to provide for biodiversity and local wildlife, as will be discussed further in due course.
- 5.7.5 Understandably, due to the current site context and the fact the site is void of built development, much of the site has been allowed to establish, in particular trees with the majority being self seeded. Inevitably, loss of these existing trees is required to facilitate development, however the trees themselves are not considered to be of any importance in respect of character and amenity value. Pertinently, part of the wider site (south-east corner) is to be retained, with the trees and landscaping there to be managed to endeavour to improve the quality of these landscaping feature to enhance the area and also provide better habitats for biodiversity.
- 5.7.6 Whilst the site does not necessarily lend itself favourably to the provision of extensive areas of open space on site, largely due to topographic challenges, the proposals do include a designated area of open space comprising of 800sqm for informal play and recreation. It is worth noting that the site has very good accessibility to established areas of open space, with the existing recreation ground being directly adjacent to the site (to the north-west) which comprises of playing pitches and a play area; whilst Coronation Park is around 480m to the east of the site which similarly comprises of a playing pitch and a play area. Thus, given the sites accessibility to existing provision in the locality, as well as site constraints, it is considered that a reduced onsite provision is justified, albeit Officers did raise this during the pre-app

process that a commuted sum would be required in such circumstances as will be touched on further in the Planning Obligations section of this statement.

- 5.7.7 Furthermore, to the south of the site is a sizeable area of informal open space which is used by existing residents for walking. This area will remain undeveloped, and it is worth noting that a proportion of the land to the south (outlined in blue) will be retained as informal open space with access provided to this area as part of the proposals, with the existing landscaping on site retained, with enhancements made where possible to assist with biodiversity enhancements. Therefore, the proposals have made a positive contribution to ensure existing access to such areas are retained where possible to provide residents (both existing and future), with access to useable areas of open space to assist with physical health and mental wellbeing.
- 5.7.8 In light of the above points, the proposals are considered to contribute to the provision of open space and encompasses high quality landscaping which will assist with place making and good urban design. On this premise, the scheme is considered to comply with Policies LP32, LP33 and LP63, along with the relevant parts of the NPPF.

5.8 Ecology

- 5.8.1 Paragraph 193 (part a) of the NPPF states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.
- 5.8.2 The NPPF continues with paragraph 195 stating that *'the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site'*.
- 5.8.3 Policy LP30 of the Local Plan relates to ecological matters. The policy sets out a number of requirements for new developments and expresses that minimising the impact on biodiversity and providing net gain through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist should be endeavoured. The policy states, *inter alia*, that developments will be required to *'result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement'*.
- 5.8.4 As aforementioned, due to the site remaining undeveloped and existing landscaping on site growing and becoming established, the site has a reasonable baseline score. As part of the proposals, significant consideration was afforded to the inclusion of green infrastructure as much as is reasonably possible, whilst being considerate of the visual aspects of the scheme. As part of the scheme, and as alluded to previously, a parcel of land to the south-east has been left undeveloped and will be retained. Management

of this area will seek to provide enhancement for the habitats within this area and is part of the mitigation strategy for the development.

5.8.5 Despite the conscious effort made throughout the process, the proposals result in a net loss. Therefore, in order to achieve a 10% mandatory net gain (as set out under Schedule 7A of the Town and Country Planning Act 1990, which was inserted by Schedule 14 of the Environment Act 2021), the use of off-site mitigation is considered to be necessary. Following discussions with Kirklees Council, the Local Authority have an established mitigation program which the applicant is intending to utilise in order to provide sufficient mitigation and justify the proposals.

5.8.6 The application is accompanied by an Ecological Impact Assessment undertaken by Brooks Ecological along with a Biodiversity Net Gains Assessment and Metric, along with accompanying plans. These reports provide additional information in regards to ecology and should be referred to in tandem with this statement. As is evident from the reports, despite considerable interventions on site and on adjacent land, it is not possible to achieve a net gain. The development result in the loss of 25.95 habitat units (90.81%). As a result, the intention is to provide offsite mitigation (via the Council's mitigation programme as aforementioned) in order to mitigate the loss onsite and provide a 10% net gain. The following habitats and units to medium distinctiveness are needed to achieve the necessary 10% net gain:

- 0.93 Heathland and Shrub Habitat Units;
- 17.24 Grassland Habitat Units;
- 8.52 Trees Habitat Units; and
- 0.24 Woodland and forest Habitat Units.

5.8.7 Nonetheless, subject to clarification that such compensation can be adequately secured and a positive resolution can be reached, we are of the view that the proposals are capable of according with the requirements of Policy LP30 of the Local Plan, the guidance within the Biodiversity Net Gain Technical Advice Note, and the NPPF.

