

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:	2024/62/93605/W
Site Address:	Land at, Main Avenue, Cowlersley, Huddersfield, HD4 5US
Description:	Erection of 57 dwellings with access from new through road connecting Main Avenue and Windsor Road, and associated works, including engineering and landscaping
Recommending Officer:	Victor Grayson

DECISION – Full Planning Permission – Approve

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

Nick Hirst

AUTHORISED OFFICER

Date: 29/07/2026

Application: 2024/93605

Site: Land at Main Avenue, Cowlersley, Huddersfield, HD4 5US

Proposal: Erection of 57 dwellings with access from new through road connecting Main Avenue and Windsor Road, and associated works, including engineering and landscaping

Site description

The application site is located at the terminus (at the northeast end of) Main Avenue, to the south of Windsor Road, and to the west of Warneford Road. To the northwest of the site is Woodside Green Primary Academy. A recreation ground exists to the north. To the south is Green Belt land. The site's eastern boundary abuts the rear gardens of residential properties on Ayres Drive.

The application site is 2.12 hectares in size and comprises the majority of site allocation HS156 (allocated for residential development in the Kirklees Local Plan), as well as additional land adjacent to 44 Windsor Road and at the terminus of Main Avenue.

The application site's highest point is at its west end (approximately 165m AOD), and it slopes downhill northeastwards towards Warneford Road, where the site is approximately 145m AOD. The site is vegetated and undeveloped, although some hardstandings (of garages that have since been demolished) survive within the site, at the south end of Windsor Road.

In relation to minerals, more than half of the application site is within a wider mineral safeguarding area relating to sandstone with surface coal resource (SCR), while the remainder of the site is within a safeguarding area relating to sandstone. In relation to the area's coal mining legacy, the application site is within the Development Low Risk Area as defined by the Coal Authority (now the Mining Remediation Authority).

There are no designated heritage assets within or immediately adjacent to the application site. Site allocation HS156 states that the site is close to an archaeological site.

The application site is located within Flood Zone 1 and is therefore generally at low risk of flooding. Yorkshire Water sewers exist beneath the site and adjacent land. A culverted watercourse exists beneath the east end of the application site, and continues northeastwards beneath the rear gardens of residential properties on Warneford Road. Another watercourse, entering the site from the south, was discovered during investigations carried out through the life of the application.

The Wildlife Habitat Network covers much of the application site. A twice buffer covers the application site and surrounding area. The application site is within the Impact Risk Zones of two Sites of Special Scientific Interest (South Pennine Moors and Dark Peak). A Biodiversity Opportunity Zone (Valley

Slopes) covers the application site. No Tree Preservation Orders protect trees within the application site.

The western end of the application site is within the 250m buffer of a historic landfill site at land off Cowlersley Lane.

Public footpaths HUD/277/40 and HUD/279/10 exist to the northeast of the application site, and connect Windsor Road and Warneford Road. At the opposite end of the site, public footpath HUD/279/20 meets the terminus of Main Avenue.

The application site is not located within an Air Quality Management Area (AQMA).

Description of proposals

Full planning permission is sought for a residential development comprising 57 dwellings, with associated works (including engineering works and landscaping).

The proposed site layout includes a new estate road running east-west through the application site, accessible from both Main Avenue and Windsor Road. Pedestrian connections are proposed to the public footpaths and Warneford Road to the east. Private drives are proposed off the new estate road.

A mix of detached, semi-detached, terraced housing and flats would line the development's estate road and private drives. An open space is proposed at the east end of the site.

Of the 57 units proposed, three would be detached. The following unit size mix is proposed:

- 23x 2-bedroom units (eight of which would be apartments)
- 27x 3-bedroom units
- 7x 4-bedroom units

All of the proposed dwellings would be affordable, provided as 51 affordable rent and six shared ownership homes.

11 house types are proposed. All buildings would have two storeys, although some would have rooms in their attics. Roofs would be pitched. No garages are proposed. An electricity substation is proposed at the west end of the site. External materials would include reconstituted stone, buff multi brick, and grey roof tiles.

Relevant planning history

86/00955 – Outline permission granted 22/04/1986 for residential development.

Other applications related to garages at the north end of the current application site.

History of negotiations/amendments received

A pre-application advice letter (2021/21121) was issued on 28/02/2022 in relation to a development of 49 residential units.

During the life of the current application amendments were made to address the comments of the Lead Local Flood Authority and comments made by other officers regarding design, trees, landscaping, ecology and highway layout. The applicant also submitted additional documents with the intention of minimising conditions-stage submissions.

Planning policy and guidance

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

Kirklees Local Plan (2019)

The application site comprises the majority of site allocation HS156 (allocated for residential development in the Kirklees Local Plan), as well as additional land adjacent to 44 Windsor Road and at the terminus of Main Avenue. For site allocation HS156, the Local Plan sets out an indicative housing capacity of 76 dwellings within the 2.18 hectares of allocated land.

Site allocation HS156 identifies the following constraints relevant to the site:

- Public right of way crosses the site
- Surface water issues
- A public sewer crosses this site
- Culverted watercourse crosses the site
- Site is close to archaeological site

Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing mix and affordable housing
- LP19 – Strategic transport infrastructure

- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP29 – Management of water bodies
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic green infrastructure network
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP36 – Proposals for mineral extraction
- LP38 – Minerals safeguarding
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space
- LP65 – Housing allocations

Supplementary Planning Guidance / Documents and other documents

Relevant guidance and documents are:

- Highway Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Climate and Environment Plan (2025)
- Viability Guidance Note (2020)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Housing Strategy (2018)
- Kirklees First Homes Position Statement (2021)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Waste Management Design Guide for New Developments (2020, updated 2021)
- Green Street Principles (2017)
- Social Value Policy (2022)

Climate change

The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority. The West Yorkshire Climate and Environment Plan was published in 2025, and covers the period 2025-2038.

On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

National Planning Policy and Guidance

The National Planning Policy Framework (published in December 2024 and updated February 2025) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposals. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of minerals

Since March 2014 Planning Practice Guidance for England has been published online.

Relevant national guidance and documents:

- National Design Guide (2019)
- National Model Design Code (2021)
- Technical housing standards – nationally described space standard (2015, updated 2016)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)
- Securing developer contributions for education (2019)

Neighbourhood planning

There is no draft or adopted neighbourhood plan which carries material weight in the decision-making process for this application.

Public / local response

The applicant's Statement of Community Involvement details the public consultation that was carried out prior to the submission of the application. This took the form of a leaflet drop, and a public consultation event held on 16/07/2024. A dedicated website was also created, and ward Members were consulted. 56 responses were received regarding various matters.

The application was advertised by the council as a major development, and as development affecting public rights of way HUD/277/40, HUD/279/10 and HUD/279/20 via three site notices posted on 25/01/2025, and a press notice published on 31/01/2025. This was in line with the council's adopted Statement of Community Involvement. The end date for publicity was 21/02/2025.

Ward Members (for Golcar ward, as it existed at the time) were notified of the application on 21/01/2025. Former Cllr Turner commented on 22/01/2025 as follows:

I hope that we can get this processed and approved as quickly as we can, these are much needed homes.

14 representations were received in response to the council's consultation. These were posted online.

The following is a summary of the public comments made:

- Brownfield sites should be developed instead.
- Car parks should be built instead.
- Proposed development would exacerbate climate change. Increase in carbon dioxide.
- Area is already highly populated.
- 300+ houses have recently been built in the area already. Another 700 houses are planned nearby.
- Site is used and valued by existing residents, including for dog walking and hiking. Proposed development would prevent this use.
- Loss of area of natural beauty.
- Social housing would bring anti-social behaviour to an already-troubled area. Anti-social and criminal behaviour at Jubilee Park and the wider area has increased.
- 100% affordable housing provision is not required by policy. Lack of other tenures (for sale, shared ownership or rental) would mean a balanced mix of homes would not be provided, contrary to policy LP11. An unbalanced mix and community can increase the risk of anti-social challenges.
- Houses are proposed too close to existing dwellings.
- Loss of privacy.
- School grounds would be overlooked.
- Loss of natural light.
- Noise pollution.
- Air pollution and air quality impacts. Dust and fumes would be generated.
- Schools, doctors and dentist provision have not been improved. People struggle to access these services. There is no dentist nearby.
- Recent developments have not been supported by infrastructure improvements.
- Proposed development provides nowhere for children to play. Jubilee Park is inadequate and attracts teenagers.
- Local roads are already congested. Traffic queues on Cowlersley Lane. Cars already struggle to leave Western Road, Warneford Road and Manse Drive. Routes to Huddersfield and the M62 would become more congested.
- Safety concern regarding through-traffic using Windsor Road, which is narrow and heavily parked. Only single file access is possible.
- Existing access at the end of Windsor Road is unsafe due to parked vehicles and shop activity. Accidents have occurred here.
- Query whether construction and emergency vehicles would be able to access the site.
- Weather and grit bins not being filled has prevented refuse collection, and additional traffic would worsen this.
- Impact on Cowlersley Lane / Manchester Road junction has not been assessed.
- Inadequate parking proposed. Parking pressure on Windsor Road would increase. Cars are already being parked on pavements.

- Local bus service is inadequate. Only one bus serves Cowlersley Lane. Nearest railway station is at Slaithwaite.
- Applicant has used standard traffic models, not accounting for reduced cycling and walking due to the area's steep roads and footpaths.
- Applicant's findings regarding traffic should be ignored.
- Site serves as an existing flood management area.
- Nearby gardens and public footpath have already flooded. Proposed development would worsen this existing problem.
- Removal of vegetation would increase flood risk.
- Adequacy of existing culvert (that runs through private land, and would carry the development's surface water) has not been adequately assessed. Applicant has stated existing watercourses do not have sufficient capacity. Existing run-off rates are unrecorded. Risk of flooding, silting, landslip and additional cost to existing residents.
- Existing sewers are inadequate. Yorkshire Water have identified capacity issues.
- Harm to wildlife. Area is home to deer, foxes, badgers, rabbits, squirrels, owls, other birds and bats. Species would be pushed out of their natural habitat.
- Loss of habitats, including marshy areas.
- Loss of trees, including well-established trees, old oak trees and fruiting trees.
- No mitigation is proposed for tree losses, contrary to policy.
- Existing house values would decrease.
- Amendments were made and several new documents were submitted during the life of the application, however residents were not given an opportunity to raise comments. Other authorities would have required a new application to be submitted.
- Application fully supported. Site is allocated for housing in the Local Plan. It will provide much needed social housing and affordable homes. It is a well-designed plan and has had significant time and effort put into it to ensure the layout and design sits well in the landscape. The local school has falling numbers so the potential extra children in the coming years will help sustain the school. We need much more decent high quality social housing and, whilst not a huge site, this will help address the housing needs of the residents of Kirklees.

Responses to the above comments are set out later in this report, where necessary.

Consultation responses

KC Ecology – CEMP: Biodiversity acceptable, subject to condition requiring implementation. Site Inspection Report (regarding bats) acceptable. Lighting condition necessary. Preliminary Ecological Appraisal referred to but not submitted, therefore there is not enough detail in the applicant's submission

regarding specific species. Bat surveys are not yet complete. Contradictory baseline BNG figures have been submitted. Significant net loss is proposed, and a further review of on-site provision (which should be maximised) is needed.

KC Education – Contribution of £83,331 towards primary and secondary provision needed.

KC Environmental Health – Air quality information accepted, subject to condition regarding dust. Site contamination information accepted, subject to conditions regarding implementation (and unexpected contamination), and requiring a verification report. Noise information accepted, subject to condition requiring implementation of measures. Informatives recommended.

KC Highways Development Management – No objection, subject to conditions and a Section 106 agreement. Proposed highway layout acceptable. Road Safety Audit response acceptable. Travel Plan acceptable, and a £10,000 monitoring fee is required. Conditions recommended regarding construction management, highway condition surveys, vehicle and pedestrian space, site access, pedestrian connections, temporary waste arrangements, cycle parking, highway retaining walls/structures, and drainage features in the highway. Informatives recommended regarding Section 38 approval, access, waste and attenuation tanks/pipes.

KC Highways Structures – Conditions recommended regarding highway retaining walls/structures and drainage features in the highway.

KC Landscape – Off-site contribution of £99,109 to address shortfalls in specific open space typologies. Advice provided regarding on-site open space and landscaping proposals.

