Originator: Elenya Jackson

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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 19-Feb-2026**

**Subject: Planning Application 2025/92728 Erection of 33 dwellings with associated car parking and landscaping land at, Dowker Street, Milnsbridge, Huddersfield, HD3 4JU**

**APPLICANT**
Mr Dulson, Westshield

| DATE VALID | TARGET DATE | EXTENSION EXPIRY DATE |
|---|---|---|
| 21-Nov-2025 | 20-Feb-2026 | |

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

Public speaking at committee link

**LOCATION PLAN**




**Map not to scale – for identification purposes only**

**Electoral wards affected:** Golcar

**Ward Councillors consulted:** Yes

**Public or private:** Public

**RECOMMENDATION**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

- Management and Maintenance: The establishment of a management company for the purpose of maintaining the shared green open spaces (including ecological management), the private parking areas and infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- Facilitate the implementation of a TRO for the sum of £10,000.

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

## 1.0 INTRODUCTION:

1.1 This is an application for full planning permission for 33 dwellings with associated access and landscaping. The application is a re-submission (with amendments) of 2023/92490 which was for 35 dwellings. The re-submission is a result of the previous permission being unimplementable due to site constraints.

1.2 The application is presented to Strategic Planning Committee due to the development not providing all of the planning contributions required in line with local and national planning policy. In this case, the scheme would provide 100% affordable rent properties.

1.3 A viability appraisal has been submitted which is consistent with the documents submitted under application 2023/92490.

## 2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises a brownfield site (approximately 0.52 hectares) that was previously used for industrial purposes. The site appears to have been vacant since circa 2007 and is in a derelict condition.

2.2 The site is of an irregular shape, with land levels falling slightly from north to south. An open culvert also runs underneath the site and the large majority of the site falls within Flood Zone 2.

2.3 Surrounding the site are predominantly residential properties, however, there are some industrial premises nearby on George Street. Immediately opposite the southeastern corner of the site on the junction with Dowker Street and George Street is a listed building known as Milnsbridge House (Grade II*). The site is also within the Milnsbridge Conservation Area and is directly adjacent to Milnsbridge Local District Centre.

## 3.0 PROPOSAL:

3.1 The applicant seeks full planning permission for the erection of 33 dwellings.

3.2 A new access is proposed onto Dowker Street from the eastern boundary at the application site. Internally, a new road would be provided, with private parking areas (outside of domestic curtilage) extending along the eastern site boundary.

3.3 The dwellings would be arranged mostly along the perimeter of the site, with two larger terraced rows accessed along the eastern elevation, with a mix of a shorter terraced row and semi-detached dwellings within the site. One detached building is proposed to face onto Armitage Road which would accommodate three flats.

3.4 Nine different house/cottage flat types have been proposed, which would provide 12 social rent houses (6x 2-bedroom and 6x 3-bedroom) and 21 rent to buy apartments (14x 1-bed apartments and 7x 2-bed apartments). Materials proposed include natural stone and re-constituted stone with roof tiles.

3.5 There would be the parking equivalent of 1.1 space per dwelling. This is discussed in greater detail in the highway section of this report.

## 4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 <u>At the application site:</u>

2007/93016 Erection of 41 dwellings (12 houses and 29 flat) and a block of four garages – Refused.

2011/90822 Conversion of existing factory building to three town houses, and the erection of 31 dwellings and two apartments with associated parking and demolition of remaining factory buildings – Granted.

2011/90823 Conservation Area Consent for demolition of factory premises – Granted.

2015/92481 Discharge of conditions 3 (landscaping scheme), 7 (site investigation report), 13 (drainage) and 19 (storage and access for collection of wastes) of previous permission 2011/90822 – Approved.

2023/92490 Erection of 35 dwellings with associated access and landscaping – Approved (subject to Section 106 agreement).

4.2 <u>Pre-application advice</u>

2023/20429 Pre-application enquiry relating to residential development – Comments made.

## 5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Officers requested alterations to the location of plots 1-3 on the northern boundary of the site.

## 6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

6.2 The site is unallocated on the Kirklees Local Plan but is situated within Milnsbridge Conservation Area and is adjacent to the Grade II and II* Listed Buildings known as 8 and 8a Dowker Street and Milnsbridge House.

6.3 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place Shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic Environment
- LP47 – Healthy, active and safe lifestyles
- LP49 – Educational and health care needs
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvements of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space

6.4 Supplementary Planning Guidance / Documents:

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

6.5 Guidance Documents:

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020, updated 2021)
- Green Streets Principles for the West Yorkshire Transport Fund (2017)
- Kirklees Housing Strategy (2018)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)
- Viability Guidance Note (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)

6.6 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16/12/2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

6.7 Relevant National Guidance and Documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)

Climate change

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

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

## 7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as a major development, as a development within a conservation area and as a development affecting the setting of a listed building.

