



Architecture
Masterplanning
Urban Design

Land at Highmoor Lane
Cleckheaton,
BD19 6LW

N81:3165
Planning Statement

May 2025

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1. Introduction

1.1 Purpose of Statement

1.1.1 This Planning Statement has been prepared by IDPartnership Northern on behalf of Thirteen Group to accompany the submission of a full planning application for the erection of 40no. dwellings and associated works, including formation of new vehicular access and erection of cricket netting on land at Highmoor Lane, Cleckheaton.

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

1.2 Accompanying Documents

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

- Application Forms;
- Arboricultural Impact Assessment & Arboricultural Method Statement prepared by JCA Consultants;
- Ball Striking Assessment by Labo Sport;
- Construction Environmental Management Plan prepared by Henry Boot;
- Design and Access Statement prepared by IDPartnership Northern;
- Ecological Impact Assessment, Biodiversity Net Gains Assessment and Matrix by JCA Consultants;
- Energy Statement (Sustainability/Climate Change) prepared by Anderson Goddard;
- Flood Risk Assessment and Drainage Strategy prepared by Stantec;
- Landscaping Strategy prepared by Rosetta Landscaping;
- Phase 1 Geo-Environmental Report by Rogers Geotechnical;
- Phase 2 Geo-Environmental Report by Rogers Geotechnical;
- Suite of Plans (Including Site Plans, Elevations and Floor Plans, etc) prepared by IDPartnership Northern;
- Statement of Community Involvement prepared by IDPartnership Northern; and
- Transport Assessment and Travel Plan prepared by Stantec.

1.3 Statement Structure

1.3.1 The remainder of this statement is structured as follows:

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

2. Site Details

2.1 Site Location and Context

2.1.1 The site subject to this application is a parcel of land (circa 1.53Ha) at Highmoor Lane, Cleckheaton, Huddersfield (see Figure 2.1) The application site is a previously developed site and formally comprised of a school that provided special educational needs; however, the school was demolished around 2009/2010 and since then the site has been left in a state of dereliction. As such, the site comprises of areas of hardstanding that would have once served the school, along with areas of vegetation and tree coverage.



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

2.1.2 To the north of the site is Halifax Road (A649) which has a tree lined grass verge and footpath between the application site and the carriageway. Along the eastern boundary are 5no. detached dwellings which were constructed and completed in 2023 on the site of the former Old Pack Horse Public House. These properties front Highmoor Lane which runs along the east/south-east side of the site, beyond which are a series of semi-detached mid twentieth century dwellings. To the south of the site is the cricket ground of Hartshead Moor Cricket Club with the clubhouse on the opposite side of the field. As is visible in Figure 2.1 the scoreboard building is on the northern corner of the cricket ground, and is adjacent to the application site. Whilst to the west is a tree belt which sits on an embankment with the M62 beyond.

2.1.3 With exception of the motorway to the west, the area is characterised by residential dwelling within a semi-rural setting given the immediate locality is on the fringe of the Huddersfield/Dewsbury conurbation, with Bradford to the north and Halifax to the west.

2.1.4 The application site is sustainably located with good accessibility to a plethora of local amenities and services.

3. Proposed Development

3.1 Proposals

3.1.1 The development proposals consist of the redevelopment of land at Highmoor Lane, Cleckheaton, with the erection of 40no. dwellings and associated works, including the formation of a new vehicular access and erection of cricket netting. The scheme will deliver a mix of typologies and tenures, with the entire development being affordable homes. The development will include new vehicular and pedestrian routes, along with open space provision and new landscaping, sufficient parking provision, *inter alia*.



Figure 3.1: Proposed Site Plan (coloured) N.B blue line denotes the location of the cricket netting.

3.1.2 Figure 3.1 depicts the Proposed Site Plan. As can be seen the proposals have been devised around a new vehicular access which egress from Highmoor Lane and runs north-westwards through the site to a turning head which serves two drives (one runs northwards, the other southwards). The main vehicular route through the site has been devised as it enabled the most efficient use of the application site and the applicable technical constraints (as will be discussed in due course).

3.1.3 As can be seen from Figure 3.1, all dwellings will front onto a carriageway, whether that is the main route, as aforementioned, or one of the four private drives. On prominent corners throughout the development corner turner properties are proposed, this is to provide dual frontage and natural surveillance of adjacent access routes and open space to help create a safe environment for future users. The use of corner turner

typologies helps to activate the street and provide visual interest, as well as helping with legibility and navigation.

- 3.1.4 As part of the proposals a range of parking solutions have been devised with allocated parking for residents predominantly comprising of driveways either to the front, side or rear of the dwellings depending upon their arrangement and spatial configuration onsite. Some resident parking is proposed as a parking courtyard for the apartments, with the parking accessed via a private drive with the apartments opposite. In terms of visitor parking a total of 11no. dedicated VP bays are proposed, which are predominantly parallel bays to the side of the carriageway (including private drives), whilst 2no. VP bays are to be provided in the aforementioned parking courtyard. The visitor parking provision has been interspersed throughout the site to help alleviate the possibility of indiscriminate parking and ensure sufficient provision is available throughout the scheme.
- 3.1.5 Given the local character and the importance of delivering a scheme that integrates appropriately with its immediate context, the inclusion of plentiful landscaping is a critical part of the development. As can be seen from Figure 3.1, there is a green cluster that sits centrally within the site. A pedestrian route runs from Halifax Road through a landscaped space to the main road through the site beyond which is the central green which is the main area of open space onsite. The central green provides some space for informal play and recreation, as well as having a path that leads to a seating area for future users to sit and enjoy views out across the adjacent cricket pitch, should there be a game on.
- 3.1.6 The use of street trees, wildflower planting and other forms of landscaping across the site help to create a visually attractive environment and soften the street scene. The use of good quality landscaping which has been devised with a clear purpose help to ensure the scheme assimilates with the local context, particularly given the retention of existing trees onsite (where possible), along the boundary with the cricket pitch and their contribution to the visual amenity of the area.
- 3.1.7 The development will provide 40no. dwellings as aforementioned. These will be comprised of the following mix:
- 6no. 2-bed apartments;
 - 7no. 2-bed houses;
 - 19no. 3-bed houses; and
 - 8no. 4-bed houses.
- 3.1.8 The dwelling mix stipulated above is separated across eight housing typologies. This provides a range of high quality homes that meet the needs of local people, who may have different living requirements. As alluded to previously, the development will be a fully affordable development with Thirteen Group being the applicant and end operator of the proposals.

3.1.9 A fundamental part of the proposals has been to ensure the delivery of high quality homes, that not only benefit future residents, but positively contribute to the character and appearance of the area. As such, considerable thought has been given to the design, appearance, configuration and materiality of the dwellings hereby proposed, particularly how the scheme can draw inspiration from, and suitably integrate with the local character; whilst achieving a modern design that incorporates good design principles and delivers homes for future generations to enjoy.

3.1.10 As is set out in greater detail in the accompanying Design and Access Statement, thorough analysis has been undertaken of the local area and the characteristics that has given the area its identity, such as scale, massing, fenestration arrangement, roofscape and materiality. The proposals have taken inspiration from the existing housing in regards to scale and massing. The scheme seeks to replicate to a certain extent the traditional fenestration patterns of existing dwelling in the locality, albeit with some subtle tweaks (contemporary design intervention) such as the lowering of cills for ground floor windows for certain plots to add visual interest. In terms of materiality, there is a mixed palette due to the different ages of properties in the area, however, the main aspects that were identified were the use of stone (which is common throughout Yorkshire), and the use of red brick.