KC Lead Local Flood Authority – Support application, subject to conditions relating to permitted development rights, flood routeing, detailed drainage scheme, and construction phase drainage. Section 106 agreement will need to secure a drainage maintenance plan and a £5,000 contribution towards works adjacent to 66 Warneford Road.

KC Public Health – No comment. Site is not located in a ward of multiple index of deprivation nor does it have any higher than Kirklees average health indicators.

KC Public Rights of Way – Proposed connection to public footpath is welcomed, but removing bends would be preferable. £15,000 contribution towards improvements to footpath HUD/277/40 (from the end of Warneford Road to the end of the byway HUD/278/10) needed, with a width of 2m due to the gardens of plots 57 and 58 having a 1.8 metre high fence adjacent. 2m path also needed for HUD/279/10. Trodden routes through the site should not be closed until improvements are made.

KC Trees – No objection. Proposals would mitigate the proposed tree losses, and the species proposed for planting are closer aligned to those that currently exist within the site.

KC Waste Strategy – Storage for three bins per dwelling is welcomed. Details of rear garden storage and bin collection points are acceptable. Access to bins should be via flat, hard surfaces, and unobstructed. Swept path analysis should demonstrate that the council's largest refuse collection vehicle (11.22m in length) can safely manoeuvre through the development past other vehicles.

West Yorkshire Archaeology Advisory Service – The submitted written scheme of investigation is acceptable.

Yorkshire Water – A water supply can be provided for the development. Conditions recommended requiring completion of surface water drainage scheme (including justification for disposal to sewer), details of foul water disposal, and stand-off distances from sewers. Discharge to watercourse would need to be refused by landowners before this method of disposal can be ruled out. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public combined water sewer 3.5 litres per second. No objection to proposed sewer diversion. The local public sewer network will require upgrading to accommodate the anticipated foul water discharge from the development. Generic advice provided regarding sewer adoption.

Summary of main issues

- Land use and principle of development
- Quantum and density
- Sustainability and climate change
- Urban design matters, heritage and landscape impacts
- Residential quality and amenity
- Affordable housing and unit size mix
- Highway and transportation issues
- Flood risk and drainage issues
- Environmental health considerations
- Site contamination and stability
- Ecological considerations
- Trees and landscaping
- Open space
- Other planning considerations
- Planning obligations
- Conditions

Assessment

Land use and principle of development

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Chapter 5 of the NPPF notes the Government's objective of significantly boosting the supply of homes. Applications for residential development should be considered in the context of the presumption in favour of sustainable development.

Housing need and delivery

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020 to March 2023) has fallen below the 75% pass threshold.

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

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

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

2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

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

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

A residential development of 57 dwellings would make a welcome contribution towards meeting identified housing needs. This attracts significant weight in

the balance of material planning considerations relevant to the current application.

In addition, the provision of all 57 dwellings as affordable housing carries positive weight, as it would assist in meeting identified housing needs.

Site allocation

Full weight can be given to site allocation HS156, which allocates the application site for residential development. Local Plan policy LP65 states that, at such allocated sites, planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map.

Regarding the resident's comment that brownfield land should be developed instead, it is noted that the allocation of this and other previously undeveloped sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of other land was also demonstrated to be necessary in order to meet development needs.

Regarding the resident's comment that car parks should be built instead, this would be contrary to site allocation HS156 and would not help to meet known housing need.

The current use of the site for dog walking (referred to in one residents' representation) could continue (to an extent) along the proposed estate road. Regarding hiking, it is noted that although green space would be lost, the proposed development would improve connections to the local public rights of way network, including to footpaths that continue into the adjacent Green Belt to the south.

Minerals

In relation to minerals, more than half of the application site is within a wider mineral safeguarding area relating to sandstone with surface coal resource (SCR), while the remainder of the site is within a safeguarding area relating to sandstone. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 1c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs, having regard to Local Plan delivery targets) for it.

Previously-developed (brownfield) land

Part of the application site (where garages stood as recently as 2012 (and possibly later) and where concrete hardstandings still exist) could reasonably be regarded as brownfield land, where development is encouraged by the National Planning Policy Framework and policies in the Local Plan.

Conclusion – land use and principle of development

Given the above assessment, the principle of residential development at the application site is considered acceptable, subject to the further discussion of other relevant matters later in this report.

Quantum and density

As noted above, site allocation HS156 sets out an indicative housing capacity of 76 dwellings within the 2.18 hectares of allocated land.

To ensure efficient use of land, Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. Kirklees has a finite supply of land for the delivery of the new homes required during the Local Plan period, and there is a need to ensure land is efficiently and sustainably used (having regard to all relevant planning considerations) which will help ensure the borough's housing delivery targets are met. Under-use of scarce, allocated development land could potentially contribute towards development pressure elsewhere, at less appropriate sites, including at sites where sustainable development is harder to achieve. Any proposal at application sites capable of accommodating major development would be expected to make a significant contribution towards the quanta set out in the Local Plan.

With 57 units proposed in 2.12 hectares of land, a density of only 27 dwellings per hectare would be achieved by the proposed development. This falls short of the 35 dwellings per hectare figure set out in Local Plan policy LP7 and which already takes into account likely on-site open space needs.

It is noted, however, that constraints at this site (particularly its topography, and its width which has determined the layout of dwellings either side of a new road) limit what can be achieved here. The steeply-sloping southern part of the site would not be developable without significant changes to levels, and high, obtrusive retaining walls. Furthermore, an excessive number of large, detached units (which would have driven down the development's density, to the extent that land would not be efficiently used) has not been proposed by the applicant – the submitted site layout includes an appropriate mix of detached, semi-detached, terraced housing and flats. This mix would also be appropriately reflective of the typological mix that already exists on adjacent streets, and the unit sizes would help to meet known affordable housing need.

Given the above assessment, it is considered that the proposed density – while below the figure set out in Local Plan policy LP7 – is acceptable. It is a reasonable and appropriate response to the constraints of the site while also reflecting the character of the area. Notwithstanding the shortfall, the proposed development represents an efficient use of scarce allocated land.

Sustainability and climate change

As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions. An assessment is necessary to ascertain whether the proposed development would achieve net gains in respect of all three of the NPPF's sustainable development objectives.

The application site is considered to be a sustainable location for residential development, as it is on the edge of an existing, established settlement that is served by public transport and other facilities. Cowlersley has a number of food and drink establishments, a primary school, community facilities at Storth House, employment opportunities, open spaces and other facilities. The nearest bus stops are on Cowlersley Lane, within walking distance. Given these facilities, at least some of the daily, social and community needs of residents of the proposed development could be met locally (within walking distance) or by using public transport, and combined trips could be made, which further indicates that residential development at this site can be regarded as sustainable.

An Energy Statement has been submitted with the application. This includes commitments to adopting a “fabric first” approach to reducing energy use, and the use of heat pumps and photovoltaic panels. The applicant intends to achieve “A” ratings in relation to energy efficiency and environmental impact.

Measures would be necessary to encourage the use of sustainable modes of transport, and to minimise the need to use motorised private transport. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Further consideration of these matters is set out later in this report, however it is noted that the proposed development includes pedestrian connections to the adjacent Public Rights of Way network, that cycle parking is to be provided for all dwellings, that a Sustainable Travel Contribution is to be secured, and that a Residential Travel Plan has been submitted by the applicant.

Drainage and flood risk minimisation measures would need to account for climate change. This is addressed later in this report.

In relation to residential development, social sustainability largely concerns the creation of places that people will want to live in and remain living in, and that are convivial and create opportunities for interaction and community-building. Places offering low standards of residential amenity and quality are

often inhabited by short-term and transient populations who do not put down roots – such places are less likely to foster a sense of community, civic pride and ownership. Design, residential amenity and quality, open space, and other relevant matters are considered later in this report.

In relation to residential development, economic sustainability can concern employment and training opportunities during the construction phase. The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and although the proposed development does not meet the relevant threshold (housing developments which would deliver 60 dwellings or more), officers may nonetheless approach the applicant team to discuss an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship programmes. Such agreements are currently not being routinely secured through Section 106 agreements related to residential developments – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. Given the scale of development proposed, there may also be opportunities to work in partnership with local colleges to provide on-site training facilities during the construction phase.

Following completion of construction, opportunities for local employment are relevant to the consideration of the proposed development's economic sustainability. Of note, the application site is within walking distance of employment opportunities in Cowlersley. In addition, buses serving Cowlersley provide access to employment opportunities further afield.

In light of the assessment set out above and later in this report, it is considered that the proposal can be regarded as sustainable development.

Urban design matters, heritage and landscape impacts

Local Plan policies LP2, LP5, LP7, LP24 and LP35 are of particular relevance to this application in relation to design, as is the text of site allocation HS156 and the council's Housebuilders Design Guide SPD. Chapters 11, 12 and 16 of the NPPF and the National Design Guide are also relevant.

Site context

The application site is currently undeveloped, and most is vegetated land. Parts of the site are cleared, having previously been developed, with some concrete hardstandings still present. The site slopes downhill from southwest to the northeast. Land to the south is more steeply sloped (uphill, away from the site), is wooded, and is within the Green Belt. To the northwest of the application site, Woodside Green Primary Academy comprises a main building of one and two storeys with flat roofs, and a separate single-storey building with a hipped roof. Other development surrounding the application site (to the west, north and east) includes terraced, semi-detached and detached dwellings of two storeys. Most roofs are pitched or hipped. Natural stone, artificial stone, render, red brick and pebble dash have been used near to the application site.

A recreation ground exists to the north. There are no designated heritage assets within or immediately adjacent to the application site. Site allocation HS156 states that the site is close to an archaeological site.

Design assessment

As the application site is currently undeveloped, the proposed development would have a transformative effect on its appearance, through the introduction of new buildings and hard surfaces. This visual impact would, however, be limited by the implementation of soft landscaping and the inclusion of areas of open space. Existing trees to the south (which currently screen the site, to an extent) would be retained, and it is noted that the site is surrounded on most sides by existing development. The proposed development would therefore not read as a new, sprawling intrusion into the green space that surrounds Cowlersley. The impact of the proposed development on the character of the settlement (as defined by its appearance and layout) would not be significantly adverse, and the visual impact on the wider landscape (including on views across the Colne valley) would not be significant. In relation to cumulative visual impacts, the proposed development may be visible in some views that also take in other recent or proposed developments, such as those at the site at the west end of Kinder Avenue (where application 2021/91571 was approved) and at the former Black Cat site, however these cumulative impacts are not considered to be significant, given the designs, locations and contexts of those developments.

The proposed development's internal layout is considered to be legible and logical. It appropriately responds to the site's constraints (namely, its width and topography), and makes use of the opportunities for vehicular connection that exist at both ends of the site. The fact that two vehicular connections are proposed is of particular note – this would help create a more dementia-friendly neighbourhood, would help the development integrate with its surroundings (instead of being detached from them, as cul-de-sac layouts often are to an extent), and would additionally complete a looped road layout which would reduce the need for refuse collection vehicles reversing (which, in turn, would help create a neighbourhood that is safer for pedestrians and cyclists).

The proposed locations of the development's on-site public open spaces have been influenced by the proposed location of the surface water attenuation tank (which, in turn, has been influenced by the site's topography) and by existing Public Rights of Way.

The arrangement of dwellings around the proposed estate road is considered appropriate. Most dwellings would face (and engage with) the most important public realm they abut, and would help animate and activate the street. Two dwellings would back onto the existing recreation ground to the north – this is not ideal, but it is unavoidable given the site's shape, and given the need to use land efficiently. The proposed staggered building lines would help ensure the development would not appear regimented.

The proposed street scene would not be dominated by parked cars. This has been achieved by proposing tandem car parking to the sides of many dwellings.

The proposed typologies and house types are considered appropriate for this site. A welcomed mix of flats, terraced, semi-detached and detached dwellings is proposed. This is suitably reflective of the variety that surrounds the application site, and would ensure that a repetitive or monotonous street scene is not created. The proposed 2-storey height of the dwellings (with six 2.5-storey dwellings proposed at the centre of the site) is suitably reflective of the majority of buildings nearby. The roof-level dormers (serving rooms in the attics of six dwellings at the centre of the site) would not appear unduly obtrusive in views from public vantagepoints. The proposed flats (referred to as Tyneside flats in some of the submitted documents) would be in 2-storey blocks, and would have similar elevational treatments to the development's houses.

