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:	2025/62/91531/E
Site Address:	land off, Leeds Road, Heckmondwike, WF16 9DB
Description:	Demolition of existing semi-detached houses and associated buildings, and construction of 49 dwellings, including associated access and other associated works
Recommending Officer:	Jillian Rann

DECISION – Full Planning Permission – Refuse

I hereby authorise the refusal 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: «Current_Date»

Application: 2025/91531

Site: Land off Leeds Road, Heckmondwike, WF16 9DB

Proposal: Demolition of existing semi-detached houses and associated buildings, and construction of 49 dwellings, including associated access and other associated works

Site Description

The application relates to an area of land on the north western side of Leeds Road (the A62), on the edge of Heckmondwike. The site is located to the rear of existing houses on the Leeds Road frontage, and to the rear of existing houses on Popeley Road to the south west. There is also an existing children's nursery on the corner of Leeds Road and Popeley Road to the south of the site.

The site generally slopes uphill from south to north, with the gradient steepening in the northern part of the site.

Most of the site is currently an open field, with trees and hedges around parts of its boundaries, although there are a number of outbuildings in the south eastern part of the site, which are proposed to be demolished as part of the proposed development. The site also includes an existing pair of semi-detached houses on Leeds Road, which are proposed to be demolished as part of the proposed development, to facilitate the provision of a vehicular and pedestrian access point from Leeds Road into the site.

The site is allocated for Housing in the Kirklees Local Plan (Site Reference: HS115).

The existing housing which adjoins the site to the south and west is mainly two-storey, semi-detached housing. Houses on Leeds Road immediately to the south are mainly built in red brick with slate roofs, although the houses on the corner of Leeds Road and Stubley Farm Road have stone to their front elevation. Houses on Popeley Road to the west are finished in brick or render to their lower floors, with render to their upper floors and red tiled roofs. There is also an existing dormer bungalow on Stubley Farm Road to the south east of the site, which is finished in white render with a red tiled roof.

The land to the north west, north and north east of the site is within the Green Belt. To the north of the site, within the Green Belt, there is a small group of houses which are mainly stone, with one in white render. One of those buildings to the north is a grade II listed building, referred to in its list description as 'Stubley Farmhouse Part to Right'.

Other land to the north, north west and north east of the site, within the Green Belt, is open fields, with an equestrian arena beyond the small group of houses to the north west.

A Public Right of Way (PROW) ref. HEC/6/10 (a public footpath) runs along a section of Stubley Farm Road alongside the eastern boundary of the site. Stubley Farm Road then continues alongside the northern edge of the site, providing access to the houses to the north west, whilst the PROW separates from the track to the north east of the site and continues across the field to the north. There are also other PROWs which run across the open land nearby to the north, east and north east of the site.

Surrounding development to the south and west of the site is predominantly residential in character, although there are commercial uses on Leeds Road to the south west of the site near the 'Six Lanes End' junction where Leeds Road meets Leeds Old Road, New North Road and Gomersal Road. Those nearby commercial uses include a car sales use, a vehicle repair garage, and several small shops and take-aways.

Description of Proposal

Full planning permission is sought for the demolition of the existing pair of semi-detached houses on Leeds Road within the site, and the demolition of other outbuildings in the southern part of the site, and for the construction of 49 dwellings on the site, including the construction of a new vehicular and pedestrian access from Leeds Road, where the two semi-detached properties are proposed to be demolished.

Ten of the proposed dwellings are proposed to be affordable houses, 6 of which would be for Social Rent and 4 of which would be for First Homes, according to the submitted details.

The proposed houses would be a combination of 2, 3 and 4-bedroom properties, and would include some 2-storey houses and some 2½-storey houses with accommodation in the roof space served by rooflights and/or dormers, some of which would be pairs of semi-detached houses and some of which would be in terraces of three properties. Three blocks of 3-storey 'quarter houses' are also proposed.

According to the submitted details, the proposed materials for the houses would be red brick, with tiled roofs (some with grey roof tiles, some with red roof tiles).

All vehicular access to and from the site would be via the new access which is proposed onto Leeds Road, which would also provide pedestrian access to the site. A further pedestrian-only access connection is proposed from the eastern part of the site onto the PROW on Stubley Farm Road to the east.

The proposed development would include a pumping station for foul water from the development, which is proposed to be located in the eastern part of the site, adjacent to Stubley Farm Road. An underground surface water attenuation tank is proposed in the southern part of the site, with some parking and access areas, and a small landscaped area, above it.

History of negotiations/amendments received

No pre-application enquiry at the site was considered prior to this application.

Revised plans and additional information have been received from the applicant during the course of the application, following feedback from officers. The revisions included amendments to the proposed site layout and to the proposed site access arrangements from Leeds Road, and a reduction in the number of proposed dwellings from 51 to 49.

The application was re-publicised following the receipt of the revised plans and additional information, and relevant consultees were re-consulted.

The application has been assessed on the basis of those revised proposals, which are as described in the Description of Proposal section above.

Since the application was submitted, the revised NPPF has been published, in August 2026. The applicant has not had the opportunity to provide any comments specifically with regard to the revised NPPF. However, they have advised that they wish the application to be determined as soon as possible. It is considered that the revised NPPF does not alter the substance of the reasons for refusal, or the overall conclusion that the proposed development is unacceptable in this case, for the reasons set out below.

Relevant Planning History

Application Site

The only planning history relating to any part of the current application site was an application in 2006 for an extension to 195 Leeds Road, one of the two semi-detached houses which is proposed to be demolished as part of the proposed development (reference: 2006/90179, approved 23/02/2006).

There is no other planning history relating to the application site.

Surrounding Area

Relevant recent planning history for nearby land relates to extensions and alterations to existing buildings to the south and west of the site, and a horse arena beyond the group of dwellings to the north west.

Planning Policy

Kirklees Local Plan (KLP)

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

The site is allocated for housing in the Local Plan, as Site HS115. The Local Plan gives an indicative capacity of 46 dwellings for the site. The allocation in the Local Plan identifies the following Constraints in association with the site:

- *Site is close to listed buildings*
- *Part/all of the site is within a High Risk Coal Referral Area*
- *Within the outer zone of a hazardous material facility*
- *Site is close to a listed building*

Vehicular and pedestrian access to the development is proposed from Leeds Road (the A62), which is part of one of the transport schemes identified in the Local Plan (Reference TS1: A62/A644 Huddersfield to Leeds).

The following Local Plan policies are relevant:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP4** – Providing infrastructure
- **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
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and Geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP34** – Conserving and enhancing the water environment
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, active and safe lifestyles
- **LP49** – Educational and health care needs
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP63** – New open space
- **LP65** – Housing allocations (Site HS115).

Neighbourhood Planning

The site does not fall within a Neighbourhood Plan Area.

Supplementary Planning Documents (SPDs) and other guidance documents

The following SPDs and guidance documents are relevant:

SPD

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

Guidance documents

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- Kirklees Interim Housing Position Statement to Boost Supply (February 2024)
- Kirklees First Homes Position Statement (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets Principles for the West Yorkshire Transport Fund

National Policies and Guidance

National planning policy and guidance is set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG), together with Circulars, Ministerial Statements and associated technical guidance.

Since the application was submitted, a revised NPPF has been published, on 17/08/2026. The application has been assessed on the basis of the revised NPPF.

The NPPF is a material consideration and has been taken into account as part of the assessment of the proposals. National decision-making policies (NDMPs) in the NPPF which are relevant to the proposed development in this case are:

- **DM1** – Preparing development proposals
- **DM3** – Determining development proposals
- **DM6** – Use of planning conditions and obligations
- **DM7** – Relationship with other regulatory regimes
- **S3** – Presumption in favour of sustainable development
- **S4** – Principle of development within settlements
- **CC2** – Mitigation of climate change
- **CC3** – Adaptation to climate change
- **HO7** – Meeting the need for homes
- **HO8** – Providing affordable homes

- **HO13** – Build out of residential and strategic sites
- **M6** – Safeguarding mineral resources and infrastructure through decision-making
- **L3** – Achieving appropriate densities
- **DP3** – Key principles for well-designed places
- **DP4** – The design process
- **TR3** – Locating development in sustainable locations
- **TR4** – Street design, access and parking
- **TR6** – Assessing transport impacts
- **TR8** – Public rights of way
- **HC3** – Community facilities and public service infrastructure serving new development
- **P2** – Ground conditions
- **P3** – Living conditions and pollution
- **P5** – Maintaining public safety and security
- **F4** – Assessing flood risk for decision-making
- **F7** – Ensuring development is safe from flooding
- **F8** – Sustainable drainage systems and watercourses
- **N2** – Improving the natural environment
- **N3** – Trees in new development
- **HE4** – Securing the conservation of heritage assets
- **HE5** – Assessing effects on heritage assets
- **HE6** – Proposals affecting designated heritage assets

Other relevant national guidance is:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – Nationally Described Space Standard (2015)

Climate change

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

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

determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Consultation Responses

Health and Safety Executive

Proposals as originally-submitted (for 51 dwellings):

> *"Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case."*

Response following receipt of revised plans and additional information (revised scheme for 49 dwellings):

> *"Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case*

K.C. Building Control

No comments received to date.

K.C. Conservation and Design

Comments on originally submitted information:

- The proposed development would be sited close to a Grade II listed farmhouse. Details from list description of the building ('Stubley Farmhouse Part to Right') provided.
- Heritage Impact Assessment (HIA) provided.
- *"The HIA suggests a number of mitigations for the proposed development and these could include;*
    1. *Use of a limited palette of materials that could include some natural stone to fit in with the local distinctiveness of the area, brick and slate roofs, using a simple traditional house form and design.*
    1. *Use of traditional hedge or dry stone walling along the access track boundary, rather than fencing.*
    2. *Provision of a landscape buffer, robust boundary planting around the perimeter of the site and the approaches to the farm and boundary treatment to be appropriate hedge/wall adjacent the long gardens of the proposed dwellings near to the listed buildings. Avoid 3 storey dwellings near the listed building and fringes of the site."*
- *"Overall the less than substantial harm could be outweighed by the public benefit if the above mitigations would be undertaken".*

Comments following the receipt of revised plans:

- *"The use of some local coursed natural stone is encouraged on the dwellings at Plots 30-36 within the vicinity of the listed building and possibly Plots 37-39. The use of natural slate roofs is also encouraged for these plots. The use of natural materials would be more appropriate within the setting of the listed buildings and for the development to fit in with the local distinctiveness of the wider area which includes the use of some natural stone and mainly natural slate."*
- *"Hedge and dry stone walling along the access track boundary should be encouraged and would be better than just fencing to provide an appropriate setting to the approach to the listed building."*
- *"A landscape buffer using native tree and hedge planting should be encouraged and would be appropriate to the setting of the listed building and perimeter of the site."*

K.C. Ecology

Comments on originally submitted information:

- Submitted Preliminary Ecological Appraisal is 'reasonable and acceptable'.
- Recommendations noted, including for bat emergence survey.
- BNG information – note habitat and hedgerow units to be created or maintained on site, as this is a 'significant number of units', HMMP for 30 years required. However, it appears there is a net loss of 1.38 habitat units overall. Deficit of habitat units and hedgerow units for a 10% net gain. *"This is a significant loss of biodiversity units and so a BNG plan should be provided to show a 10% net gain is to be achieved."*
- Further information regarding proposed intended route for 10% net gain is recommended as, if off-site gain is required, it would need to be secured with a Section 106 agreement. Details provided about further information that would be needed.
- Conditions recommended.

Comments dated 16/09/2025 following receipt of Bat Emergency Survey Report from applicant:

- The bat report provided is reasonable and acceptable. It is observed that no bats were observed emerging from the building and so it is unlikely that there are any roosts.
- No other commentary to make, apart from previous comments.

Comments dated 07/04/2026 following receipt of revised plans and additional information.

- Submitted Preliminary Ecological Appraisal 'reasonable and acceptable', details noted.

- Proposed habitat and hedgerow units to be created or enhanced on-site noted. Significant number of units, therefore 30 year HMMP would be required.
- However, overall, it appears that there is a net loss of 8.47 habitat units and 0.01 hedgerow units. There is a deficit of 9.48 habitat units and 0.04 hedgerow units for a statutory 10% net gain. *'This is a significant loss of biodiversity units and so a BNG plan should be provided to show a 10% net gain is to be achieved.'*
- Recommend that if intention is to provide off-site net gain, applicant provides at least an outline. *'It would be good to have this information in advance of a planning decision because, if offsite gain is required, it will need to be secured with a section 106 agreement'.* Details provided of further information required.
- Conditions recommended.

K.C. Education

Details of Education contribution calculations provided based on originally-submitted proposals for 51 dwellings.

Updated calculations received following receipt of revised plans proposing 49 dwellings.

In both cases, the calculations conclude that no primary or secondary education contributions are required.

K.C. Environmental Health

Contaminated Land

In response to the originally-submitted information, Environmental Health provided the following comments:

- Stage 1 report – details noted, and comments conclude *'we accept the report'*.
- Phase 2 report – details noted, but further information requirements identified, including recommendation for further sampling, concerns that insufficient information given regarding the buildings and area to be demolished, and full gas monitoring to be undertaken.
- *'We do not accept the Phase 2 aspect of the report and recommend refusal until a satisfactory and comprehensive intrusive investigation is submitted.'*

Comments dated 09/04/2026 following receipt of further information:

- Applicant has resubmitted original Combined Stage 1/Stage 2 report. *"Whilst we have identified some information in relation to asbestos we are unable to clearly see updated information in relation to soil exceedances within the report and therefore contaminated land issues are still outstanding."*

- Acknowledge submission of gas monitoring data and commentary in other submitted documents.
- Note information in an additional document relating to *"action necessary if coal encountered during site clearance". "This information should be reflected in the phase 2 report and a revised conceptual site model, we would also expect information on protection of service trenches if shallow coal is evident to site."*
- Note that further information received regarding gas monitoring, but further information requirement identified – plan required to identify areas of the site referred to.
- *'Whilst we accept the professional assessment of the gas data of the report author, we require an updated Phase 2 report answering all the points we have raised and a revised conceptual site model, any site characterisation differences must be clearly identified on a plan (e.g. CS1/CS2 and areas where coal may need to be removed/covered).'*
- *'There is sufficient information for the recommendation of conditions in relation to contaminated land.'* Conditions recommended, including to require Phase II report, and then Remediation Strategy (and subsequent carrying out and verification of remediation) as necessary.

Comments dated 22/04/2026 following receipt of further information:

- *"Total of 11 topsoil samples have now been analysed (an additional 8)"* – consultants comments findings are quoted.
- *"The additional sampling in the areas of current structures garden areas has been undertaken. Location HP1 found the presence of asbestos fibres and elevated benzo(a)pyrene. We are informed this area will be beneath an access road, which will remove a potential pathway, the report clarifies that despite this, all topsoil at this location will be stripped and removed during remediation."*
- *"The revised Statement summarises information in relation to gas monitoring at site, indicating that part of the site will require gas protection measures owing to uncertainties in a fault system in the southwest. No detailed site plan has been provided identifying specific plots. We have examined the revised and new information, due to remediation now identified in relation to soils and gas protection, we make the following recommendations."*
- Conditions recommended requiring Remediation Strategy, implementation of Remediation Strategy, and Verification of remediation measures.

Air Quality

In response to the originally-submitted information, Environmental Health provided the following comments:

- Submitted report refers to 51 dwellings
- Construction Phase – details in submitted report are noted. Report lists required mitigation for dust. *'Should this mitigation be successfully*

implemented the effects of dust and PM10 associated with the construction phase of the proposed development are considered to be not significant.'

- Operational Phase – *'Based on the information presented we accept the conclusion that with no recent exceedances recorded at the most representative monitoring locations and the dwellings within the proposed development being set back from the roadway there is no predicted risk of the proposed development exposing sensitive receptors to elevated air pollutant concentrations.'*
- Report concludes that the operational phase of the development would have a negligible impact on local air quality. *'Mitigation measures to assist in reducing any potential impacts in relation to air quality have been proposed'*, including electric vehicle charging for each property, provision of a travel plan, and setting the properties well back from the A road.
- *'We agree with the overall methodology and approach of the air quality assessment and accept the conclusions of the report.'* Condition recommended to secure dust mitigation measures proposed. Recommend that the EV charging mitigation is applied (advisory recommended).

Comments dated 09/04/2026 following receipt of revised plans and additional information:

- Revised Air Quality Assessment submitted *'in support of the changes to the application'.*
- Revised Assessment *'considers the slight alterations to the proposed development concluding that the mitigations offered in the report are sufficient to reduce any risk to negligible.'*
- Recommended condition updated accordingly.

Noise

In response to the originally-submitted information, Environmental Health provided the following comments:

- Noise Impact Assessment submitted.
- Details of report noted, including specifications for glazing and ventilation, and some proposed acoustic barriers.
- 'The findings of the report are accepted. A condition is recommended to secure the mitigation measures.'

In response to revised plans and additional information received during the course of the application, including an updated Noise Impact Assessment, Environmental Health provided the following comments in their most recent response:

- Revised Noise Impact Assessment submitted.

- Revised Assessment considers the alterations to the proposed development, concluding mitigations in relation to glazing and some external barriers *'are sufficient to reduce any loss of amenity to future occupiers'.*
- *'It would appear the position of the pumping station has now been moved, although this is not shown on the plans produced within the report. We note section 1.2.2 dismisses the impact of the submersible pumping station, without providing any detailed information, quoting Yorkshire Water Guidance. We require the applicant to provide a noise assessment that includes the impact of the pumping station in relation to new and existing residential receptors. We require the information to include day and night operation of pumping equipment. We require this information prior to determination.'*

K.C. Highways Development Management

(Comments dated 19/05/26, following receipt of revised plans).

"Whilst there are no objections in principle to residential development on the site, amendments and further information are required".