7.2 The application has been advertised via site notices and a press notice. Final publicity expired on 20/01/2026.

7.3 As a result of the above publicity, no representations have been received from local residents.

Ward Members:

7.4 Ward Members have been notified of this application, however no formal comments have been received.

## 8.0 CONSULTATION RESPONSES:

8.1 The Environment Agency: No objections subject to conditions being imposed on the application relating to no development, storage of materials, equipment or plant, or tracking of plant, or other works in areas within 8 metres of the extent of the Longwood Brook culvert, until an up to-date culvert condition survey of Longwood Brook, running beneath the development site, has been submitted to and approved by the Local Planning Authority and a post works condition survey is completed. Guidance has also been provided on the Biodiversity Net Gain within the culverted watercourse.

KC Lead Local Flood Authority: Comments provided which will be discussed in further detail below.

8.2 Non-statutory:

KC Environmental Health: In support of the application subject to conditions regarding contamination and noise and a construction environmental management plan being attached to the decision notice in the case of an approval.

KC Waste Strategy: The proposals are considered to be acceptable by the Waste Collection Authority subject to the recommended conditions relating to pre-occupation waste strategy, phased occupation waste management and bin storage maintenance.

KC Conservation and Design: No comments provided.

KC Trees*:* No objection from a tree perspective.

KC Strategic Housing: As the proposed development is for 100% affordable housing, no First Homes are required for this development.

KC Landscape: In support of the application, subject to a condition requiring the management and maintenance of the on-site green open space (for biodiversity).

KC Highway Structures: No objections subject to conditions being attached to the decision notice.

KC Policy: No comments received.

KC Ecology: No objections subject to conditions.

KC Education: No education contribution is required.

KC Highway Development Management: No objection to the proposal, subject to conditions.

Yorkshire Water: No objection subject to conditions

West Yorkshire Archaeology Services: There are currently no known significant archaeological implications associated with the development.

West Yorkshire Police Designing Out Crime Officer: No objection subject to a condition requiring security measures for the site.

Northern Gas: No comments received. The developer should make contact with Northern Gas to discuss their requirements in detail.

## 9.0 MAIN ISSUES

- Land use and principle of development
- Sustainability and climate change
- Design
- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Other matters
- Representations
- Planning obligations and viability

## 10.0 APPRAISAL

Land use and principle of development

*Residential development*

10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

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

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

10.4 The council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers' assessment.

10.5 The site comprises a vacant parcel of brownfield land within a predominantly residential area. The site has also previously received consent for the conversion of the then-existing factory building to three town houses, the erection of 31 dwellings and two apartments and the erection of 35 dwellings which can be afforded some weight.

10.6 The 33 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan, which carries positive weight in the balance of planning considerations. Substantial weight must also be given to the presumption in favour of sustainable development (applying the 'tilted balance') unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. In all circumstances, careful consideration should be given to the relevant planning considerations, Development Plan policies and appropriate national planning policies.

10.7 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities would only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. This is supported by policy 4 of the Housebuilders Design Guide SPD.

10.8 In this instance, the site area is 0.52 ha and would therefore achieve a density of 63 dwellings per hectare. Whilst this is significantly over the 35 dph target, the site includes a large number of flats and also takes cues from existing adjacent development, which includes close knit terraced properties. It is also noted that the site is very accessible and is close to a wide range of local facilities in the adjacent centre, and to public transport facilities. These considerations also help justify the proposed density.

10.9 With these matters taken into consideration, the density can be supported, particularly given the development would provide a high quantum of much-needed housing within Milnsbridge.

10.10 Regarding housing mix, Local Plan policy LP11 seeks for proposals to provide a representative mix of house types for local needs. This is expanded upon and detailed within the council's Affordable Housing and Housing Mix SPD (March 2023). However, it must be noted that the council's SPD was adopted after the initial discussions relating to the housing density and mix at this site was discussed with officers as part of application 2023/92490. Therefore, a pragmatic approach has been undertaken and full adherence to the SPD is not expected.

10.11 In this instance the development would provide 12 social rent houses (6x 2-bedroom and 6x 3-bedroom) and 21 rent to buy apartments (14x 1-bed apartments and 7x 2-bed apartments). KC Strategic Housing have confirmed this to be acceptable.

*Minerals*

10.12 The site is within a wider mineral safeguarding area relating to sandstone. Local Plan policy LP38 therefore applies. This states that surface development at the application site would only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.

*Sustainability and climate change*

10.13 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions. It is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area.

10.14 The supporting statement submitted with the application suggests that the development would be fitted with air source heat pumps and PV arrays for each property. However, details of these have not yet been confirmed. Additional details have been provided in relation to reducing the impacts on flooding and to increase biodiversity net gain.