Figure 3.2: Proposed Street scene

3.1.11 One feature that was identified as being prevalent in the locale was the horizontality on properties – particularly when two materials have been used externally (as per the housing opposite the site along Highmoor Lane). Whilst some of the materiality used on properties to achieve the horizontal feature are no longer considered to be desirable (such as peddle dash or render), the proposals have sought to replicate this feature to assimilate with the local context.

3.1.12 As shown on the Proposed Street scene in Figure 3.2, the development will use a reconstituted stone, red brick and a composite cladding. The stone and red brick will be used to create rhythm and interest in the street scene, with corner plots being of stone with the composite cladding (with a dark timber effect) being on the upper elements. This has been introduced to not only replicate the aforementioned horizontal feature, but given the semi-rural character of the area and the site being on the fringe of the conurbation, the use of the cladding is a subtle nod to the context, whilst being a modern interpretation of the analysis undertaken.

3.1.13 Figure 3.3 displays aerial visualisations that provides an illustrative representation of how the development would look and how the typologies and proposed materiality will be utilised to create a vibrant, attractive development, whilst Figure 3.4 provides street scene visualisations.



Figure 3.3: Aerial Visualisations



Figure 3.4: Street scene Visualisations

4. Planning Policy Context

4.1 Decision Making

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

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

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

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

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

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

4.2 The Adopted Development Plan

4.2.1 The applicable development plan is the Kirklees Local Plan (adopted 2019), which consists of Kirklees Local Plan Strategy and Policies Document, Allocations and Designations Document and the Planning Policies Map. As can be seen in Figure 4.1, the

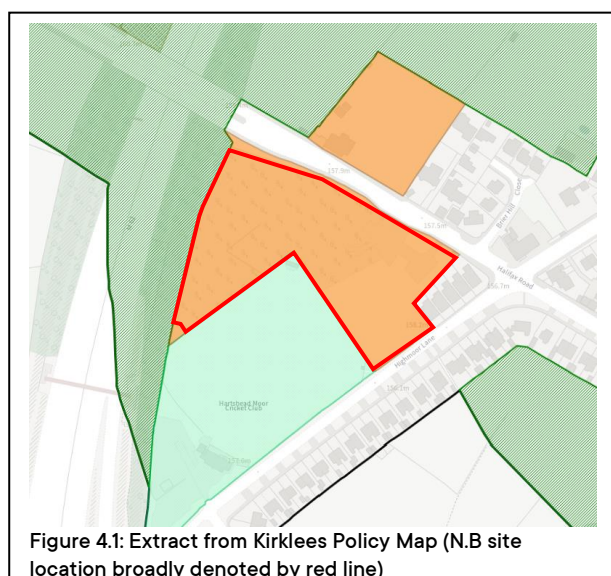


Figure 4.1: Extract from Kirklees Policy Map (N.B site location broadly denoted by red line)

application site is entirely situated on an allocated site for residential development (ref. HS102) under Policy LP65. To the south of the site is Hartshead Moor Cricket Club which is designated as urban green space, whilst the dark green shaded area to the west is designated as green belt. Saliently, the site is not subject to any other land use designations. On this basis, the following policies are considered to be relevant in this instance, but may not necessarily be exhaustive of all the policies that may be deemed pertinent to the development proposals by the Local Planning Authority (LPA):

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

4.3 National Planning Policy Framework

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

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

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

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

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

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

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

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

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

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

4.3.4 Paragraph 61 is clear that in order *'to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*. The NPPF is clear in that a variety of housing should be provided that meets the needs of all members of the community who has different housing requirements.

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

4.4 Other Material Considerations

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

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

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

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

4.5 Pre-Application Enquiry

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

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

4.5.2 The response from the LPA enabled the applicant to understand the Council position on a range of matters and set the foundations for the project to be taken forward with the aspiration to deliver a high quality residential development which would accord with all relevant planning policies. In summary, the pre-app response from the LPA was supportive of a residential development of the site, albeit with aspects raised that such would be subject to considerations of acceptable design, highway configuration, open space, *inter alia*. The initial density was considered to be low and the LPA would expect justification of considerable deviation from the indicative capacity for the site as is set out in Policy LP65, as part of any application. Nonetheless, the applicant has sought to work proactively with the LPA to obtain the view's of Officers prior to submission of this application in order to assist with the timely delivery of a residential development on an allocated site.

4.5.3 It is also worth noting that as part of Thirteen's aspirations to build solid working relationships and to further assist with the application process, the applicant (Thirteen Group) has entered into a Planning Performance Agreement (PPA) with the LPA to ensure the proposals as considered within an appropriate timeframe and assist with the delivery of development. Under the PPA, continual discussions have been undertaken with Officers regarding a range of matters, something that has been done proactively with the intention of assisting the LPA with the determination of the application and ensure as much technical information is provided at the point of submission as is feasibly possible.

4.6 Public Consultation

4.6.1 In line with the Council's guidance, the NPPF and best practice, the applicant has undertaken consultation with the local community and stakeholders to obtain their views on the development of the site and allow any concerns to be raised that the applicant could look to address as part of the scheme, as part of the pre-submission process.

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

5. Planning Assessment

5.1 Overview

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

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

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

5.2 Principle of Development

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

5.2.2 The Statement Vision for Kirklees (SV) which is within the Local Plan, whilst not a planning policy itself, it does provide insight into the overarching and wider strategic aims of the Authority and how development management can be used as an important mechanism to assist with achieving the aims and aspirations for the area. Within the SV the following key, relevant points are stipulated:

- *'Development will have taken place in a sustainable way (balancing economic, social and environmental priorities) and by making efficient and effective use of land and buildings supported by necessary infrastructure and with minimal effect on the environment';*
- *'There will be a mix of high quality housing which offers choice and meets the needs of all our communities including affordable housing';*

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

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

- 5.2.3 As set out in Section 4, the application site is situated entirely within an allocated site (ref. HS102) for residential development (as is proposed) as part of Policy LP65 of the Kirklees Local Plan. Policies LP1 (Sustainable Development), LP2 (Place Shaping) and LP3 (Location of Development) set out the spatial strategy for development within the Local Plan. By virtue of the site being allocated under Policy LP65, it is considered that the development would duly accord with the requirements of Policies LP1, LP2 and LP3, on the basis that the Council's allocations would need to accord with the necessary tests prescribed by these policies. Although some of these policies stipulate a number of requirements that development must accord with, these will be discussed in further detail throughout this section, as part of the assessment against other relevant policies/guidance. Nonetheless, in terms of establishing the acceptability of the principle of development, the proposals are deemed to would fully accord in respect of the strategic, sustainable delivery of residential development as set out by these policies (LP1, LP2 and LP3).
- 5.2.4 As part of Policy LP65, the allocation is denoted as having a net and gross area of 1.62Ha. As part of the Local Plan a standard density of 35dph has been applied which infers an indicative capacity of 56no. dwellings. As is visible in Section 4 (see Figure 4.1), the application boundary does not fully align with the allocation boundary. This is largely due to the grass verge and trees which is between the footway along Halifax Road and the fence line of the site being within the allocation but excluded for the application boundary. The verge will remain in situ and remain under the control of the Council. In addition to this there is a small triangle parcel on the western edge which was part of the allocation, however, the Cricket Club have sought to use this area for the storage of Cricket Nets as agreed with Kirklees Council.
- 5.2.5 Making efficient and effective use of land is an expectation of both the NPPF and the Local Plan. Policy LP7 seeks to ensure that developments make effective and efficient use of land, in line with the requirements of the NPPF (as set out in Section 11). It is worth noting that Policy LP7 prescribes an arbitrary figure of 35dph (net density) as being the recognised standard across the authority area with little consideration as to how density can vary depending upon the character of the area. However, this figure has been applied on the premise of little consideration of site specific constraints. It is the arbitrary figure

of 35dph that has been applied to the site allocation and equates to the indicative capacity of 56no. dwellings for the site.