Of particular note, in response to the topography of the site, the applicant proposes stepped pairs of semi-detached dwellings and stepped short terraces. This would add variation to the levels of floors, fenestration, eaves and ridges (thus adding visual interest the proposed street scene), and would reduce the need for retaining walls and changes to levels. This is an important positive aspect of the proposed development in design terms.

The proposed elevations are considered acceptable for this location. The proposed pitched roofs and fenestration arrangements are suitably reflective of local Pennine vernacular, and would be similar in some respects to the designs approved at other locations in this part of the Colne valley (such as at the site at the west end of Kinder Avenue, where application 2021/91571 was approved). 11 different house types would help ensure street scene is varied and not monotonous.

All windows would have cills, other than those that are proposed within recessed features. No lintels are proposed, however this is considered acceptable, given that first floor lintels are not visible on the nearest existing dwellings on Main Avenue and Perseverance Street, nor are they visible above many of the windows of dwellings to the east and north (on Ayres Drive, Warneford Road and Manse Drive). The flat canopies proposed for the front doors of some house types would be appropriately detailed.

External materials would include reconstituted stone, buff multi brick, and grey roof tiles. These materials are considered acceptable in principle for this location, however it is recommended that a condition be applied (condition 20), requiring the submission of details and samples of all external materials. This would ensure the council would have final control over the quality and appearance of the artificial stone and the proposed bricks. The other external materials to be used at this site (for windows, doors, rainwater goods and boundary treatments) would also need to be approved pursuant to condition 20.

Heritage assets

There are no designated heritage assets within or immediately adjacent to the application site.

Some of the older buildings in the surrounding area could be regarded as non-designated heritage assets, however their significance is not derived from their relationship with the application site, and it is therefore considered that the proposed development would not cause harm to their significance.

Site allocation HS156 states that the site is close to an archaeological site.

Accordingly, the applicant has submitted a Cultural Heritage Desk-Based Assessment (CFA Archaeology, Y554, rev 1, April 2022), a Specification for a Pre-determination Archaeological Evaluation by Trial Trenching (West Yorkshire Archaeology Advisory Service, June 2024), and an Archaeological Evaluation by Trial Trenching (MAP Archaeological Practice, MAP 5-44-23, rev A, 01/07/2025).

The earlier report established that there are surviving remains of local heritage value (and of low cultural significance) within the application site. These relate to a former cottage recorded on historic maps, historic dry stone wall boundaries, and a boundary stone. The report states that there is a low potential that evidence of associated small-scale tanning activities may be present adjacent to the site of the cottage, as suggested by the presence of an adjacent field named “Tan Pit Field” in the 1848 tithe award for the Linthwaite township. The findings further indicate that there is a low potential for previously unrecorded archaeological remains to survive elsewhere within the application site. The report’s recommendations relate to targeted archaeological evaluation to establish the character and condition of the potential surviving remains of the cottage, the recording of dry-stone walls to be removed, and the relocation of the boundary stone.

In comments dated 08/04/2025, the West Yorkshire Archaeology Advisory Service advised that the submitted written scheme of investigation was acceptable.

The subsequent Archaeological Evaluation by Trial Trenching summarises its findings as follows:

An Archaeological Evaluation by Trial Trenching was undertaken by MAP Archaeological Practice Ltd., on the fields off Main Avenue, Cowlersley, in June 2025. The evaluation was undertaken to inform West Yorkshire Archaeological Advisory Service, acting on behalf of Kirklees District Council, of the archaeological potential of the site and to allow a reasoned decision to be made regarding the need for further archaeological work, in advance of residential development.

The work was undertaken on behalf of Strata and Thirteen Group.

Excavation of nine trenches was in locations agreed in the Written Scheme of Investigation, with two trenches split due to an existing underground service.

One trench contained a nineteenth century stone drain, also noted in a test pit excavated by Strata. There was a recent dump of rubble noted at the northern end of Trench 6, possibly from the demolition of a late 19th century cottage which was demolished in the 1960s.

No archaeological finds, deposits or features were found in the other seven trenches.

No further mitigation measures will be necessary in regards to archaeology on this site.

The West Yorkshire Archaeology Advisory Service were consulted on this Archaeological Evaluation by Trial Trenching, but provided no further comments.

Although the applicant has carried out appropriate site investigation in relation to archaeology (the findings of which are accepted), a condition is recommended (condition 4), requiring compliance with the remaining provisions set out in the submitted Specification for a Pre-determination Archaeological Evaluation by Trial Trenching, including in respect of providing notification to the West Yorkshire Archaeology Advisory Service and the dissemination and deposition of resulting material.

Crime prevention

Regarding crime prevention, the proposed layout would generally provide good levels of natural surveillance of the public realm, and clear distinctions between spaces that are public and private. Most parking spaces would either be overlooked by their users from their homes, or overlooked by neighbouring residents opposite. For the two short terraces (each of three dwellings), pedestrian access to the rear gardens can be secured with gates. Subject to the proposed landscaping and boundary treatments being implemented, no parts of the proposed development would be particularly vulnerable to flytipping and other anti-social behaviour. A condition regarding lighting is recommended (condition 28).

Boundary treatments and retaining walls

Details of proposed boundary treatments have been provided by the applicant in the Proposed Boundary Treatment Plan (drawing 105 rev P6). This illustrates:

- 1.8m close boarded timber fencing (to rear gardens)
- 1.1m close boarded timber fencing (mostly between plots)

- 2.2m close boarded timber fencing (along the boundary shared with Woodside Green Primary Academy)
- 1.1m estate railing and hedge (to some front gardens and where plots abut public realm)
- 0.9m to 1.1m dense hedge (to front gardens)

Heights of retaining walls are shown in the submitted Engineering Layout (drawing 2153-QD-XX-HD-DR-C-03-01 rev P06). These would reach a maximum height of 3.375m to the rear of plot 35, however the majority of the retaining walls would be much lower in height.

Overlaying drawings 105 rev P6 and 2153-QD-XX-HD-DR-C-03-01 rev P06 confirms that – in places – the proposed boundary treatments would be installed at the top of the proposed retaining walls. For example, to the rear of plot 35, a 1.8m high timber fence is proposed on top of the 3.375m high retaining wall, resulting in a total height of 5.175m.

The boundary treatments proposed along the development's estate road and adjacent to areas of public realm are generally considered acceptable. These would either be hedges which would enhance the street scene, or harder boundary treatments of a height and design which would appropriately secure and define plots without appearing visually obtrusive. 1.8m timber fencing is proposed to rear gardens where it would be partly screened by existing and proposed dwellings, and in most locations would not harm visual amenity. Some visual harm would occur where 1.8m timber fencing is proposed at the top of retaining walls and where the total height could be glimpsed between the proposed dwellings, however these dwellings would again provide screening such that these impacts would be limited (including in longer views from across the Colne valley). To the rear of plots 55, 56 and 57, 1.8m fencing would abut the existing recreation ground to the north and public footpath HUD/277/40 – this is not ideal, but it is unavoidable given the site's constraints and the need to secure these plots. The 2.2m high fencing to the boundary shared with Woodside Green Primary Academy is considered necessary as a noise mitigation measure, to help protect the amenities of the adjacent plots. The rear gardens of these plots would be deep enough to ensure this high fencing does not adversely affect outlook from these dwellings.

Overall, given the proposed use of hedging and the limited extent of the higher boundary treatments and retaining walls, adverse visual impacts would be limited. Taking into account the soft landscaping that is also illustrated in the submitted drawings, the proposed approach strikes an appropriate balance between visual amenity considerations, the need to address privacy and crime prevention concerns, and the need to create developable space through level changes. The proposed layout and heights of the retaining wall have also taken into account flood routing, and page 11 of the submitted Biodiversity Management Plan (Brooks Ecological, ER-7172-08, 19/11/2025) confirms that the movement of hedgehogs would be facilitated (where possible) through the inclusion of access holes in boundary treatments towards the east end of the application site.

The submitted Proposed Materials and External Finishes Plan (drawing 104 rev P7) does not confirm the materials with which the proposed retaining walls would be faced. These details would need to be submitted pursuant to recommended condition 20.

A further condition (condition 23), securing details of the proposed electricity substation at the west end of the application site, is recommended.

Residential quality and amenity

Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.

Neighbour amenity

Separation distances between the proposed dwellings and existing adjacent properties would be adequate to ensure no unacceptable loss of natural light, privacy or outlook would occur. Largely in accordance with guidance set out at paragraph 7.19 of the council's Housebuilders Design Guide SPD, adequate distances would be provided the new dwellings and the existing adjacent dwellings on Main Avenue, Perseverance Street, Windsor Road, Warneford Road and Ayres Drive. This assessment takes into account the differences in levels between the existing and proposed dwellings. Of note:

- The side (gable) elevations of 1 and 2 Main Avenue have no windows facing the application site.
- Distances of almost 30m (across existing garages and a publicly-accessible rear lane) would be maintained between the side elevations of the dwellings proposed at plots 18 and 19 and the main rear elevations of 1 to 15 Perseverance Street.
- 20m would be maintained between the side elevation of 44 Windsor Road (which has windows at ground and first floor level) and the dwelling proposed at plot 57. A new area of open space (either side of an existing public footpath) is proposed within this intervening space.
- The side (gable) elevation of 66 Warneford Road has not windows facing the application site.
- 2 Ayres Drive has rear windows facing south, overlooking the application site. A distance of 18m would be maintained between the nearest corner of the dwelling proposed at plot 54 and the main rear elevation of 2 Ayres Drive. This is considered acceptable, given that the existing and proposed elevations would be at an oblique angle to each other.
- 18m would also be maintained between the nearest corner of the dwelling proposed at plot 53 and the main rear elevation of 4 Ayres Drive, again at an oblique angle.
- Plot 52 would have rear windows at ground and first floor level, 9m away from the site boundary, 18m away from the nearest part of 10 Ayres Drive, and 20m away from the main rear elevation of that

dwelling. While this falls short of the 21m normally expected, the shortfall is not significant, and this one instance of non-compliance with the SPD's guidance is not considered to be a reason for refusal of planning permission.

- 21m would be maintained between the rear elevation of the dwelling at plot 52 and the rear elevation of 12 Ayres Drive.

A resident has noted that the adjacent school grounds would be overlooked by the proposed development, however this in itself is not considered to be a valid concern in planning terms, and it is noted that the school grounds are already overlooked by the windows of existing adjacent properties.

In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the number and locations of new vehicular and pedestrian entrances that new residents would use to access the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses in relation to noise.

Construction management

A Construction Management and Mitigation Plan (Strata, March 2026) has been submitted with the application. This sets out appropriate measures in relation to noise, dust, lighting, hours of works and other matters that would need to be controlled during the construction period to protect the amenities of neighbouring residents (and residents of the development, should implementation of the development be phased, and/or should any of the dwellings become occupied prior to the completion of the development). Recommended condition 7 secures compliance with the Construction Management and Mitigation Plan.

Proposed development's quality and amenity

The quality and amenity of the proposed residential accommodation is also a material planning consideration.

All of the proposed dwellings would be dual- or triple-aspect. This is welcomed, as dual aspect enables natural ventilation, and has amenity and outlook benefits.

All dwellings would have adequate privacy, outlook and access to natural light.

Dwellings would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its likely number of residents.

In accordance with guidance set out at paragraph 7.19 of the council's Housebuilders Design Guide SPD, adequate distances would be provided

within the proposed development between new dwellings. This assessment takes into account the differences in levels between the proposed dwellings.

The sizes of the proposed residential units are a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent increases in working from home have further demonstrated the need for adequate living space.

Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard has become widespread.

Floorspace figures included in the submitted Housetype Booklet (ID Partnership, December 2024) confirm that all of the proposed dwellings would be NDSS-compliant.

All new units (other than the four upstairs flats) would have ground floor WCs, making those units at least visitable by people with certain disabilities.

Affordable housing and unit size mix

Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split is expected.

The above requirement and expectation would result in 11 affordable dwellings (six for social/affordable rent, five intermediate) being delivered as part of this 57-dwelling development. However, the applicant proposes that all 57 dwellings would be affordable, provided as 51 affordable rent and six shared ownership homes. The applicant's submission does not refer to the provision of social rent or First Homes dwellings.