<u>Urban Design issues</u>

10.15 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) where paragraph 131 provides a principal consideration concerning design which states:

*"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."*

10.16 Kirklees Local Plan policies LP1, LP2 and significantly LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

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

10.18 Paragraph 130 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

10.19 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *"New residential development proposals would be expected to respect and enhance the local character of the area by:*
*• Taking cues from the character of the built and natural environment within the locality.*
*• Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
*• Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context."*

10.20 Principle 5 of this SPD states that: "*Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography."*

10.21 Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whist principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

10.22 In this case, the site is situated within Milnsbridge Conservation Area and directly opposite the Grade II* listed Milnsbridge House and the Grade II listed buildings known as 8 and 8a Dowker Street.

10.23 Therefore, Section 72 of the Planning (Listed Buildings and Conservation Area) Act (1990) is relevant. This places a duty on the council to pay special attention to the desirability of preserving or enhancing the character and appearance of the Milnsbridge Conservation Area when determining this application.

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

10.25 Local Plan policy LP35 further outlines that proposal which affect designated heritage asset should preserve and enhance the significant of the asset. More specifically in cases likely to *"result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposal would bring substantial public benefits that clearly outweigh the harm to the historic environment".*

10.26 The site was developed from the mid-19th century onwards, with terraced houses and works buildings, and a Liberal Club on the southeast corner (later a telephone exchange). The 1965 OS map shows that the works building had extended across the entire proposal site and was set close to the site boundaries. Other than the terraces on the northern site boundary which have small front gardens, all other buildings within the site perimeter faced directly onto the streets with none or very little amenity space at the front. This is characteristic of the workers' housing and commercial/industrial buildings within the Milnsbridge Conservation Area.

10.27 The site is currently a vacant brownfield site, free from any previous built form. The development would bring this previously-developed site back into use. The current timber boarding that encloses the site would be removed.

10.28 The proposed layout reflects the existing character along George Street, Dowker Street and Armitage Road, as two rows of terraced properties are proposed adjacent to the highway on the eastern elevation. Whilst this layout may not be a typical arrangement for new housing sites, there is a clear character within this area and the proposed built form (which reflects that character) is supported. Additional accommodation that is a mix of shorter terraced rows and semi-detached dwellings is proposed within the site, along with a detached building facing onto Armitage Road. Whilst this building would differ in its appearance to the existing development along Armitage Road, the stand-off distance for the culverted watercourse that runs beneath the site has dictated the amount of development that can be achieved within this area, and the footprint of this block. Its design, however, gives the appearance of two small semi-detached properties and therefore, when taking into account the above, the design of this building is supported.

10.29 Adequate space between dwellings has been proposed, albeit officers note that this is slightly less than the typically required separation distances. However, the existing character for this area allows an exception to the normally-applied distances. Where possible, driveways are proposed to the side of dwellings, along with some in-curtilage parking. The design requirements of the scheme consider existing cues from nearby properties but as a result of this, some of the parking proposed would be within the highway layout, outside of domestic curtilage. Whilst this is not ideal, the greater benefits of having the layout with the dwellings fronting the highway outweighs the harm. The out of curtilage parking areas would also be landscaped to help alleviate any concerns of large areas of hardstanding.

10.30 The scale and overall form of the dwellings, with stepped roof lines, reflects the typical form of the terraced dwellings in this area, and officers support the principle of two-storey dwellings on the Dowker Street and George Street elevations as these would be subservient to Milnsbridge House. Plots 1-3 (within the detached building) to the northern edge of the site facing onto Armitage Road would, however, be three-storey to the rear elevation to take into account the slight change in levels within that area of the site. This is

supported as the front elevation would appear two storey in-keeping with the character of the area. The street scene elevations provided show that the development would be of an appropriate height for the area and would be stepped (where necessary) to take into account topography.

10.31 Regarding architectural form, the proposed dwellings would have a typical modern vernacular and would benefit from gable roofs to keep in with the character of the area. Front elevations mostly have elongated windows with lintels which is reflective of the historic character of the area. Some horizontal three light windows are proposed on Dowker Street, and it is accepted that although these do not reflect the surrounding character, the internal layout of the kitchens in these flats makes a tall one over one window difficult to achieve and therefore officers accept this design on balance. Panelled doors are proposed to reflect the character of the 19th century terraces. These details are therefore accepted in principle, however a condition requiring details of the windows and doors would be required.

10.32 To the rear, each unit whether that be flat or dwelling would benefit from outdoor amenity space. For the houses, individual private gardens are proposed Private and the flats would have shared gardens to the rear. The wider site would have green space to the front of the buildings and to key views into the site which are a positive addition.

10.33 The plans show cottage types 1, 3 and 4 and plots 9 to 13 to be constructed from natural stone to their front elevations and gables with stone heads and cills. This is due to these units being within prominent locations within the site, adjacent to the heritage assets. Cottage flat type 2 (the building which would front onto Armitage Road) is still proposed to be constructed from reconstituted stone. In this case, this dwelling should be constructed from natural stone to its front and gable elevations, as it would face onto the highway and would be read alongside the existing dwellings in the street scene which are constructed from natural materials. It is recommended that this change in material be secured by an appropriately worded condition.