5.9 Contamination

5.9.1 Paragraph 198 of the NPPF states *'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development'*. This includes the need to mitigate and reduce to a minimum the potential adverse impact resulting in noise from new development - and avoid noise giving rise to significant adverse impacts on health and quality of life, along with other mitigation measures where applicable.

5.9.2 Policy LP47 relates to healthy, active and safe lifestyle, whereby it is acknowledged that achieving such will be done by *'creating high-quality and inclusive environments incorporating active design and the*

creation of safe, accessible and green environments which minimise and mitigate against potential harm from risks such as pollution and other environmental hazards' LP51 requires appropriate assessment to be undertaken to demonstrate that proposals will not give rise to any detrimental impacts upon air quality in the area.

5.9.3 Moreover, Policy LP52 focuses on environmental quality. The policy requires developments which have potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution, or developments that would be sensitive to such aspects, must be accompanied by proportionate evaluation and assessment on relevant aspects to justify the proposals and ensure it does not impact the quality of life and wellbeing of people to an unacceptable level or have unacceptable impacts on the environment.

5.9.4 Policy LP53 relates to contaminated and unstable land and requires development to provide appropriate assessments relating to contamination and/or instability (should such be applicable), and the information must incorporate any necessary measures to make the land safe to not cause harm to people or the environment.

5.9.5 The application submission is accompanied by a suite of technical reports on related environmental aspects, including:

- Earthwork Specification by Apex Consulting Engineers;
- Ground Appraisal Report by Apex Consulting Engineers;
- Noise Impact Assessment by Environmental Noise Solution Limited;
- Phase 1 Geo-Environmental Report by Roberts Environmental Ltd;
- Phase 2 Geo-Environmental Report by Roberts Environmental Ltd; and
- Remediation Strategy by Apex Consulting Engineers.

The abovementioned reports should be read in conjunction with this statement, along with all other submitted information.

5.9.6 The Ground Appraisal Report confirms that the majority of the site is underlain with topsoil overlying natural ground, with the topsoil classified as suitable for reuse. Albeit some parts should be screened to ensure the removal of any undesirable material. Nonetheless, it is recommended that further trial pitting in the north-east corner would be preferable, along with the preparation of a remediation strategy that sets out how the site is to be made suitable for the development. However, it is considered that no constraints have been identified that cannot be mitigated nor is the site deemed to be unsuitable for the proposed development.

5.9.7 As set out within the Noise Impact Assessment (NIA), the site is not subject to any significant noise constraints, given the proposals are akin to the wider area with residential uses being prevalent in the locality. However, the application site is adjacent to Woodside Green Primary School which is situated to

the north of the site. As a result, and as set out in the NIA, during break period increased noise levels have been identified largely from children playing in the external playground neighbouring the site. Whilst the noise levels were not considered to be significant or overly detrimental, the NIA has recommended the use of close boarded fencing along the boundary treatments adjacent to the school to provide mitigation during periods of increased noise. As shown on the proposed Boundary Treatment Plan, these mitigation measures have been incorporated into the scheme and are considered to be suffice.

5.9.8 Moreover, given the nature of the scheme, during construction activities can give rise to concerns around noise, dusts and vibrations. However, some aspects are understandable and are not perpetuated indefinitely, solely during construction. Nonetheless, controls around these aspects can be implemented and done through a Construction Method Statement/Management Plan, which is typically conditioned as part of any consent granted to ensure works are undertaken with consideration of existing residents and adjacent land uses.

5.9.9 As such, in light of the above, the proposals are not considered to give rise to any environmental impacts that would perpetuate any harmful impacts upon people in the area or the environment, nor would future users be subject to harmful impacts from adjacent land uses, environmental issues, pollution or contamination or instability. All requisite mitigation is able to be implemented in line with relevant technical guidance. On this basis, the proposals are deemed to fully comply with Policies LP47, LP51, LP52, LP53; as well as the NPPF.

5.10 Energy Sustainability

5.10.1 The NPPF states that planning plays a key role in helping shape places to secure reductions in greenhouse gas emissions, minimise the impacts of climate change and support the delivery of renewable and low carbon energy, and is central to the economic, social and environmental dimensions of sustainable development.

5.10.2 To support sustainability, local planning authorities should plan for new development in locations and ways that reduce greenhouse gas emissions; support energy efficiency improvements to existing buildings; and accord with national sustainability standards.

5.10.3 Policy 26 relates to renewable and low carbon energy and stipulates that such proposals will be supported and planning permission granted subject to criteria being met, which are listed within the policy. Whilst the proposals do not solely propose such elements, they are included as part of the wider proposals for the scheme.