The following unit size mix is proposed:

- 23x 2-bedroom units (eight of which would be apartments)
- 27x 3-bedroom units
- 7x 4-bedroom units

The shared ownership units would be provided at plots 37, 38, 39, 40, 47 and 48, and would comprise 2x 3-bed and 4x 4-bed units. The affordable rent units would comprise 23x 2-bed, 25x 3-bed and 3x 4-bed units.

The proposed unit size and tenure mix is considered against the expectations (for the Huddersfield North sub-area) set out in the council's Affordable Housing and Housing Mix SPD as follows:

	Affordable rent SPD expectation	Affordable rent proposed	Intermediate SPD expectation	Intermediate proposed
1- and 2-bedroom	40-79%	45%	60+%	0%
3-bedroom	0-19%	49%	20-39%	33%
4+-bedroom	0-19%	6%	0-19%	67%

In the table above, green numbers indicate where the proportions match the expectations of the SPD, and red numbers indicate where they do not.

Although the proposed unit size and tenure mix would not comply with the expectations of the SPD in some respects, this is partly because a 100% affordable housing scheme is proposed. If the assessment of the affordable housing was to be based on a 20% affordable housing provision (comprising six affordable rent and five intermediate homes), the proposed development would be almost fully compliant with the SPD's expectations – the only shortfall would be the lack of 1- or 2-bed intermediate homes.

Given that – within the proposed affordable housing – there would 11 dwellings that would largely comply the SPD's expectations, and given that a 100% affordable housing scheme is proposed (which would make a significant contribution towards meeting known housing need, and is very much welcomed), it is considered that the proposed unit size and tenure mix is acceptable.

The concerns of residents regarding the proposed 100% affordable housing provision are noted, as is the council's intention to provide mixed and balanced communities across the borough. However, 100% affordable housing developments are not ruled out by policy LP11 of the Local Plan or by the council's Affordable Housing and Housing Mix SPD, policy LP11 states that "Achievement of a higher proportion of affordable housing [than the 20% normally required] on sites will be encouraged", the council previously welcomed the 100% affordable housing development at the west end of Kinder Avenue (where application 2021/91571 was approved), and there have been significant shortfalls in the delivery of affordable housing in Kirklees in recent years. Furthermore, there is no evidence to demonstrate that the proposed 100% affordable housing development would result in the increases in crime and anti-social behaviour that residents have referred to in their objections. It is therefore considered that the proposed affordable housing provision, and the absence of private (market) sale units, is acceptable.

The designs of the proposed housing would also ensure one tenure would not be visually distinguishable from the other. The six shared ownership homes would be provided in house types that are also to be used in the development's affordable rent element. The same materials would be used

across the two tenures and elevational detailing would be similar across the application site. Dwellings of both tenures would be provided in locations with good and comparable levels of amenity.

Highway and transportation issues

Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

Paragraph 115 of the NPPF states that, in assessing applications for development, it should be ensured that sustainable transport modes are prioritised (taking account of the vision for the site, the type of development and its location); safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, and other transport elements reflects current national guidance; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach. Paragraph 116 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe (taking into account all reasonable future scenarios).

Existing conditions

Existing highway conditions must be noted. The application site has existing vehicular access points at Main Avenue and Windsor Road, but does not meet the adopted highway of Warneford Road. Public footpaths HUD/277/40 and HUD/279/10 exist to the northeast of the application site, and connect Windsor Road and Warneford Road. HUD/279/10 is in fact within the application site's red line boundary. At the opposite end of the site, public footpath HUD/279/20 meets the terminus of Main Avenue. Main Avenue, Windsor Road and Warneford Road have footways on both sides of the road. No parking restrictions apply along the parts of these roads nearest to the application site, although there are "KEEP CLEAR" road markings outside the entrance to Woodside Green Primary Academy on Main Avenue. 30mph speed limits apply to these roads. The nearest bus stops are on Cowlersley Lane (providing a service between Huddersfield and Marsden), within walking distance (paragraph 3.22 of the submitted Transport Assessment states "no bus stops are available within a 400m walking distance of the site", however this is incorrect).

Traffic impact and network assessment

The applicant has submitted a Transport Assessment (TPS, P2445, rev 5, 18/09/2025) in support of the application. The scope of the submitted

Transport Assessment was agreed between officers and the applicant during pre-application discussions (relevant documentation is provided at appendices C and D), and is based on current guidance and industry standard methodology.

The TRICS database has been used to determine the trip rates likely to be generated by the proposed development, for the AM and PM peak hours. The applicant has stated that the proposed development is anticipated to generate 33 two-way trips in the AM peak hour and 35 two-way trips in the PM peak hour.

At pre-application stage, officers advised that the impact of the proposed development's trip generation on the external highway network would need to be modelled. Accordingly, the applicant has undertaken gravity modelling to establish the potential distribution of trips to/from the application site. Noting that residents travelling by car would have a number of potential routes to/from the site, the applicant has asserted that 79% of vehicle movements are expected to be to/from Huddersfield (broadly east), while 21% would move to/from the other direction (broadly west). The applicant has assumed that vehicles arriving/departing to the east/north would do so via the Windsor Road/Cowlersley Lane junction, rather than route south, via Main Avenue, South Avenue and the junction of Woodside View/Cowlersley Lane or Ladybower Avenue/Hazel Grove. The applicant has similarly assumed that vehicles arriving/departing to the west/south are more likely to do so routing south along Main Avenue, onto Kinder Avenue and then using the junction of Ladybower Avenue/Hazel Grove. The applicant predicts the following increases in vehicle movements at the relevant junctions:

Junction	Trips	
	AM	PM
Windsor Road / Cowlersley Lane	25	27
Ladybower Avenue / Hazel Grove	6	7

The applicant has asserted that these increases are not material, but has nonetheless carried out operational (capacity) assessments of the two junctions. These conclude that both junctions would operate satisfactorily in both peak hours with the addition of the proposed development's traffic in both the current and design year. The applicant therefore proposes no mitigation at these junctions in relation to highway capacity.

The above findings are accepted in relation to the two assessed junctions.

Further away from the application site, it should be noted that, when assessing application 2021/91571 (which related to a residential development of 125 dwellings close to the current application site), officers observed that the Cowlersley Lane/A62 Manchester Road/Morley Lane junction already struggled to cope with current levels of traffic, and that future growth would only make this situation worse. However, it was concluded that capacity improvement interventions would not be possible here, and that the 125-

dwelling development itself would result in only a marginal increase to peak-time traffic movements at this junction (and, therefore, it could not be asserted that the impacts on the road network would be severe). For the traffic of the 57-dwelling development now proposed at the application site (which would also increase traffic at this junction), officers are similarly of the view that impacts would not be severe.

Site access

The application site benefits from already having two points of vehicular access off Main Avenue and Windsor Road. It is considered appropriate to utilise both these access points, given that both can be designed to be sufficiently safe, and given that – as noted above – a new estate road running east-west through the application site would complete a looped road layout which would reduce the need for refuse collection vehicles reversing (which, in turn, would help create a neighbourhood that is safer for pedestrians and cyclists).

While a third vehicular access point (from Warneford Road) would have further improved neighbourhood connectivity and reduced the need for reversing, it is accepted that existing levels prevent such a connection (with an acceptable gradient) being provided without extensive additional excavation and reconfiguration of the proposed development's layout.

Internal layout

The applicant proposes simple continuations of Windsor Road and Main Road, with a new east-west estate road provided with footways on both sides of the carriageway, as well as a green verge on its south side. Three private drives are proposed off the new estate road. Pedestrian connections are proposed to the public footpaths and Warneford Road to the east.

Appropriate carriageway widths are proposed, as are appropriate radii that would accommodate the turning movements of the council's design refuse vehicle (11.85m long), which has been demonstrated in the applicant's swept path drawings. Given this evidence, it is considered that emergency vehicles (referred to in residents' representations) would also be able to access the development.

Two slight bends and a raised table (rather than rumble strips) are proposed for the estate road at the centre of the site, to discourage speeding.

All junction and forward visibility requirements have been met. These are proposed to be contained within the adoptable highway extents. The site access and internal streets would all have gradients less than 1:20.

The proposed site layout is acceptable in principle, and it is considered to be suitable for adoption (subject to Section 38 team approval at the detailed design stage).

Road safety

Referring to Crashmap data for the five-year period 2018-2022, the submitted Transport Assessment notes that only two “slight” accidents were recorded within the study area, and the applicant therefore considers that there are not any existing road safety issues that the proposed development would exacerbate.

At pre-application stage, officers advised against relying on Crashmap data, as it does not confirm causation factors. However, at application stage, the applicant has stated that, given the limited number of recorded collisions (which, the applicant believes, do not suggest a trend of collisions in a single location), it is not necessary to obtain full accident records. KC Highways Development Management, who have access to more detailed personal injury collision data, have raised no concerns at application stage regarding the incidence of accidents in the area surrounding the application site.

There is, however, a need to ensure adequate visibility is maintained in two specific locations. Firstly, at the west end of the application site, where Main Avenue would be continued (on a bend) eastwards into the site, double yellow lines would be necessary to restrict parking close to the school entrance and to maintain visibility. These double yellow lines would effectively extend the “KEEP CLEAR” provision that already exists outside the entrance to Woodside Green Primary Academy. Secondly, double yellow lines would be necessary at the Windsor Road / Cowlersley Lane junction, to ensure parked vehicles do not obstruct visibility for vehicles and pedestrians passing through that junction (whether turning or not). This would also help address the concern expressed by a resident that accidents have already occurred at this junction.

These parking restriction measures are illustrated in drawings titled Proposed TRO – Windsor Road and Proposed TRO – Main Avenue (drawings D-1001 and D-1004 rev A respectively), and a contribution of £18,000 is to be secured under the recommended Section 106 agreement, to fund the Traffic Regulation Orders (TROs) that would be needed to implement the double yellow lines. Although at this stage it is not guaranteed that the TROs would be successful and would be implemented in their currently-proposed form (of note, the TRO process is separate from planning, and is subject to public consultation), it can reasonably be assumed that there is a good prospect of them being implemented, given the need for them, and given that relatively few (if any) parked vehicles would be displaced by the restrictions.

During the life of the application, the proposed site layout has been subject to a Stage 1 Road Safety Audit (Sevenairs, 2025-10 Cowlersley RSA1, 05/10/2025) that – as confirmed by the submitted GG119 Road Safety Audit Response Report (TPS, P2445, 17/10/2025) – has not raised any significant issues that cannot be addressed at the detailed design stage.

Also of relevance to road safety, it is again noted that the proposed development’s completion of a looped road layout would reduce the need for

refuse collection vehicles reversing. The proposed connection between Main Avenue and the roads and public footpaths to the east could also improve road safety for pedestrians, as it would provide a formalised, well-defined, paved and lit east-west route (along sufficiently wide footways) for all users, including schoolchildren.

Parking

Parking provision across the site must reflect anticipated need (balanced against aesthetic, street scene, safety and sustainability considerations), having regard to likely vehicle ownership. The council has not set prescriptive parking standards for residential development. However, it is expected that development will provide parking in line with the recommended levels set in the council's Highway Design Guide SPD, which requires one space for 1- and 2-bedroom apartments, two spaces for 2- and 3-bedroom dwellings, and three spaces for 4-bedroom (or larger) dwellings. Should garages be proposed, they must have an internal dimension of 3m x 6m to be taken into account as available off-street parking. Visitor parking should be provided at a ratio of one per four dwellings.

No garages are proposed. Tandem car parking is proposed to the sides of many dwellings. A total of 12 visitor parking spaces are proposed.

For the proposed dwellings, the proposed off-street car parking provision is in accordance with the council's Highway Design Guide SPD recommendations.

In relation to visitor parking, using the ratio set out in the council's Highway Design Guide SPD, 14 spaces should be provided. Only 12 visitor parking spaces are shown on the submitted drawings, along with one space associated with the proposed electricity substation. This shortfall, however, is considered minor, and has not attracted an objection from KC Highways Development Management. Overall, sufficient spaces are proposed to reduce the risk of new residents parking on nearby streets or in other inappropriate locations.

Where possible, unbroken rows of parking spaces have been avoided, for visual amenity reasons. As noted above, the proposed tandem parking would ensure that the street scene would not be dominated by parked cars.