10.34 The remaining plots/elevations would be constructed from reconstituted stone as they would be located within a less-sensitive and less-prominent location further into the site. Whilst officers would prefer to see all the dwellings constructed from natural materials, the costs associated with this have been noted, which is a consideration especially as the scheme would be provided by a non-profit organisation for affordable housing. Grey roof tiles are specified, however natural or artificial blue slate would be preferable to match the surrounding buildings and to enhance the character and setting of the conservation area and nearby listed buildings. This is considered reasonable given the sensitivity of the site and therefore a condition to this effect has been proposed.

10.35 PV panels are proposed within the front and rear roof pitches of the buildings. Whilst officers have no concerns about PV panels being located on pitches facing into the site, concern is raised regarding any to the outer pitches (i.e. to front onto George Street, Dowker Street or Armitage Road) unless they are integrated into the surface of the roof slope. As no additional information has been received in this respect a condition would be required on the decision notice in the case of an approval, securing details of the arrays to be submitted for approval, including solar panel type and location. No details have been provided for the air source heat pumps and therefore their details, size and locations would also need to be secured via a condition. These installations would need to be located to the rear elevations of the buildings.

10.36 Limited information regarding the proposed boundary treatments has been provided and therefore, the council would require full details of all boundary treatments, fences and walls at conditions stage, prior to the commencement of development.

10.37 In conclusion, it is considered that the details provided within this full planning application demonstrate that the development has been designed to sympathetically respond to the local character, with the use of traditional materials where possible, and through the use of elevational detailing. It is considered that the proposal development complies with the council's guidance documents for residential developments and would bring a current vacant brownfield site back into use.

10.38 Furthermore, given the principle of the scheme has previously been agreed and amendments were sought during application 2023/92490 to ensure the development had an acceptable design (including in relation to scale, grain, orientation and materials) which have largely been implemented into the current application, it is considered that there would be no undue harm to the significance of the aforementioned heritage assets. The public benefits of the scheme (which would provide 100% affordable units to help meet known needs) are again noted.

10.39 Given the above assessment, it is considered that the relevant requirements of Chapters 11, 12 and 16 of the NPPF and policies LP2, LP7, LP24 and LP35 of the Kirklees Local Plan would be sufficiently complied with, as would Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Area) Act (1990). The scheme also complies with the guidance set out within the council's Housebuilders Design Guide SPD.

Residential Amenity

10.40 A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. Specifically, it outlines that for two storey dwellings the following, typical minimum separation distances between existing and proposed dwellings, are advised:

- 21 metres between facing windows of habitable rooms at the back of dwellings.
- 12 metres between windows of habitable windows that face onto windows of non-habitable room.
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.

10.41 In addition to this, paragraph 135 (f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

10.42 Principle 16 of the Housebuilders Design Guide SPD seeks to ensure the floorspace of dwellings provide a good standard of amenity for future residents and make reference to the Nationally Described Space Standards document (March 2015). Principle 17 of the SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

10.43 The site is situated within a wider mixed use area, however, residential properties immediately border the site to north, east, south and west.

*88 George Street*

10.44 This property is situated to the southwest of the application site and immediately adjoin the site. Officers have noted that the nearest plots to these neighbours would be the flats proposed as plots 29 and 30. The submitted plans show that there would be habitable room windows proposed within the western elevations of plots 29 and 30, however, the residential properties would be separated by car parking and an area of green space, which would provide an adequate separation distance (of approximately 19m). 88 George Street does not benefit from any existing side openings, and has a large brick wall to its rear amenity space. For these reasons, officers are satisfied that the development would have no undue impact on these neighbours amenity with regards to overbearing, overshadowing or overlooking.

*52-86 Market Street*

10.45 Most of these buildings appear to be within a commercial use, other than 64, 68, 78 and 78a, 80a and 84 Market Street which include residential flats, either occupying the entire building or the upper floors. Nonetheless, the site has been designed to ensure that there would be adequate separation distances to this western boundary. For instance, plots 1-3, 4 and 30 would be the nearest properties to these existing buildings, whereby significant separation distances are proposed. Plots 1-3 would be 16.9m away from the western boundary of the site, plot 4 would be 19m, plot 31 would be 20.6m. As such, officers are satisfied that there would be no detrimental overbearing, overshadowing and overlooking to these neighbours amenity.

*119 - 129 and 135 Armitage Road*

10.46 Plots 1-3 (on the northern boundary of the site) would be located adjacent to the boundary of 129 Armitage Road. Alterations have been made to the scheme during the life of the application so that plots 1-3 would only extend a marginal distance beyond the rear elevation of 129 Armitage Road. It is considered that the marginal projection when coupled with the orientation of the properties would prevent any significant overshadowing/loss of light or overbearing impacts for the occupiers of 129 Armitage Road.

10.47 Plots 4 to 8 would have a back-to-back relationship with 119-129 Armitage Road. The proposed site plan shows that separation distances of between 18m and 20m would be proposed. Whilst this is a limited shortfall (noting the 21m identified within the council's Housebuilders Design Guide SPD), it is noted that the application site is on a slightly lower level and may help create more privacy for the residents of the existing and proposed properties. Therefore, on balance given the character of the area and the close knit development, officers support this reduced separation distance and are satisfied that there would be no undue loss of amenity from overbearing, overshadowing or overlooking at these neighbours properties.