"Further information and amendments are required regarding the following issues:

- *Clarification in regards to the proposed site access junction visibility splays;*
- *A scaleable site access junction drawing is required and double lining needs to be amended on the drawing shown within the Transport Statement;*
- *Site access ghost island doesn't comply with DMRB standards which needs addressing either with amendments or within an RSA and Designers Response addressing the departures;*
- *Revised swept paths required for the site access, incorporating Swept paths for Stubley Farm Road and for vehicles accessing the proposed ghost island and Alma Lane turning pocket;*
- *A Stage 1 Road Safety Audit;*
- *The site layout does not meet adoptable standards;*
- *Visibility splays are required at junctions and turning heads within the site;*
- *Cycle stores / parking are required for all dwellings;*
- *Garages that are undersized should be addressed;*
- *Parking for properties with integral garages need clarification;*
- *Turning heads and swept paths need to be addressed within the site including for the Yorkshire Water tanker;*
- *Pedestrian access needs addressing across the site;*
- *Long sections are required;*
- *Waste management / bin collection points need amendment;*
- *An adopted pedestrian connection through to the PROW on Stubley Farm Road needs to be provided.*

- *A Highway Area Plan is required detailing the proposed highway adoption extents"*

Detailed comments have also been provided on various matters, including:

- Aware that an ATC was carried out in November 2025 – reference to 85th percentile speeds. *"As a result of the 85th percentile speeds exceeding the 30mph speed limit, the visibility splay requirements have increased. The submitted transport statement makes reference to access visibility exceeding 43m in both directions (the plan supplied in Appendix D shows 53.9m in a southerly direction and 50.72m in a northerly direction) but does not provide justification for the proposed measurements in relation to speed surveys previously undertaken."*
- Aspects of the proposed vehicular access into the site from Leeds Road do not comply with the relevant standard in Design Manual for Roads and Bridges (DMRB), including with regard to width of proposed ghost island on Leeds Road. Request that either the proposed site access is reviewed any amended to comply with the standard in DMRB, or that a Road Safety Audit (RSA) (Stage 1) is undertaken and a designers' response provided which considers the departure from the standards, to be reviewed by Kirklees Highway Safety team, prior to a planning decision being made.
- Swept paths should also be undertaken to show that large vehicles (refuse collection vehicle, fire tender, pumping station service vehicle) can negotiate the layout into the site and internally, and through the lane widths proposed, including into the Alma Lane turning lane.
- Swept paths should also consider egress by vehicles from Stubley Farm Road, in case tractors and trailers need to turn right out of the road.
- It must be demonstrated that the Council's standard refuse collection vehicle can enter the site safely and efficiently and manoeuvre around the site to collect from all proposed presentation points, in a forward gear. Provision to turn the vehicle within the site must also be provided, to allow safe exit in a forward gear. All swept paths analysis should account for the likely locations of on-street, amongst other factors.
- Concerns about some of swept paths that have been shown for large refuse vehicle turning into the site from Leeds Road and turning out of the site onto Leeds Road. Recommend kerbline/carriageway alignment on south side of junction is amended and widened to address these issues.
- Stage 1 RSA of the new access layout, including any departures from standards, would be required before planning permission was granted.
- Traffic Regulation Order (TRO) would be required to keep proposed access arrangements free of parked vehicles. Funds for the TRO process, and associated lining, should be secured via S106.
- Details provided of other woks that would need to be delivered via a separate Section 278 agreement.

- 12 visitor parking spaces would be required, based on 49 dwellings proposed. 14 are proposed, but not all appear to be adoptable. Further details provided in the comments regarding these.
- Electric vehicle charging points would be required.
- Further details required regarding parking arrangements for some dwellings.
- Details provided regarding road adoption requirements for aspects of internal site layout.
- Concerns raised regarding some aspects of the proposed internal layout, including some streets being longer than 20m without providing adequate turning facilities for a Kirklees refuse collection vehicle. One of the turning areas that is provided is exceptionally tight *"and isn't provided with the tolerances required"*. Other culs-de-sac only provide turning areas suitable for a 4.6 light van, which is not acceptable as they exceed 20m in length.
- Concerns about visibility to a turning area due to boundary treatments.
- Some garages don't appear to meet recommended internal dimensions for garages to serve as a parking space.
- Some of the dwellings with integral garages don't appear to be supplied with cycle stores, but the internal garage dimensions don't appear to provide adequate space to park a vehicle and bicycles.
- Many pedestrian paths to properties are accessed via parking spaces, which would not be available should a vehicle be parked in the space. Clear, unimpeded access to gardens for access to bins and for cycle access should be provided.
- Rear garden access (ramped with an acceptable gradient) should be provided for all properties.
- Bin collection points should be reviewed across the site along with visibility splays to ensure that adequate visibility is provided from turning heads and junctions within the site, and that pedestrian visibility is maintained. *"The proposals show a high number of bin collection points which impede highway and pedestrian visibility. Bin collection points are only needed on private roads and therefore proposals should be reviewed."*
- Submitted Engineering Layout doesn't seem to align with other submitted site layout plans.
- Swept path analysist required for an 11.85m long refuse collection vehicle, including indicating how it could pass an oncoming or parked family car throughout the site layout. Carriageway will require widening on bends to enable this manoeuvre.
- One of the proposed shared surface streets would include access to a pumping station, which would require access by a pumping appliance. Yorkshire Water have confirmed that they would expect the pumping station to accommodate a 10.5m long by 2.5m wide tanker. Therefore, swept parks should be provided to ensure this vehicle could access and leave the site safely.
- Swept paths required for fire tenders.
- Highway Area Plan required, detailing proposed adoption extents.

- Further information required regarding internal visibility splays in accordance with Kirklees Highway Design Guide SPD.
- Details provided regarding traffic calming required.
- 2m wide footways required on both sides of Local Residential Street (Type B) carriageway – Dimensions need to be added.
- *"Shared surface carriageway must not be steeper than 1:21 or 5% otherwise a Local Residential Street (Type B) with footways on both sides will be required. Please remove footways adjacent to shared surface carriageways if the gradients permit shared surface carriageway."*
- No long sections provided. This would be required to demonstrate appropriate vertical alignments for street types for adoption.
- Details provided regarding requirements for highway gully points.
- Comments provided regarding distances to nearby bus stops.
- Pedestrian access through the site should be considered further. Dropped kerbs and tactile paving should be provided where shared surfaces are not in place.
- Pedestrian link that forms part of the adopted highway network should be provided from the site to Stubley Farm Road (a Public Right of Way) to the east of the site.
- Cycle stores not shown to some rear gardens. Proposed cycle parking should be clarified for a number of identified lots.
- Travel Plan has been submitted.

K.C. Highway Structures

Conditions and informative notes recommended.

K.C. Landscape

Comments on proposals as originally submitted include:

- Proposed landscape layout drawing sparse in terms of green structure, landscape proposal does not provide significant improvement or offer the existing landscape and setting strong enhancement. There is an opportunity to improve existing green structure providing robust mitigation and additional habitat.
- Some green areas shown on site, this is welcome, but consider access and purpose of the spaces being created.
- Clarification requested about whether open space indicated would be designed and laid out to meet the needs of widest possible range of users, be easily accessible and enjoyed by all.
- Green spaces should be "high-quality" and substantial enough to accommodate a variety of recreational activities.
- Access to public open space should not be fro private drives. No pavement next to the green space?
- Concerns that scheme seems to have 'an excessive number of turning heads and private drives' – Dead ends and turning heads necessitate reversing manoeuvres for all vehicles, including cars, vans and refuse

vehicles potential risk to pedestrians and children including those accessing green spaces.

- Clarification requested about whether green space and landscaped areas on site are proposed to be managed and maintained by a management company.
- Landscaping scheme doesn't seem to have taken into account street tree planting in verges. Trees in private gardens *'cannot provide the same public amenity and tend to be removed before they reach a size that allows them to contribute to the setting of the development.'* References to Local Plan Policy LP33 regarding tree planting, and to NPPF regarding tree-lined streets.
- Trees indicated on the plan are inadequate.
- Planting proposals should include details of adequate root barrier, where close to highways, and details to demonstrate adequate soil volumes, tree pits etc to support long-term growth.
- Paths linking to or from open space should not connect onto private drives or parking spaces.
- Advice provided about detailed planting proposals.
- Plans should show impact of proposed planting on drainage infrastructure and visibility splays, particularly with proposed frontage trees in front gardens.
- There are opportunities for strengthening the landscape edge with the Green Belt.
- Landscape scheme should avoid dominance of hard surfaces/car parking to frontages.
- How does the scheme integrate nature-based solutions (with reference to SuDS).
- Calculations provided for open space requirements – including details of area requirements if open space is provided on-site, and contributions to off-site provision or enhancement if not. Measured areas plan for on-site open space provision is required in order to be able to calculate actual off-site contributions in lieu of sufficient on-site open space being provided for the respective typologies.
- Advice provided about detailed requirements for any on-site open space, including in terms of accessibility. Detailed design proposals required for any on-site open space.
- Is the proposed development connected to the Public Right of Way?
- Conditions recommended.
- Advice provided about general S106 requirements.

Updated comments dated 13.05.2026 following receipt of additional/revised information:

- Some plans differ in terms of proposed tree planting locations – this would need to be rectified.
- Specification of root director for proposed trees to entrance etc is welcome. However, those within 5m of highway/pavement will need to show root barriers too.

- Specification of native hedgerows is welcome, but in certain locations these will require installation of root barriers (specific reference to Hawthorn – high water demand tree) and potential issues with foundations). Hawthorn not typically planted within 10m of buildings unless a root barrier is installed. Update Landscape Plans. If Hawthorn is included in a landscape scheme, ensure that foundation design or root protection measures are addressed in the LEMP or planning documents.
- Amenity Space Plan includes highway entrance verges, parking spaces and gardens which are not Public Open Space. Open space calculation will need to be revised. Calculations provided at this stage are based on total amount due. This would need to be re-calculated once on-site Public Open Space had been accurately taken into account (i.e. discounting highways verges, parking spaces and private gardens).
- *"As already advised, public open spaces should be "high-quality," and ensure that the green space is substantial enough to accommodate a variety of recreational activities, making it an inviting hub for people to spend time in."*
- Amenity greenspace is required to make the development acceptable. Although there is amenity greenspace shown over the attenuation tank, it doesn't look welcoming at present in the current design.
- Question about whether proposed trees shown on plan can be planted in the vicinity of the attenuation tank.
- Outdoor sports provision will be required as an off-site contribution.
- 49 dwellings triggers a requirement for Children and Young People's open space provision – a Local Area for Play (LAP). Reference to existing facilities in the vicinity which would require enhancement in lieu of on-site provision.
- Concern access to public right of way would be along a private drive. Perhaps this could be a public path with associated public open space for users andnatural surveillance.
- Other relevant comments from original comments highlighted again.

<u>K.C. Lead Local Flood Authority</u>

Object based on originally-submitted scheme *"on the grounds that the layout does not adequately mitigate flood risk".* Detailed comments provided regarding specific concerns.

Comments dated 17/04/2026 following receipt of revised plans and additional information. Object "*on the grounds that the layout design has not considered 'making space for water both for blockage scenario flood routing and attenuation requirements".* Specific comments are as follows:

- *"A revised drawing shows a reduced discharge rate of surface water to the 'highway drain' and uses an M5_60 ratio of 19 and a 'r' value of 0.35 as suggested. No flooding is shown in the calculations. The LLFA has no objections in principle to a connection to highway drain on the*

proviso that it is made good by the developer, and this must be established in a legal agreement by the Planning Officer. Downstream work will be necessary."

- *"It is not clear what the boundary treatments are for the perimeter of the site in relation to overland flow (flood routing)."*
- *"Flood routing for the site only looks at exceedance events for the tank. In a blockage scenario or a short intense event where water is not entering the system, several plots are at risk by being place in depressions/low spots and water will enter curtilage and property. There is also little room to alter levels and utilise rear gardens which would be considered under exceptional circumstances. Kirklees LLFA always advise that roads and public open space should be used for overland flood routing avoiding the risk of property flooding in the design."*
- *"The attenuation tank appears to be very close to buildings and is constructed inside curtilage/private driveway and parking areas. This is likely to preclude it from adoption due to the disruption caused if excavations are ever necessary. This will also have a knock-on effect on property foundation design. Roads are unlikely to be adopted if sewers are to remain private."*
- *"Trees will need to be planted at least 5 metres away from any attenuations and associated pipework."*

K.C. Public Rights of Way

No comments received to date.

K.C. Strategic Housing

Comments dated 13/05/2026, based on revised proposals:

- Based on 49 units proposed, a minimum of 10 units would be sought as affordable housing.
- 10 affordable units are proposed.
- Site is within the Batley and Spen Strategic Housing Market Assessment sub-area. Details of recommended housing mix (for market and affordable tenures) for that sub-area provided.
- The applicant proposes a mix of 15 x 2-bed houses, 26 x 3-bed houses and 8 x 4-bed houses. Table provided showing proposed mix for each tenure.
- *"Strategic Housing support the proposed housing mix including 6 x 2- and 3-bed Social Rent units and 4 x 2-bed First Home units."*
- The Council desires that all developments meet the Nationally Described Space Standards (NDSS).
- *"The architecture of the affordable homes should be indistinguishable from the market housing in terms of the quality of materials and finishing, the architectural details, style, and space standards. The approach to external landscaping and on-plot car parking should be indistinguishable from the market dwellings."*

- *"The layout of affordable dwellings should be dispersed throughout the site in smaller clusters, avoiding large groupings of affordable dwellings together that may reinforce social exclusion. Affordable dwellings should be well integrated within the site layout and not located at specific areas at the edges of sites."*
- General advice provided about affordable housing tenures and nomination agreements.

K.C. Trees

Comments on originally-submitted proposals – Holding objection 'subject to amendments to reduce the impacts to offsite trees'. Specific comments include:

- 10 Cat C items would require removal to facilitate the development.
- *'The density of housing leaves little space for boundary vegetation and offsite trees. This is a particular concern on the western and southern boundaries, where screening trees would be appreciated between the proposed development and existing residential estate.'*
- It is proposed to construct a significant amount of new hardstanding within the root protection area (RPA) of off-site sycamore tree T3, exceeding recommended limit in BS5837:2012. *'T3 contributes significantly to local amenity and offers many environmental and ecological benefits, therefore the proposals must be altered to reduce the hardstanding within the RPA to avoid long-term detrimental health impacts to the tree. Also, from a resident's point of view it is not desirable to park a car under the canopy of a sycamore, as the tree will naturally shed flowers, twigs and leaves, as well as dripping honeydew on vehicles throughout the summer months. In the worst case, there is a risk that the tree would shed larger branches onto the carpark, as the tree suffers from changes to soil conditions, changes to water availability and compaction due to the excessive new hardstanding in the RPA.'*
- North of T3 there is another significant tree which overhangs the site boundary, which has not been included in the survey. No proposals currently affecting this tree, but wish to bring to the attention of those redesigning the parking bays adjacent to T3.
- RPA and canopy of offsite Cat B tree T15 also affected. Suggestions that hardstanding beneath the tree could be reduced.
- Little space allowed for development of canopies of group of boundary trees G04.
- Structure shown in blue on plan [pumping station] should be located outside RPA of nearby tree.

Comments dated 08/04/26, following receipt of revised plans and additional information – Holding objection remains, subject to amendments to reduce the impacts. Specific comments as follows:

- *'Overall, the plans appear to be improved, as most offsite trees now appear to be adequately protected from the development, which will allow for existing boundary screening to be retained. However there remains the issue of the incursion of construction into the RPAs of T02 and T03. These incursions cannot be permitted as it would seriously threaten the health of the trees.'*
- *'As per my previous consultation, T3 is a Category B, offsite sycamore and it is proposed to construct a significant amount of new hardstanding within the RPA, exceeding the 20% limit recommended in BS5837:2012. T3 contributes significantly to local amenity and offers many environmental and ecological benefits, therefore the proposals must be altered to reduce the hardstanding within the RPA to avoid long-term detrimental health impacts to the tree.'*
- Again, comments draw attention to another significant tree which overhangs the site boundary, which has not been included in the survey. Tree is located in a neighbouring rear garden. No proposals currently affecting this tree, but it must also be protected from any development.

K.C. Waste Strategy

Comments regarding originally-submitted proposals:

- General advice about refuse storage requirements and access for refuse collection vehicles.
- Specific comments provided about proposed layout, including regarding distances from bin storage points to bin collection points in some areas.
- Conditions recommended.

Comments dated 30/03/2026 following receipt of revised plans and additional information:

- General advice provided about waste storage requirements, number of bins required, storage locations and bin collection points.
- Several plots identified as having long routes from rear gardens to bin collection points. Concerns that residents would leave bins to front of properties. Consider providing suitable bin stores to the front of properties.
- Several plots would have steps between bin storage areas and bin collection points, which is not acceptable. Concerns that residents would leave bins to front of properties. Consider providing suitable bin stores to the front of properties.
- Advice provided about refuse vehicle access.
- Conditions recommended.

The Mining Remediation Authority

Comments dated 20th August 2025, based on originally submitted information:

- Note submitted Stage 1/Stage 2 Geoenvironmental report.
- *"The Planning Team at the Coal Authority concurs with the conclusions of the Combined Stage 1/Stage 2 Geo-environmental Report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development."*
- Therefore, recommend conditions should planning permission be granted for the proposed development.
- *"The Coal Authority therefore **do not object** to the proposed development **subject to the imposition of the above conditions.**"*
- Informatives also recommended.

Comments dated 30th March 2026 following receipt of further information:

- Note submitted Intrusive Coal Mining Investigation report, dated 17th January 2024 *"(potential drafting error assumed to be 2025)"*, including recommendations for further ground investigations to be carried out *"in order to establish the extent of any unrecorded shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable".*
- *"The Planning Team at the Coal Authority concurs with the conclusions of the Intrusive Coal Mining Investigation report; that coal mining legacy potentially poses a risk to the proposed development and that further investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development."*
- Therefore, conditions recommended should planning permission be granted.
- *"The Coal Authority therefore **do not object** to the proposed development **subject to the imposition of the above conditions**."*
- Informatives also recommended.

Further comments dated 13th May 2026, noting and commenting on other information submitted that was not reviewed in previous consultation response:

- Note submitted further Intrusive Coal Mining Investigation report dated 21st February 2026, in addition to the Intrusive Coal Mining Investigation dated 17th January 2024 *"(potential drafting error assumed to be 2025)"*.
- Notes additional boreholes now completed.
- Notes recommendations of the submitted report.
- *"The Planning Team note the professional opinions expressed in the Intrusive Coal Mining Investigation report; that measures are required to remediate and mitigate the risks posed by coal mining legacy and to ensure the safety and stability of the proposed development."*
- Therefore, conditions recommended, should permission be granted.