Paragraph 7.16 of the submitted Transport Assessment confirms that a cycle storage solution is to be provided at all dwellings across the site. Recommended planning condition 27 requires details of secure, covered and conveniently-located cycle parking for use by residents.

Servicing

The applicant has provided swept path analysis drawings to confirm that the council's design refuse vehicle would be able to turn and circulate within the site.

Bin storage areas (capable of accommodating three wheeliebins) have been illustrated in the submitted drawings. No communal bin storage areas are proposed. For the three private drives, section 4.3 of the submitted Design and Access Statement sets out acceptable details of collection points, where bins would be dragged to and presented on collection day, without causing obstructions.

Public rights of way

The proposed development makes good provision in terms of connection to the existing public rights of way network, and improvements to it. The existing public footpath HUD/279/10 (which runs through part of the application site, between 44 Windsor Road and the proposed plot 57) would be improved and new public open space would be provided either side of it. Through the development's other public open space, a new footpath connection would be provided between the new estate road and public footpath HUD/277/40. This connection would have two bends in it to address the topography in this part of the site – a straight connection would be too steep or would need steps. In addition, a £15,000 contribution is to be secured (via the recommended Section 106 agreement) to fund the upgrading of public footpath HUD/277/40, which is likely to become more heavily used as a result of the proposed development.

These new and improved footpaths would be a benefit of the proposed development and to existing and future users of the public footpath. They are welcomed, given the importance of the local public footpath network as walking-to-school routes, and given Local Plan policies LP20, LP21, LP24dii and LP47e which encourage or require improvements to neighbourhood connectivity, opportunities for walking and cycling, and developments that are attractive to pedestrians and cyclists. These aspects of the proposed development would help it to integrate with its surroundings, enabling sustainable and active travel. Final details of the footpath links (including gradients, construction specification and surfacing) and their delivery would be secured by recommended condition 18, with public access rights secured via a recommended Section 106 obligation.

Sustainable transport

It is recommended that a Sustainable Travel Contribution of £29,640 be secured via the necessary Section 106 agreement, as advised by KC Highways Development Management on 04/07/2026, and based on a £520 contribution per dwelling. The contribution would be secured flexibly, so that it could be put towards a range of measures intended to encourage the use of sustainable modes of transport.

Travel planning

Comprehensive and effective travel planning is required in connection with the proposed development, in compliance with Local Plan policies LP20 and LP51. As the development involves the provision of over 50 dwellings, a

Travel Plan is required, and an acceptable Residential Travel Plan (TPS, P2445, final, 18/02/2026) was submitted on 18/02/2026. Implementation of the Residential Travel Plan would be secured under Schedule 4 of the recommended Section 106 agreement, and a related Travel Plan Monitoring Contribution totalling £10,000 (£2,000 per year for five years) would also be secured.

Construction management

As well as for residential amenity and environmental health reasons, careful management during the construction phase would be required in connection with highway considerations. An acceptable Construction Management and Mitigation Plan (Strata, March 2026) – including details of wheel washing and construction access routes – has been submitted with the application, and recommended condition 7 secures compliance with it.

A further condition requiring highway condition surveys (carried out before and after construction, and including public footpaths HUD/277/40 and HUD/279/10) is recommended. This is condition 10.

Flood risk and drainage issues

In relation to flood risk and drainage, the requirements of chapter 14 of the NPPF, and Local Plan policies LP27, LP28 and LP29, must be addressed. Drainage and flood risk (including provisions for flood routing) should be a key influence on any layout proposed for the application site.

Residents have commented that the site is marshy in places, and that flood incidents have occurred locally.

The allocated site is located within Flood Zone 1 and is therefore generally at low risk of flooding. Yorkshire Water sewers exist beneath the site and adjacent land. A culverted watercourse exists beneath the east end of the application site, and continues northeastwards beneath the rear gardens of residential properties on Warneford Road. Another watercourse, entering the site from the south, was discovered during investigations carried out during the life of the application.

The application site is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) and a full site-wide drainage strategy are required. These have been submitted.

Paragraph 8.2 of the applicant's Flood Risk Assessment and Drainage Strategy (Queensberry Design, 06/10/2025, rev P06) states that in-situ testing carried out during the site investigation has determined that the use of infiltration will not be possible. This is accepted. Having regard to the drainage hierarchy set out in the Flood risk and coastal change section of the Government's Planning Practice Guidance (specifically, paragraph 056, ref 7-056-20220825), it is appropriate to then explore the possibility of discharge to a watercourse. However, the above-mentioned culverted watercourse (which

exists beneath the east end of the application site, and continues northeastwards beneath the rear gardens of residential properties on Warneford Road) is too shallow to discharge to without surface water having to be pumped.

The Lead Local Flood Authority has therefore advised that surface water from this development may be disposed of via the existing Yorkshire Water combined sewer beneath the site (that would need to be diverted) at a restricted rate of 3.5 litres per second.

Within the site, surface water would be temporarily stored in a below-ground attenuation tank towards the site's eastern boundary. A flow control is proposed, to ensure the required 3.5 litres per second discharge rate is achieved. The location of the attenuation tank is considered acceptable. The proposed surface water drainage strategy accounts for predicted rainfall events including an appropriate allowance for climate change.

Flood routeing (i.e., surface water flow during exceedance events) has been considered by the applicant, and appropriate measures have been illustrated in the submitted Exceedance Routing drawing (2153-QD-XX-HD-DR-C-00-10 rev P05). Water would be directed away from dwelling curtilages and along the development's estate road (or behind the retaining wall along the southern edge of the developed area) eastwards towards the proposed attenuation tank.

The applicant proposes to dispose of foul water via the combined public sewer beneath the site, which would be diverted.

The culverted watercourse that exists beneath the east end of the application site (and continues northeastwards beneath the rear gardens of residential properties on Warneford Road) would be retained. The watercourse that enters the site from the south would be formalised and piped, and would connect to the existing culverted watercourse flowing northeastwards. Development close to these watercourses would be positioned so as to enable future maintenance – amendments were made during the life of the application to plots 42 and 43 (and their parking spaces) for this reason.

A £5,000 contribution is to be secured via the recommended Section 106 agreement to be put towards flood mitigation works adjacent to 66 Warneford Road.

Appropriate drainage management and maintenance arrangements are secured in the recommended Section 106 agreement. As the applicant intends to maintain an interest in the site, it is accepted that the applicant may in fact assume the role of the Drainage Management Company that shall be responsible for the development's drainage.

The Lead Local Flood Authority support the application, and have recommended conditions and Section 106 obligations relating to drainage. These are included in the case officer's recommendation. Recommended

condition 5 removes permitted development rights (for extensions, outbuildings and boundary treatments) that may otherwise obstruct maintenance of the watercourse beneath the site, condition 11 concerns flood routeing, and condition 12 secures the submission of a detailed surface water drainage scheme. A resident has correctly noted that the removal of vegetation from the site could increase flood risk, and condition 13 concerns temporary drainage during the construction phase, to address these risks in the interim period before the permanent drainage scheme is completed.

Yorkshire Water's comments of 04/02/2025 (raising concerns regarding the proposed method of disposal of surface water) pre-date the applicant's subsequent submissions and justification, and pre-date the Lead Local Flood Authority's acceptance of the proposed disposal to the combined sewer.

With adequate drainage measures proposed, including the proposed attenuation, the adequate flood routeing, the formalising of an existing watercourse, and the flood mitigation works adjacent to 66 Warneford Road, it is considered that residents' concerns regarding the waterlogged condition of the site, and regarding previous flooding incidents, have been sufficiently addressed.

Environmental health considerations

The application site is not within an Air Quality Management Area (AQMA) and is not near to roads of concern in relation to air quality. However, given the size of the proposed development, the submission of an air quality assessment was considered necessary. Rather than submit this at conditions stage, the applicant chose to submit an Air Quality Assessment (Logika, J10-16525A-10-F1, rev 01, 14/03/2025) during the life of the application. This was reviewed by KC Environmental Health and found to be deficient in relation to dust generation during the construction phase. However, KC Environmental Health advised that the Construction Dust Assessment (Logika, J10-16525B-10, rev 02, 18/07/2025) at appendix 4 of the applicant's Construction Management and Mitigation Plan (Strata, March 2026) addressed the concerns. KC Environmental Health recommended a specific condition requiring compliance with the Logika document, however it is considered that recommended condition 7 (which requires compliance with the Construction Management and Mitigation Plan, including in relation to dust) is sufficient.

The proposed development does not require an emissions damage cost calculation. The applicant's Air Quality Assessment concludes that air quality conditions for future residents of the proposed development would be acceptable, with concentrations predicted to be well below the air quality objectives throughout the site. The applicant's assessment also states that the proposed development will not have a significant impact on local roadside air quality, and that the overall operational air quality effects of the proposed development are judged to be not significant. This is accepted.

For air quality reasons, a condition requiring the provision of electric vehicle charging points for all dwellings is recommended. This condition (21) would

require the charging points to be made operational and to be retained thereafter (and, therefore, goes further than the relevant current requirements of the Building Regulations).

The applicant submitted a Noise Impact Assessment (ENS, NIA-11251-24-11733, v4, 04/11/2024) with the application. This details noise monitoring carried out at the site on 13/12/2023, identifies the sources of noise that exist around the application site, recommends the erection of a 2.2m high close boarded timber fencing along the boundary shared with Woodside Green Primary Academy, advises that standard double glazing and trickle vents would be suitable for the proposed dwellings, and does not recommend any further noise mitigation measures. This document has been reviewed by KC Environmental Health, who have accepted the applicant's findings in relation to noise, but have recommended a condition requiring the proposed measures to be implemented. Condition 25 is recommended accordingly.

Regarding noise during the construction phase, works would be restricted to appropriate hours, and the applicant's proposed construction methodology is considered acceptable.

Site contamination and stability

Paragraph 196 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination (this includes risks arising from former activities such as mining). Paragraph 197 states that, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Local Plan Policy LP53 states that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that would potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment. For developments identified as being at risk of instability, or where there is evidence of contamination, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the contamination/instability does not have the potential to cause harm to people or the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which protect the well-being of residents or protect the environment will not be permitted.

In relation to the area's coal mining legacy, the application site is within the Development Low Risk Area as defined by the Coal Authority (now the Mining Remediation Authority). The Mining Remediation Authority did not need to be consulted on the application. The applicant's Phase II Geo-Environmental Site Investigation and Risk Assessment (Roberts Environmental, 220322.R.002, rev 1.0, May 2022) states that no evidence of ground stability hazards was noted during the site investigation, and that geotechnically competent strata was encountered.

Regarding site contamination, a small part of the application site (at its western end) is within the 250m buffer of a historic landfill site.

The applicant has submitted the following documents in support of the application:

- Phase I Geo-Environmental Risk Assessment (Roberts Environmental, 220322.R.001, rev 1.0, May 2022)
- Phase II Geo-Environmental Site Investigation and Risk Assessment (Roberts Environmental, 220322.R.002, rev 1.0, May 2022)
- Ground Appraisal Report (Apex, 1152-GEO-GAR-001, rev 003, 17/06/2025)
- Earthworks Specification (Apex, 1152-ACE-GEO-ES-002, 18/09/2024)
- Remediation Strategy (Apex, 1152-ACE-GEO-RS-003, rev 003, 17/06/2025)
- Email regarding site investigation and remediation (Tom Gibbons, ID Partnership, 26/03/2025)

The applicant's Phase II Geo-Environmental Site Investigation and Risk Assessment confirms that site investigation was carried out on 06/04/2022. No significant visual or olfactory evidence of contamination was identified, and limited evidence of Polycyclic Aromatic Hydrocarbons and asbestos was found at the site during investigations. Accordingly, the submitted Remediation Strategy proposes the implementation of gas protection, and limited other measures, including in relation to monitoring for unexpected contamination, and careful management of topsoils.

KC Environmental Health have reviewed the above documents, and have accepted their findings, but recommend conditions regarding the implementation of the Remediation Strategy and regarding unexpected contamination, and securing a Verification Report. These are accordingly recommended as conditions 29 and 30.

The application site is close to an explosive materials site (the former Black Cat site, to the south), however no mitigation or further assessment is required in relation to the proposed development and that constraint.

Ecological considerations

The site is vegetated and undeveloped, although some hardstandings (of garages that have since been demolished) survive within the site, at the south end of Windsor Road.