5.10.4 A fabric first approach has been adopted with the proposed dwellings, whereby good quality materials and insulation utilised in order to deliver good quality homes, with good thermal efficiency. By adopting this approach, not only will it provide future users with better living conditions and quality of life by having a more efficient building, but it also results in less energy usage, thus reducing associated costs.

Therefore, a fabric first approach has both direct and indirect environmental benefits, whereby heat loss from the dwellings are significantly reduced compared to older buildings, and such efficiency reduces energy usage thus reducing the carbon footprint/emissions and impacts that arise earlier in the supply chain for energy.

5.10.5 Additional features have been incorporated into the proposals that seek to contribute to the overall energy sustainability of the scheme. Each plot will benefit from an electric vehicle charging point which will provide the necessary infrastructure for future users to opt to use greener means of transport such as electric vehicles, and whilst future users may not have such vehicles at present, the infrastructure is in situ to enable them to make more sustainable decisions in the future.

5.10.6 Moreover, the use of air source heat pumps and photovoltaic panels for dwellings further assists with the green credentials of the site and exemplify the applicant's aspirations to deliver a high quality scheme with low carbon solutions that will provide resilience to the challenges of climate change.

5.10.7 Therefore, in line of the above, it is considered the proposals would meet the criteria set out within Policy LP26, and the use of renewable energy demonstrates good design in accordance with LP24; along with the NPPF and the support expressed within for the use of green energy solution and how planning can contribute to meeting the challenges of climate change (Section 14).

5.11 Planning Obligations

5.11.1 As part of the Pre-Application Enquiry, Officers acknowledged the need for possible planning obligations to make the proposals acceptable in planning terms. It is accepted that as with all new residential development, the proposals will result in an increase in population and will thereby have some impact upon local infrastructure. Albeit, not all impacts arising from such developments will be negative, for example such schemes will give rise to increased footfall and lead to additional revenue for local shops, thus benefiting the local economy.

5.11.2 Whilst the specific details regarding planning obligations in terms of the specific details are unknown, the applicant anticipates that they will need to enter into a Section 106 agreement with the Council, unless the matter can be dealt with by condition and assuming the following legal tests at Regulation 122 of the CIL Regulations are met:

'a) necessary to make the development acceptable in planning terms

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development'.

5.11.3 The applicant welcomes early discussions with the Council regarding potential planning obligations. The following matters were suggested as part of the Pre-Application Enquiry, which Officers acknowledged as potentially being required as part of any future S106 agreement:

-
- Public Open Space contribution subject to an assessment of the submitted layout
 - Depending on the required Transport Statement's findings and feedback from WYCAS METRO, highway enhancements and/or sustainable travel funding may be required
 - The approach to Biodiversity Net Gain if not covered by planning condition
 - Management and maintenance arrangements, for drainage attenuation features
 - Onsite provision of public open space is to be privately managed and therefore a contribution towards its maintenance is not required

5.11.4 Any legal agreement will be willingly entered into by the applicant subject to any obligation being demonstrated to meet the tests set out within the CIL regulations (as aforementioned) and within paragraph 58 of the NPPF, as well as consideration of viability and costs associated with the development.

6. Conclusion

6.1 Summary

6.1.1 This Planning Statement has set out that the submitted application on behalf of Thirteen Group for the erection of 57no. dwellings and associated works on land at Main Avenue, Cowlersley, Huddersfield accords with all pertinent planning policies of the development plan, all relevant SPD's and applicable additional guidance, along with the NPPF. As demonstrated by this statement and all accompanying technical reports, there are no material considerations or technical concerns, that would warrant the development not being approved.

6.1.2 The development will:

- Deliver 57no. dwellings with suitable internal and external configurations that provide high standard of residential amenity;
- Create a high quality environment that is attractive and vibrant for future users which enables the following of an active lifestyle, thus benefiting the physical and mental wellbeing of users and provides opportunity for social interaction;
- Good levels of accessibility and permeability for all users, with walking and cycling prioritised and sustainable modes of transport encouraged and capable of use due to sufficient onsite provision/infrastructure;
- Provision of onsite open space;
- Delivery of new green infrastructure to enhance the area and provide new habitats and movement corridors for local wildlife and ecology;
- Provide sufficient quantum of resident and visitor vehicle parking, along with appropriate refuse and cycle storage;
- Deliver a highly sustainable residential development that will incorporate fabric first construction methods and renewable technologies to help achieve both local and national aspirations for reduced carbon footprint and environmental targets, as well as providing resilience to the challenges of climate change.

6.1.3 Due to all the above, we respectfully request that the Council resolves to grant planning permission for this demonstrably positive and sustainable form of development in line with the presumption in favour of sustainable development, subject to any conditions and obligations that are deemed appropriate.

Revision	Date	Notes	Prepared By	Authorised By
P1	17/12/2024		TG	GP



Architecture
Masterplanning
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