- *"The Coal Authority therefore **withdraw its objection** to the proposed development subject to the imposition of the above conditions."*
- Informatives also recommended.

West Yorkshire Combined Authority

No comments received to date.

West Yorkshire Police Designing Out Crime Officer

Comments and suggestions provided regarding originally-submitted proposals.

Further comments and suggestions 02/04/2026 following receipt of revised plans and additional information.

Yorkshire Water

(Comments received following receipt of revised plans and information)

Submitted Flood Risk Assessment and Drainage Strategy (Rev A) dated 6 March 2026 is acceptable. Condition recommended requiring the development to be carried out in accordance with that document.

Public Representations

Final publicity date expired: 25/04/2026

The application has been advertised as a major development, and as affecting a Public Right of Way and the setting of a listed building, via site notices and a press notice. This is in line with the Council's adopted Statement of Community Involvement

The application was originally publicised by site notices, posted 01/08/2025, and press notice, published 14/08/2025. The end date for this original publicity was 05/09/2025.

Following the receipt of revised plans and additional information during the course of the application, including a reduction in the number of proposed dwellings to 49 and resultant change to the description, the application was re-publicised by site notices, posted 19/03/2026, and press notice, published 02/04/2026. The end date for this re-publicity was 25/04/2026.

90 public representations were received in response to the original publicity, all of which objected to the proposed development. In a number of cases, multiple representations have been received from some properties. The following is a summary of the comments received:

Principle of development

- Site was green belt.
- Loss of open farmland.
- Loss of green belt land.

Design, character and appearance, landscape, trees and listed buildings

- Loss of green space.
- Overdevelopment. Too many houses.
- Loss of open land that contributes to rural character and visual amenity of the area.
- Developing this open land with high-density housing would result in loss of green space and 'drastic change' to the local landscape.
- Surrounding properties are red brick – plans would impact current design.
- Well-established trees and shrubs – feel that building construction will kill long-standing trees.
- Loss of mature trees.
- Impact on views and scenery of the area.
- Impact on 'character and charm'.
- Impact on 'peaceful and relaxed feeling' from additional noise.
- Impacts on character of land as safe, quiet environment for equestrian use.
- Nearby historic buildings, including a listed building – part of *"traditional rural setting"* and *"a visible reminder of the area's history".* Proposed modern housing estate *"bears no relationship to this rural character"*. Design and layout *"incongruous when set against the historic farmstead and cottages".* Introduction of *"uniform modern dwellings would dramatically and permanently alter the rural feel and look of this location".* Loss of rural identity and *"irreversible harm to the character of the community".*
- Impacts on landscape.
- Impacts on adjacent public right of way. Additional traffic and construction – impacts on quality of walk along adjacent public right of way, and on 'natural beauty'.
- Scale and density of the housing *"is excessive and out of character with the surrounding area".*

Residential amenity

- Proximity of proposed houses, roads and parking areas to neighbouring properties.
- Impacts on privacy of neighbours.
- Impact on daylight for neighbouring properties.
- Impact on views from neighbouring properties.
- Increased noise from increase in population.
- Increase in traffic noise.
- Disruption and loss of privacy from roads close to houses and gardens – vehicle noise, doors slamming, vehicle lights.
- Dust and dirt during construction – potential health impacts.

- Noise and vibration during construction.
- Noise impacts on health.
- Impact of increased numbers of vehicles on quality of life for existing residents.
- Impact on peace of surroundings.
- Noise from dwellings, pumping station and vehicles.
- Additional noise, over and above noise from events that take place on nearby fields.
- Disruption.
- No gaps between new and existing houses.

Highways

- Traffic congestion on local roads, including Leeds Road – additional vehicles would exacerbate existing issues.
- Amount of traffic is 'dangerous' on Leeds Road.
- Local road network cannot cope with additional volume of vehicle without risks to safety.
- Would push existing road infrastructure beyond capacity – concerns about congestion, emergency vehicle access and road safety for pedestrians and cyclists.
- Reference to accidents on roads and traffic light junctions nearby.
- Concerns about additional safety risks due to increased traffic.
- Existing speeds on Leeds Road – references to speeds above 30mph.
- Difficulties turning into drives, including as vehicles travel up central reservation to access Alma Lane. Could make turning in and out of existing drives more dangerous and more difficult during heavy traffic.
- Concerns about additional cars near already busy crossroads (Stubley Farm Lane and Alma Lane).
- Road is 'dangerous' when events take place e.g. fun fair, circus. Vehicles parking, leaving gaps too small to get through and 'a major hazard'. Impacts of extra traffic.
- Concerns about safety of proposed site access.
- Proposed site entrance very close to junction that already has access problems (Alma Lane and Stubley Farm Road) – both single track roads at their entry point.
- Difficulties getting out of side roads at present. Alma Road junction with Leeds Road is narrow – vehicles have to wait on Leeds Road to enter, close to proposed site entrance. Dangerous and would make it harder to get onto A62 from side roads.
- Vehicles regularly queue on A62 to access Stubley Farm Road and Alma Lane.
- End of Alma Lane is narrowed by it being used for long-term parking of commercial vehicles.
- Traffic issues – Leeds Road and side streets. More houses will worsen.
- More traffic will make it more dangerous to safely cross main road.
- Impacts on safety of children, pedestrians and cyclists.
- Alma Lane – small but busy junction.

- Existing access issues into and out of Stubley Estate. Proposed development will make situation worse and potentially hazardous.
- Impacts on A62 when M62 is closed.
- Plans don't accommodate the number of vehicles that will need to park, especially in the 4-bed houses. Multiple car ownership. Concerns that this would result in people parking on busy road – dangerous.
- Potential increased parking pressures on nearby residential streets with existing parking issues.
- Side roads are used as rat runs.
- Paths around site entrance not wide enough.
- Has thought been given to crossing points and lights?
- Distance to bus services.
- Development includes no provision for public transport or active travel. Residents would be reliant on cars to access facilities and amenities. Not sustainable development – how does this fit with Kirklees Climate Emergency declaration and Net Zero plan?
- Traffic was monitored during quietest part of the day.
- Traffic volume should be monitored at peak times to understand how many commercial trucks and vans pass along the route each day.
- Concern that Alma Lane would have to be one-way for the proposals to go ahead – would affect the whole neighbourhood.
- Queries and concerns about construction traffic access and parking.
- Stubley Farm Road not suitable for construction traffic.
- Entrance from Popeley Road would have less impact.
- Disruption on roads and potential hazards/accident risk during construction.

Flood risk and drainage

- Sewage tanks behind gardens – such tanks can cause disruption to surrounding areas.
- Concerns about impact of sewage tanks on boundary wall – e.g. vibration causing disturbance to structures.
- Concerns about potential flooding from sewage tanks, including if damaged or fail.
- Drainage system 'cannot cope' with the current houses.
- Rain water from fields floods gardens in winter. Gardens on clay. Concerns about flooding of surrounding properties being made more likely, including due to replacing green space with hard surfacing.
- Possibility of flooding when construction begins.
- Disturbance to pipework could cause flooding to properties on Leeds Road.
- Potential damage to neighbouring properties from increased flooding.
- Services and sewage run along field – problems in the past.
- Sewage issues on Leeds Road.
- Sewage capacity problems – impact of additional dwellings on this.

Ecology and biodiversity

- Effects on wildlife – some specific species referred to in comments received, including protected species.
- Impacts on species, including protected species, due to noise and vibration from construction machinery, dust and light pollution during and after construction, habitat loss and fragmentation due to removal of green space and its replacement with housing and roads.
- Effects on the environment.
- Would reduce biodiversity in the area.
- No clear mitigation measures set out for environmental consequences (including with reference to air and noise pollution, and wildlife and biodiversity).
- Impacts on animals kept on nearby land (horses, sheep) – noise, dust and disturbance during construction, pollution, additional traffic – impacts on animals' health, wellbeing and safety. Animal welfare concerns.
- No new green/nature area.

Contaminated land and land stability

- Mine shafts underground.
- Former mining land – presence of old mine workings and voids. Development and vibration could cause subsidence to existing properties.
- Potential land contamination, including asbestos, on site.

Air quality

- Increase in air pollution – including during construction phase, and afterwards due to more cars in the area.
- Odour.

Infrastructure

- Impact on capacity of schools, including with references to downsizing of local school.
- Impact on capacity of medical services – including doctor's surgeries and dental practices.
- Impact on sustainability of community due to additional demand on schools and health services.
- The area is a 'green' space for many people. Impacts on local community.
- Loss of green space.
- Bin service is 'unpredictable'.
- Local waste site cannot manage.
- Development appears to include no amenities.
- Development not proportionate to area's current capacity or infrastructure.

Other matters

- Concerns about crime and antisocial behaviour.
- Reject application in the interests of maintaining sustainability, character and well-being of the community.
- Previous proposals to build have failed. No better plans have been provided.
- Similar application rejected nearby.
- Already other major housing estates nearby – area will be overcrowded.
- Using existing boundaries of neighbouring properties.
- Concerns about precedent, and future loss of fields to housing – impacts on dog walkers and people who enjoy walking in the countryside.
- Impact on nearby property values.
- Houses 'shake' when large vehicles pass.
- Potential damage to neighbouring properties, including from vibration and ground disturbance during construction.
- Would like meeting to discuss.
- Not enough time to submit feedback.

Four further public representations were received following the re-publicity of the application after the receipt of revised plans and additional information, all of which objected to the proposals. The following is a summary of the comments received:

Character and appearance

- Scale and density out of keeping with established character of the surrounding area.
- Overdevelopment of the site.
- Risks eroding visual quality and spatial character of neighbourhood.

Residential amenity

- Overlooking and loss of privacy to neighbours.
- Properties close to boundary – unacceptable sense of enclosure and would harm enjoyment of neighbouring property.
- Noise and disruption during construction.
- Additional households, traffic and activity will alter quiet character of the area post-development.

Highways

- Will generate significant increase in vehicle movements. Local roads not designed to accommodate this level of additional traffic. Concerns regarding congestion, road safety and pedestrian welfare.
- Roads in and around the area are busy with traffic congestion.

- Pavements are used by families walking to nursery and primary schools, this should be taken into consideration with large construction vehicles.
- Safe and suitable access for all users has not been satisfactorily demonstrated.
- Speeds on Leeds Road well above 30mph.
- Existing difficulties turning onto drives due to vehicles travelling along central reservation to access Alma Lane.
- Additional road will add further problems to already busy crossroads of Stubley Farm Lane and Alma Lane.
- Proximity of proposed site entrance to both Alma Road and Stubley Farm Road.
- Where would large vehicles wait to remove materials while the two existing properties on Leeds Road were being demolished? This is on the main road which is busy with traffic. Cannot block Stubley Farm Road as this is access for dwellings that have no other access. Same has to be considered regarding the building of the new houses.

Flood risk and drainage

- Will place additional strain on drainage systems.
- Concerns about sewage tanks directly on boundary wall – potential impacts on buildings e.g. vibration causing disturbance to building structure.
- Concern if sewage tanks flood – history of flooding as water comes down field – gardens are on a clay plate.

Ecology and biodiversity

- Impacts on wildlife. References to specific species, including protected species.
- Previous bat survey was done in September, when bats don't fly round nearby properties.
- Loss of biodiversity and fragmentation of habitat.
- Application doesn't adequately demonstrate measurable biodiversity net gain or provide sufficient ecological mitigation.
- Loss of green space conflicts with Council's duty to conserve and enhance natural environment.

Infrastructure

- Will place additional strain on local infrastructure, including schools, healthcare services and utilities.
- Insufficient evidence in the application to demonstrate that existing infrastructure can support this increase, or that appropriate mitigation would be secured.

The Ward Members for the area were notified of the application in August 2025 and were updated in March 2026 following the receipt of revised plans

and additional information. The site was in Liversedge and Gomersal Ward when the application was originally submitted, and when that original notification and the subsequent update were sent to Ward Members. As the site was close to the boundary with two nearby Wards (Heckmondwike and Birstall and Birkenshaw) at the time of the original submission and that subsequent update, the original notification and the subsequent update were also sent to the Ward Members for those two other nearby Wards.

One of the former Ward Members for Liversedge and Gomersal Ward, Councillor Caroline Holt, provided the following comments in August 2025:

> *"This development will detrimentally effect the area, adding extra demand on already under funded resourses, not enough education provision, Drs surgery places. The infrastructure is not addressed the roads around the development are already insufficient for the current road use so adding to this would be terrible.*
>
> *Also the effect of taking away more open space for local people to appreciate is unacceptable.*
>
> *As the ward Councillor & local resident I object to any planned development of this area."*

Councillor Caroline Holt provided the following comments in March 2026, following the receipt of revised plans and additional information:

> *"I'm not in support of this application & will not be even with amendments the area is not suitable for 51 homes, there are mining issues, loss of open space, already over stretched resources in the area, traffic congestion are to name a few of my objections & I know there are many residents who are also against this planned development.*
>
> *There have been numerous attempts over the years to build on this site all have been rejected, I see no reason why these decisions should be changed and feel that this area has only be one available due to the purchase of the semi-detached houses, but the land is still unsuitable even with these houses being demolished & used as access.*
>
> *I hope planning will consider these previous applications & the objections already raised to the plans".*

Following the local elections in May 2026, where ward boundaries were re-drawn, the site is now in Heckmondwike Ward, but is adjacent to the boundary with Liversedge and Gomersal Ward. It is still close to the boundary with Birstall and Birkenshaw Ward. There have also been some changes to the Ward Members in those Wards. Following those Ward boundary and Ward Member changes, all Ward Members for those three Wards have been updated, and have been advised of officers' intention to recommend refusal of the application under delegated powers.

In response, an email has been received from Councillor Simon Holbrook, one of the Ward Members for Heckmondwike Ward, making the following comments:

> *"I agree that it should be knocked back as I have seen the plans and there is not enough parking. If future plans are there for fewer dwellings then it could be considered."*

Main Issues

1. Principle of development
2. Housing density and housing mix
3. Sustainability and climate change
4. Visual amenity: Including urban design, landscape impacts, impacts on designated heritage assets, trees, and amenity of the adjacent Public Right of Way
5. Residential amenity
6. Highways and transportation
7. Flood risk and drainage
8. Ecology and biodiversity
9. Coal mining and land stability
10. Contaminated land
11. Air quality
12. Planning obligations
13. Other matters
14. Representations

Assessment of Main Issues

Procedural Matter

The NPPF refers to sites as being within or outside settlements. The definition of 'settlement' in Annex B of the NPPF includes *"land which is allocated or has permission for development which will form part of the built-up area once the development is complete".* The application site is an allocated housing site and would form part of the built-up area of Heckmondwike once development was complete. As such, the site is considered to be within a 'settlement' as defined in the NPPF.

Accordingly, for the purposes of assessing main issues and relevant considerations in the context of the NDMPs within the NPPF, and the Presumption in Favour of Sustainable Development which is set out in NDMP S3 of the NPPF (which is considered in the Planning Balance section below), the proposed development has been assessed on the basis that the application site is within a settlement.

Therefore, Policy S4 falls to be considered. This states that:

> *1. Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by*

any adverse effects, when assessed against the national decision-making policies in this Framework.

This presumption in favour is noted and will be considered against the adverse effects of the proposal later in this assessment, giving due regard to the provisions of S4(2) where relevant.

1 – Principle of development

Site Allocation

The site is allocated for housing in the Local Plan (Site reference: HS115). Local Plan Policy LP65 relates to sites which are allocated for housing in the Local Plan, and states that for those 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."

The relevant site boxes referred to are those within the Local Plan Allocations and Designations Document. The relevant site box for this site, reference HS115, identifies the following site constraints:

- *"Site is close to listed buildings"*
- *"Part/all of the site is within a High Risk Coal Referral Area"*
- *"Within the outer zone of a hazardous material facility"*
- *"Site is close to a listed building"*

In the light of Policy LP65 and the site's allocation for housing, the principle of residential development on the site is considered to be acceptable, subject to other relevant material planning considerations relating to the detail of the development, including those referred to in the relevant site box for this allocated site, and other development plan policies, as well as other material considerations including the NPPF.

These matters, and other relevant material planning considerations, are considered in detail in the relevant sections below.

Health and Safety Executive matters

As is identified in the site constraints for this allocated housing site in the Local Plan site box, part of the application site is within the identified outer zone of a major hazard site. Based on the proposed development, the Health and Safety Executive (HSE) consultation confirms a 'Do Not Advise Against' response, and that the HSE:

"does not advise, on safety grounds, against the granting of planning permission in this case".

Therefore, it is considered that the proposed development is acceptable within that outer zone, and that the principle of the proposed residential development would not conflict with Local Plan policies LP47 and LP52 insofar as they relate to minimising and mitigating against potential harm from risks such as pollution and other environmental hazards, amd to the protection and improvement of environmental quality. It would also not conflict with NDMP P5 of the NPPF, which relates to maintaining public safety and security andstates that development proposals within consultation zones around major accident hazard sites should only be supported where, having consulted the relevant consultation bodies, it is clear that the development will be safe for occupiers and users and will not impose constraints on the operation of the facility to which the safeguarded area or consultation zone relates.

Loss of agricultural land

Representations have been received raising concerns that the proposed development would result in the loss of agricultural land. Whilst the site may currently be, or have formerly been, in agricultural use, it is allocated for housing in the Local Plan. Therefore, the principle of taking this site out of agricultural use and developing it for housing has been established through the local plan process and, in that context, it is considered that refusal on those grounds could not be justified.

Conclusion on Principle of Development

Taking into account the above considerations, residential development on this site is considered to be acceptable in principle, subject to all other relevant material considerations, which are discussed in detail in the following sections.

2 – Housing density and housing mix

Housing density

Local Plan Policy LP7 states that housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme. In that context, Policy LP7 states that, amongst other things, developments should achieve a net density of at least 35 dwellings per hectare, ‘where appropriate’, and that 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.

NDMP L3(1) of the NPPF states that:

> *“Development proposals should make efficient use of land, taking into account the identified need for different types of housing and other development, local market conditions, the availability of infrastructure (including that supporting sustainable transport modes) and its scope for*

improvement, a site's connectivity and the importance of securing well-designed, attractive and healthy places."