- 5.2.6 As set out in the preceding section, during the pre-application enquiry Officers raised concerns initially about the density of the development and whether or not the scheme efficiently used the site. Since then, the scheme has been amended and now delivers a greater quantum of development than what was proposed as part of the pre-application enquiry. However, it is still less than the indicative capacity of 56no. as per Policy LP65.
- 5.2.7 The application boundary is 1.53Ha, which is less than the 1.62Ha area for the allocation, due to the exclusion of the verge and triangular parcel on the western edge, as aforementioned. Even for this marginal reduction applying the 35dph standard as per the Local Plan methodology, this would mean the indicative capacity would be 53no. dwellings. However, the indicative capacity does not factor in the development constraints, which would reduce the capabilities to deliver the quantum of housing stipulated under Policy LP65 for the site.
- 5.2.8 In this instance there are a number of constraints at play, including noise, trees on site which are subject to Tree Preservation Orders, as well as the need for appropriate mitigation from the adjacent cricket pitch. As per Figure 5.1, there are areas of the application site which are simply not capable of delivering dwellings (built development) due to the constraints themselves or the need to provide space for appropriate mitigation. This includes retaining as many trees with TPOs as possible, particularly those around the edge of the cricket ground due to their visual amenity benefits. The need to install an acoustic mitigation along the western edge of the site from traffic noise from the M62, as well as the installation of cricket netting to stop any cricket balls from causing harm to properties or people on the development and ensuring the netting is not visually intrusive within the street scene.
- 5.2.9 As such, the developable area of the site reduces to 1.2Ha, thus when applying the standard 35dph (as per the Local Plan methodology) this equates to 42no. dwellings. Therefore, whilst there is a marginal shortfall of two dwellings it is not considered to be significant and the proposed 40no. dwellings are deemed to broadly accord with the Local Plan methodology. The Development Constraints Plan clearly justifies that a reduced quantum of development can only be achieved when factoring in all relevant development constraints and that the indicative capacity as per Policy LP65 is not achievable in this context, nor would it be possible to achieve the indicative capacity by delivering typologies which are akin to those in the local area. Therefore, the proposals are considered to provide a sufficient density - when considering site specific development constraints - that accords with Policy LP65, LP7, as well as the NPPF in respect of making efficient and effective use of land.
- 5.2.10 Notwithstanding the above, Policy LP1 of the Local Plan acknowledges the presumption in favour of sustainable development and reiterates much of the guidance within the NPPF, whereby proposals that accord with policies within the adopted development plan for the area will be approved without delay, unless material considerations indicate otherwise. This statement will demonstrate that there are no

material considerations that outweigh the benefits of the development proposals, given the scheme is a sustainable form of development.

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

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

5.3 Affordable, Accessible and Adaptable Housing

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

5.3.2 Policy LP11 relates to housing mix and affordable housing provision. Policy LP11 requires, *inter alia*, residential developments to comprise of appropriate housing mix to accommodate different household types and take account of up to date evidence on housing need, along with a requirement of 20% provision of affordable homes on all schemes over 10no. dwellings. The Affordable Housing and Housing Mix SPD (AHHM) provides additional guidance on affordable housing and mix. As previously mentioned, the proposals are for the entire scheme to be affordable homes, thus exceeding the 20% provision required by Policy LP11.

5.3.3 The proposals are for 40no. dwellings which consist of the following mix:

- 6no. 2-bed apartments;
- 7no. 2-bed dwellings;
- 19no. 3-bed dwellings; and
- 8no. 4-bed dwellings.

Of these dwellings, a total of 25no. will be affordable shared ownership, with the remaining quantum being for affordable rent (15no.).

5.3.4 In terms of accessible and adaptable homes, there is no specific policy relating to the provision of accessible/adaptable homes or specified requirements in the delivery of M4(2) or M4(3) dwellings.

Thirteen are committed to the delivery of accessible and adaptable homes as it helps their dwellings to be future proofed to meet the needs of future occupiers. In this instance, circa 58% of dwellings proposed will meet M4(2) standards thus enabling future changes to the dwelling should such be required.

5.3.5 Therefore, in light of the above, it is considered that the proposals fully accord with Policy LP11, the Affordable Housing and Housing Mix SPD, along with the guidance within the NPPF. The development will deliver an entirely affordable scheme that seeks to meet an identified housing need and should be afforded significant weight in the decision making process and viewed favourably by the LPA, as well as the provision onsite of a reasonable quantum of dwellings that meet M4(2) accessible and adaptable standards.

5.4 Design and Amenity

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

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

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

5.4.3 Within the Local Plan there are a number of policies that allude to the importance of design and the design expectations that the Council has for new developments. Policy LP24 is the main design policy and expresses the importance of good design by way of stating that achieving good design should be core to all schemes. Policy LP24 sets out a list of design related criteria that developments are expected to accord with (if applicable), these will be referred to throughout this section as and when necessary.

5.4.4 Policy LP47 relates to the delivery of healthy, active and safe lifestyles which is achieved through good design and consideration to how design can positively influence the amenity of users, along with

mitigation of any issues which could be detrimental to the amenity, health and wellbeing of future or existing users.

- 5.4.5 In addition to the aforementioned design and amenity related policies in the Local Plan, there is also the Housebuilder Design Guide SPD (HBDG) which provides further guidance on residential developments, in particular for design quality and expectations. There are a number of principles within the HBDG which are applicable in this instance and therefore reference will be made to these throughout this section.
- 5.4.6 In regards to the design credential of the scheme, the application is supported by a Design and Access Statement prepared by IDPartnership Northern which provides in-depth detail and justification of the proposals in respect of design and interrelated aspects and should be read in tandem with this statement. Nonetheless, this section intends to demonstrate how the proposals comply with relevant national and local planning policy, some of which are mentioned above, as well as other relevant guidance such as that within the HBDG (which is a material consideration in this instance).
- 5.4.7 Turning to the spatial arrangement of the development first, this has largely been dictated by needing to create a suitable vehicular access point and subsequently the route through the scheme, as well as the needing to have dwellings configured appropriately to facilitate mitigation from surrounding constraints. In terms of the access, following discussions with the LPA and Local Highway Authority (LHA), it was deemed that utilising the historical access points off Halifax Road was not feasible due to the proximity to the crossroad junction to the east and potential conflicts/safety concerns, as well as a lack of suitable visibility particularly with the existing bus stop to the east and the prospect of a bus stopping which created highway concerns.
- 5.4.8 Although other access locations further west of Halifax Road were discussed, this created further concerns as any access to the west created accessibility implications due to the level difference between the site and Halifax Road, as well as conflicting with any future access point that would serve the allocated site (ref. HS104) on the opposite side of Halifax Road, thus stagnating development. On this basis, the preferred option from the LPA and LHA was to egress from Highmoor Lane, as is proposed. Thus resulting in a cul-de-sac arrangement due to being unable to provide a through route.
- 5.4.9 Whilst the access point was in essence fixed to a certain extent (i.e. from Highmoor Lane) the exact route would be dictated by the configuration of the dwellings. As aforementioned, the site is heavily constrained with existing TPO trees, noise from surrounding highways and the need to mitigate against the safety concerns from stray cricket balls from the adjacent cricket pitch. As such, built development has been situated away from as many trees with TPOs as possible (in order to retain them), particularly those along the boundaries to the cricket pitch. In tandem with this, the location of cricket netting has been informed by the Ball Striking Assessment undertaken by Labo Sport and is considered to be best placed as close to the adjacent cricket pitch as feasibly possible.