10.48 135 Armitage Road is a commercial property.

*15 Dowker Street*

10.49 This dwelling is located to the north of the proposed plot 9. These neighbours would have a side-to-side relationship and would be separated by the driveway for plot 8. No side openings currently existing within the southern side elevation of 15 Dowker Street, with only a bathroom window proposed within the northern side elevation of plot 9. This would be fitted with obscure glazing and therefore would not lead to any undue overlooking. Plot 8 would also extend slightly further back than 15 Dowker Street, however, the separation distance to allow for the car parking would ensure that there would be no material overbearing and overshadowing upon these neighbours' amenity. As such, this relationship is considered acceptable.

*8 Dowker Street and Milnsbridge House*

10.50 Plots 13-24 (the first and ground floor flats) would be situated adjacent to 8 Dowker Street and Milnsbridge House which are both have a residential use (whether currently occupied or not). There would be approximately 12m between the proposed plots and these neighbours front elevation. Officers note that this is a reduced separation distance, however, given the existing character of the area, there is already a precedent for close-knit development. The highway which runs between these properties would also provide a buffer and therefore, officers support this relationship, as it is unlikely to give rise to any material overbearing, overshadowing or overlooking.

*23 – 41 George Street*

10.51 Plots 23-30 would be situated directly opposite 23 to 41 George Street which are located to the south of the site. As mentioned above, the separation distance between these properties would be slightly below the typical requirement, at approximately 14m. This is deemed acceptable given the context and character of the area. In addition, the public highway which runs between these properties would also provide a natural separation. As such, officers are satisfied that this relationship would not give rise to any detrimental overbearing, overshadowing or overlooking.

*Amenity of the future occupiers*

10.52 Consideration must also be given to internal separation distances and the amenity of the future occupiers. In this case, the internal separation distances are considered to be acceptable, as gardens, open green spaces and the highway would separate the built form. The closest separation distance would be between plot 31-33 and plots 25 to 30 at 15.4m, however, as mentioned above this is typical for development in this area.

10.53 Each unit would meet the Government's Nationally Described Space Standards and would provide a dual aspect for all residents with regard to outlook, privacy and light. Therefore, the proposed layout, for residential amenity purposes, is considered acceptable and complies with guidance contained within the Housebuilders Design Guide SPD and the aims and objectives of policy LP24 of the Kirklees Local Plan.

Landscaping

10.54 The proposed private gardens are considered commensurate in scale to their host dwellings. They would offer good separation and space about dwellings, whilst offering private amenity space for residents, securing a high standard of visual and residential amenity.

10.55 Outdoor amenity green space is also proposed for the occupiers of the flats and to the north and south of the parking area there is additional open space. This would provide some outdoor space for the residents to enjoy and would also act as a natural buffer to help break up the large areas of hardstanding within the site. The landscaping plan, however, shows the green space adjacent to the car parking to improve biodiversity net gain.

Highway issues

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

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

10.58 The applicant proposes to utilise the existing access point onto Dowker Street.

10.59 The proposed site plan shows one central road into the site, with private parking areas extending to the north and south.

10.60 With regard to on-site parking, it is noted that there would be an overall shortfall as general guidance states that 2- and 3-bedroom dwellings should have two parking spaces each. In this case, a least one off street parking space has been provided for each unit. This has been considered acceptable on balance, given that the site is within a sustainable location on the edge of Milnsbridge Local Centre, with access to shops and amenities within walking distance. In addition, it is again noted that the design of the layout (which would ensure that it is in keeping with the character of the local area, to help preserve the setting of the Milnsbridge Conservation Area and nearby listed buildings) has informed the on-site parking proposals.

10.61 Swept paths have been demonstrated to show that a refuse vehicle can enter, exit, and turn within the site. This is considered to be acceptable. Visibility from the site access can also be supported, 2.4m x 43m and will be secured via

condition. No boundary wall is proposed in front of the dwellings and the access will be hard surfaced at the same level of the footway to keep visibility splays clear of obstructions. KC Highways have recommended a condition to secure the visibility splays.

10.62 The proposed site plan demonstrates several locations for bin stores within the site, Final details of the bin stores should be conditioned to ensure that they are of an appropriate size and design. Details of temporary arrangements for bin collection would be secured by condition. This is considered satisfactory by the Waste Collection Authority.

10.63 A revised stage one safety audit has been provided accordance with GG119 for the revised site layout, the findings of this are to be agreed in more detail should a committee decision be made, it is suggested that this be dealt with via delegation back to officers to ensure compliance with policy LP21 of the Kirklees Local Plan and aims of the Highway Design Guide SPD and National Planning Policy Framework.