NDMP L3(4) states that development proposals that do not make efficient use of land in accordance with paragraph 2 of NDMP L3 *"should be refused".*

NDMP L3(2)(a) goes on to state that to contribute to making efficient use of land:

"Within settlements, development proposals for residential and mixed-use development should contribute to an increase in the density of the area in which they are situated. The only exception is where there is a clear justification that this is either inappropriate or not possible (for example, where the prevailing density is already very high, the nature of the accommodation required precludes higher densities, or where it would conflict with other policies in this Framework). In considering the potential to increase densities, the existing character of an area should be taken into account, in accordance with policy DP3, but should not preclude development which makes the most of an area's potential".

The site is not within a reasonable walking distance of a well-connected station (applying the definitions in Annex B of the NPPF). Therefore, the specific minimum densities specified in NDMP L3(2)(c) of the NPPF do not apply. Nevertheless, the requirements of Local Plan Policy LP7 still apply, recommending a minimum density of 35 dwellings per hectare where appropriate.

The Local Plan information for this allocated housing site (reference HS115) states a Net site area of 1.33 hectares. This is consistent with the site area quoted on the application form for the application.

On that basis, the proposed development of 49 dwellings on the site would result in a housing density of 36.8 dwellings per hectare, which is above the 35 dwellings per hectare referred to in Policy LP7.

Therefore, it is considered that the proposed development would not specifically conflict with the requirements of Local Plan Policy LP7 or with NDMP L3 of the NPPF with regard to achieving appropriate densities and making efficient use of land.

However, it is also necessary to assess the proposed development in the light of other material planning considerations, including whether the specific 49 dwelling development proposed would be compatible with its surroundings, and would accord with other policies in the Local Plan and NDMPs in the NPPF. These matters are considered further in the relevant sections below.

Housing mix

Local Plan Policy LP11 states that all proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household

types, and that for schemes of more than 10 dwellings, the housing mix should reflect the proportion of households that require housing, achieving a mix of house size and tenure.

The Affordable Housing and Housing Mix SPD provides supplementary guidance regarding the requirements of Policy LP11.

With regard to market housing, Principle 1 of the SPD states that proposals for more than 10 dwellings should seek to meet local housing needs by using the market housing shares set out in Table 1 as a starting point. It goes on to state that:

> *"Where the dwelling mix does not reflect the figures set out in Table 1 below, applicants will need to provide justification. This could include more up-to-date evidence of local housing need, and consideration of the provision of specialist housing, taking into account viability evidence and the compatibility of the development with its surroundings."*

The site is within the Batley and Spen Strategic Housing Market Area (SHMA). The table below sets out the market housing mix recommended in the SPD for that area and compares it with the proposed market housing mix for the 39 market dwellings proposed in this case.

	Recommended SPD market housing mix:	**Proposed market dwellings (No.)**	**Proposed market dwellings (%)**
1 and 2 bed	30-60%	8	20.5%
3 bed	20-40%	23	59%
4+ bed	15-35%	8	20.5%

The proportion of 4-bed market dwellings would be within the recommended range. However, the proportion of 1 and 2 bed market dwellings and the proportion of 3-bed market dwellings would not fall within the recommended ranges for those respective house sizes, and in both cases would represent a notable departure from the recommended range, with the proportion of 1 and 2 bed market dwellings being almost 10% below the respective recommended minimum percentage, and the proportion of 3-bed market dwellings being 19% above the respective recommended maximum percentage.

In the context of market housing mixes, NDMP HO8(3) of the NPPF states that:

> *"Where development proposals meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures, including the minimum proportion of Social Rent properties, a flexible approach should be taken to the application of any development plan requirements relating to the number of bedrooms provided in market homes, taking into account prevailing market conditions."*

With regard to affordable housing, in accordance with the Affordable Housing and Housing Mix SPD, a tenure split of 55% Affordable or Social Rent and

45% Intermediate tenure is required. As set out in Principle 4 of the SPD, 25% of the affordable housing provision is required to be provided as First Homes, and this 25% requirement should form part of the intermediate tenure split.

In this case, 6 Social Rent dwellings and 4 First Home units are proposed. This is in accordance with the required tenure split in the SPD.

The mix of affordable housing should seek to meet the needs identified within the SHMA sub-area where the development is located, as set out in the SPD.

The table below sets out the affordable housing tenure mixes recommended in the SPD for the Batley and Spen SHMA and compares them with the proposed affordable housing mixes for the 10 affordable dwellings proposed in this case.

	Recommended Affordable/ Social Rent mix	**Proposed Affordable/ Social Rent dwellings**	**Recommended Affordable Intermediate mix**	**Proposed Affordable Intermediate dwellings**
1 and 2 bed	40-79%	3 (50%)	60+%	4 (100%)
3 bed	20-40%	3 (50%)	20-39%	0 (0%)
4+ bed	15-35%	0 (0%)	0-19%	0 (0%)

Although there is some slight variance from the recommended ranges for the proportions of 3 bed and 4+ bed Social Rent units, the Strategic Housing Officer has advised that they support the proposed housing mix. Therefore, it is considered that the proposed proportion and mix of affordable housing is acceptable, including with regard to the provision of Social Rent properties.

The proposed market housing mix would not fully comply with the recommended mix in the SPD. However, given the scale of the proposed development, and as the proposed market housing mix would still provide a reasonable mix of 2, 3 and 4-bedroom dwellings and the affordable housing mix is considered acceptable, including with regard to the provision of Social Rent properties, it is considered on balance that the proposed market housing mix would also be acceptable, and that refusal on those grounds could not be justified. In reaching this conclusion, regard has been had to NDMP HO8(3) of the NPPF, which states that:

> *"Where development proposals meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures, including the minimum proportion of Social Rent properties, a flexible approach should be taken to the application of any development plan requirements relating to the number of bedrooms provided in market homes, taking into account prevailing market conditions."*

Affordable housing matters are further considered in the Planning Obligations section below.

<u>3 – Sustainability and climate change</u>

The application relates to an allocated housing site, which is on the edge of the settlement of Heckmondwike, and is considered to be in an accessible location with regard to local facilities and amenities.

A Climate Change Statement has been provided as part of the applicant's submitted Planning Statement, and advises that, amongst other things, the following measures would be included reduce the energy demand associated with the development:

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

The submitted Climate Change Statement also advises that construction materials *"will be sourced locally where possible and the building works carried out by local trades and contractors"*, and that in terms of the housing design and layout:

> *"Layout seeks to maximise south facing elevations for dwellings to maximise solar gain. Internal layouts for houses facing east / west also seek to take advantage of morning / afternoon sun (depending on orientation). Maximising use of solar gain benefits include reduced need for artificial lighting and lower heating demands. Triple glazed windows also assists with insultation of the dwellings."*

In the light of the submitted Climate Change Statement, it is considered that appropriate consideration has been given to climate change mitigation and adaptation (except with regard to flood risk, which is considered separately in the relevant section below).

Subject to a condition requiring the development to be carried out in accordance with the measures specified in the submitted Climate Change Statement, including as set out above, (and with the exception of flood risk

matters which are considered separately below) it is considered that the proposed development would not conflict with Local Plan policy LP24 insofar as it required high levels of sustainability, or with NDMPs CC2 and CC3 of the NPPF with regard to the mitigation of, and adaptation to, climate change.

4 – Visual amenity: Including urban design, impacts on designated heritage assets, trees, and amenity of the adjacent Public Right of Way

General consideration

No details of proposed levels, and no proposed site sections have been submitted as part of the application, and although a street scene drawing was originally submitted, no updated street scene drawings were received as part of the submission of additional/revised information in early 2026. There are also numerous discrepancies and inconsistencies between some of the documents, for example between the Site Plan and the Landscape Plan with regard to aspects of the proposed tree and hedge planting, and between the Drainage Layout Plan and other documents with regard to the exact location of the proposed surface water attenuation tank. Therefore, it has not been possible to fully understand or assess some aspects of the proposals.

The application has been assessed on the basis of the information that has been submitted and, for the avoidance of doubt, it is considered to be unacceptable in any event for the reasons set out below, even in the absence of that further information. However, specific matters arising from the lack of information, and the inconsistencies between plans/documents, are discussed as applicable below.

Urban design and layout

The site is located in a suburban area on the edge of the settlement of Heckmondwike, and its immediate surroundings are predominantly characterised by two storey housing, set back from road frontages in relatively wide plots, with gaps between houses and mature landscaped gardens, reflective of the suburban grain and pattern of development in this edge-of-settlement location, adjacent to open countryside.

In contrast, the proposed development would be comprised of groups of semi-detached and detached houses which would be positioned very close together with only very limited gaps between them and, in many cases where buildings are located on corners within the site, very little separation between those buildings and their adjacent road frontages. The proposed development would therefore result in a highly cramped form of development which would fail to respect or reflect the more spacious character and pattern which is considered to be a positive characteristic of the surrounding housing in this edge-of-settlement location.

Furthermore, most of the parking for the proposed houses would be located to the front of the dwellings themselves, which would lead to the street scenes within the development being unduly dominated by hard surfacing and parked

vehicles, with little space or opportunity between those extensive hard-surfaced areas for any meaningful front garden planting or landscaping.

The proposed development would include some three-storey properties. In an area characterised by two storey dwellings, this is of some concern, particularly as the levels in parts of the site are higher than some surrounding development, including on Leeds Road. While the introduction of three storey units may not be opposed in principle, this is subject to a careful and considered implementation. As very little information has been provided with regard to proposed levels or cross sections, including in relation to the heights of existing surrounding development, there is concern that the proposed development and the inclusion of those taller properties may not reflect the scale and character of surrounding housing, which would further add to the incongruity of the development in the context of its surroundings.

Therefore, it is considered that the proposed development would not respect, enhance or integrate successfully with the character of its surroundings, including through the arrangement of buildings, plots and parking and, in the absence of detailed levels and cross sections to show the development in the context of surrounding existing housing, there are also concerns that it would not integrate successfully in terms of building heights.

In terms of architectural detailing, the design of the proposed houses would generally incorporate detailing which is reflective of existing surrounding houses and appropriate in its context, including heads and sills to windows, upper floor window heads being set down below the eaves, and roof pitches, although as set out above, there is considered to be insufficient fenestration on street-facing side elevations. It is considered that relevant details, such as materials (including for heads and sills) and appropriate window reveals could be dealt with by condition.

However, the design of the Leadbury house type is not considered to be acceptable, specifically with regard to the large, flat-roofed dormer window proposed to the front elevation. The proposed dormer would be unduly wide, with glazing occupying much of its front elevation, and would not reflect the more vertically-proportioned emphasis of the windows on the lower floors. Nor would it align with those lower floors. It would appear as a discordant, unduly dominant feature which would unbalance the front elevation of those houses, and would fail to reflect the prevailing character and detailing of surrounding development. Although there would be only a handful of this type of property within the layout, this discordant detail and design would contribute to the wider issue of the proposed development not reflecting or integrating within its surroundings.

Furthermore, although the development would include some ‘quarter houses’ with habitable room windows to all elevations, other properties proposed on corner plots within the development would lack any habitable room windows, and would instead have either blank gables or only non-habitable room windows facing onto the street frontages to the sides of them. The lack of fenestration to those prominent elevations would result in somewhat austere,

monolithic buildings, with little detailing to add interest or break up the large expanses of brickwork. Furthermore, it would result in inactive frontages to those parts of the adjacent street scenes, with no natural surveillance or activity at street level.

This issue is exacerbated further in some parts of the site, due to the inclusion of house types which would have only a garage door and the property's front door at ground floor level, with no habitable room windows at street level. Such properties would contribute further to a lack of active frontage at street level, with no sense of activity or natural surveillance at that level, making those street scenes appear unwelcoming, and giving rise to potential safety concerns. This is of particular concern along the section of road serving plots 25-36 inclusive. The initial section of this street would have house types with no ground floor front windows from plots 32-36 along its northern side, and on the southern side, would have the side of Plot 24 (again with no habitable room windows), with two further plots with no ground floor front windows at plots 25-26. Therefore, the majority of this street scene would have no active frontage or natural surveillance at street level.

Therefore, due to the lack of active frontage and natural surveillance to those areas, it is considered that areas of the proposed development would fail to provide spaces that feel safe and secure.

The proposed bin and cycle stores for Plots 1-4 would be located immediately adjacent to the northern elevation of that building, which would include habitable ground floor windows (serving bedrooms) immediately adjacent to that area. Concerns regarding the impact of this on the residential amenity of the occupants of those plots are discussed in detail in the Residential Amenity section below. However, the West Yorkshire Police Designing Out Crime Officer (DOCO) has also raised concerns about the location of those bin and cycle stores in terms of potential safety, security and antisocial behaviour issues.

Therefore, it is considered that the layout and design of the proposed development would fail to respond to its context, including with regard to the character of the site and its surroundings, including with regard to the arrangement of development plots and buildings, including parking areas, and some aspects of the design and detailing of the proposed houses. The pattern of the built form would not be appropriate, and it is considered that due to a lack of windows facing onto streets, public spaces in parts of the development would fail to provide active frontages or natural surveillance at street level, and thus would fail to achieve spaces that would feel safe, secure and inclusive, including for women and girls.

It is therefore considered that the design and layout of the proposed development would conflict with Local Plan policy LP24 insofar as it required good design to be at the core of all proposals, and that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, and that

the risk of crime is minimised by overlooked streets and places and high levels of activity, amongst other things.

It would also conflict with NDMP DP3(1) and (2) of the NPPF, insofar as it required that development proposals should respond to their context so that they integrate with and enhance their surroundings, such as through the arrangement of development plots and buildings, and architectural features, and that to create well-design places, development proposals should reflect principles including built form and public space including spaces that are safe, secure, inclusive and accessible, including for groups such as women and girls, for example by providing windows that face onto streets and public spaces to provide natural surveillance. In that context, NDMP DP3(3) states that:

> *"Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2… Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals"* (emphasis added).

It would also conflict with NDMP TR4 of the NPPF insofar as it required that proposals should ensure that the arrangement of streets helps to create places that are safe, inclusive and attractive for all users (particularly for women and girls, for other groups who may be vulnerable to crime or the fear of crime, and for those with limited mobility).

Relationship with the Public right of way

The proposed development's frontage to the adjacent Public Right of Way (ref. HEC/6/10) is of concern. At present, the Public Right of Way running along Stubley Farm Road to the east has houses which face towards its initial section, providing activity and overlooking/natural surveillance of that public route, but which are nonetheless set back from the public footpath, with fields then opening out beyond them. The route therefore retains a predominantly rural character, providing a sense of leaving the urban area behind, with a sense of openness and space as one travels along it from Leeds Road towards the wider public right of way network beyond.

The frontage between the proposed development and that adjacent Public Right of Way would consist of rear garden boundaries, the proposed pumping station, and one side gable which would not include any habitable room windows and would be positioned very close to the boundary with the adjacent Public Right of Way. The proposed development would therefore present an inactive frontage, with no overlooking or sense of activity or natural surveillance to the public right of way, which could give rise to safety concerns that may discourage its use, in conflict with NDMP DP3(2)(f).

The submitted Noise Impact Assessment recommends a 1.8m high acoustic noise barrier of solid construction along the rear boundary between Plot 49 and the public right of way. Beyond that, a hedge is proposed along a section

of the boundary, which would assist in providing some screening of the pumping station and its enclosure, which could otherwise appear as a discordantly industrial feature in this prominent location close to this rural route. However, beyond that section of hedge, the development would introduce a large, highly prominent side gable elevation which would be blank with the exception of a small ground floor W.C. side window and which, due to its proximity to the footpath, would appear unduly dominant and overbearing, and would create a discordant sense of enclosure, which would be at odds with the existing open character of this public right of way.

Therefore, visually, it is considered that the proposed development would not satisfactorily ease the transition between the built-up development and the adjacent public right of way and the open countryside beyond, and would erode the current open, rural character and experience of that right of way as it travels from the urban area into the countryside beyond, and which are positive characteristics of this public route as it currently exists.

It is therefore considered that the proposed development would fail to preserve the character or amenity of the Public Right of Way and would have an adverse impact on the experience of those using it, and would fail to protect or enhance the public right of way in that regard, in conflict with NDMP TR8 of the NPPF.

Trees

There are numerous existing mature trees and areas of mature boundary planting around the boundaries of the site. Those existing trees and areas of planting form part of the existing, mature landscaped character of the area and of the established housing which surrounds the site, and are considered to make a positive contribution to the character of the area, as well as softening the boundaries between the existing built development and the adjacent countryside.

The Tree officer has raised concerns about some aspects of the proposed development in terms of the potential impacts on some of those existing trees around the boundaries of the site.

Tree T3, a sycamore within the rear garden of an adjacent property to the west of the north western part of the site, is of particular concern as it is proposed to construct a significant amount of new hard surfacing within the root protection area of that tree, which the Tree Officer has advised would exceed the 20% limit recommended in the relevant British Standard (BS5837:2012). This was raised as a concern on the basis of the originally submitted plans and remained as a concern in the Tree Officer's comments regarding the revised plans received in early 2026. On the basis of the submitted information, concerns therefore remain that the proposed development could have an adverse impact on the long-term health and survival of this prominent mature tree.

The Tree officer has also advised (as they did in their comments on the originally submitted plans) that there is another significant tree within the neighbouring garden of 85 Popeley Road which overhangs the site boundary, but which has not been included in the submitted Tree Survey or other arboricultural information. The Tree officer has noted that there are no proposals currently affecting this tree, *"likely due to the presence of the drainage easement in this area"*, but that it must also be protected from any development.

Furthermore, it is noted that there appear to be some discrepancies between the submitted arboricultural information/drawings, and the submitted Drainage Layout Plan (drawing 25014-104 Rev C) with regard to the proposed location of the attenuation tank in the southern part of the site. This is of particular concern as the Drainage Layout Plan shows the attenuation tank closer to the southern boundary, and thus to an existing group of trees and a hedge along the southern boundary of the site. Therefore, in the absence of clarity regarding the specific location of the attenuation tank, or of details of how the tank would be constructed, including any necessary excavation works beyond the footprint of the tank itself, there are concerns that this element of the proposed development could have an adverse impact on the health of those existing mature trees and boundary planting along the southern boundary.