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- 5.4.10 Therefore, in the interest of visual amenity and good design principles, the dwellings closest to the cricket pitch have been orientated to face away from cricket ground, with the route of the access road through the site being in front of these dwellings. This would enable the majority of trees with TPOs to be retained (and would provide and retain the green buffer between the development and the cricket ground), and mean that the cricket netting would not be overly obtrusive or prominent within the street scene with it being beyond the rear gardens of the dwellings. These dwellings would then face onto the street providing an attractive street scene with natural surveillance.
- 5.4.11 In terms of the other built development, the noise constraints from the M62 to the west and Halifax Road to the north/north-east, resulted in the need to use the dwellings as part of the noise attenuation strategy, whereby the buildings would act as a barrier to enable rear gardens and the associated private amenity space of dwellings being able to achieve suitable noise levels (details of which will be discussed further in this statement). Therefore, the spatial configuration has been dictated by overcoming development constraints whilst seeking to create an attractive development which efficiently utilises the site – as required by Policy LP7.
- 5.4.12 The development has sought to use consistent building lines throughout, with some subtle breaks depending upon the route of the road to ensure dwellings have a positive relationship with the street and to also add visual interest. The majority of dwellings front onto the street (be it the main route through the development or private drives), whilst Plots 13 to 15 face towards Halifax Road (with parking to the rear accessed from the new route into the site), albeit set back with a landscaped area in front. The general arrangements and building lines are considered to be appropriate and deemed to accord with Principle 5 of the HBDG.
- 5.4.13 Turning to the built form, as alluded to in preceding sections and above, the proposals utilise a mix of typologies – eight in total – which will seek to meet the different housing needs for the area. The typologies, whilst modern in design, have been informed through analysis of the local area in respect of form, scale, layout, details and materiality, as required by Policy LP24, and also by P2, P13, P14 and P15 of the HBDG.
- 5.4.14 The development predominantly consists of semi-detached properties, albeit with some detached dwellings and terraced arrangements (including the aforementioned apartments). The use of semi-detached dwellings helps to facilitate parking provision in the form of driveways to the front or sides of dwellings which subsequently enables an appropriate density to be achieved in accordance with Policy LP7 and P4 of the HBDG. In terms of scale all buildings will be two storey (including the apartments comprising of a ground floor and first floor apartment above), with exception to Plots 2-7 and 36-39 which comprise of House Type 24 (HT24) which is a two and a half storey dwelling with the roof space utilised as living space. The use of HT24 adds visual interest in the street scene by a subtle change to elevation and roofscape, albeit it remains of a form, scale and massing that is commensurate with the other proposed house types and typologies in the local area.
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- 5.4.15 As part of the proposals and the aspiration to create a high quality scheme, careful consideration has been afforded to typologies and their relationship with their immediate surrounding. The layout and typology selection has been devised to achieve active frontages to the street scene and other key spaces. The proposals incorporate typologies that provide dual frontage/active gables which is crucial on corner plots where different access points meet and/or there are areas of open space. The use of such typologies allows for opportunities for natural surveillance to occur which helps to create safe and inclusive streets and spaces, thus according with the requirements of criteria e and g of Policy LP24, as well as P5, P11, P14 of the HBDG.
- 5.4.16 As part of the analysis undertaken (as set out in greater detail in the accompanying Design and Access Statement) the details and materiality have been carefully considered and used to inform the development proposals to not only achieve a well devised scheme, but ensure the proposals integrate appropriately with the local context. The use of stone and red brick are clear references to the predominant materials in the locale. Whilst a composite cladding has been introduced as a tertiary material which will be used on prominent corner turner plots and to add visual interest within the street scene, and help to reinforce the horizontality which is a prominent architectural feature within the local area.
- 5.4.17 The horizontal feature, whereby a different material is used on external elevations at ground and first floor level, due to the age of some of the houses, these use materials which are no longer desirable (such as pebble dash or textured render). As such, the introduction of the composite cladding (with timber texture) is a subtle nod to the semi-rural character of the site but the use of a dark colour gives a contemporary look to the dwellings. Other aspects that have informed the design rationale are the use of stone cills and header, and fenestration patterns. Whilst it may not be desirable to replicate traditional features, these aspects have been identified, analysis and interpreted in a way whereby it references the local character, but subtle changes help to elevate the design of properties and create modern and contemporary developments. This is evident with the windows proportions. These take on a traditional arrangement, however the ground floor window of some plots use full height windows, thus taking on a modern interpretation of the features in the local vernacular. These features are visible in the visualisations shown in Figures 3.3 and 3.4.
- 5.4.18 Evidently, the proposals have been informed significantly by the local character and have allowed for the development to integrate appropriately with its context. Therefore, in light of the above it is considered the proposals accords with LP24 (criteria a) and P5, P11, P13 and P14 of the HBDG.
- 5.4.19 A fundamental part of the spatial arrangement and overall layout of the proposals is to provide good levels of accessibility and permeability throughout for different users, ensuring the design of the scheme enables different users to move harmoniously without causing conflicts and integrating with existing connections to further enhance movement capabilities for future users. Policy LP24 requires high levels of sustainability that are proportionate to the proposals, whereby walking and cycling are encouraged
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and facilitated through good design. This is also reaffirmed in Principles 10 and 11 in the HBDG and Key Design Drivers 1 and 3 in the HDG.

5.4.20 The site is situated on somewhat of a corner plot with Halifax Road to the north and Highmoor Lane to the east, both of which offer opportunities to provide connections for future users. No connection points are possible from the south or west, with the cricket club and step embankment to the M62 being in situ, respectively. For the reasons mentioned previously, the main and only vehicular access point and egress from the development is on Highmoor Lane. This access point also enables pedestrian and cycle connectivity too. Two other pedestrian routes are proposed which adjoin Halifax Road, one a stepped access the other a level access. The proposed access routes provide good levels of accessibility and permeability not just through the site but also for future users to amenities and local services, as well as public transport with a number of bus services being accessible within close proximity of the site.

5.4.21 Due to the nature of the scheme and the cul-de-sac configuration, the design of the streets seek to prioritise pedestrian and cycle movements, this has been done with the inclusion of a raised table on the central area of the site to allow users to transition across the carriageway along the central green. The use of shared surfaces also reinforces the prioritising of pedestrian and cyclists, and indicates to vehicles that the design of the development promotes slow speed traffic, whilst ensuring sufficient space for vehicles for access, turning and manoeuvring. On this basis, the access routes proposed are deemed to deliver high quality routes, which achieve good levels of accessibility and permeability thus complying with Policy LP24, along with P10 and 11 of the HBDG; and KDD1 and 3 of the HDG.