The Wildlife Habitat Network covers much of the application site. A twice buffer covers the application site and surrounding area. The application site is within the Impact Risk Zones of two Sites of Special Scientific Interest (South Pennine Moors and Dark Peak). A Biodiversity Opportunity Zone (Valley Slopes) covers the application site.

The applicant's Ecological Impact Assessment (Brooks Ecological, ER-7172-04, rev C, 30/09/2025) found that the site to be of low importance to bats, that red- and amber-listed bird species were recorded at the site (and that their habitats may be reduced and the birds may be displaced by the proposed development), and that badgers were not present within the site. These conclusions were supported by the applicant's Bat Activity Survey – Interim (Brooks Ecological, ER-7172-05, 25/11/2024), Bat Activity Survey (Brooks Ecological, ER-7172-05A, 23/06/2025), Site Inspection Report (Brooks Ecological, SI-7172-01, 08/12/2025), Breeding Bird Survey (Brooks Ecological, ER-7172-07, 23/06/2025), and Badger Assessment and Report (Brooks Ecological, ER-7172-06, 17/12/2024), which set out similar conclusions regarding bats, birds and badgers.

Not all of the species referred to by residents in their representations were identified by the applicant as being present at the application site, however it is noted that the applicant's Preliminary Ecological Appraisal Report (Brooks Environmental, ER-7172-01A, 30/09/2024) scoped out certain species, stating that – having regard to site characteristics and previous records – further surveys regarding hedgehogs and reptiles were not necessary.

In conclusion, the Ecological Impact Assessment states that mitigation (to be agreed via standard planning conditions) will be able to address most of the significant effects resulting from the development, but that the scheme is expected to result in a considerable net loss for biodiversity on-site, and that biodiversity offsetting will therefore be required.

The provision of a Biodiversity Net Gain (BNG) of 10% is now a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This is subject to limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12/02/2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has not put forward a case that the development is exempt from the mandatory BNG requirement, nor do officers consider exemption applicable in this case.

Policy LP30 of the Kirklees Local Plan requires developments to minimise impacts on biodiversity and provide biodiversity net gains, and that the council's Biodiversity Net Gain Technical Advice Note also sets out an expectation for 10% BNG to be achieved.

The applicant has submitted an updated Biodiversity Metric dated 24/09/2025. This refers to an on-site baseline of 34.99 habitat units and 0.00 hedgerow units. Post-intervention, those figures would change to 9.41 habitat units and 0.25 hedgerow units, representing a 73.11% loss in habitat units. The

proposed uplift in hedgerow units (a percentage of which cannot be calculated, as the baseline is zero) is welcomed.

It remains the case that achieving BNG within an application site is the preferred option. If this cannot be achieved within an application site (i.e., where it can be demonstrated that on-site compensation methods have been exhausted), applicants are required to secure off-site compensation. In those situations, as set out in the council's Biodiversity Net Gain Technical Advice Note (paragraph 3.4.1 onwards), applicants will need to demonstrate that sufficient off-site habitat creation or enhancement has been secured to achieve a minimum 10% biodiversity net gain.

Taking into account site constraints and other demands on space, officers are satisfied that on-site compensation methods have been exhausted at the application site.

In such a scenario, in accordance with the council's Technical Advice Note, applicants are encouraged firstly to source and bring forward appropriate sites on which their biodiversity offsetting can occur. These should be reasonably close to the development site and have the potential to establish or enhance in-kind habitats to those due to be lost. On 18/06/2025 the applicant confirmed that numerous habitat providers had been approached, but that these providers required substantial deposits which the applicant did not wish to commit to at this stage. This is accepted, as full details of where (and how, and with whom) off-site BNG delivery would be provided are not necessarily required to enable the approval of planning permission.

These and other details would need to be included in the Biodiversity Gain Plan which is to be submitted pursuant to the statutory pre-commencement condition. An informative is recommended, reminding the applicant that the pre-commencement Biodiversity Gain Plan general planning condition (imposed by legislation) applies. The applicant is aware that achieving a 10% BNG is likely to be costly.

To achieve a 10% increase in habitat units, significant on-site measures would be necessary, which in turn necessitates the securing of maintenance, management and monitoring measures (via a Section 106 agreement, for a 30-year period) in relation to the BNG required of the proposed development. Relevant provisions have been included in the recommended Section 106 agreement, accordingly.

An appropriate Construction Environment Management Plan CEMP (Biodiversity) (Brooks Ecological, ER-7172-09, 19/11/2025). Recommended condition 8 requires compliance with this document.

Recommended condition 28 requires the submission and approval of details of external lighting, partly for ecological reasons.

The comments of KC Ecology, raising concern regarding missing and inconsistent information, pre-date the submission of further documents by the applicant, and pre-date the above assessment of ecological impacts.

Trees and landscaping

Local Plan policy LP33 is relevant. No Tree Preservation Orders protect trees within the application site.

The applicant has submitted an Arboricultural Report and Impact Assessment (AWA, AWA6332, TMP006 – B, rev 01, 03/12/2024). This surveyed 49 individual trees and 14 tree groups within the application site. These have been described by the applicant as 26 trees and 2 tree groups in category B, and 23 trees and 12 tree groups in category C. Of these, 34 trees and 12 tree groups would require removal to facilitate the development. In addition, one tree group requires partial removal to facilitate the development. Of the trees and tree groups to be removed, 18 are of moderate value (category B), and 28 are lower value (category C). No category A trees would be removed.

While the extent of tree removal is unfortunate, it is noted that the application site is fairly densely vegetated in places (with self-set trees), that the application site is allocated for residential development, and that losses of trees are unavoidable here if the land is to be efficiently used and if a significant quantum of development is to be achieved. It is noted that only category B and C trees and groups would be removed.

Appropriate soft landscaping is illustrated in the following drawings submitted by the applicant:

- Landscape Masterplan (drawing R/2784/1 rev Q)
- Landscape Typologies (drawing R/2784/2 rev D)
- Landscape Details Shrub Bed S1-S18 (drawing R/2784/3 rev E)
- Landscape Details Shrub Bed S19-S47 (drawing R/2784/4 rev E)
- Landscape Details Shrub Bed S48-S69 (drawing R/2784/5 rev D)

The proposed soft landscaping includes native hedgerows, and extensive replacement treeplanting (of appropriate species, including oak, cherry and rowan) in the undeveloped southern part of the application site. For the curtilages of plots, species that are attractive to pollinators and that would provide year-round visual interest are proposed. Few street trees are proposed, however this is due to the constraints of the site (particularly its width), and the proposed soft landscaping in front gardens (which has been maximised due to the proposed tandem parking to the sides of dwellings) helps to compensate for this shortfall. Some of the street trees proposed are within curtilages of dwellings, which the applicant would retain an interest in. Overall and on balance, the proposed planting of street trees sufficiently complies with Green Streets principles and paragraph 136 of the NPPF (which requires new streets to be tree-lined) as far as is reasonably practicable.

At the request of officers, a potentially invasive species (*Cornus alba*, which is of particular concern at a site such as this adjacent to the Green Belt where there is a greater risk of escape and harmful spread) has been deleted from the applicant's soft landscaping proposals.

Given the level of detail provided by the applicant at application stage, an abridged condition relating to soft landscaping is required. Recommended condition 19 requires details of implementation, maintenance and other aspects, but does not need to secure planting plans or details of species.

For those trees that are to be retained, an appropriate Tree Protection Plan has been provided at appendix 4 of the Arboricultural Method Statement (AWA, AWA6332AMS, TMP006 – D, rev 01, 28/11/2024). Recommended condition 9 requires compliance with this document.

Open space

The application site is adjacent to an existing recreation area (referred to as "Jubilee Park" in some representations) to the north.

Two new areas of public open space are proposed within the application site. At the northernmost part of the site, an open space is proposed between 44 Windsor Road and plot 57. Public footpath HUD/279/10 runs through this area, and would be improved by the applicant. Either side of the footpath, a community orchard is proposed. The second, larger, open space is proposed between plots 54 and 55. This would be amenity green space, and would include a new pedestrian connection between the proposed estate road and public footpath HUD/277/40. Most of the other public open space within the application site would comprise the steeply-sloped hillside to the south of the developed area. This is currently vegetated and would receive additional treeplanting as part of the proposed development. The applicant has identified this as natural / semi-natural greenspace which – although not readily accessible to the public – can be counted toward on-site public open space provision, as it serves a visual amenity role which is of benefit to the public.

The submitted Landscape Typologies drawing (R/2784/2 rev D) refers to the open space typologies of the council's Open Space SPD, and confirms that the following would be provided:

- Parks and recreation – 0sqm
- Natural and semi-natural greenspace – 3,795sqm
- Amenity greenspace – 930sqm
- Allotments and community food growing – 262sqm
- Provision for children and young people – 0sqm
- Outdoor sports facilities – 0sqm

This on-site provision is considered appropriate for a site of this size, and given the site's constraints and proximity to an existing recreation area. Subject to details to be provided at conditions stage, it is accepted that the proposed on-site open space would meet the relevant definitions of the three

typologies that are proposed. However, the proposed provision would fall short of what is required for a 57-dwelling development at this site, and a £99,109 contribution towards off-site provision will be necessary. This has been calculated in accordance with Local Plan policy LP63, and the methodology set out in the adopted Open Space SPD, and takes into account deficiencies in (what was) the Golcar ward.

It is recommended that the contribution towards off-site provision be secured via a Section 106 agreement. For the on-site provision, an inspection fee of £1,750, and arrangements for its management and maintenance, are also to be secured via the recommended Section 106 agreement.

Other planning considerations

The application site is within airport consultation area 1, however due to their heights and locations there are no concerns that the proposed dwellings would introduce new implications for air traffic.

Amendments were made to the proposed development, and several new documents were submitted, during the life of the application. A resident has expressed concern that reconsultation was not carried out following the submission of amendments. However, it is considered that the amendments and further information submitted during the life of the application did not necessitate public reconsultation, as the proposals did not fundamentally change – the same number of units, and a very similar layout was proposed before and after the amendments. The case officer did, however, advise the resident that further representations could still be accepted, and the resident replied with further comments that are summarised and responded to earlier in this report.

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

It is understood that the resident's comment regarding the area already being highly populated is related to the concerns regarding local facilities, which are addressed above and earlier in this report.

The impact of proposed development upon the values of existing nearby properties is not a material planning consideration.

The applicant has not submitted financial viability evidence under this application.

The proposed development would have no significant adverse implications in relation to other planning considerations.

The applicant's agent has confirmed that the drawings and documents list below is correct.

Planning obligations

The proposed development would cause impacts that require mitigation. The following planning obligations securing mitigation (and the benefits of the proposed development, where relevant to the balance of planning considerations) need to be secured via a Section 106 agreement:

- 1) Affordable housing – To be provided in accordance with the submitted Affordable Housing Scheme.
- 2) Open space – Off-site contribution of £99,109 to address shortfalls in specific open space typologies.
- 3) On-site open space inspection fee – £1,750.
- 4) Education – Contribution of £83,331 towards primary and secondary provision.
- 5) Sustainable transport – Measures to encourage the use of sustainable modes of transport, namely:
 - i) a £29,640 Sustainable Travel Contribution;
 - ii) implementation of the submitted Residential Travel Plan;
 - iii) £10,000 towards monitoring of the Residential Travel Plan;
 - iv) the improvement of existing public footpath HUD/279/10;
 - v) the provision of a new footpath connection between the new estate road and public footpath HUD/277/40 (and the provision of public access along this footpath connection); and
 - vi) a £15,000 contribution towards the upgrading of public footpath HUD/277/40.
- 6) Biodiversity – Maintenance, management and monitoring measures for a 30-year period in relation to biodiversity net gain.
- 7) Management and maintenance – Arrangements for the management and maintenance of any land not within private curtilages or adopted by other parties, of infrastructure (including surface water drainage until formally adopted by the statutory undertaker, and of the site's existing watercourse).
- 8) Flood mitigation – A £5,000 contribution towards flood mitigation works adjacent to 66 Warneford Road.
- 9) Traffic Regulation Orders – A £18,000 contribution towards the cost of implementing TROs at Main Avenue and the Windsor Road / Cowlersley Lane junction.
- 10) Monitoring – A £5,000 monitoring fee towards the monitoring of obligations in the Section 106 agreement.