Furthermore, in the light of this discrepancy, it is also not clear whether the proposed new tree planting which is shown along the southern boundary of the site on the submitted Landscape Plan drawing could be carried out in practice, taking into account any necessary easements or restrictions on such planting close to the attenuation tank.

In terms of the proposed layout and landscaping proposals, although the submitted drawings indicate some tree planting to the fronts of properties and along street frontages, in many cases those trees would be located in relatively narrow areas of planting, between other areas of hard surfacing, or between buildings and the back edges of the highway. In numerous instances, the proposed trees would be located immediately in front of the proposed houses, which is of concern in terms of the long-term establishment of those trees, as they could come under pressure for removal in the future due to potential overshadowing of the front windows of those houses, particularly where those trees are located to the south of those front windows. Nor has sufficient information been provided with regard to utilities routes to demonstrate that such routes could, or would, be designed to accommodate and avoid conflict with tree root systems. It is therefore not evident that the development would, or could, provide tree-lined streets in accordance with NDMP N3 of the NPPF.

Therefore, for the reasons given, on the basis of the information submitted, it is considered that the proposed development would have an adverse impact on existing mature trees and planting around parts of the site boundaries, which contribute to the character and amenity of the area, and it has not been demonstrated that the proposed development would provide a satisfactory

scheme of new tree planting, including street trees and new/supplementary boundary planting.

It is therefore considered that the proposed development would conflict with Local Plan policies LP24(i) and LP33, which require the retention of valuable or important trees where they make a contribution to public amenity or the distinctiveness of a specific location and, where appropriate, the planting of new trees to maximise visual amenity and environmental benefits, and that proposals should comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction.

It is considered that the proposed development would also conflict with NDMPs N2(1)(d) and N3 of the NPPF which, amongst other things, state that to contribute positively to the natural environment, development proposals should conserve and enhance existing natural features of visual or nature conservation value (such as established trees or hedgerows) where possible, and that development proposals should make new streets tree-lined and ensure that the selection of species and their placement is compatible with highways and other infrastructure requirements.

Impact on the setting of the grade II listed building, 'Stubley Farmhouse Part to Right'

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

The site is close to the grade II listed building, 'Stubley Farmhouse Part to Right', which is part of a group of buildings in the countryside to the north west of the site, accessed from Stubley Farm Lane. As an open field, the site currently forms part of the wider rural setting of the farmhouse. However, that setting has evolved over time to include other residential development, including on Popeley Road and Stubley Road to the west of the application site.

The development of housing on the site would not directly affect the historic fabric of the listed building. However, it would erode the historic rural setting of the listed farmhouse, and would cause harm to that setting, as referred to in NDMP HE5(2)(c) of the NPPF. For the avoidance of doubt, the harm identified does not amount to 'substantial harm', as it is limited to a partial erosion of setting, without direct impact upon the building's physical fabric, and therefore HE6(5) and (6) do not fall to be considered. Nonetheless, as set out in NDMP HE6, any harm to a designated heritage asset will be a matter of considerable importance and weight, and the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal.

In this case, the proposed development would provide public benefits, including the provision of new housing, and the Conservation Officer has noted recommendations in the submitted Heritage Impact Assessment, and has advised that the harm to the setting could be outweighed by the public benefits of the proposed development (in providing new housing) if those mitigations were undertaken.

The mitigations referred to including encouraging the use of coursed natural stone to the dwellings within the vicinity of the listed building, and natural slate to their roofs. This is not currently proposed, as the submitted Materials Plan shows red brick walls and red or grey concrete roof tiles to all plots. However, it is considered that this matter could be satisfactorily dealt with by condition, requiring the use of natural stone and slate to specific plots, in the event that the application was recommended for approval.

The other mitigations referred to by the Conservation Officer include the use of a traditional hedge and/or dry stone walling along the access track boundary to Stubley Farmhouse, and a landscape buffer and robust boundary planting around the perimeter of the site and the approach to the listed building. It is considered that these matters could be satisfactorily dealt with by means of a condition requiring a detailed landscaping scheme, incorporating a landscaped buffer and more substantial planting within the gardens and along the boundaries of the plots along the access track in the vicinity of the listed building.

Therefore, and in the light of the Conservation Officer's comments, and subject to conditions to secure appropriate materials, landscaping and boundary treatments and planting to the properties within the site and along the access track in the vicinity of the listed building, it is considered that the impacts on the setting of the listed building could be mitigated to a sufficient degree that the public benefits arising from the delivery of new housing on the site would outweigh the localised impacts on the wider setting of the listed building, which would still maintain its wider, rural setting which is provided by the fields to the north of the site.

Subject to the recommended conditions, it is therefore concluded that the proposed development would not conflict with Local Plan policy LP24 insofar as it requires development to reflect the character of heritage assets, or with policy LP35 with regard to the historic environment and heritage assets.

It is also considered that the proposed development would not conflict with NDMPs HE5 or HE6 with regard to the impacts on designated heritage assets.

Other matters

The proposed bin stores to some properties (e.g. Plots 32-36) would be in rear gardens that are only accessible by steps. This would not be considered acceptable in terms of the accessibility of those areas, and would give rise to concerns that bins would instead be stored on plot frontages. However, given

the relatively limited number of houses that this would relate to, it is considered that this could be addressed via a satisfactorily worded condition requiring details of appropriately-designed bin stores to the fronts of those properties.

Little information has been provided regarding the proposed boundary treatments to the pumping station in the eastern part of the site, including any boundary treatment or landscaping to the road frontage to the north to soften the appearance of this area within the street scene. However, it is considered that these matters could be addressed by means of a suitably worded condition relating to the landscaping of, and boundary treatments to, this area.

Conclusion – Visual amenity

Drawing those threads together, for the reasons given it is concluded that by reason of its layout, design and detailing and proposed building heights, the proposed development would result in a cramped development which would fail to reflect the character and pattern of surrounding development and would be unduly dominated by frontage parking and hard surfacing, at the expense of soft landscaping. It would fail to provide satisfactory levels of active frontage and natural surveillance to street frontages in parts of the site, or to the adjacent public right of way and would thus fail to provide safe, secure and inclusive public spaces. Based on the submitted information, it has not been demonstrated that existing mature trees which contribute to the visual amenity of the area would be satisfactorily preserved or protected during development, or that provision would, or could, be made for tree-lined streets and new tree planting within the development. The proposed development would also fail to preserve the rural character and amenity of the adjacent public right of way. The proposal would therefore not contribute to a well-designed place, and would neither integrate with nor enhance its surroundings. It would therefore cause unacceptable harm to visual amenity.

The proposed development is therefore contrary to Policies LP24 and LP33 of the Kirklees Local Plan, the guidance within the Kirklees Housebuilders Design Guide Supplementary Design Guide Supplementary Planning Document, National Decision-Making Policies DP3, TR4, N2 and N3 of the National Planning Policy Framework, the Planning Practice Guidance and the National Design Guide, for the reasons explained above.

Refusal is consistent with the requirements of National Decision-Making Policy DP3(3) of the National Planning Policy Framework, which states that:

> *"Development proposals <u>should be refused</u> if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan"* (emphasis added).

<u>5 – Residential amenity</u>

Existing residents

Concerns raised in public representations regarding the impacts of the proposed development on the residential amenity of the occupants of existing neighbouring properties, including with regard to privacy, noise and disturbance, are noted and have been taken into account in the consideration of the application.

In general, separation distances between the proposed houses and habitable room windows in existing neighbouring properties would exceed those recommended in the Housebuilders Design Guide SPD, even taking into account the potential for some levels differences between the site and neighbouring houses.

However, the proposed house on Plot 49 would be located very close to the boundary with the rear garden of the existing neighbouring house at 3 Stubley Farm Road, at only around 2.5m from that boundary, and would extend alongside most of the private rear garden area of that neighbouring property. The location of Plot 49 to the north of that neighbouring property would mean that it would be unlikely to result in adverse impacts in terms of additional overshadowing and, as the ground floor window in the side elevation of Plot 49 facing the neighbouring property would serve a hall, a condition could be attached requiring that window to be obscure glazed, to protect the privacy of the occupants of the neighbouring property. However, due to its proximity to the boundary with the rear garden of 3 Stubley Farm Road, and the extent of its 2 storey side elevation alongside most of the length of that neighbouring rear garden, it is considered that the dwelling on Plot 49 would have an overbearing effect on that garden, creating an oppressive feeling of enclosure which have a significant impact on the outlook from that neighbouring garden and on the enjoyment of that outdoor space by the occupants of that neighbouring property. It is therefore considered that the proposed development would fail to preserve the amenities of neighbouring residents in that regard.

Concerns have been raised within the representations regarding the proximity of the proposed site access road to the rear gardens of existing properties on Leeds Road and Stubley Farm Road adjacent to it, including with reference to noise, disturbance and vehicle lights shining into gardens and houses adjacent to the access road. Whilst that proximity is noted, there would be some separation between the proposed access road and those neighbouring gardens, and it is considered that conditions could be included to require appropriate boundary treatments and planting/landscaping between the proposed site access road and those neighbouring gardens, to provide screening and mitigate the potential impacts on the occupants of those neighbouring properties. Subject to such conditions, and given the number of properties that the access road would serve, it is considered that overall refusal on that basis alone could not be justified.

Future residents

Due regard must also be given to the amenity of future occupiers. All of the proposed dwellings would meet or exceed the relevant Nationally Described Space Standards with regard to their internal floor areas.

In terms of the separation distances between proposed dwellings within the development, the Housebuilders Design Guide SPD recommends separation distances to protect residential amenity, including maintaining privacy, reducing overlooking and ensuring sufficient natural light. Those recommended distances are based on two storey houses, and the SPD advises that longer distances between buildings may be necessary if the site includes higher buildings or steep topography.

In this case, there are numerous instances where separation distances would fall below those recommended in the Housebuilders Design Guide SPD. For example, the distance between the rear elevations of plots 14-16 and plots 25-26 would only be around 19m instead of the 21m recommended in the SPD. This is of further concern as the Arundel house types on Plots 25-26 would be 2.5-storey, therefore higher than the Bamburgh housetypes on plots 14-16. Furthermore, no detailed cross section drawings have been provided, but the site generally slopes uphill towards the northern end, and on the basis of the limited levels information on the submitted Drainage Plan, the finished floor level of those three storey Arundel houses on plots 25-26 would be around 2.5m higher than that of the two storey houses on plots 14-16. Per the plans, the Arundel measures at 10.1m in height and the Bamburgh at 8.5m, for a 1.6m difference which, added to the different ground level, totals a presumed 4.1m greater ridge height for plots 25 and 26. Therefore, taking into account the additional storey height, even though plots 25-26 would be to the north and therefore would not be likely to overshadow plots 14-16, this shortfall in their separation distance, by virtue of the differing plot heights, gives rise to concerns regarding privacy and also that the houses on plots 25-26 could appear overbearing and oppressive when viewed from the rear windows and gardens of plots 14-16, to the detriment of the outlook of future occupants.

The separation distance between the rear elevations of plots 11-13 and plots 27-29, at 20.5m, would also be slightly below the 21m recommended in the SPD. Whilst both of these sets of plots would be two storeys high, the finished floor level of plots 27-29 would be around 2.85m higher than that of plots 11-13, according to the submitted Drainage Layout plan. Therefore, this also gives rise to potential concerns about overlooking and privacy between those plots, and that the dwellings on plots 27-29 could appear unduly dominant and overbearing, to the detriment of the outlook from the rear windows and gardens of plots 11-13.

The bin and cycle stores for the proposed ‘quarter houses’ on plots 1-4 would be located immediately adjacent to the northern elevation of the building housing those plots, which would contain habitable windows in its northern elevation immediately facing those areas. As a result of that proximity, those bin and cycle stores would have an adverse impact on the outlook from those windows, and the use of those bin and cycle stores by residents of those four

plots, which would include residents other than those of the plots to which those windows belonged, would have an adverse impact on the privacy of the occupants of those two north-facing plots, and would lead to unacceptable levels of noise and disturbance for the occupants of those proposed plots.

Garden areas for most of the proposed dwellings are considered to be of a satisfactory area to provide private outdoor space that is proportionate to the size of their respective dwellings. However, the exception is the 'quarter house' properties which are proposed on plots 1-4, plots 17-20 and plots 40-43. In those cases, it is not clear how the proposed outdoor space around those plots would be configured and/or subdivided to provide outdoor amenity space for those properties, and whether it would be provided communally (in which case there would be some concerns about the privacy of the occupants of the properties adjacent to those outdoor areas, as there is no defensible private space shown adjacent to their ground floor windows), or separately for each plot. As the areas of open space indicated around those plots are limited, this is of concern. Furthermore, for plots 1-4 there is further uncertainty as to the extent of the outdoor area, as the submitted Site Layout Plan shows no separation between the southern elevation of that building and the open space immediately to the south, whereas the landscaping plan indicates a proposed hedge between the southern plots and that adjacent open space area. Therefore, on the basis of the information submitted, it is considered that it has not been demonstrated that plots 1-4, plots 17-20 and plots 40-43 would be provided with sufficient and satisfactory areas of private (or communal) outdoor amenity space that would be functional whilst protecting the privacy of the occupants of those plots.

Noise

The proposed pumping station would also be close to the side boundary of the existing house at 3 Stubley Farm Road, and to the rear garden boundaries of proposed plots 47-49 within the site. It is considered that the operation of the pumping station, so close to those neighbouring properties and their private gardens, could have an adverse impact on the living conditions of the occupants of those properties in terms of noise and disturbance. The Noise Impact Assessment submitted by the applicant refers to Yorkshire Water guidance regarding pumping stations and distances to neighbouring dwellings. The EHO has noted that the submitted Noise Impact Assessment *"dismisses the impact of the submersible pumping station, without providing any detailed information, quoting Yorkshire Water Guidance"*, but has requested more detailed information, specific to this site and to the proposed operation of the pumping station, stating that:

> *"We require the applicant to provide a noise assessment that includes the impact of the pumping station in relation to new and existing residential receptors. We require the information to include day and night operation of pumping equipment. We require this information prior to determination."*

No further information on this matter has been received. This has been discussed further with the EHO and, in the absence of specific information

regarding the site and the operation of the proposed pumping station in this specific instance, including its intended hours of operation, it is considered that, based on the information submitted, it has not been demonstrated that the proposed pumping station would not have an adverse impact on the occupiers of existing and proposed residential properties with regard to noise and disturbance, or that any such impact would or could be satisfactorily mitigated.

Concerns raised regarding noise and disturbance during construction are noted. However, it is considered that such matters could be satisfactorily controlled via appropriate measures within a Construction Environmental Management Plan (CEMP), which could be secured by condition if the application was to be recommended for approval.

Amenity, summary

For the reasons given, it is considered that the proposed development would fail to protect the living conditions of the occupants of the existing neighbouring property at 3 Stubley Farm Road with regard to outlook, would fail to provide satisfactory levels of separation between some of the proposed dwelling within the site and thus provide adequate levels of privacy to those properties.

Furthermore, on the basis of the information provided, it has not been demonstrated that the proposed pumping station would not have an adverse impact on the amenities of the occupants of existing and proposed nearby properties with regard to noise and disturbance or that any such impacts would be satisfactorily mitigated, or that the occupants of plots 1-4, 17-20 and 40-43 would be provided with outdoor amenity space that would be of an appropriate size, and functionality, whilst also protecting the privacy of the occupants of those plots.

Therefore, it is concluded that the proposed development would conflict with Policies LP24 and LP52 of the Local Plan insofar as they require proposals to promote good design by ensuring that they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings, and that proposals which have the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution so as to ensure it does not reduce quality of life or wellbeing to an unacceptable level. It would also conflict with the Housebuilders Design Guide with regard to separation between buildings and garden sizes.

It would also conflict with NDMP P3 of the NPPF which, amongst other things, requires that development proposals should provide healthy living conditions for occupiers in terms of avoiding exposure to levels of noise which could have an unacceptable adverse impact on health or quality of life, and should not give rise to unacceptable levels of noise pollution on or beyond the site, and that adverse impacts of this nature should be avoided where possible, or

else mitigated to an acceptable degree. It would also conflict with the National Design Guide, including with regard to privacy and external amenity spaces.

6 – Highways and Transportation

Concerns raised in public representations regarding matters relating to highways and transportation, including with regard to existing highway conditions on Leeds Road and nearby roads, additional traffic and the proposed site access from Leeds Road, are noted, and have been taken into account as part of the assessment of the application.

The Highways Development Management (Highways DM) officer has reviewed the information submitted by the applicant, including a Transport Statement.

Impacts on the highway network

The Highways DM officer has assessed the proposals with regard to potential trip rates, traffic generation and trip distribution, in the context of the applicant's Transport Statement, and has not raised any specific objection to the proposed development on the basis of its potential effects on the operation or capacity of the existing highway network. However, concerns have been raised about the specific detail of the proposals in terms of potential highway safety impacts, including the design of the proposed access from the site onto Leeds Road, and the internal layout of the proposed development. These are considered in detail below.

Proposed site access from Leeds Road

With regard to the design of the proposed vehicular and pedestrian access into the site from Leeds Road, the Highways DM officer has reviewed the proposals on the submitted plans and in the light of the applicant's supporting information, including the Transport Assessment.

With regard to visibility splays at the proposed site entrance, the Highways DM officer has noted speeds that were recorded as part of an Automated Traffic Count carried out close to the site, and that visibility splay requirements have increased on that basis. They also note the visibility splays that are proposed, but have advised that the submitted Transport Statement *"does not provide justification for the proposed measurements in relation to speed surveys previously undertaken".* Therefore, it is considered that the proposed visibility splays have not been explained or justified, based on the submitted information.

With regard to the design of the proposed site access, based on the submitted information and proposals, the Highways DM officer has raised some reservations about the submitted proposals, including in terms of the proposed configuration of the configuration of the ghost island proposed on Leeds Road, the ability for large vehicles such as refuse collection vehicles to turn into and out of the site, and the potential interrelationship between the

proposed site access and the existing nearby junction of Leeds Road and Stubley Farm Road.