5.4.22 Alongside the aforementioned layout and architectural design, a crucial part of placemaking and achieving good quality design is the inclusion of landscaping and open space. The scheme has carefully considered landscaping, both existing and proposed and the provision of open space. Whilst the specific aspects of landscaping and open space will be discussed further in due course along with the relevant policies and guidance, it is key to understand these elements from a design perspective.

5.4.23 The proposals have sought to retain as many trees as possible particularly those which are protected by Tree Preservation Orders – the majority of which are to the periphery of the site, mainly around the boundary with the cricket pitch. In order to integrate with the character of the site and the retainment of the trees, where possible, additional tree planting (and other planting such as wildflower and hedgerows) are proposed. Although space is somewhat limited trees have been situated within the streetscene to add to the green character of the site and wider landscape.

5.4.24 As aforementioned, there is the central green which provides a space of landscaping which includes a level route from Halifax Road into the site, towards the main area of onsite open space provision which is a grassed area for informal play and recreation, with a path that leads to a seating area with views across the cricket pitch. This feature helps the scheme integrate with the local character and is a focal point within the scheme, with the surrounding dwellings orientated to provide natural surveillance of this space to create a safe and inclusive environment for all.

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- 5.4.25 The inclusion of plentiful amounts of landscaping, the retention of important trees on site and the provision of a well designed open space is considered to accord with the NPPF, Local Plan Policy LP24, LP32, LP63; and P11 of the HBDG.
- 5.4.26 A fundamental part of design, particularly residential development as is the case in this instance, is the requirement to achieve a high standard of amenity for future residents and not detrimentally impact surrounding land uses of existing residents. Section 12 of the NPPF sets out the importance of good design and its influence upon the quality of life, as does a number of local plan policies and guidance within the various SPDs.
- 5.4.27 The development has been devised with full consideration for existing and future users and ensuring the scheme integrates with the local context in an acceptable manner. All dwellings achieve suitable separation distances between themselves and adjacent properties and their associated amenity space. No adverse impacts are deemed to arise from the development by way of being overbearing, overshadowing or overlooking. The guidance set out within the Housebuilder Design Guide (HBDG) has been used to inform the proposals and adhere to the guidance set out within the document is achieved, along with the requirements set out in Policies P5, P6 and P16 too.
- 5.4.28 As alluded to earlier, the layout of the development has been carefully considered to ensure that external amenity spaces are protected as much as feasibly possible from constraints, in particular noise from nearby highway infrastructure. As such, the siting of dwellings and the use of acoustic barriers help to ensure that rear gardens are spaces that future residents can use and enjoy and not be detrimentally impacted. The proposals provide suitable arrangements in respect of private amenity space for future users through good design.
- 5.4.29 Turning to the internal configuration of the proposed dwellings, these have been designed to ensure they are of an appropriate size and spatial arrangement that will allow users to have a high standard of amenity. The internal layout of all the dwellings means that all habitable rooms have appropriately sized windows to allow sufficient daylight penetration and outlook for future users. Pertinently, all dwellings either meet or exceed the Nationally Described Space Standards (NDSS). There is no Local Plan policy which stipulates that dwellings need to meet NDSS, however Principle 16 of the HBDG does acknowledge NDSS and they should be used as best practice. Nonetheless, given the proposals comply with NDSS, it is considered the development does achieve a high standard of amenity for future users in terms of internal configuration and living space, in accordance with Policies LP24 and LP47, along with P16 of the HBDG.
- 5.4.30 Therefore, for the reasons set out above it is our considered view that the proposals comprise of high quality design, good place making and will achieve a high standard of amenity for both existing and future users. The design of the scheme appropriately responds to site constraints, assimilate with the local context and will create an attractive, safe and vibrant development that will benefit the local area. For these reasons, the proposals are deemed to be entirely acceptable in terms of design and amenity and thus accord with Local Plan Policies LP7, 24, 32, 47 and 63, Principles 2, 4, 5, 6, 10, 11, 13, 14, 15 and 16 of the
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Housebuilder Design Guide, Key Design Drivers 1 and 3 of the Highway Design Guide, along with Section 12 of the NPPF, namely paragraph 131, 135 and 137.

5.5 Highways, Transport and Access

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

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

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

a. pedestrians

b. cyclists

c. public transport

d. private vehicles'

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

5.5.4 Furthermore, Policy LP22 sets out a number of principles in respect of parking expectations for developments. Alongside the aforementioned Local Plan policies, the LPA have two pertinent SPDs, the Highway Design Guide (HDG) and the Housebuilder Design Guide (HBDG), both of which provide additional guidance on a number of matters relating to the design of roads and residential developments, respectively. The guidance within both SPD's have been considered and informed the proposals. As such, the Local Plan policies and parts of the NPPF, the Key Design Drivers (KDD) and the Principles (P) within the HDG and HBDG will be referred to as and when applicable.

5.5.5 As aforementioned, the development is to be accessed from a new access point from Highmoor Lane, which will be the only vehicular access into the development and will also facilitate pedestrian and cycle

connections too. The proposed vehicular access point was agreed with the LHA whereby the preferred access point was from Highmoor Lane as opposed to Halifax Road, in order to alleviate a number of technical and safety concerns that were established if access from Halifax Road was endeavoured. The proposed vehicular access route will comprise of a standard road construction, albeit due to the cul-de-sac nature of the street, and the aspiration to encourage slow traffic movement and encourage pedestrian and cycle movements, with a single footway used along the main carriageway (in line with KDD7). The development also utilises shared surfaces for private drives, along with a raised table in the centre of the route to encourage pedestrian permeability along the central green space. These aspects help to create spaces where different users have equality priority to use the street for movement and also helps to create healthier, more inclusive streets in accordance with P11 of the HBDG. As such, the proposed highway configuration, layout of roads and pavements is considered to be wholly acceptable and accords with the guidance set out within the HDG and the HBDG, along with the requirements of Policy LP21.

- 5.5.6 As mentioned in Section 3 of this statement, in order to ensure vehicles do not dominate the streetscene, which can be detrimental to the character of the development, a mix of parking solutions have been used throughout the scheme. In order to ensure accordance with the requirements of Policy LP21 and 22, along with P12 of the HBDG and KDD23 of the HDG, allocated parking has been carefully considered and predominately consists of driveways which are to the front or side of dwellings, albeit some rear driveways are used (for Plots 14-16) due to the dwellings being orientated so their principal elevation faces northwards. The layout of parking has been arranged so that landscaping within the streetscene helps to visually soften the amenity of the streetscape too. Alongside the driveways there is a parking courtyard which serves the 6no. apartments, along with 2no. visitor parking bays, this too is surrounded by a plentiful amount of landscaping to ensure the parking courtyard do not dominate the streetscene.
- 5.5.7 KDD20 of the HDG stipulates recommended parking standards which has informed the current proposals with the scheme according with these standards, as well as all dwelling benefiting from an electric vehicle charging point to further encourage the use of more sustainable form of transport (as specifically inferred in Policy LP24 criterion v). Visitor parking is another critical aspect that needs to be carefully incorporated into development and ensure indiscriminate parking is discouraged. A total of 11no. visitor parking bays are provided which are scattered across the development in suitable locations. The proposed quantum accords with the recommended standard of one visitor space per 4no. dwellings as denoted by KDD20.
- 5.5.8 As part of the sustainability of developments it is crucial that sustainable modes of transport are encouraged as much as possible. Policy LP20 expresses the importance of doing this, including providing adequate cycle parking. Policy LP21 requires all developments to *'provide on-site safe, secure and convenient cycle parking/storage facilities to encourage sustainable travel modes'*, whilst LP22 acknowledges that provision is necessary in new developments to meet the needs of cyclists in respect of parking. The proposals include dedicated cycle storage for each dwelling, which will be safe and secure and situated within the private amenity space of all properties. KDD20 of the HDG recommends one cycle space per dwelling, which the proposals comply with. Therefore, the development is deemed to be acceptable in terms of cycle parking provision, in accordance with LP21, LP22 and KDD20.