All contributions are to be index-linked.

An appropriate Section 106 agreement, including all the above provisions, was drafted during the life of the application.

Concern was raised regarding the number of planning obligations and aspects of the proposed development that would be triggered or controlled by occupation of the development's 57th (final) dwelling, and whether this would disincentivise the erection of that dwelling. However, the applicant (on 05/06/2026) and KC Housing Growth (on 21/05/2026) have provided assurances to the satisfaction of officers that the development would be fully built out

The council is currently the owner of the application site. As the applicant cannot enter into a Section 106 agreement in relation to land it does not own, a planning permission for the proposed development would need to be subject to an agreement under Section 111 of the Local Government Act 1972, which would in turn require the completion of a Section 106 agreement once the applicant has acquired the site.

A draft (engrossment) version of the Section 111/106 agreement has been visible online since 28/05/2026. The agreement was subsequently completed on 21/07/2026. The only difference between the draft (engrossment) version and the completed version of the agreement was at Schedule 8, where – at paragraph 4 – there was an erroneous reference to a period of five years (in relation to the repayment of unspent contributions). With the agreement of the applicant, this was corrected (via a manuscript change) to a period of 10 years. A redacted version of the completed agreement of 21/07/2026 (including the manuscript change, but with signatures and addresses removed) has been visible online since 22/07/2026. It is considered that the council's publication of the Section 111/106 agreement (in its draft form, and then in its completed form) complies with Article 40(3)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

No representations specific to the Section 111/106 agreement have been received.

On 19/01/2021, in light of the Government's announcement that it will abolish CIL and replace it with a nationally-set infrastructure levy, Cabinet agreed to not adopt the CIL Charging Schedule in Kirklees at this stage.

Conditions

Lists of draft conditions were emailed to the applicant on 02/12/2025, 05/03/2026, 02/04/2026, 13/04/2026 and 19/05/2026. In response, the applicant requested extensive amendments to several conditions. Following discussions, a final list of conditions was eventually agreed by the applicant on 13/07/2026, and further amendments to these were agreed by the applicant on 28/07/2026.

No condition 3 is proposed. This is because the initially-drafted condition 3 was subsequently found to duplicate the provisions of Wildlife and Countryside Act 1981 in relation to birds, their young and their nests.

Condition 3 has therefore been deleted (and an informative note is recommended instead), however to avoid confusion (and to ensure references in later conditions and in the Section 111/106 agreement remain correct), subsequent conditions have not been renumbered.

A condition removing permitted development rights from the proposed dwellings is recommended (this is condition 5). This is considered necessary for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree. Permitted development extensions could also affect longer views of the site from public vantagepoints. The erection of boundary treatments to front gardens (which, it is recommended, should also be brought under control) could adversely affect the open character of the development and its attractive streetscape. The Lead Local Flood Authority additionally advised that permitted development rights must be removed from all plots which the watercourses would run through – this affects plots 42 and 43.

During the life of the application, the applicant sought to address the requirements of some of the initially-drafted conditions, through the submission of additional information, in order to reduce the submissions required at conditions stage. This has resulted in compliance conditions being recommended in relation to archaeology (condition 4), construction management (conditions 7 and 8) and tree protection (condition 9), and has obviated the need for a condition securing the submission of a Remediation Strategy. A Travel Plan condition is not necessary, given the provisions of the recommended Section 106 agreement.

Some conditions recommended by consultees have not been included in the list below. This is because the subjects of those conditions were already adequately addressed by other conditions or by the recommended Section 106 agreement.

Other conditions listed below are standard, and/or are explained earlier in this report.

Conclusion

The majority of the application site is allocated for residential development under site allocation HS156, and the principle of residential development at this site is considered acceptable.

The site has constraints in the form of adjacent residential development (and the amenities of these properties), topography, drainage, ecological considerations, public rights of way and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or would be addressed at conditions stage.

The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the

Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF).

Given the above assessment and having particular regard to the 57 affordable homes that would be delivered by the proposed development, approval of full planning permission is recommended, subject to conditions and planning obligations secured via a Section 106 agreement.

Officer recommendation: Approve subject to conditions and a Section 111 agreement (requiring a Section 106 agreement).

Report Dated: 28/07/2026

Application number: 2024/93605

Decision authorisation: Delegated powers

Officer recommendation: Approve subject to conditions and a Section 111 agreement (requiring a Section 106 agreement).

Conditions and reasons

Compliance conditions

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. [no condition].

4. The development hereby approved shall be carried out strictly in accordance with the Specification for a Pre-determination Archaeological Evaluation by Trial Trenching (West Yorkshire Archaeology Advisory Service, June 2024), including in respect of providing notification to the West Yorkshire Archaeology Advisory Service and the dissemination and deposition of resulting material.

Reason: To ensure buried heritage assets are appropriately recorded and protected and to accord with Policy LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, D and E of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall be carried out at any plot or dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, and to enable maintenance of a watercourse in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

6. Other than where indicated on the drawings hereby approved, and other than in relation to elevations not facing a highway or public open space, no

cables, plumbing, foul pipes, vents, burglar alarm boxes, and/or CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) of the development hereby approved. Should any such equipment or installations be considered necessary at a specific plot on elevations facing a highway or public open space or, details of these shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works at that plot. Thereafter the development shall be completed in accordance with the details so approved.

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

7. The development hereby approved shall be carried out strictly in accordance with the Construction Management and Mitigation Plan (Strata, March 2026) throughout the period of construction and no change therefrom shall take place unless otherwise approved in writing by the Local Planning Authority by means of an application for the approval of details reserved by condition.

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

8. The development hereby approved shall be carried out strictly in accordance with the Construction Environment Management Plan CEMP (Biodiversity) (Brooks Ecological, ER-7172-09, 19/11/2025) throughout the period of construction and no change therefrom shall take place unless otherwise approved in writing by the Local Planning Authority by means of an application for the approval of details reserved by condition.

Reason: To protect biodiversity during construction by avoiding impacts to protected species, and to accord with Policy LP30 of the Kirklees Local Plan.

9. The development hereby approved shall be carried out strictly in accordance with the Tree Protection Plan (Appendix 4 of the Arboricultural Method Statement, AWA, AWA6332AMS, TMP006 – D, rev 01, 28/11/2024) throughout the period of construction and no change therefrom shall take place unless otherwise approved in writing by the Local Planning Authority by means of an application for the approval of details reserved by condition.

Reason: To ensure trees, hedgerows and the habitat they provide are suitably protected during construction, and to accord with Policies LP30 and LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

Pre-commencement conditions

10. Prior to the commencement of the development (including ground works but excluding permitted removal of on-site trees and vegetation), a survey (including photographic evidence) of the existing condition of the highway on Windsor Road, Main Avenue, South Avenue and Woodside View, and of public footpaths HUD/277/40 and HUD/279/10 (the extent of highway to be surveyed to be agreed in writing by the Local Planning Authority in advance) shall be carried out and shall be submitted to and approved in writing by the

Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. The submission made pursuant to this condition shall also include a timetable of works and a commitment (with responsibilities assigned to named parties) to undertake remedial works (the details of which shall be submitted to and approved in writing by the Local Planning Authority) to maintain the highway during the entirety of the period of construction to the condition documented in the pre-commencement highway condition survey. The final highway remediation works so approved shall be completed prior to the occupation of the 50th dwelling.

Reason: In the interests of highway safety, to ensure the effective maintenance of the highway and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure highways surrounding the site are appropriately surveyed prior to works commencing, and to ensure responsibility for remedial works can be fairly assigned with reference to evidence.

11. Prior to the commencement of the development, an assessment and a scheme to manage the effects of 1 in 100 year storm events (with an additional allowance for climate change), blockage scenarios and exceedance events on drainage infrastructure, watercourses and surface water run-off pre- and post-development between the development and the surrounding area, in both directions, shall be submitted to and approved in writing by the Local Planning Authority. The assessment and scheme shall include engineering layouts for carriageways, footways and driveways, and details of the finalised topography of the open land to the south of the dwellings hereby approved. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed, and the approved scheme shall be retained thereafter.

Reason: To ensure appropriate surface water drainage is provided, and to mitigate flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure adequate drainage provisions are devised, agreed and implemented at an appropriate stage of the development process.

12. Prior to the commencement of the development, a surface water drainage scheme for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall limit flows to the combined sewer to 3.5l/s, and shall be designed to attenuate flows generated by the critical 1 in 100 year storm event as a minimum requirement with an appropriate allowance for climate change. The scheme shall include cross sections and plans of the surface water attenuation, and shall refer to the Drainage Maintenance and Management Plan secured under the Section 106 agreement associated with this planning permission. There shall be no piped discharge of surface water from the development, and no part of the development shall be brought into use, until the flow restriction and attenuation works comprising the approved scheme have been completed.

The approved surface water drainage scheme shall be retained thereafter until such time it is formally adopted by the statutory undertaker.

Reason: To ensure appropriate surface water drainage is provided, and to mitigate flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure adequate drainage provisions are devised, agreed and implemented at an appropriate stage of the development process.

13. Prior to the commencement of development (including vegetation clearance and ground works), a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Detail phasing of the development and phasing of temporary drainage provision;
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and details of how flooding of adjacent land would be prevented;
- Include methods of preventing contamination of watercourses once the new drainage has been installed; and
- Demonstrate capacity to store the water of a 1 in 2 year 6-hour event within the site boundary.

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

Reason: To ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policy LP27 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

14. Prior to the commencement of development (including ground works but excluding permitted removal of on-site trees and vegetation), details of all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading shall be submitted to and approved in writing by the Local Planning Authority. The details shall include locations, cross-sections, and design information. The development shall thereafter be completed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that surface water features do not compromise the stability or use of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

15. No less than three months prior to commencement of development, a further badger survey report shall be submitted to and approved in writing by

the Local Planning Authority. Should the badger survey report confirm the presence of badgers at the site, the badger survey report shall incorporate a badger mitigation plan. Prior to first occupation of any dwelling hereby approved, a report prepared by an appropriately qualified and experienced ecologist demonstrating the implementation of the badger mitigation measures, as set out in the badger survey report, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure badgers are protected in compliance with the Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act 1981 (as amended).

Pre-superstructure conditions

16. Where highway retaining structures or walls are necessary, prior to the commencement of superstructure works, the design and construction details of any such structures or walls (and any temporary highway retaining structures or walls that may be deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.

Reason: To ensure that any new retaining structures and walls do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

17. Prior to the commencement of superstructure works at a specific plot, details of storage and access for collection of wastes from the residential units hereby approved at that plot, and details of management of waste collection points serving that plot, shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access to private driveways, and shall include details of management measures (including measures to control odour and vermin) and measures to discourage flytipping. The works and arrangements comprising the approved details shall be implemented prior to first occupation of that plot and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

18. Prior to the commencement of superstructure works, a scheme detailing the proposed pedestrian connections between the development's internal roads and public footpaths HUD/277/40 and HUD/279/10 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of gradients, any steps, surface treatments (and subsurface

build-up), any handrails, any boundary treatments and safety measures. No more than 56 dwellings of the development hereby approved shall be brought into use until the pedestrian connections have been completed in accordance with the approved plans and details or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of creating a walkable and well-connected neighbourhood, encouraging and enabling active travel and the use of sustainable modes of transport, and to achieve a satisfactory layout in accordance with Policies LP20, LP21 and LP47 of the Kirklees Local Plan.

19. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details of existing and proposed levels, and regrading;
- Details of tree pit sizes and soils;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;
- Details (including samples, if requested), of paving and other hard surface materials;
- Details of all on-site open spaces (including details of their purpose(s) and management) and of any areas for designated, informal, incidental and/or doorstep play;
- Details of all on-site play spaces;
- Details of covenants (or other suitable arrangements) regarding street tree retention, management and maintenance where these trees are not within adopted highways;
- Details of how soft landscaping has been designed to prevent and deter crime and anti-social behaviour; and
- Details of natural surveillance and windows overlooking publicly-accessible areas (including open spaces, pedestrian connections and public footpaths).

No part or phase of the development hereby approved shall be occupied until all hard and soft landscaping for that part or phase has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value, visual amenity and highways safety, to ensure high quality open spaces are provided, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP27, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan, and chapters 8, 12 and 15 of the National Planning Policy Framework.