Specifically, the Highways DM officer has advised that the applicant should make reference to relevant guidance in The Design Manual for Roads and Bridges (DMRB) with regard to the widths of right turning lanes and through lanes. Based on the submitted information, the Highways DM officer has advised that they were unable to scale the access drawing, but noted that the through lanes are proposed at 3.2m, which is acceptable, but that the ghost island would fall short of the 3m minimum width referred to in DMRB. In that regard, the Highways DM officer has noted that *"the site layout plan shows the lane between 2.75m and 2.85m".* They have therefore requested that the proposed site access be reviewed and either amended to comply with the standard recommended in DMRB, or that a Stage 1 Road Safety Audit (RSA) be undertaken *and a designers response provided to be reviewed by Kirklees Highway Safety team that considers the departure from standards"* prior to a planning decision being made.

The Highways DM officer has also noted that the site access drawing *"appears to have double linework which should be clarified"* and has requested a scaleable version of the plan. There are therefore considered to be some matters relating to the submitted site access plan which would require further clarification.

The Highways DM officer has also advised that swept path analysis should be undertaken to show that large vehicles (refuse collection vehicles (RCVs), fire tender, pumping station service vehicle) could negotiate the layout into the site, and through the lane widths proposed, including into the Alma Lane turning lane on Leeds Road. The Highways DM officer has advised that such swept paths should also consider egress by vehicles from Stubley Farm Road, in case tractors and trailers need to turn right out of that road.

With regard to the requirements for swept path analysis, and the information that has been provided as part of this application, the Highways DM (HDM) officer has advised as follows:

> *"Computer aided swept path analysis is a critical submission requirement on any domestic development proposing new roads or access. It must be demonstrated that our standard RCV can enter the site safely and efficiently, and manoeuvre around the site to collect from all the proposed presentation points, in a forward gear.*
>
> *Provision to turn the vehicle within the site must also be provided to allow safe exit in a forward gear. All swept path analysis should account for the likely locations of on-street parking, the passing of other vehicles and the need to ensure a 0.5m buffer between the vehicle wheels and the kerb edge. The locations of street furniture must also be factored into this analysis in relation to the overhang of the vehicle.*

HDM notes that in Appendix E of the Transport Statement swept paths are provided for a large refuse vehicle turning left into the site from Leeds Road and turning left out of the site onto Leeds Road. HDM is concerned that the 0.5m buffer is not provided and the left turn in seems to swing across the ghost island and encroaches into the exit lane from the proposed site access. HDM would recommend that the kerbline / carriageway alignment on the south side of the junction is amended and widened to address these issues."

In their conclusion regarding the proposed site access, the Highways DM officer has also reiterated that a Stage 1 RSA for the proposed new access layout would need to be carried out by an independent team before planning permission was granted, and that any departures from standards should be detailed and a designers response provided. At this stage, no RSA has been submitted, and as set out above, there are a number of concerns regarding the proposed site access arrangements based on the information which has been submitted.

Therefore, on the basis of the information submitted, it is considered that it has not been demonstrated that the proposed access to the development from Leeds Road would be safe or satisfactory with regard to the arrangements for vehicles turning right into the site from Leeds Road, taking into account the size and nature of vehicles that would use that access and the potential implications of the proposed arrangements, including proposed works on Leeds Road, for the functioning of other junctions including right hand turning onto Alma Lane and vehicles leaving Stubley Farm Road.

The Highway DM officer has requested further information in a number of regards, as set out above. However, the application is now to be determined on the basis of the information which has been submitted to date, and therefore an assessment must be made on the basis of that information.

Therefore, and in the light of the Highways DM officers comments, concerns and reservations about the proposals on the basis of the information which has been provided, it is considered that, based on the information provided, it has not been demonstrated that safe access would be provided into the site from Leeds Road, including with regard to the right hand turning arrangements, visibility, access into and from the site by larger vehicles including refuse, fire and pumping station service vehicles, and the potential implications for vehicle egress from the existing nearby junction of Stubley Farm Road.

In the event that a satisfactory access was provided, and as advised by the Highways DM officer, a Traffic Regulation Order (TRO) would be required for waiting restrictions (double yellow lines) on Leeds Road in the vicinity of the site access. The funds for the administration and implementation (i.e. associated lining works) for the TRO would need to be secured as part of a Section 106 agreement if the application was to be recommended for approval.

Internal layout

As advised by the Highways DM officer, new major residential developments should be laid out to an adoptable standard with regard to highway design, and should be able to be offered for adoption (even if adoption is not proposed). In that regard, highway layouts for residential developments are expected to be designed in accordance with the Council's Highway Design Guide SPD.

The Highway Design Guide SPD sets out specific gradients for new highways, including minimum gradients for specific street types. In this case, no details of proposed levels, and no longitudinal sections have been provided to demonstrate that the proposed highway layout and street types proposed would comply with the relevant requirements, or that the streets within the development would thus provide safe and suitable access, and accessible streets for all users.

In terms of the layout, the Highways DM officer has noted that some swept path analysis has been provided, but has advised that they would require a swept path analysis for an 11.85m long refuse vehicle, indicating how it could pass an on-coming or parked family car throughout the site layout. Insufficient information has therefore been received to demonstrate that a refuse vehicle could practically access all areas of the proposed development.

Furthermore, the Highways DM officer has raised specific concerns that the three proposed shared surface (Type C) streets do not include turning facilities for refuse vehicles, but exceed the lengths (20m) at which refuse vehicle turning facilities are required. In that regard, the Highway Design Guide SPD states that:

> *"Turning space is also required for RCVs to avoid the need for long reversing manoeuvres….*
>
> *For a Type C Shared Surface Street which is less than 20m long, it may be possible for the refuse vehicle to reverse, under supervision, from a Type A or B street into the shared area. Where such arrangements are considered acceptable, the turning space at the end of a Type C street may be reduced to that required by a private car only. Consideration should also be given to providing a communal collection point at the access to the street."*

Therefore, any shared surface street which is longer than 20m should be provided with an area where a refuse vehicle can turn. There are multiple shared surface streets indicated within the proposed layout which would not include a turning area that would be large enough for a refuse collection vehicle. Therefore, this would result in large refuse vehicles having to make lengthy reversing manoeuvres along those streets. It is considered that this would be hazardous to the safety of other road users, including pedestrians and cyclists, and would not be acceptable.

The Highways DM officer has also noted that one of the proposed shared surface streets, in the eastern part of the site, would provide the access to the proposed foul water pumping station for the development, and has advised that *"Yorkshire Water have confirmed that they would expect the pump station to accommodate a 10.5m long by 2.5m wide tanker (4000 gallon)"*, and that swept paths should be provided to ensure that such a vehicle could access and leave the site safely. In the absence of such information, it is considered that it has not been demonstrated that safe and satisfactory access for the necessary servicing of the pumping station could be achieved within the proposed layout. Therefore, based on the information provided, there are concerns that this could result in lengthy, complex reversing manoeuvres in this area of the site, in the area where a pedestrian link is proposed from the site to the adjacent Public Right of Way.

The Highways DM officer has also advised that details of access for fire tenders should also be considered, and appropriate access and turning/sweep circles should be provided within the site for cul-de-sac roads exceeding 20m in length. Information has therefore not been provided to demonstrate that fire tenders could safely access or turn within the site. This gives rise to further safety concerns.

Based on the submitted information, the Highways DM Officer has also identified a number of other aspects of the proposed internal site layout where further information would be required to demonstrate that the proposed layout would be acceptable. This includes in terms of forward visibility, in the context of which the Highways DM officer has noted that, amongst other things, there are limited internal visibility splays indicated on the submitted plans (and, in terms of one specific matter noted on the basis of the information that has been submitted, that *"the proposals show a high number of bin collection points which impede highway and pedestrian visibility"*). In the absence of information to demonstrate that adequate forward visibility for vehicles and pedestrians would be provided throughout the proposed site layout, including at junctions and/or bends in the road, it is considered that it has not been satisfactorily demonstrated that the proposed layout would be safe for all road users in that regard.

Some of the proposed sections of highway do not comply with the relevant requirements for the respective street types, for example one of the shared surface streets has a footway on one side, which does not comply with any of the Highway Design Guide street types (Type B requires footways on both sides, Type C has margins only, with no footways). The Highways DM officer has also advised of the requirements for traffic calming measures, and further information would be required to demonstrate what is proposed in that regard, and that any such proposals were acceptable and in accordance with the relevant guidance.

The Highways DM officer has also advised that pedestrian access through the site should be considered further. In that regard, they have advised that dropped kerbs and tactile paving should be provided where shared surfaces are not in place, to ensure pedestrian accessibility throughout the site. They

have also advised that pedestrian visibility splays should be provided across the site. In the absence of information regarding those measures, it has also not been demonstrated that safe, accessible routes for pedestrians would be provided throughout the proposed development.

A pedestrian access connection from the site to the adjacent Public Right of Way along Stubley Farm Road to the east is proposed. This is welcomed in terms of providing pedestrian connectivity between the site and the public right of way network, and should be part of the adopted highway network in the event that adoption was proposed, to ensure that this pedestrian link was suitably maintained. However, this would be alongside what appears to be proposed as a shared surface street (the adoption requirements for which do not include footways), and therefore its routing may require some further consideration.

The Highways DM officer has also advised of the requirements for highway gullys, which would also need to be shown on plans.

The Highways Officer has also advised that the submitted Engineerling Layout plan does not appear to align with other site layout plans submitted. Therefore, in the absence of consistent information, it is not possible to be certain exactly what is proposed in some regards.

Drawing those threads together, based on the information submitted, it is considered that it has not been satisfactorily demonstrated that the proposed site layout would provide safe and suitable access for all users, including pedestrians, cyclists and vehicles, including with regard to: gradients to ensure accessibility; the provision of safe access, turning and manoeuvring for large vehicles including refuse, fire and pumping station servicing vehicles; visibility for vehicles and pedestrians including at junctions and bends in the road; and any necessary traffic calming. As addressing these matters could necessitate material changes to the proposed site layout, it is not considered that these matters could be satisfactorily dealt with via planning conditions. Therefore, it is recommended that the application should be refused on these grounds, based on the information submitted.

Parking

The Highways DM officer has advised that the proposed parking arrangements for some of the plots are not clear, specifically dwellings with integral garages such as the Arundel, Bamford and Castleton house types. The plans do not indicate the layout of parking bays to the front of those properties, and therefore it is not clear if there would be sufficient space for the number of vehicles required for those plots. Some of the proposed parking areas do not appear to be large enough to accommodate vehicles whilst also allowing pedestrians to pass, or to manoeuvre bins or cycles past parked vehicles.

There are also instances where parking is proposed to be remote from the plot which it relates to, for example Plots 31 and 38, and where overlooking of

those parking areas would be limited due to a lack of habitable room windows in the side elevations of nearby plots. This is of concern, as it could lead to residents parking on street, and thus causing potential obstructions within the highway, for convenience or due to potential concerns about the security of their vehicles. Some visitor parking, for example, to the north of Plot 37, would also lack overlooking or natural surveillance, which could discourage its use.

Therefore, it has not been demonstrated that the proposed parking arrangements would be sufficient in all regards, or that private and visitor parking would be satisfactorily accommodated in all cases whilst also allowing sufficient access for pedestrians and cyclists to pass. Concerns therefore remain that the development could result in some on-street parking taking place, which could obstruct visibility and/or access for vehicles through the site, including larger vehicles.

The Highways DM officer has also raised some concerns that cycle parking provision has not been indicated for some plots, and that some of the proposed integral garages do not appear large enough to accommodate parking for vehicles as well as cycles. However, it is considered that this particular matter could be satisfactorily addressed via an appropriately worded condition requiring details of secure cycle parking provision for each property, and that refusal on this specific basis could not be justified.

Highways

The Highways Structures officer has not raised any specific concerns regarding the application proposals, subject to conditions relating to the details of retaining walls adjacent to highways, and drainage infrastructure within the highway. Therefore, subject to conditions to cover those matters, there are no objections to the proposed development with regard to highway structures matters.

Travel Plan

A travel plan has been received as part of the application. This document is considered to be indicative and not amount to a full travel plan. For the reasons set out above, the proposed development is not considered acceptable on the basis of the information submitted. However, in the event that the application was to be recommended for approval, it is recommended that a condition requiring a full travel plan be included if the application was to be recommended for approval, to establish and implement measures to encourage sustainable and active travel, in accordance with Local Plan policy LP20 and NDMP TR6 of the NPPF.

Conclusion on highways and transportation matters

For the reasons given it is considered that, on the basis of the information submitted, it has not been demonstrated that safe or satisfactory access would be provided into the site from Leeds Road for all users, or that the access into the site would not have an adverse effect on the safety or

operation of the nearby junctions of Leeds Road with Alma Lane and Stubley Farm Road, including with regard to turning right hand turning arrangements into the site, visibility and access into and from the site by larger vehicles including refuse, fire and pumping station service vehicles. Furthermore, on the basis of the information submitted, it has not been demonstrated that the proposed site layout would provide safe and suitable access for all users, or that the needs of pedestrians and cyclists have been prioritised, including with regard to: gradients, safe access, turning and manoeuvring facilities for large vehicles, visibility for vehicles and pedestrians, and any necessary traffic calming. It has also not been demonstrated that sufficient or satisfactory parking arrangements would be provided for some plots, including with regard to the size of some proposed garages, lack of overlooking or surveillance of some parking areas, and sufficient space for pedestrians to pass, or manoeuvre bins or cycles past parked vehicles, or that the development would therefore not lead to overspill parking taking place on streets, to the detriment of the function and safety of the highways within the site.

Therefore, on the basis of the submitted information, it is considered that the proposed development could give rise to unacceptable impacts on highway safety, within the site itself and on Leeds Road nearby.

It is therefore considered that the proposed development would conflict with Local Plan policies LP20, LP21 and LP22 which, amongst other things, require proposals for new development to facilitate the needs of the user hierarchy which prioritises pedestrians and cycles over private vehicles, that proposals shall demonstrate that they can be accessed effectively and safely by all users and that safe and suitable access to the site can be achieved for all people, that proposals shall take into account changes in site levels and topography to ensure the development can be accessed easily and safely by all sections of the community, take into account the features of surrounding roads and provide adequate layout and visibility to allow the development to be accessed safely, taking into account access for emergency, service and refuse collection vehicles, and provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking. It would also conflict with guidance in the Highway Design Guide SPD, including as set out above.

The proposed development would also conflict with NDMP TR4 of the NPPF, which amongst other things state that proposals should give priority first to walking, wheeling and cycle movements, both within the scheme and with neighbouring areas, ensure that the arrangement of streets help to create places that are safe, inclusive and attractive for all users (particularly for women and girls, for other groups who may be vulnerable to crime or the fear of crime, and for those with limited mobility), and provide a suitable number of parking space. Refusal would be consistent with NDMP TR6 of the NPPF, which states that development proposals should be refused if they would have an unacceptable impact on highway safety.

7 – Flood risk and drainage

Concerns raised in public representations regarding potential flood risk and drainage considerations are noted and have been taken into account as part of the assessment of the application.

On the basis of the revised and additional plans and information received during the course of the application, the Lead Local Flood Authority (LLFA) officer has objected to the proposal on the grounds that *"the layout design has not considered 'making space for water' both for blockage scenario flood routing and attenuation requirements".*

Specifically, the concerns they have raised include that:

> *"It is not clear what the boundary treatments are for the perimeter of the site in relation to overland flow (flood routing)"*

and

> *"Flood routing for the site only looks at exceedance events for the tank. In a blockage scenario or a short intense event where water is not entering the system, several plots are at risk by being place in depressions/low spots and water will enter curtilage and property. There is also little room to alter levels and utilise rear gardens which would be considered under exceptional circumstances. Kirklees LLFA always advise that roads and public open space should be used for overland flood routing avoiding the risk of property flooding in the design."*

The LLFA officer has provided further clarification in this regard, advising that the latest drainage drawing shows the main access road draining to the western side of the road, and that therefore overland flows would be down the side streets, and houses are lower than the road in multiple places, and that *"the manhole cover levels still verify overland flows toward property rather than use road and open space here reasonably practicable".*

Therefore, on the basis of the submitted information, it is considered that it has not been demonstrated that the proposed development, including some of the proposed dwelling plots, would be safe from flood risk for its lifetime, including taking into account residual risk, blockage scenario events or short intense events.

The proposed development would conflict with Local Plan Policies LP27 and LP28 which, amongst other things, proposals must be supported by an appropriate site specific Flood Risk Assessment that much demonstrate that the proposal will be safe throughout the lifetime of the development and that flow paths accommodating water from outside the site or due to an exceedance event should be designed to avoid buildings and curtilages. It would also conflict with NDMP F7(1) which states amongst other things that development proposals should not present a risk from flooding to potential occupiers, users of visitors and should not increase flood risk elsewhere. It would also conflict with the PPG, including with regard to developments being safe from flood risk for their lifetime and taking into account residual risk.

Yorkshire Water have raised no objections to the proposed development, including with regard to the proposed arrangements for the disposal of foul water via the proposed pumping station. Therefore, it is considered that the proposed development would be acceptable with regard to the proposed drainage/sewage arrangements with regard to sewer capacity, foul water drainage or the proposed pumping station. A planning obligation would be required as part of a Section 106 agreement requiring satisfactory arrangements for the management and maintenance of the on-site drainage infrastructure unless and until it was adopted by the relevant statutory undertaker.

However, the LLFA officer has also raised concerns that, based on the submitted information, the proposed surface water attenuation tank appears to be very close to buildings and is constructed inside curtilage/private driveway and parking areas. In that regard, they have raised specific concerns that this would be likely to preclude it from adoption due to the disruption caused if excavations were ever necessary. Adoption would not necessarily be a specific requirement. However, in practical terms, because of the location of the proposed attenuation tank within private driveway areas and very close to the front of some properties, the LLFA officer has advised that maintenance and management of this feature, should it ever require repair, would be very difficult, as the excavations would be almost at the front doors of some properties. No evidence to the contrary has been received from the applicant.

Therefore, on the basis of the submitted information, it has not been demonstrated that the proposed surface water drainage arrangements, and specifically the attenuation tank, have been designed in a way that would allow, secure or ensure the ability to safely and maintain and manage that infrastructure once the development was complete. It would therefore conflict with Local Plan Policy LP28 insofar as it requires satisfactory maintenance and management arrangements to be secured for surface water drainage management solutions for the lifetime of the development, and with NDMP F8 of the NPPF which requires that sustainable drainage systems should have maintenance arrangements in place to ensure an acceptable standard of operation for the anticipated lifetime of the development. It would also conflict with the PPG, with regard to the maintenance of sustainable drainage systems.