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- 5.5.9 Good accessibility and permeability for all users is paramount, in particular connecting to existing routes in the immediate area. As alluded to previously, due to the local context, it is only possible to provide route northwards (to Halifax Road) and eastwards (to Highmoor Lane) for pedestrians and cyclists. The proposed vehicular access point from Highmoor Lane also enables pedestrian and cycle movements and links to existing routes. Whilst there are two access routes for pedestrians onto Halifax Road, one being a stepped access and the other being a level access through the central green space. These routes enable future users direct access to local amenities, services as well as public transport – which is readily available within a short distance from the site. As such, the access arrangements are deemed to deliver good levels of accessibility for all users and thus encourages the use of sustainable modes of transport by incorporating sufficient infrastructure to facilitate the movement of pedestrians, cyclists and the use of public transport too.
- 5.5.10 Furthermore, the proposed scheme incorporates sufficient space for all necessary servicing, including refuse vehicles. The layout of the street provides sufficient space for vehicles to enter, turn around to manoeuvre and exit the site in a forward gear (as demonstrated by accompanying technical reports/details, such as swept path analysis). For refuse, the majority of dwellings will present refuse kerbside, whilst those dwellings that are situated on private drives will present refuse at the dedicated bin collection points (BCP) to allow disposal to occur in accordance with the Council’s refuse practices. As such, the scheme thereby complies with KDD26, KDD27 and KDD28 of the HDG.
- 5.5.11 Therefore, in light of the aspects discussed above, the development proposals are considered to assimilate with the local context appropriately, as well as provide sufficient, safe and inclusive means of access for all user types, in accordance with LP4, LP20 and LP21 of the Local Plan, P10 and P11 of the HBDG; KDD1, KDD3, KDD26, KDD27 and KDD28 of the HDG.
- 5.5.12 The application is supported by a Transport Assessment and Travel Plan by Stantec, which provides in depth information on various highway, transport and access related aspects and should be read in conjunction, with this statement, along with all other submitted information. Nonetheless, the accompanying TA and TP confirm that the proposals will not have a detrimental impact upon the local highway network nor give rise to safety concerns, and that the site is accessible by sustainable modes of transport. On this basis, it is considered that the proposals do not contravene the requirements set out within paragraph 116 of the NPPF and fully accord with Policies LP4, LP20, LP21, and LP22 of the Local Plan; KDD20 and KDD23 of the HDG, along with P10, P11 and P12 of the HBDG.

5.6 Flood Risk and Drainage

- 5.6.1 The NPPF sets out that new developments, especially housing and other vulnerable uses, should be situated on land that is at the lowest risk of flooding and proposals should be made safe for their lifetime without increasing flood risk elsewhere. Policy LP27 reiterates much of the guidance regarding flood risk

that is set out within the NPPF, albeit providing further clarification on area specific matters and requirements.

- 5.6.2 As set out in the accompanying Flood Risk Assessment and Drainage Strategy Report (FRA) by Stantec, the application site is situated within Flood Zone 1 and is therefore at the lowest possible risk of flooding from fluvial sources. Whilst in respect of surface water, the majority of the site is at very low risk of flooding from surface water, however, there is a central area that is denoted as being at high risk due to this area being the low point of the site. However, given the current site context and the nature of the scheme, this risk can be suitably designed out as per the suite of technical information that is part of the application. For example, the drainage strategy for the development utilises a storage tank which will be located beneath the central green space. The tank will provide attenuation for overland flows (surface water) and will comply with the required run off speeds. As set out in the FRA the risk is deemed to be low post development given sufficient mitigation being delivered as part of the scheme.
- 5.6.3 Furthermore, all foul water will be disposed of via new connections to the existing sewer system for which there is sufficient capacity to accommodate the proposed development, as confirmed by Yorkshire Water.
- 5.6.4 In light of the above and the information set out in the FRA, it is considered that all drainage infrastructure that will deal with both surface water and foul water will provide adequate provision and the drainage strategy is deemed to meet all necessary technical requirements. In addition to this, the proposals are not considered to give rise to issues of flooding elsewhere in the vicinity and all proposed mitigation is deemed to be acceptable in all respects.
- 5.6.5 It is for these reasons that the proposals are deemed to accord with the requirements of both Policy LP27 and LP28, along with the guidance within the NPPF.

5.7 Open Space and Landscaping

- 5.7.1 Paragraph 103 of the NPPF states that *'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change'*.
- 5.7.2 Policy LP32 states that *'proposals should be designed to take into account and seek to enhance the landscape character of the area'*. Whilst Policy 33 acknowledges that planning permission will not be granted for developments which directly or indirectly threaten trees or woodland of significant amenity, with the policy continuing by acknowledging that *'proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific*

location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks’.

- 5.7.3 Policy LP65 relates specifically to new open space provision for new developments and expects well designed new and improved areas of open space to assist with physical activity for users. *‘New housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal. New open space should be provided in accordance with the council’s local open space standards or national standards where relevant’.*
- 5.7.4 As mentioned in Section 3 of this statement, part of the design rationale for the site has been to retain as much as possible onsite, particularly the existing mature trees – and those which are subject to Tree Preservation Orders (TPOs). The majority of these trees are situated at the periphery of the site with those that mostly provide high visual amenity being along the boundaries with the cricket pitch. As such, the development retains all but two trees protected by TPOs, one to facilitate the access point from Highmoor Lane and the other to enable the delivery of Plots 11 and 12. However, every effort has been made to design a layout that seeks to retain as many existing trees, particularly those of importance, as possible to ensure the scheme integrates with the site constraints, whilst also seeking to retain the green character of the site – especially around the periphery.
- 5.7.5 The green character of the site and the wider area has been a fundamental part that has informed the landscaping as part of the scheme through the addition of new tree and hedgerow planting, along with wildflowers and grassed spaces. The landscaping helps to create a visually attractive environment, whilst also delivering green infrastructure to contribute to onsite habitats for biodiversity and local wildlife.
- 5.7.6 Due to the site constraints and the need to deliver a viable scheme, there is limited opportunities for extensive open space provision. Nevertheless, the central green is the primary area of open space onsite and comprises of a grassed area with a path running through which leads to a seating area for future users to sit and enjoy views across the adjacent cricket pitch. The onsite provision provides scope for informal play and recreation and alongside other incidental areas of landscaping helps to create a pleasant character and attractive street scene.
- 5.7.7 Saliently, the site is well located to other nearby existing open space provisions, such as Moorside playground which is within 150m of the site and comprises of a children’s play area and open field for sport and recreation, as well as the adjacent cricket pitch which is used by existing residents when not in use for cricket. Thus, given the sites accessibility to existing provision in the locality, as well as site constraints, it is considered that a reduced onsite provision is justified. Albeit should additional provision be required then a commuted sum may be necessary and the applicant would be willing to enter into a legal agreement with the LPA to secure such Planning Obligations.