10.64 KC Highways Structures have also reviewed this planning application, raising no objection subject to conditions being applied regarding any new retaining walls adjacent to the highway, details of any drainage within the adopted highway and the proposed design and construction details for the reconstruction/strengthening of culverted section of Longwood Brook within the highway footprint.

Flood risk and drainage issues

10.65 Chapter 14 of the NPPF and policy LP27 of the Kirklees Local Plan state inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a sequential test.

10.66 The application has been submitted Flood Risk Assessment which has been reviewed by KC Lead Local Flood Authority (LLFA) and the Environment Agency (EA). The EA has confirmed they are satisfied with the details provided subject to recommended conditions.

10.67 Officers are satisfied that the layout can provide a safe flood route for both a culvert and surface water blockage (including an exceedance event). This accords with policy LP28 of the Kirklees Local Plan.

10.68 The submitted drainage plans show space for water storage within the site, the proposed methods of attenuation would include crate storage. In this instance the LLFA have raised concerns with the scheme in relation to the attenuation details on site. Officers note the previous application on site whereby two conditions were recommended, one being for full drainage details, to ensure the location of the attenuation create can be achieved and is not too close to the culvert's easement. The second condition would require a management and maintenance plan for the crate storage and ensures that it would be replaced every 25 years, unless further certifications for its lifespan can be provided. This storage would be required to be privately managed and maintained by the developer/management company, unless this drainage feature is adopted by Yorkshire Water under a Section 104 agreement. Officers consider that this approach has both previously and recently been agreed on site and therefore consider it a reasonable method in this instance.

*Sequential test*

10.69 The site is partially located within Flood Zone 2, which triggers the requirement of a sequential test. Paragraph 174 of the NPPF states that *"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding".*

10.70 Paragraph 003 of the relevant Planning Policy Guidance (Flood Risk Coastal Change) states that *"when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere".*

10.71 A sequential test was previously submitted under application 2023/92490 and has been re-submitted under this current application. It has not been considered reasonable or necessary to request an updated sequential test in this instance due to the applications being received in quick succession and the previous permission still being extant. As part of the previously-agreed sequential test, a smaller area of search was proposed by the applicant using the council's latest Strategic Housing Market Assessment (SHMA). This included the Huddersfield Local Market Area. This has previously been considered an acceptable as an area of search as the SHMA sets out the National Housing and Planning Advice Unit housing market evidence showing three local market areas within Kirklees (Huddersfield Local Market Area being one of them).

10.72 The submitted sequential test used Local Plan allocations, sites with extant planning consent, previously-expired applications and sites contained on the brownfield register. However, the test did not include windfall sites.

10.73 The report concluded by setting out that that there are no sites available that are sequentially preferable to the proposed development site. This site offers a unique opportunity for high-quality affordable housing within a sustainable residential area of Kirklees.

10.74 The submitted Design and Access Statement and submitted technical reports clarify how the proposals meet a defined local need. It is significant to note that the proposal relates exclusively to the provision of affordable housing, with a viability assessment having been submitted to show that the site can only be developed for 100% affordable units. Therefore, this has discounted a significant number of sites. Other sites have also been discounted where existing structures/hardstanding would need to be removed along with any associated contamination, as have sites that would require cut and fill and associated earthworks.

10.75 As such, officers are satisfied with the sequential test (demonstrating that the proposal for residential development in Flood Zone 2 is justified, as there are no sequentially preferable sites available) as the land is a current vacant brownfield site, just out of the centre of Milnsbridge. It is also again noted that planning permission has previously been granted for development at this site under planning application 2011/90823 granted in November 2012 and more recently application 2023/92490 granted in 2025.

Other matters

*Ecological considerations*

10.76 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 192 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 193 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This is echoed in policy LP30 of the Kirklees Local Plan.

10.77 Furthermore, policy LP30 of the Kirklees Local Plan outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Principle 9 of the Housebuilders Design Guide SPD echo the Local Plan in respect of biodiversity. In addition, there have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, unless the development falls within one of several exemptions.

10.78 An Ecological Appraisal has been submitted with this application, which is has been reviewed by KC Ecology. Officers agree with the currently submitted documents and concur that a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should be conditioned and produced. The CEMP: Biodiversity would detail protection measures, and pre/during clearance ecology checks for protected species. The report also outlines that "enhancements are easily achievable within the development where the incorporation of native planting, bat, bird and hedgehog nesting boxes are recommended. Inclusion of hedgehog highways and residential information of artificial boxes and hedgehogs are also recommended". As such, a condition requiring on-site biodiversity enhancements is recommended.

10.79 A 10% net biodiversity gain should be demonstrated in accordance with chapter 15 of the NPPF, Local Plan policy LP30, and the council's Biodiversity Net Gain Technical Advice Note. Achieving biodiversity net gain within an application site is the preferred option.

10.80 The applicant has submitted a biodiversity metric calculation which has proposed that 0.58 habitats units, 0.02 hedgerow units, and 0.14 watercourse units are intended to be created post development with very low to medium distinctiveness. KC Ecology has reviewed the details and concur with the findings subject to conditions.