8 – Ecology and biodiversity

The concerns raised in public representations regarding the potential effects of the proposed development on wildlife, ecology and biodiversity, including with reference to protected species, are noted and have been taken into account as part of the consideration of the application.

The Council's Ecologist has advised that the Preliminary Ecological Appraisal (PEA) submitted by the applicant is *"reasonable and acceptable"*. They noted that there was a recommendation for a bat emergence survey. A Bat

Emergence Survey Report was received in August 2025 and the Ecologist provided further comments in September 2025 advising that:

> *"The bat report provided is reasonable and acceptable. It is observed that no bats were observed emerging from the building and so it is unlikely that there are any roosts."*

They went on to advise that they had no further comments, other than their previous comments. It is therefore considered that the potential impacts on bats, as a protected species, have been satisfactorily considered.

The Ecologist also noted other recommendations in the PEA, and has recommended conditions to cover relevant matters, including a CEMP: Biodiversity, a lighting strategy and an invasive species survey and removal and/or management plan.

Subject to relevant conditions, as recommended by the ecologist, it is considered that the effects of the proposed development on ecology, including protected species, have been satisfactorily considered and could be appropriately mitigated.

In terms of Biodiversity Net Gain (BNG), the Ecologist that the proposed development would include a significant number of units on-site as part of the development, and that a Habitat Management and Maintenance Plan would need to be secured for at least 30 years. This would need to be secured as part of a Section 106 agreement for the development.

The Ecologist has also noted that there would be a significant loss of biodiversity units on-site, and thus deficit of habitat units in order to achieve a 10% statutory BNG. In the light of the scale of that deficit, the Ecologist has recommended that the applicant provide at least an outline as to how off-site net gain would be achieved, in the event that any off-site net gain might also need to be secured via S106 agreement.

However, no further information has been received from the applicant in this regard. Whilst it may have been preferable to have this information prior to a decision, any approval would be subject to the statutory condition requiring a Biodiversity Gain Plan to be submitted prior to the commencement of development. Officers are satisfied that the scale of the site and the identified shortfall is not so substantial to make delivery off-site prohibitive. Any off-site mitigation could thus be secured at that point, and it is considered that refusal of the application on those grounds could not be justified.

Concerns have been raised in public representations regarding the potential effects of the proposed development on the welfare of horses and other animals kept on nearby land. The site is already on the edge of a built-up, residential area and close to a major road. In that context, and given the relatively limited scale of the proposed development, it is considered that the proposed residential development would not give rise to significant increases in noise within the wider area once complete, compared with the existing

development and road. Given the scale of the proposed development, the construction period would be likely to be relatively limited in duration, and measures to mitigate noise, dust and vibration during that construction period could be secured via a condition requiring a Construction Environmental Management Plan (CEMP) if the application was to be recommended for approval. Therefore, it is considered that refusal on these grounds could not be justified.

Therefore, subject to the conditions suggested above and a Section 106 agreement to secure the significant on-site BNG proposals, it is considered that the proposed development would be acceptable with regard to ecology and biodiversity matters. It is therefore considered that it would not conflict with Local Plan Policy LP30 with regard to biodiversity matters, or with NDMP N2 of the NPPF in that regard.

9 – Coal mining and land stability

Comments received in public representations regarding the history of coal mining in the area and potentially the site, and the potential implications of this are noted, and have been taken into account in the assessment of the application.

Parts of the site are within the identified Development High Risk Area for Coal Mining. Relevant information in this regard has been submitted as part of the application, including a Stage 1/Stage 2 Geo-Environmental Report, and Intrusive Coal Mining Investigation reports. The submitted details include recommendations and proposals regarding the treatment of former coal mine workings identified on the site, and for the design of reinforced foundations to plots on site.

On the basis of the submitted information, the Mining Remediation Authority, in their most recent comments, confirmed that they withdraw their objection to the proposed development, subject to conditions. Those conditions include a requirement for the carrying out of remediation and mitigation measures outlined in the submitted reports and, subsequently, the submission of a signed statement or declaration prior to the occupation of the development, by a suitably competent person confirming that the necessary mitigation measures have been implemented and that the site has been made safe and stable for the development.

In the light of the Mining Remediation Authority's comments, and subject to the recommended conditions, and a series of informative footnotes also recommended by the Mining Remediation Authority, it is considered that the proposed development would be acceptable in this regard.

Subject to those recommended conditions, it is therefore considered that the proposed development would accord with Policy LP53 of the Local Plan with regard to unstable land, which states that development on land that in unstable will require the submission of an appropriate land instability risk assessment, and that for developments identified as being at risk of instability,

measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the instability does not have the potential to cause harm to people or the environment.

It is also considered that the proposed development would accord with NDMP P2 of the NPPF, which states that sites proposed for development should be suitable for their proposed use taking into account ground conditions, including any risks arising from land instability due to former activities such as mining, and the extent to which any risks can be mitigated.

NDMP P2(4) also reiterates that, where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner, and an informative note to that effect would be recommended if the application was to be recommended for approval.

10 – Contaminated land

Concerns and comments raised in public representations regarding the potential for contamination on the site, including asbestos, are noted and have been taken into account in the assessment of the application.

Relevant information has been submitted as part of the application, including a combined Stage 1/Stage 2 Geo-Environmental Report and, following comments from the EHO during the application, a Method Statement for the Assessment of Imported Soils and a document titled 'Garden Soils Validation'.

In the light of that information, in their most recent comments the EHO recommended conditions requiring the submission, approval and subsequent implementation of a Remediation Strategy, and the verification of any remediation works.

However, there are existing buildings on the site which are proposed for demolition as part of the proposed development, and the most recent 'Garden Soils Validation' report received from the applicant includes the following recommendation in its conclusion:

> *"It is recommended that further investigation is undertaken following the demolition of the existing building."*

Therefore, this matter has been discussed further with the Council's Environmental Health team and, to ensure that any potential contamination which may existing beneath existing buildings on the site is identified, and any associated remediation measures are taken into account as part of the remediation strategy for the site as necessary, it is recommended that a condition requiring further site investigation following the demolition of the existing buildings on the site should also be included (in addition to those other conditions already recommended by the EHO), if the application was to be recommended for approval.

In the light of the above, and subject to the recommended conditions to ensure that contaminated land matters are satisfactorily considered, and addressed as necessary, it is considered that the proposed development would be acceptable in this regard.

It is therefore considered that the proposed development would accord with Local Plan Policy LP53, which states that development on land that is currently contaminated or suspected of being contaminated will require the submission of an appropriate contamination assessment, and that where there is evidence of contamination, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the contamination does not have the potential to cause harm to people or the environment.

It is also considered that the proposed development would not conflict with NDMP P2 of the NPPF, which states that sites proposed for development should be suitable for their proposed use taking into account ground conditions, including any risks arising from contamination and the extent to which any such risks can be mitigated.

NDMP P2(4) also states that, where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner. An informative note to that effect would therefore be recommended if the application was to be recommended for approval.

11 – Air quality

Concerns raised in public representations regarding potential air quality and air pollution impacts of the development, including during construction and upon completion, are noted and have been taken into account in the assessment of this application.

An Air Quality Assessment was submitted as part of the application as originally submitted, and a revised Air Quality Assessment, updated to reflect the revised proposals, was received as part of the submission of revised plans and additional information in early 2026.

The submitted details consider the construction phase and the operational phase of the development, and set out proposed mitigation measures, including in relation to dust during the construction phase. The submitted details have been considered by the Council's EHO, who provided detailed comments regarding the originally submitted report, including noting the recommended mitigation measures during construction, and advising that the originally submitted report concludes that the operational phase of the development would have a negligible impact on local air quality, but that mitigation measures including the provision of EV charging and a travel plan, and setting properties well back from the A road, were recommended.

The EHO went on to confirm that they agreed with the overall methodology and approach of the air quality assessment, and recommended a condition to

secure the dust mitigation measures proposed, and that it was ensured that the electric vehicle charging was applied.

In response to the updated Air Quality Assessment report received in early 2026, the EHO noted that the updated report *"considers the slight alterations to the proposed development concluding that the mitigations offered in the report are sufficient to reduce any risk to negligible"*, and recommended a condition requiring the implementation of the recommended dust mitigation measures during the demolition and construction phase of the development.

Electric vehicle charging points are a requirement under the Building Regulations, and therefore would be secured under other legislative requirements. Therefore, in accordance with NDMP DM7 of the NPPF, which states that planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes, it is considered that a condition to secure this is not necessary.

However, a condition requiring a Travel Plan would be recommended in the event that the application was recommended for approval, to ensure that measures to encourage active and sustainable travel were implemented as part of the proposed development.

Therefore, in the light of the EHO's comments and subject to the recommended condition to secure dust mitigation measures during demolition and construction, and a condition requiring a travel plan, it is considered that the proposed development would not have significant adverse implications with regard to air quality.

It is therefore considered that the proposed development would accord with Policy LP51 of the Local Plan with regard to the protection and improvement of air quality, and would not conflict with NDMP P3 with regard to air quality and pollution.

12. Planning obligations

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) sets out the statutory tests for planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.

Based on the scale and nature of the proposed development, and as set out below and, where relevant, in the assessment above, the following planning obligations would need to be secured via a Section 106 agreement in this case.

Affordable Housing

As set out in the 'Housing Density and Housing Mix' section above, the following affordable housing units are proposed.

- 6 Social Rent (3 x two-bed and 3 x three-bed)
- 4 Intermediate Affordable units (all First Homes) (all 2-bed).

As set out in the 'Housing Density and Housing Mix' section above, the submitted proposals are considered acceptable with regard to the number, tenure split and mix of affordable housing units proposed, and in accordance with Local Plan Policy LP11 and the Affordable Housing and Housing Mix SPD. This would need to be secured via a Section 106 agreement.

Open Space

Local Plan policy LP4 relates to the provision of infrastructure, including as part of new development. Local Plan policy LP63 states that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, and that in areas where existing open space provision is insufficient to meet local needs, provision of new open space on-site would be preferred to meet the needs of the development.

The Council's Open Space SPD provides further guidance regarding the requirements for the provision of open space in association with housing developments. It identifies the typologies of open space, and when they are required.

Based on the proposed development of 49 dwellings, all typologies would be required, with the exception of Allotments (the threshold for which is 50 dwellings).

Amenity greenspace is defined in the Open Space SPD as follows:

> *"Opportunities for informal activities close to home that can enhance the appearance of residential areas. Amenity greenspace includes informal recreational and playable spaces, green spaces in and around housing and village greens"* (emphasis added).

Whilst there is not currently an identified deficiency in the quantity of amenity greenspace in the area, the Landscape Officer has advised that, although there is amenity greenspace within 720m, it is of low or medium quality. In that context, it may be possible for some of the amenity greenspace provision for the development to be provided via a contribution to the improvement of existing amenity greenspace in the area. Nonetheless, amenity greenspace is intended to provide 'opportunities for informal activities close to home' and, for a development of the scale proposed, it is considered reasonable and necessary to require some amenity greenspace provision on-site as part of the development.

A small area of open space is shown on the plans close to the entrance into the site. This is identified as 'Amenity Space' on the submitted Amenity Space Plan. However, as has been identified by the Landscape officer, the area identified on that plan also includes highway entrance verges and parking spaces (one of the visitor parking bays is within the area identified in green as Amenity Space on the plan). The Amenity Space Plan also includes an area immediately to the south of Plots 1-4, however the submitted Landscape Plan shows a hedge separating the part of that area closest to that adjacent building from the remaining open space to the south, therefore it is not clear if the area identified as 'Amenity Space' on the Amenity Space Plan also includes an area which is intended as part of the garden for plots 1-4.

The remaining area of 'Amenity Space' once the abovementioned areas are deducted, would be very limited and constrained. It would be surrounded by private land to three sides, with the rear gardens of existing properties to the south, a private drive to the west, and other private residences on plots 1-4 (and possibly their gardens) to the north, and therefore would not be well integrated into the development. Nor would it be easily or conveniently accessible from many of the homes within the development with the only public route adjoining it being to the east, rather than having more direct public pedestrian or cycle connections to it from houses to the west and north. It would have some overlooking from the west and potentially from the north (depending on whether a hedge and garden area is proposed immediately to the north of it), but would otherwise be surrounded by rear gardens, rather than being surrounded by active frontages. Its location above the attenuation tank could also limit the potential for planting and the installation of facilities such as benches in this area. Therefore, those constraints, together with the limited size and accessibility of this area would significantly compromise its functionality as amenity open space.

Therefore, it is considered that the proposed development would not make sufficient provision for on-site amenity greenspace which would feel inclusive and accessible for all.

In terms of the provision of open space for children and young people, based on the proposed development of 49 dwellings, a Local Area of Play (LAP) would be required. The Open Space SPD states that provision for children and young people should be *accessible and well connected"* and defines LAPs as:

> *"small area close to homes that facilitates informal play and informal recreation, within a minimum activity zone of 100 sq m and 5 metres minimum separation between activity zone and nearest property containing a dwelling"* (emphasis added).

With LAPs, the emphasis is again on small, local spaces close to homes. Although the Landscape officer has advised that there are existing facilities within 720m of the site, they have also advised that those existing facilities are both across main roads, a detrimental barrier for the intended users of the LAPs (young children). Therefore, it is considered that some on-site LAP

provision, to provide safe, local, accessible play provision close to the proposed dwellings, is a necessary and reasonable requirement for the proposed development. However, as set out above, the only area of open space indicated is limited in size, not particularly well-integrated into the wider development, surrounded by private land to three sides, and with potentially limited capacity for the installation of any play equipment, given its location above the surface water attenuation tank. Nor has any information been provided to indicate how a LAP might be provided within this space, whilst taking into account the minimum separation requirements between any equipment and neighbouring properties.

It is considered that the proposed development would not make sufficient provision for useable, well-integrated, accessible play space for children and young people as part of the development, which would feel inclusive and accessible to all.

Therefore, for the reasons given, it is considered that the proposed development would fail to make sufficient provision for amenity open space and for open space for children and young people on-site as part of the development. It would therefore conflict with Local Plan policies LP4 and LP63, and with the guidance in the Open Space SPD as set out above. It would also conflict with NDMP DP3(2)(f), which states that to create well-designed places, development proposals should reflect relevant aspects of the public space principle, including spaces that are:

> *"safe, secure, inclusive, and accessible for all ages and abilities, including for groups such as women and girls; and which facilitate and encourage social interaction, play and healthy lifestyles (for example by providing high quality, clear and legible pedestrian and cycle routes, a variety of recreational spaces and places to meet, integrating lighting and making building entrances and windows face onto streets and other public spaces to provide natural surveillance)".*

It would also conflict with NDMP HC3 of the NPPF with regard to the provision of new community facilities (the definition of which, in Annex B of the NPPF, includes 'facilities for play, sport and informal recreation) in association with new development, including housing.

Refusal on this basis is consistent with NDMP DP3(3), which states that development proposals should be refused if, without clear justification, the conflict with relevant aspects of the principles in paragraph 2 of the policy.

It is considered that all other required open space typologies (Parks & Recreation, Natural & Semi-Natural Green Space, and Outdoor Sports), which can reasonably be provided off-site, could be provided via a proportionate contribution towards the improvement of existing open spaces in the vicinity of the site. This would need to be secured via a Section 106 agreement. However, as set out below, in the absence of a completed Section 106 agreement, and therefore in the absence of any appropriate mechanism to secure the required contributions, refusal on this basis is also recommended.

Education

On the basis of the number of the 49 dwellings proposed, (as all dwellings would have 2 or more bedrooms) and taking into account capacity in existing schools (based on an up-to-date calculation carried out in September 2026), the Council's Education team has calculated that there would be sufficient capacity in existing schools to provide for the proposed development, and that no contribution to primary or secondary education provision would be required in this instance.

TRO for waiting restrictions on Leeds Road

For the reasons set out in the 'Highways and Transportation' section above, it is considered that a TRO for waiting restrictions on Leeds Road in the vicinity of the proposed site entrance would be necessary, in order to protect visibility at the site entrance. The costs associated with the administration of the necessary TRO, and of works including lining if the TRO was successful, would need to be secured via a Section 106 agreement.

Management and maintenance

Clauses would be required as part of a Section 106 agreement to ensure that appropriate arrangements were in place for the ongoing management and maintenance of certain features as part of the development. For this development, this would include the management and maintenance of public open space and other incidental landscaping for the lifetime of the development, of any significant on-site BNG habitat enhancements for a minimum of 30 years, and of the on-site drainage infrastructure unless and until it was adopted by the relevant statutory undertaker.

Conclusion – Planning obligations

For the reasons given, the planning obligations set out above are considered to be reasonable, necessary and proportionate to the development proposals. Those planning obligations would need to be secured via a Section 106 agreement. However, as no Section 106 agreement has been submitted to secure those relevant planning and infrastructure requirements, to provide for and mitigate the impacts of the proposed development, it is recommended that this should form a reason for the refusal of the application.

13 – Other matters

Housing Land Supply

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land. The 2025 Housing Delivery Test (HDT) measurement which was published on 17/08/2026 demonstrated that housing delivery for Kirklees for the past three years was 65%.

This is discussed further in the Planning Balance and Conclusion section below.

Minerals Safeguarding

The site is within a Mineral Safeguarding Area (Surface Coal Reserves with Sandstone and/or Clay and Shale). Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. In this case, criterion c. is relevant, which states 'there is an overriding need for the development'. Given the Council's housing land supply position, and as this is an allocated housing site, it is considered that there is an overriding need for the development in this case. Therefore, it is considered that criterion c. of Policy LP38 is met, and allows for the principle of residential development in this case.

NDMP M6 of the NPPF states that proposals for non-mineral development should not constrain potential future use for mineral working in a Mineral Safeguarding Area. In this case, the application relates to a relatively small site, adjacent to an existing built-up area, with housing adjoining it to the west and south, and it is considered that the prior extraction of minerals from the site would not be practical or feasible in this case.

Health infrastructure

Concerns have been raised regarding the impact of the proposed development on health care infrastructure, including medical centres and dental provision. The site is an allocated housing site, and therefore should be taken into account as part of future planned infrastructure by the NHS. In that context, it is considered that a contribution towards the provision of additional healthcare infrastructure would not be necessary or reasonable.