5.7.8 In light of the above points, the proposals are considered to contribute to the provision of open space and encompasses high quality landscaping which will assist with place making and good urban design. On this premise, the scheme is considered to comply with Policies LP32, LP33 and LP63, along with P7 and P11 of the HBDG, the guidance within the Open Space SPD, and the relevant parts of the NPPF.

5.8 Ecology

5.8.1 Paragraph 193 (part a) of the NPPF sets out that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.

5.8.2 Paragraph 195 states that *'the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site'*.

5.8.3 Local Plan Policy LP30 relates to ecological matters. The policy sets out a number of requirements for new developments and expresses that minimising the impact on biodiversity and providing net gain through good design by incorporating biodiversity enhancements, and habitat creation where opportunities exist should be undertaken. The policy states, *inter alia*, that developments will be required to *'result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement'*.

5.8.4 Due to the site being cleared in circa 2009/2010, the site has been left vacant which has allowed existing planting on site to take hold and grow. The majority of planting onsite is not of any particular quality due to largely being self-seeded, however, as aforementioned there are a number of mature trees onsite which are predominantly around the periphery of the site. As part of the development feasibility, significant consideration was afforded to the retention of as much onsite habitats as possible, particularly those that were worthy of retention, were good quality and that provided benefits from a visual amenity perspective. As such, the vast majority of habitats being retained comprises of some scrub, grassland and trees, as denoted by the accompanying Arboricultural and Ecological Reports.

5.8.5 Throughout the design process every effort has been made to enhance and create as many habitats onsite, however due to the baseline figure and the need to deliver a sufficient quantum of development to deliver a viable scheme, the proposals result in a net loss. Therefore, in order to achieve a 10% mandatory net gain (as set out under Schedule 7A of the Town and Country Planning Act 1990, which was inserted by Schedule 14 of the Environment Act 2021), the use of offsite mitigation is considered to be necessary in this instance. As such, offsite habitat creation will be pursued through discussions with third party habitat providers, as well as Kirklees Council who are currently in the process of becoming a

competent body who are able to provide habitat units. Confirmation of the intended approach will be confirmed during the course of the application.

5.8.6 An Ecological Impact Assessment, which includes a Biodiversity Net Gains Assessment and an accompanying Metric and Conditions Assessment, undertaken by JCA Consulting, accompany the application. These reports provide additional information in regards to ecology and should be referred to alongside this statement. As is evident from the reports, despite considerable interventions on site it is not possible to achieve a net gain. The development results in the loss of -6.40 habitat units (-43.53% net loss) and a loss of -0.24 hedgerow units (-16.59%). Every effort has been made to mitigate the loss on site, with the retention and enhancement of habitats on site as much as possible, along with the delivery of new habitats. However, there remains a deficit and as a result, the intention is to provide offsite mitigation, in order to mitigate the loss onsite and provide a 10% net gain. The following habitats units are needed to achieve the necessary 10% net gain:

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

5.8.7 As such, following clarification that the above mentioned compensation can be adequately secured and a positive resolution can be reached, we are of the view that the proposals are capable of according with the requirements of Policy LP30 of the Local Plan, the guidance within the Biodiversity Net Gain Technical Advice Note, the NPPF, as well as the legal requirements that is set out in Schedule 7A of the Town and Country Planning Act 1990, and Schedule 14 of the Environment Act 2021.

5.9 Contamination

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

5.9.2 Policy LP47 relates to healthy, active and safe lifestyle, and seeks to create environments that benefits communities and reduces inequalities. The policy stipulates that *'creating high-quality and inclusive environments incorporating active design and the creation of safe, accessible and green environments which minimise and mitigate against potential harm from risks such as pollution and other environmental hazards'*. Policy LP51 seeks to protect and improve local air quality and requires an appropriate assessment

to be undertaken which demonstrates that proposals will not give rise to any detrimental impacts upon air quality in the area.

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

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

5.9.5 In terms of contamination and environmental matters, a suite of technical reports accompany the application, these include:

- Air Quality Assessment by Stantec;
- Construction Environmental Management Plan by Henry Boot;
- Noise Impact Assessment by Stantec;
- Phase 1 Geo-Environmental Report; and
- Phase 2 Geo-Environmental Report.

The above mentioned reports should be referred to alongside this statement for information on relevant aspects.

5.9.6 In terms of air quality, as is set out in the Air Quality Assessment (AQA), the site itself is not considered to be at risk of poor air quality, something which can often arise from being close to significant highway infrastructure (as is the case in this instance with the M62 being nearby), or from being close to industrial areas, or in urban areas which contain a large amount of traffic. However, the findings conclude that the quality of air in the area is not deemed to be of a level that would be detrimental to the health and wellbeing of future occupiers. Nor is the development itself considered to give rise to detrimental impacts (from use or pollution from associated traffic) that would be harmful to the existing population or to future users. Therefore, it is considered that the development is entirely acceptable in terms of air quality and thus accords with the requirements of Policies LP47, LP51 and LP52.

5.9.7 Due to the nature of the scheme, i.e. new build development, there is understandably associated pollution, be it noise, vibration, light, dust etc, that arises during the construction phase. Understandably, any pollutants such as noise, dust etc, do not last indefinitely, and are solely perpetuated during the construction phase, therefore the harm established by the development is deemed to be limited. However

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- as standard practice, a Construction Management Plan/Method Statement is typically conditioned (to any consent granted) which requires the applicant (or the appointed contractor) to set out their approach and method of construction on how any pollutants will be managed and mitigated to limited the extent of detriment to the wider population. The controls set out in the report will be implemented throughout the construction phase and allows the LPA to ensure the development is being carried out in accordance with the information provided and best practice.
- 5.9.8 Whilst the details are typically conditioned, as mentioned above; in order to assist with programme, the Construction Environmental Management Plan accompanies the application submission to thus alleviate the need for such information to be provided to satisfy a pre-commencement condition. The accompanying information sets out all necessary construction details and thus any conditions attached to any permission that may be granted would be a compliance condition.
- 5.9.9 Turning to noise, as alluded to previously a significant constraint with the site has been devising a scheme that achieves appropriate mitigation against the noise that is perpetuated from the surrounding highway network, especially from the Halifax Road to the north and the M62 to the west. As such, careful considerations have been given to the layout of the scheme and the incorporation of suitable noise mitigation. The dwellings along the western part of the site face westwards, this means the built form acts as a barrier to the noise from the M62. This design intervention, along with the installation of an acoustic barrier along the western edge of the site, allows for suitable noise levels to be achieved in the rear gardens of these plots and also restricts noise travelling further into the development.
- 5.9.10 A similar approach has been done for the properties along the northern part of the site. Although plots 22-25 face into the site, they benefit from the use of acoustic barrier and appropriate boundary treatments which provide mitigation. Whilst plots 13-15 face northwards towards Halifax Road (to provide active frontage but set back with a reasonably sized verge to the front) these properties act as a barrier to stop noise being of such a level it is detrimental to the noise levels within the rear gardens of these plots.
- 5.9.11 As part of the aspirations to create an attractive and vibrant scheme, certain typologies have been selected and plots orientated in ways that they positively address the street, access routes, or open space. Therefore, in some cases it is not possible to use the building as part of the noise mitigation, as such, enhance boundary treatments have been incorporated to endeavour to achieve suitable noise levels to the private amenity space of some plots. However, there is understandably a balance between achieving suitable noise levels and good quality place making. Thus, as per the accompanying Noise Impact Assessment (NIA), there are certain locations where the noise levels marginally exceed satisfactory levels, however, these are isolated locations which are deemed to be acceptable on the basis of what is achievable across the remainder of the site and the constraints at play.
- 5.9.12 In addition to this, as set out in the NIA, due to the noise constraints on site, an alternative ventilation strategy will need to be employed on plots that are particularly vulnerable to excess noise levels, such as those along the western boundary (closest to the M62) and along the northern edge (closest to Halifax
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Road). Nonetheless, the use of MVHR to any necessary units would be utilised and this approach is deemed to be acceptable as set out in the NIA. This would ensure a high standard of residential amenity for future occupiers is achieved.