10.81 In this case, KC Ecology have confirmed that they are satisfied that the scheme can achieve an on-site 10% net gain which would be secured via a recommended condition requiring a Biodiversity Enhancement Management Plan to secure 0.58 habitat units, 0.02 hedgerow units and 0.14 river units. This would need to be maintained for a period of 30 years.

*Trees*

10.82 Policy LP33 of the Kirklees Local Plan states that "the Council would not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity…Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment". This is supported by principle 7 of the Housebuilders SPD.

10.83 In this case, KC Trees have confirmed that there are no trees or shrubs at the site that merit retention or proposal. As a result, there is no objection to the scheme from a tree perspective.

*Contaminated land*

10.84 This site has been identified on the council's mapping system as potentially contaminated land due to its former use/s (site reference: 275/9). As such, a Stage II Report and Contamination Remediation Statement has been submitted in support of the application.

10.85 In this instance, officers require the Stage I Report (referred to in the Stage II Report) to confirm its validity, post-clearance sampling to confirm the site condition and to inform a revised remediation strategy, clarification regarding changes to site levels, and further commentary on asbestos risk and the depth of clean cover proposed. A Stage 1 report has been provided as of 09/02/2026, however, due to the time constraints associated with the application, officers have not yet had time to assess the details prior to the presentation of the application at committee. As such, full land contamination conditions are recommended at this time.

*Noise*

10.86 The proposals introduce sensitive noise receptors close to potential noise sources. A Noise Impact Assessment authored by Braiden Acoustics Ltd dated 28/07/2023 Ref 11140 has been submitted. Noise monitoring was conducted on 16/06/2023 from a single monitoring position as shown in figure 2 as it was close to George Street and Market Street and close to any potential industrial noise sources at the rear of the commercial units to the west. A summary of the results is given in table 2 with comment made that the noise climate was predominantly road traffic noise, especially at the junction of the George Street and Market Street with no obvious industrial noise from the nearby commercial units during the noise monitoring exercise.

The measured levels are low and as such, no specific mitigation measures are required in order to comply with the internal and external requirements of BS8233 with standard double glazing and close boarded fencing recommended.

*Electric vehicle charging points*

10.87 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of an electric vehicle charging point for each dwelling. Technical details of the chargers to be submitted would be required at the discharge of condition stage. This is to ensure compliance with policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the NPPF.

*Construction activities*

10.88 The site is adjacent to existing residential properties. All reasonable steps must be taken to minimise and mitigate adverse effects from construction-related activities that may lead to a loss of amenity. A Construction Environmental Management Plan (CEMP) was submitted during the life of the application which provides details of the working hours for the site, contact details of site operator, training details, noise control and air quality details. It is recommended that the application be conditioned to be carried out in accordance with the details contained in this document.

*Crime prevention*

10.89 The West Yorkshire Police's Designing Out Crime Officer has been formally consulted as part of this application. The officer has raised no objection to the proposed layout but has requested that a condition requiring security measures be attached to the application in the case of an approval. This would include details of boundary treatments, lighting, window and glazing details, doors and locking systems, CCTV and alarms and cycle and motorcycle storage, in accordance with policy LP24 (e) of the Kirklees Local Plan.

Representations

10.90 As noted above, no representations have been received in response to site publicity.

Financial contributions and planning obligations

10.91 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the relevant tests. They must be: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.

10.92 The following represents a policy-compliant suite of Section 106 obligations for the proposal:

- Affordable Homes: Seven units (6.6 rounded) (albeit the proposal is for 100% affordable housing).
- Public Open Space (off site contribution): £74,430.69.
- Management and Maintenance of Public Open Space/drainage.

10.93 Section 106 obligations that would be required regardless of the financial contributions include the provision of the site's on-site green space and management / maintenance arrangements for the drainage (prior to adoption) and the private parking areas to the north and south of the internal access road.

10.94 The applicant has previously provided a viability assessment seeking to demonstrate that the proposal would not be viable if a full suite of Section 106 financial planning obligations were imposed upon them. That assessment related to the previous 35-dwelling scheme, and the current 33-dwelling scheme would generate different outputs were it to be re-assessed. However, although build costs are likely to be reduced by the fact that fewer units are now being proposed on site, so to would the development's gross development value and rental income.

10.95 In accordance with paragraph 59 of the NPPF, The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. The applicant's viability assessment has previously been reviewed by an independent viability assessor (Altair) appointed by the council, to advise officers on this specialist subject.

10.96 The review of the applicants viability report was undertaken which has been considered as two different scenarios: a fully compliant Section 106 package (including 20% affordable housing (in line with Policy LP11) and the off-site POS contribution of £80,583) and a scheme to deliver 100% affordable housing with no further financial contributions. It is noted that the POS contribution has been reduced as part of this application to £74,430.69 due to the required amounts of each open space typology being reduced in line with the reduced number of dwellings. The applicant's viability assessment for the scheme concluded that it was not viable for them to provide a fully compliant Section 106 package.