14 – Representations

Ninety representations were received in response to the original publicity, and four further representations were received following the re-publicity of the application after revised plans and additional information were received.

Comments and concerns raised in the representations received are considered and addressed in the respective sections above insofar as they relate to those matters.

The following are responses to those matters raised in the public representations which have not been previously addressed within this report.

- Previous proposals to build have failed. No better plans have been provided.
- Similar application rejected nearby.

- Concerns about precedent, and future loss of fields to housing – impacts on dog walkers and people who enjoy walking in the countryside.

Response: There have been no previous applications for residential development on this site. With reference to other applications, each application is considered on its own merits, taking into account relevant material planning considerations and the circumstances and proposals in each case, and on the basis of relevant planning policy and guidance as it exists at that time. This application has been assessed on its own planning merits and has been found to be unacceptable for the reasons given. Any future application, for this or any other site, would be considered on its own planning merits and in the light of relevant planning policy and guidance at that time.

- Using existing boundaries of neighbouring properties.
- Houses 'shake' when large vehicles pass.
- Potential damage to neighbouring properties, including from vibration and ground disturbance during construction.

Response: Matters relating to vibration during construction could be considered and addressed via a condition requiring a CEMP, including measures to limit noise and vibration during the construction process. The responsibility for a safe development, and with preventing damage to neighbouring properties, lies with the developer, and an informative note to that effect would be included if the application was to be recommended for approval.

- Impact on nearby property values.

Response: The impact of a proposed development on nearby property values is not a material planning consideration that can be afforded any material weight in the assessment of a planning application.

- Would like meeting to discuss.
- Not enough time to submit feedback

Response: The application has been publicised twice, following the original submission of the application and again following the subsequent receipt of revised and additional plans and information. On both occasions, the plans and supporting information were available to view on the Council's website and interested parties, including local residents, were provided with at least 21 days to comment. It is therefore considered that the application has been appropriately publicised and that interested parties have had adequate and appropriate opportunities to view and comment on the proposals as part of the application process. Comments received have been taken into account, as set out above.

Planning Balance and Conclusion

NDMP S3 of the NPPF states that decisions on development proposals should apply a presumption in favour of sustainable development and that Policy S4 of the NPPF should be applied when considering development proposals within settlements, and that:

> *"In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay."*

In this case, as the site is an allocated housing site which would form part of the built-up area once development was complete, the site is considered to be within a settlement, having regard to the definition of 'settlement' in Annex B of the NPPF. Therefore, NDMP S4 applies in this case.

NDMP S4(1) states that:

> *"Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework."*

In that regard, NDMP S4(1) provides further clarification, and sets out that in applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would, amongst other things, fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

Benefits

The proposed development would provide new housing, including affordable housing (subject to a satisfactory Section 106 agreement), which would contribute towards meeting identified housing needs in the district. Therefore, and in the context of the Council's housing land supply position and most recent Housing Delivery Test results, as set out above, and also having regard to NDMP HO7 of the NPPF, substantial weight is afforded to the benefits of providing those new homes.

The proposed development would need to provide 10% BNG (although details would still need to be provided as to how this would be achieved). The 10% BNG would represent a benefit in the overall planning balance. However, given the scale of the development, the area of BNG arising is likely to be relatively limited, and therefore this is given only limited weight in the planning balance.

Although the proposed would include some open space on site, this would be limited and is not considered sufficient or satisfactory in terms of amenity open space or provision for children and young people, for the reasons given,

and therefore carries little weight as a benefit weighing in favour of the proposed development.

The proposed development would be required to contribute to the provision and/or enhancement of existing open space in the vicinity (although no mechanism to secure this via a Section 106 agreement has been submitted). Subject to a suitable mechanism to secure this, and although this provision is required in order to mitigate the effects of the development and make it acceptable in planning terms, it would also provide some limited benefit for existing nearby residents. Nonetheless, given the scale of the proposed development, this is considered to carry limited weight as a benefit in the planning balance.

The proposed development would create employment opportunities during the construction phase of the development. As a development of 49 dwellings, the length of the construction period in this case would be likely to be relatively limited. Consequently, it is considered that the benefits in this regard would be relatively modest and thus carry limited weight.

Harm and adverse effects

In this case, for the reasons set out above, it is considered that the proposed development would be unacceptable in terms of design and visual amenity, residential amenity and the provision of public open space, and that based on the submitted information, it has not been demonstrated that the proposed development would not have an unacceptable impact on highway safety, or that the development would be safe from flood risk for its lifetime, or that satisfactory arrangements for the maintenance of surface water drainage infrastructure could be achieved. Furthermore, no mechanism has been provided by which to secure relevant planning obligations, including affordable housing, open space, and the ongoing management and maintenance of open space, drainage infrastructure and significant in-site ecological enhancements.

The proposed development would therefore conflict with relevant development plan policies in the Kirklees Local Plan, and with relevant NDMPs in the NPPF, as set out above.

In that regard, and as set out above, the proposed development would conflict with several policies in the NPPF which specifically state that development ‘should be refused’ in the circumstances described in those policies, specifically NDMPs TR6 (highway safety), and DP3 (design).

In the light of this, given the scale, nature and extent of the adverse impacts and the conflict with development plan policies and NDMPs in the NPPF identified in this case, and as several of those impacts result in conflict with policies in the NPPF which specifically state that development ‘should be refused’, as referred to in NDMP S4(2)(c), and also in the absence of a mechanism to secure relevant planning obligations, it is considered in this case that the benefits of the proposed development would be substantially

outweighed by the adverse effects, when assessed against the national decision-making policies in the NPPF

Furthermore, with reference to NDMP S3(1)(c) of the NPPF, for the reasons given it is considered that the development proposals would not accord with the development plan or with decision-making policies in the NPPF. Therefore, NDMP S3(1)(c) does not provide support for the proposals.

Therefore, it is recommended that the application is refused for the reasons given.

Recommendation: Refuse.

Report Dated: 29th September 2026

Application Number: 2025/91531
Decision Authorisation: Delegated Powers
Officer Recommendation: Refuse

Reasons for Refusal

1. By reason of its layout, design and detailing, and proposed building heights, the proposed development would result in a cramped development which would fail to reflect the character and pattern of surrounding development and would be unduly dominated by frontage parking and hard surfacing, at the expense of soft landscaping. It would fail to provide satisfactory levels of active frontage and natural surveillance to street frontages in parts of the site, or to the adjacent public right of way and would thus fail to provide safe, secure and inclusive public spaces. Based on the submitted information, it has not been demonstrated that existing mature trees which contribute to the visual amenity of the area would be satisfactorily preserved or protected during development, or that provision would, or could, be made for tree-lined streets and new tree planting within the development. The proposed development would also fail to preserve the rural character and amenity of the adjacent public right of way. The proposal would therefore not contribute to a well-designed place, and would neither integrate with nor enhance its surroundings. It would therefore cause unacceptable harm to visual amenity.

   The proposed development is therefore contrary to Policies LP24(a, e, i) and LP33 of the Kirklees Local Plan, the guidance within the Kirklees Housebuilders Design Guide Supplementary Design Guide Supplementary Planning Document, National Decision-Making Policies DP3, TR4, N2 and N3 of the National Planning Policy Framework, the Planning Practice Guidance and the National Design Guide. Refusal is consistent with the requirements of National Decision-Making Policy DP3(3) of the National Planning Policy Framework.

2. By reason of the proximity of plot 49 to the site boundary, the proposed development would fail to protect the residential amenity of the occupants of the existing neighbouring property at 3 Stubley Farm Road with regard to the outlook from, and enjoyment of, their private garden area. The proposed development would also fail to provide satisfactory levels of separation between some of the proposed dwellings within the site and thus provide adequate levels of privacy and outlook to those properties.

   Furthermore, on the basis of the information provided, it has not been demonstrated that the proposed pumping station would not have an adverse impact on the amenities of the occupants of existing and proposed nearby properties with regard to noise and disturbance or that any such impacts would be satisfactorily mitigated, or that the occupants of plots 1-4, 17-20 and 40-43 would be provided with

outdoor amenity space that would be of an appropriate size, and functionality, whilst also protecting the privacy of the occupants of those plots.

Therefore, the proposed development would conflict with Policies LP24(b) and LP52 of the Kirklees Local Plan, with guidance in the Housebuilders Design Guide Supplementary Planning Document, with National Decision-Making Policy P3 of the NPPF and with the National Design Guide.

3. On the basis of the information submitted, it has not been demonstrated that safe or satisfactory access would be provided into the site from Leeds Road for all users, or that the access into the site would not have an adverse effect on the safety or operation of the nearby junctions of Leeds Road with Alma Lane and Stubley Farm Road, including with regard to turning right hand turning arrangements into the site, visibility and access into and from the site by larger, necessary, vehicles including refuse, fire and pumping station service vehicles. Furthermore, on the basis of the information submitted, it has not been demonstrated that the proposed site layout would provide safe and suitable access for all users, or that the needs of pedestrians and cyclists have been prioritised, including with regard to: gradients, safe access, turning and manoeuvring facilities for large vehicles, visibility for vehicles and pedestrians, and any necessary traffic calming. It has also not been demonstrated that sufficient or satisfactory parking arrangements would be provided for some plots.

Therefore, on the basis of the submitted information, it is considered that the proposed development could give rise to unacceptable impacts on highway safety, within the site itself and on Leeds Road nearby.

The proposed development would therefore conflict with policies LP20, LP21 and LP22 of the Kirklees Local Plan, with guidance in the Kirklees Highway Design Guide Supplementary Planning Document, and with National Decision-Making Policies TR4 and TR6 of the NPPF. Refusal is consistent with the requirements of National Decision-Making Policy NDMP TR6 of the National Planning Policy Framework.

4. On the basis of the submitted information, it has not been demonstrated that the proposed development would be safe from flood risk for its lifetime, including taking into account residual risk, blockage scenario events or short intense events. In such events, the submitted details indicate that certain proposed plots may be flooded. Furthermore, based on the submitted information, it has not been demonstrated that the proposed surface water drainage arrangements, and specifically the attenuation tank, have been designed in a way that would allow, secure or ensure the ability to

safely and maintain and manage that infrastructure for the lifetime of the development, once complete.

Therefore, the proposed development would conflict with Policies LP27 and LP28 of the Kirklees Local Plan, with National Decision-Making Policies F7 and F8 of the National Planning Policy Framework, and with the Planning Practice Guidance.

5. The proposed development would fail to make sufficient provision for amenity greenspace and for open space provision for children and young people on-site as part of the development. The proposed area of open space on site is limited in size and public accessibility, and is mainly surrounded by private land, as well as being located above the surface water attenuation tank. It would therefore not be well-integrated into the development, or of a sufficient size or configuration to enable its use as meaningful informal amenity greenspace, or for the provision of a Local Area of Play, and would not provide a safe, inclusive space which would be accessible for all, or which would be likely to facilitate or encourage social interaction or play.

   Therefore, the proposed development would conflict with Policies LP4 and LP63 of the Kirklees Local Plan, with guidance in the Kirklees Open Space Supplementary Planning Document, and with National Decision-Making Policies DP3 and HC3 of the National Planning Policy Framework. Refusal is consistent with National Decision-Making Policy DP3(3) of the National Planning Policy Framework.

6. No mechanism has been provided by which to secure relevant planning obligations and infrastructure requirements to provide for and mitigate the impacts of the proposed development, specifically with regard to the provision of affordable housing, on and off-site public open space, a Traffic Regulation Order for waiting restrictions on Leeds Road, or the ongoing management and maintenance of on-site facilities including public open space, drainage infrastructure (until adoption) and significant on-site habitat enhancements. In the absence of an appropriate mechanism, in the form of a signed, completed Section 106 agreement, to secure these planning obligations, the proposed development would fail to achieve the requirements of Policies LP4, LP11, LP21, LP28, LP30 and LP63 of the Kirklees Local Plan and National Decision-Making Policies DM3, DM6, H08, TR6, HC3, F8 and N2 of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	Date Produced: 03-Jun-2025		04/06/2026
Site Location Plan	2403-01-001		04/06/2025

Plan Type	Reference	Version	Date Received
Site Plan	2403-02-001	Rev G	10/03/2026
Site Plan (with topo)	2403-02-001	Rev G	10/03/2026
Topographical Survey	P24-00903-MET-EXT-XX-TOP-M2-G-001	Rev 01	04/06/2025
Topographical Survey	P24-00903-MET-EXT-XX-TOP-M2-G-002	Rev 01	04/06/2025
Topographical Survey	P24-00903-MET-EXT-XX-TOP-M2-G-003	Rev 01	04/06/2025
Topographical Survey	P24-00903-MET-EXT-XX-TOP-M2-G-004	Rev 01	04/06/2025
Demolition Plan	2403-01-002		24/06/2025
Arundel (Semi) House Type: Floor Plans	2403-04-12 1 of 2	Rev B	10/03/2026
Arundel (Semi) House Type: Elevations	2403-04-12 2 of 2	Rev B	10/03/2026
Bamburgh (Semi) House Type: Floor Plans and Elevations	2403-04-01		10/03/2026
Bamford (3 Block) House Type: Floor Plans	2403-04-10 SHEET 1 OF 2		10/03/2026
Bamford (3 Block) House Type: Elevations	2403-04-10 SHEET 2 OF 2		10/03/2026
Castleton (Semi) House Type: Floor Plans	2403-04-11 SHEET 1 OF 2		10/03/2026
Castleton (Semi) House Type: Elevations	2403-04-11 SHEET 2 OF 2		10/03/2026
Cranwell (Semi) House Type: Floor Plans and Elevations	2403-04-02		10/03/2026
Cranwell (3 Block) House Type: Floor Plans	2403-04-03 SHEET 1 OF 2		10/03/2026
Cranwell (3 Block) House Type: Elevations	2403-04-03 SHEET 2 OF 2		10/03/2026
Edinburgh (3 Block) House Type: Floor Plans	2403-04-04 SHEET 1 OF 2		10/03/2026
Edinburgh (3 Block) House Type: Elevations	2403-04-04 SHEET 2 OF 2		10/03/2026
Leadbury (Semi) House Type: Floor Plans	2403-04-05 SHEET 1 OF 2		10/03/2026
Leadbury (Semi) House Type: Elevations	2403-04-05 SHEET 2 OF 2		10/03/2026
Linton (4 block) House Type: Floor Plans	2403-04-06 SHEET 1 OF 2		10/03/2026
Linton (4 Block) House Type: Elevations	2403-04-06 SHEET 2 OF 2		10/03/2026

Plan Type	Reference	Version	Date Received
Paignton (3 Block) House Type: Floor Plans	2403-04-07 SHEET 1 OF 2		10/03/2026
Paignton (3 Block) House Type: Elevations	2403-04-07 SHEET 2 OF 2		10/03/2026
Materials Plan	2403-02-001	Rev C	12/03/2026
Boundary Treatment Plan	2403-02-002	Rev C	10/03/2026
Affordable Housing Plan	2403-02-004	Rev C	10/03/2026
Amenity Space Plan	2403-02-007	Rev C	10/03/2026
Detailed Landscape Proposals	H2 2504 01	Rev B	10/03/2026
Typical Cycle Store Detail	2403-002-006		04/06/2025
S104 Drainage Layout Plan	25014-104	Rev C	12/03/2026
Arboricultural Impact Assessment	Arbtech AIA 01	Rev B	10/03/2026
Tree Protection Plan	Arbtech TPP 01	Rev B	10/03/2026
Air Quality Assessment	DC4910-AR1v3	v3 Dated 26.02.26	10/03/2026
Arboricultural Method Statement to BS5837:2012	Arbtech AMS 01	Issue number: 1 Dated: 05/03/2026	10/03/2026
Bat Emergence Survey Report	22876b/ADo	Version 001 Dated: 29/08/2025	10/09/2025
Biodiversity Accounting Assessment Report	22876a/JF R1	Revision 1 Dated: 13/03/2026	31/03/2026
Combined Stage 1/Stage 2 Geo-Environmental Report	ORH/25r1	Issue 1 Dated: 18th November 2024	12/03/2026
Contamination Remediation Statement	ORH/25rem1V2	Issue 2 Dated 09th April 2026	10/04/2026
Design Specification for the Adoption of Small Submersible Foul and Surface Water Pumping Stations		Dated: December 2019	11/03/2026
Flood Risk Assessment & Drainage Strategy	25014-DOC-001-B	Revision B Dated 06.03.26	12/03/2026
Garden Soils Validation	ORH/25L7/OGjc	Dated: 7th April 2026	10/04/2026
Ground Gas Risk Assessment	ORH/25/MHjcl6	Dated: 07th March 2025	17/03/2026
Heritage Assessment		Dated: 2026	10/03/2026
Intrusive Coal Mining Investigation	ORH/25/JRjcl3	Dated: 17th January 2024	17/03/2026

Plan Type	Reference	Version	Date Received
Intrusive Coal Mining Investigation	ORH/25/JRjcl5	Dated: 21st February 2025	17/03/2026
Noise Impact Assessment	DC4910-NR1v3	v3 Dated: 05.03.2026	10/03/2026
Planning Support Statement: incorporating Design & Access Statement, Health Impact Assessment [HIA] and Climate Change Statement		Dated: Feb 2026	10/03/2026
Preliminary Baseline Biodiversity Report		Dated: 27 Sep 2024	04/06/2025
Preliminary Ecological Appraisal Report	22876/JF	Dated: 01/07/2025	22/07/2025
Residential Travel Plan	164033-002	Issue Number: 03 Dated: 06/03/2026	12/03/2026
Standard Details for Adoptable Pump Station Design (including multiple drawings)		Dated: April 2024	11/03/2026
Statement of Community Involvement		Dated: May 2025	04/06/2025
Statutory Biodiversity Metric		Dated: 12 March 2026	31/03/2026
Statutory Biodiversity Metric – Condition Assessment Sheets and Methodology	22876/JF	Dated: 02/06/2025	31/03/2026
Transport Statement	164033-001	Issue Number: 02 Dated: 06/03/2026	12/03/2026

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

In this case, the case officer undertook discussions and negotiations with the applicant and revised and additional plans and information were submitted by the applicant. However, notwithstanding the submission of those revised and additional details, the proposals are still considered to be unacceptable for the reasons set out above.