- 5.9.13 On this basis, the proposals are deemed to be acceptable and comply with Policies LP47 and LP52, along with the NPPF, such as paragraphs 187 (part e).
- 5.9.14 The Phase 1 and Phase 2 Ground Contamination Reports confirm the ground conditions onsite and extent of investigations undertaken. The reports confirms that the site is considered to be uncontaminated – albeit with ground gas testing to be undertaken in due course it is considered that any findings can be suitably mitigated if necessary. Furthermore, if any material (such as top soil) which may be needed on site will need to be tested by virtue of being an imported material, the site in general is entirely suitable and capable of facilitating the proposals and the end use will not be unduly harmed from any onsite contamination. Therefore, the scheme is deemed to be policy compliant in respect of ground contamination.
- 5.9.15 Therefore, as per the points set out above, it is considered that the development proposals do not give rise to any environmental impacts that would perpetuate any harmful impacts upon people in the area or the environment, nor would future users be subject to harmful impacts from adjacent land uses, environmental issues, pollution, contamination or instability. All requisite mitigation is able to be implemented in line with relevant technical guidance. On this basis, the proposals are deemed to fully comply with Policies LP47, LP51, LP52, LP53; as well as the NPPF.

5.10 Energy Sustainability

- 5.10.1 A critical part of sustainability and the national and local aspirations to be more environmentally friendly is how incorporating greener energy solutions and conscious design interventions for developments can assist with meeting those objectives. The NPPF states that planning plays a key role in helping shape places to secure reductions in greenhouse gas emissions, minimise the impacts of climate change and support the delivery of renewable and low carbon energy, and is central to the economic, social and environmental dimensions of sustainable development.
- 5.10.2 In order to support sustainability, local planning authorities should plan and facilitate new development in appropriate locations and consider ways that help to reduce greenhouse gas emissions; support energy efficiency improvements to existing buildings; and accord with national sustainability standards.
- 5.10.3 Local Plan Policy LP26 relates to renewable and low carbon energy and sets out that new developments will be supported and planning permission granted subject to criteria being met, which are listed within the policy. Whilst the proposals do not solely propose such infrastructure, the scheme does include renewable and low carbon solutions.

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- 5.10.4 The development adopts a fabric first approach with the proposed dwellings, whereby good quality materials and insulation has been utilised in order to deliver good quality homes, with good thermal efficiency. By adopting this approach, not only will it provide future users with better living conditions and quality of life by having a more efficient building, but it also results in less energy usage, thus reducing associated costs. Therefore, a fabric first approach has both direct and indirect environmental benefits, whereby heat loss from the dwellings are significantly reduced compared to older buildings, and such efficiency reduces energy usage thus reducing the carbon footprint/emissions and impacts that arise earlier in the supply chain for energy.
- 5.10.5 Other low carbon and renewable energy solutions have been incorporated into the scheme that seek to contribute to the overall energy sustainability of the scheme. Each dwelling will benefit from an electric vehicle charging point which will provide the necessary infrastructure for future users to opt to use greener means of transport such as electric vehicles, and whilst future users may not have such vehicles at present, the infrastructure is in situ to enable them to make more sustainable decisions in the future and future proof the scheme as a whole.
- 5.10.6 Furthermore, considerations will be given to the possible use of air source heat pumps, whilst photovoltaic panels will be used for all dwellings to further assist with the sustainable credentials of the site and exemplify the applicant's aspirations to deliver a high quality scheme with low carbon and renewable energy solutions that will provide resilience to the challenges of climate change.
- 5.10.7 Therefore, in line of the above, it is considered the proposals would meet the criteria set out within Policy LP26, and the use of renewable energy demonstrates good design in accordance with LP24; along with the NPPF namely Section 14.

5.11 Planning Obligations

- 5.11.1 As part of the Pre-Application Enquiry, Officers acknowledged the potential need for planning obligations to make the proposals acceptable in planning terms. It is accepted that as with all new residential developments, the proposals will result in an increase in population and will thereby have some impact upon local infrastructure. Albeit, not all impacts arising from such developments will be negative, for example such schemes will give rise to increased footfall and lead to additional revenue for local shops, thus benefiting the local economy.
- 5.11.2 Although the exact extent of planning obligations are unknown at present, the applicant is willing to enter into a Section 106 agreement with the Council, unless the matter can be dealt with by condition and assuming the following legal tests at Regulation 122 of the CIL Regulations are met:

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

5.11.3 The applicant welcomes early discussions with the Council regarding potential planning obligations. Any legal agreement will be willingly entered into by the applicant subject to any obligation being demonstrated to meet the tests set out within the CIL regulations (as aforementioned) and within paragraph 58 of the NPPF, as well as consideration of viability and costs associated with the development.

6. Conclusions

6.1 Summary

6.1.1 This Planning Statement confirms that the application submission made on behalf of Thirteen Group for the erection of 40no. dwellings and associated works, including formation of new vehicular access and erection of cricket netting on land at Highmoor Lane, Cleckheaton, accords with all pertinent planning policies of the development plan, all relevant SPD's and applicable additional guidance, along with the NPPF. As demonstrated by this statement and all accompanying technical reports, there are no material considerations or technical concerns, that would warrant the development not being approved.

6.1.2 The development proposals will:

- Deliver 40no. dwellings which will provide high standard of residential amenity through suitable internal and external configurations;
- Create a high quality environment that is attractive, vibrant and safe for future users which enables the following of an active lifestyle, thus benefiting the physical and mental wellbeing of users and provides opportunity for social interaction;
- Achieve good levels of accessibility and permeability for all users, with walking and cycling prioritised and sustainable modes of transport encouraged and capable of use due to sufficient onsite infrastructure;
- Provide onsite useable open space;
- Establish new green infrastructure to enhance the area and provide new habitats and movement corridors for local wildlife and ecology;
- Deliver a sufficient quantum of allocated resident and visitor vehicle parking, along with appropriate refuse and cycle storage;
- Deliver a highly sustainable residential development that will incorporate fabric first construction methods and low carbon/renewable technologies to help achieve both local and national aspirations for reduced carbon footprint and environmental targets, as well as providing resilience to the challenges of climate change.

6.1.3 Therefore, in light of the above points and for the reason set out in the preceding section, we respectfully request that the Council resolves to grant planning permission for this demonstrably positive and sustainable form of development in line with the presumption in favour of sustainable development, subject to any conditions and obligations that are deemed appropriate in this instance.

Revision	Date	Notes	Prepared By	Authorised By
P1	15/05/2025		TG	GP



Architecture
Masterplanning
Urban Design

IDPartnership Northern

St Jude's, Barker Street, Shieldfield,
Newcastle upon Tyne, NE2 1AS

Registered in England and Wales. VAT No. 556159717

Telephone 0191 261 4442

Email info@idpartnership-northern.com

idpartnership.com