10.97 Altair reviewed the submitted information and drawn conclusions upon the accuracy of the applications assumptions. In doing this, Altair have used the applicant's residual land value calculation and examined how the applicant's figures compare to industry benchmarks along with current economic factors and evidence. The following table illustrates the key assumptions within the report and how they compared:

| Assumption | Applicant | Altair |
|---|---|---|
| Open Market Values | £6,695,000 | £6,895,000 |
| 100% Affordable Rent Income | 80% of OMV | 80% of OMV |
| Build Costs | £4,604,819 | £4,343,104 |
| Contingency Fees | 3.00% | 3.00% |
| Developer's Return (Private Sale) | 17.50% | 17.50% |
| Developer's Return (Affordable Housing) | 8.00% | 6.00% |
| Professional Fees | 8.00% | 8.00% |
| Sales & Marketing Fees | 3.00% | 2.50% |
| Sales Legal Fees | £750 pu | £750 pu |
| S106 / CIL | £80,583 | £80,583 |
| Finance Costs | 8.50% | 7.50% |
| Programme | Pre Con: 3 mths<br>Construction: 18 months<br>Sales: 2.5 pcm<br>AH Sales: At completion | Pre Con: 3 mths<br>Construction: 18 months<br>Sales: 2.5 pcm (30% sold off plan)<br>AH Sales: S-Curve through construction |
| Benchmark Land Value | £390,000 | £390,000 |

*Table 8 - Summary of Assumptions*

10.98 Altair's report concluded that the application cannot viably support the normal affordable housing requirement and Section 106 financial contribution when considering industry standard profits (i.e. a 17.5% profit margin). However, their assessment demonstrates that for a not-for-profit developer (who would deliver only the 100% affordable units) the scheme may be feasible, when taking into account current day income and cost assumptions.

10.99 Officers accept this position and agree that the only viable solution for the site would be to deliver it for 100% affordable units, with no other Section 106 contributions to be secured. It has not been considered necessary to re-assess viability in this instance as officers consider that there has not been substantial alterations to the scheme which would result in a different outcome.

10.100 As a response to the consultation response provided by KC Strategic housing, the applicant has confirmed the tenures for the 33 units to be as follows: *"First Choice Homes Oldham in partnership with Westshield will deliver 12 social rent houses (6x 2-bedroom and 6x 3-bedroom) and 21 rent to buy apartments (14x 1 bed apartments and 7x 2 bed apartments)".* To ensure this is retained in perpetuity, it is recommended that an appropriately-worded condition to secure this be attached to the decision notice.

## 11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.2 The site is currently a vacant brownfield site, within an existing residential area, close to the centre of Milnsbridge. A planning permission was previously granted for residential development under application 2023/92490.

11.3 Site constraints include neighbouring properties, nearby heritage assets and a culvert that runs beneath the site. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable, with conditions proposed to ensure that a high quality development would be delivered, to protect the setting of the nearby listed buildings and conservation area. There would be no undue harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed and can on balance be supported. Other planning issues such as drainage, contamination, ecology for example have been addressed through the proposal.

11.4 Viability issues have previously demonstrated that the site can only be delivered for 100% affordable dwellings, with no financial contributions towards off-site public open space provision or improvements. The tenure proposal is greatly welcomed as the scheme would provide much-needed affordable units within the area of Milnsbridge.

11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

## 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Samples of all walling materials.

4. Notwithstanding the submitted plans, plots 1-3 to be developed from natural stone to the front and gable elevations.
5. Notwithstanding the submitted plans, the roofing materials to include artificial or natural blue slate, including samples.
6. Details of windows and doors.
7. All windows to be set back into the reveal by 100mm.
8. Full details/locations of PV panels.
9. Full details/locations of the air source heat pumps.
10. Full details of boundary treatments.
11. Details of measures to deter crime and anti-social behaviour.
12. Submission of a CEMP.
13. Management and maintenance of green space.
14. Submission of full drainage details.
15. Management and maintenance of drainage features (crate storage/attenuation).
16. Bin store details.
17. Details of temporary waste storage and collection (during construction).
18. Submission of Phase 1.
19. Submission of Phase 2.
20. Submission of Remediation Strategy.
21. Implementation of Remediation Strategy.
22. Submission of Validation Report.
23. Submission of a Noise Assessment and Mitigation Scheme.
24. Details of EVCP's.
25. Permeable surfacing to all vehicle parking areas.
26. Details of any new retaining walls/ building retaining walls adjacent to the proposed adoptable highway.
27. Proposed design and construction details for the reconstruction/strengthening of culverted section of longwood Brook within the highway footprint.
28. Details of any drainage in the highway.
29. Submission of an up to date survey of Longwood Brook.
30. Development in accordance with Affordable Housing Statement.

**Background Papers:**

Application and history files.

Planning application details | Kirklees Council

Certificate of Ownership – Certificate A signed.