20. Notwithstanding what is shown on the drawings hereby approved, prior to the commencement of superstructure works, details of all external materials to be used shall be submitted to the Local Planning Authority, and samples shall be presented or left on site (if requested by officers) for the inspection and approval in writing of the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

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

21. Prior to the commencement of superstructure works, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include one Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each dwelling. No dwelling shall be brought into use until the charging point for that dwelling is installed and operational. The charging points installed shall be retained thereafter.

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

22. Prior to the commencement of superstructure works, details of external air source heat pump units to be provided as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans and specifications, shall confirm locations of the units, shall include screening measures where necessary, and shall include noise and maintenance information. The units shall be installed in accordance with the details so approved and shall be maintained in accordance with the details so approved thereafter.

Reason: In the interests of visual and residential amenity, and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

Conditions subject to other triggers

23. Prior to the occupation of the 19th dwelling hereby approved, and notwithstanding what is shown on the drawings hereby approved, details of the electricity substation to be provided on-site in association with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans, elevations and sections, and details of external materials and any boundary treatments. The substation shall be constructed in accordance with the details so approved.

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

24. Where implementation of the development hereby approved is to be phased, and/or any of the dwellings hereby approved are to become occupied prior to the completion of the development and/or prior to the adoption of the estate roads, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of those residential units. The temporary arrangements so approved shall be implemented prior to the first occupation of those residential units, and shall be so retained thereafter for the duration of the construction works and until the estate roads are adopted unless otherwise agreed in writing by the Local Planning Authority.

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

25. Prior to first occupation of any dwelling hereby approved, all works for that dwelling which form part of the sound attenuation scheme as specified in the Noise Impact Assessment (ENS, NIA-11251-24-11733, v4, 04/11/2024) shall be completed. Any changes to the approved noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of the development from noise or disturbance from nearby noise sources, and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

26. No specific dwelling hereby approved shall be first occupied until all areas and associated features (for that dwelling) to be used by vehicles and pedestrians (including streets, footpaths, cycle tracks, loading, servicing and parking areas) have been laid out, surfaced and drained, such that loose materials and surface water does not discharge or transfer onto the adjacent highway. Those areas and associated features shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

27. Prior to the first occupation of any dwelling hereby approved, details of secure, covered and conveniently-located cycle parking for use by residents of that dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved and the cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, encouraging the use of sustainable transport modes, and minimising crime, so as to accord with policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan.

28. Prior to the first occupation of any dwelling with external lighting (other than street lighting on streets to be adopted), details of the external lighting for

that dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a scheme detailing street lighting to all private (unadopted) roads/drives/courtyards and shall not include low-level or bollard street lighting. The external lighting shall be designed to avoid harm to residential amenity, increased highway safety risk, risk of creating opportunities for crime and anti-social behaviour, and disturbance to wildlife. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. No dwellings accessed from a private (unadopted) road/drive/courtyard shall be brought into use until the street lighting so approved for that road/drive/courtyard has been installed and brought into use, and the street lighting shall be retained as such thereafter. Under no circumstances shall any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety, to prevent significant ecological harm, to safeguard habitat, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP30 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

29. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy (Apex, 1152-ACE-GEO-RS-003, rev 003, 17/06/2025). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered is identified or encountered on site, all works in the affected area (other than site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

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

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

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

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

The biodiversity gain plan must include:

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

NOTE: Under the Wildlife and Countryside Act 1981 it is an offence to intentionally kill, injure, or take any wild bird, or to damage or destroy their active nests. In addition, certain species are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Therefore, the removal of vegetation should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, the ecologist should advise on suitable species-specific works exclusion zones. The exclusion zones should be regularly monitored by the ecologist and remain in place until the young have fledged the nest or the nests are otherwise deserted.

NOTE: Section 38 Agreement: The applicant should be aware that the internal street layout will need to be built to adoptable standards if offered for adoption under Section 38 of the Highways Act 1980. The applicant is advised to make early contact with the Highways Section 38 team at Highways.Section38@kirklees.gov.uk to initiate the Section 38 process, technical approval and agreement. Further information is available on the council's website at: <https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-guidance-section-38-agreements.pdf>

Any future applications for adoption under Section 37 must demonstrate to the satisfaction of the Highway Authority that all of the roads applied for under Section 37 have been constructed to an adoptable standard in accordance with <https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-guidance-section-38-agreements.pdf>

Until such time that the Section 38 (or Section 37) process has been fully completed, and the Local Highway Authority have confirmed that the streets have been built to an acceptable standard (following the maintenance period), there is no guarantee that the streets will ultimately become adopted highway. Therefore, until the streets have been fully adopted, the purchasers of the properties will be responsible for the ongoing management and maintenance of the streets servicing their properties. It is the developer's responsibility to inform the potential purchasers of the properties of the adoption status of the streets prior to purchase. The potential purchasers must also be advised by the developer of the potential implications of the streets remaining private, should adoption not occur for any reason, which are summarised at paragraph 3.17 of the Kirklees Highway Design Guide SPD (<https://www.kirklees.gov.uk/beta/planning-policy/pdf/highway-design-guide-spd.pdf>), and described in DfT Advice Note 'Highway Adoption' at Annex C 'A Guide for Home Buyers': Highways Adoption (<https://assets.publishing.service.gov.uk/media/62e7b821d3bf7f75b9121a6a/advice-note-highways-adoption.pdf>).

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

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

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

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

NOTE: Temporary waste arrangements: Condition 24 is required as the Waste Collection Authority will not enter construction sites, nor will they routinely enter private drives or unadopted streets. Therefore, should the applicant's intentions regarding the adoption of streets change from that

considered at the planning approval stage, this may necessitate changes to the developments waste strategy and the facilities that have been agreed in principle, which may require applications to vary the approved plans. For further information regarding the Waste Collection Authority requirements, see the following guidance note: <https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

NOTE: Attenuation Tanks/Pipes: All new storm water attenuation tanks/pipes/culverts with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment, and maintenance regime in compliance with the CDM Regulations 2015 requirements. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450 - Inspection of Highway Structures.

Furthermore, all new precast pipes/culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable. For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)

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

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- Monday to Friday: 0730 – 1830
- Saturday: 0800 – 1300

With no working Sundays or Public Holidays In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:

Plan/document type	Reference	Version	Date received
Site Location Plan	100	P2	26/02/2026
Proposed Site Layout	102	P11	19/09/2025
Proposed Site Layout Coloured	103	P8	23/09/2025
Housetype Booklet	ID Partnership, December 2024		16/07/2026
Streetscene	108	P3	19/09/2025
Proposed Site Sections	110	P4	19/09/2025
Engineering Layout	2153-QD-XX-HD-DR-C-03-01	P06	30/10/2025
External Works	2153-QD-XX-HD-DR-C-04-01	P05	30/10/2025
Proposed TRO – Windsor Road	D-1001		23/12/2024
Proposed TRO – Main Avenue	D-1004	A	10/04/2025
Proposed Materials and External Finishes Plan	104	P7	26/02/2026
Proposed Boundary Treatment Plan	105	P6	03/12/2025
Proposed Storey Height Plan	106	P5	19/09/2025
Proposed PV and Electric Vehicle Charging Plan	107	P5	19/09/2025
Proposed Management of Land	109	P4	19/09/2025
Landscape Masterplan	R/2784/1	Q	16/07/2026
Landscape Typologies	R/2784/2	D	16/07/2026
Landscape Details Shrub Bed	R/2784/3	E	20/02/2026

Plan/document type	Reference	Version	Date received
S1-S18			
Landscape Details Shrub Bed S19-S47	R/2784/4	E	20/02/2026
Landscape Details Shrub Bed S48-S69	R/2784/5	D	23/01/2026
Proposed Longsections	2153-QD-XX-HD-DR-C-05-01	P04	17/10/2025
Proposed Longsection Boundary Parapet Wall	2153-QD-XX-HD-DR-C-05-06	P01	08/04/2026
Exceedance Routing	2153-QD-XX-HD-DR-C-00-10	P05	08/04/2026
Swept Path Analysis	P2445-T-1002	D	23/09/2025
Planning Statement	ID Partnership, N81:3084, 17/12/2024	P1	23/12/2024
Statement of Community Involvement	ID Partnership, N81:3084, 17/12/2024	P1	23/12/2024
Design and Access Statement	ID Partnership, 17/12/2024	P1	23/12/2024
Affordable Housing Scheme	November 2025		28/11/2025
Construction Management and Mitigation Plan	Strata, March 2026		10/03/2026
Construction Environment Management Plan CEMP (Biodiversity)	Brooks Ecological, ER-7172-09, 19/11/2025		13/04/2026
Construction Surface Water Management Plan	RSK, 302826, 16/12/2025	01	16/12/2025
Transport Assessment	TPS, P2445, 18/09/2025	5	19/09/2025
Highway Design Overview Checklist	TPS, P2445, 29/10/2024		23/12/2024
Road Safety Audit Stage 1	Sevenairs, 2025-10 Cowlersley RSA1, 05/10/2025		28/07/2026
GG119 Road Safety Audit Response Report	TPS, P2445, 17/10/2025		03/11/2025
Residential Travel Plan	TPS, P2445, 18/02/2026	Final	18/02/2026
Flood Risk Assessment and Drainage Strategy	Queensberry Design, 06/10/2025	P06	17/10/2025
Drainage Maintenance Plan	Queensberry Design, 07/10/2025	P04	17/10/2025
Preliminary Ecological Appraisal Report	Brooks Environmental, ER-7172-01A, 30/09/2024		28/07/2026
Bat Activity Survey	Brooks Ecological, ER-7172-05A, 23/06/2025		28/07/2026
Site Inspection Report	Brooks Ecological, SI-7172-01, 08/12/2025		16/12/2025
Breeding Bird Survey	Brooks Ecological, ER-7172-07, 23/06/2025		28/07/2026
Badger Assessment and	Brooks Ecological, ER-		13/01/2025

Plan/document type	Reference	Version	Date received
Report	7172-06, 17/12/2024		
Ecological Impact Assessment	Brooks Ecological, ER-7172-04, 30/09/2025	C	20/10/2025
Biodiversity Metric	David Lovett, BM-7172-01E, 24/09/2025		13/01/2026
Biodiversity Net Gain Assessment – Part 2	Brooks Ecological, ER-7172-03, 24/09/2025	C	17/10/2025
Biodiversity Management Plan	Brooks Ecological, ER-7172-08, 19/11/2025		23/12/2025
Arboricultural Report and Impact Assessment	AWA, AWA6332, TMP006 – B, 03/12/2024	01	23/12/2024
Arboricultural Method Statement	AWA, AWA6332AMS, TMP006 – D, 28/11/2024	01	23/12/2024
Phase I Geo-Environmental Risk Assessment	Roberts Environmental, 220322.R.001, May 2022	1.0	23/12/2024
Phase II Geo-Environmental Site Investigation and Risk Assessment	Roberts Environmental, 220322.R.002, May 2022	1.0	23/12/2024
Ground Appraisal Report	Apex, 1152-GEO-GAR-001, 17/06/2025	003	17/06/2025
Earthworks Specification	Apex, 1152-ACE-GEO-ES-002, 18/09/2024		23/12/2024
Remediation Strategy	Apex, 1152-ACE-GEO-RS-003, 17/06/2025	003	17/06/2025
Email regarding site investigation and remediation	Tom Gibbons, ID Partnership, 26/03/2025		26/03/2025
Air Quality Assessment	Logika, J10-16525A-10-F1, 14/03/2025	01	18/03/2025
Noise Impact Assessment	ENS, NIA-11251-24-11733, 04/11/2024	v4	23/12/2024
Cultural Heritage Desk-Based Assessment	CFA Archaeology, Y554, April 2022	1	23/12/2024
Specification for a Pre-determination Archaeological Evaluation by Trial Trenching	West Yorkshire Archaeology Advisory Service, June 2024		23/12/2024
Archaeological Evaluation by Trial Trenching	MAP Archaeological Practice, MAP 5-44-23, 01/07/2025	A	03/07/2025
Energy Statement and Regulation 25a Low or Zero Carbon (LZC) Technology Feasibility Study	Anderson Goddard, AG-78296-LZCR, 21/02/2025	C	16/07/2026

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, accepted and considered amendments and

extensive additional information, and otherwise actively engaged with the applicant in dealing with the application.