

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

**Julie Muscroft**

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Wednesday 1 December 2021

## Notice of Meeting

Dear Member

### **Planning Sub-Committee (Huddersfield Area)**

The **Planning Sub-Committee (Huddersfield Area)** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 9 December 2021**.

This meeting will be webcast live. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Planning Sub-Committee (Huddersfield Area) members are:-**

### **Member**

Councillor Terry Lyons (Chair)  
Councillor Paul Davies  
Councillor James Homewood  
Councillor Mohammad Sarwar  
Councillor Mohan Sokhal  
Councillor Sheikh Ullah  
Councillor Harpreet Uppal  
Councillor Bill Armer  
Councillor Timothy Bamford  
Councillor Donna Bellamy  
Councillor Bernard McGuin  
Councillor Anthony Smith  
Councillor Susan Lee-Richards

When a Planning Sub-Committee (Huddersfield Area) member cannot be at the meeting another member can attend in their place from the list below:-

### **Substitutes Panel**

#### **Conservative**

A Gregg  
V Lees-Hamilton  
R Smith  
M Thompson  
D Hall  
J Taylor

#### **Green**

K Allison

#### **Independent**

C Greaves

#### **Labour**

M Akhtar  
E Firth  
S Hall  
M Kaushik  
J Ramsay

#### **Liberal Democrat**

PA Davies  
J Lawson  
A Marchington  
A Munro  
A Pinnock

# Agenda

## Reports or Explanatory Notes Attached

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### Pages

**1: Membership of the Sub-Committee**

To receive any apologies for absence, or details of substitutions to Sub-Committee membership.

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**2: Minutes of previous meeting**

1 - 8

To approve the Minutes of the meeting of the Committee held on 16 September 2021.

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**3: Declaration of Interests and Lobbying**

9 - 10

Sub-Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

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**4: Admission of the Public**

Most agenda items will be considered in public session, however, it shall be advised whether the Sub-Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

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**5: Deputations/Petitions**

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

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## 6: Public Question Time

The Sub-Committee will receive any public questions.

In accordance with:

- Council Procedure Rule 11 (3), questions regarding the merits of applications (or other matters) currently before the Council for determination of which the Council is under a duty to act quasi judicially shall not be answered.
- Council Procedure Rule 11 (5), the period for the asking and answering of public questions shall not exceed 15 minutes.

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## Planning Applications

11 - 12

The Planning Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 6 December 2021.

To pre-register, please email [governance.planning@kirklees.gov.uk](mailto:governance.planning@kirklees.gov.uk) or phone Richard Dunne or Sheila Dykes on 01484 221000 (Extension 74995 or 73896).

Please note that measures will be in place to adhere to COVID secure rules, including social distancing requirements. This will mean that places will be limited

Members of the public who are unable to attend in person will be able address the Committee virtually.

You will receive details on how to speak at the meeting in your acknowledgement email.

Please note that, in accordance with the Council's public speaking protocols at planning committee meetings, verbal representations will be limited to three minutes.

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

## 7: Planning Application - Application No: 2020/91896

13 - 50

Demolition of existing dwelling and erection of 15 dwellings with associated access and external works Pentlands, New Mill Road, Holmfirth.

Contact officer: RichardA Gilbert, Planning Services.

Ward(s) affected: Holme Valley South

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8:	<b>Planning Application - Application No: 2021/91578</b>	51 - 76
	Erection of 9 detached dwellings with associated works land at, Lancaster Lane, Brockholes, Holmfirth.	
	Contact officer: Stuart Howden, Planning Services.	
	Ward(s) affected: Holme Valley North	
<hr/>		
9:	<b>Planning Application - Application No: 2021/90126</b>	77 - 92
	Erection of extensions and alterations to existing coach house to form annexe accommodation associated with Coachways, 1a Dingley Road, Edgerton, Huddersfield, HD3 3AY and partial demolition of existing bungalow with re-build to form 2 storey dwelling (within a Conservation Area) Coachways, 1a Dingley Road, Edgerton, Huddersfield.	
	Contact officer: Ellie Worth, Planning Services.	
	Ward(s) affected: Lindley	
<hr/>		
10:	<b>Planning Application - Application No: 2021/91971</b>	93 - 102
	Erection of single storey extension and associated alterations The Barn, New Laithe Bank, New Laithe Lane, Holmfirth.	
	Contact officer: Ellie Worth, Planning Services.	
	Ward(s) affected: Holme Valley South	
<hr/>		
11:	<b>Planning Application - Application No: 2021/90025</b>	103 - 120
	Outline application for erection of assisted supported living accommodation (within a Conservation Area) land opposite, former garages, Stocks Walk, Almondbury, Huddersfield.	
	Contact officer: Katie Chew, Planning Services.	
	Ward(s) affected: Almondbury	

- |            |   |              |
|------------|---|--------------|
| <b>12:</b> | <b>Planning Application - Application No: 2021/92766</b>  | 121 -<br>132 |
|            | <p>Erection of first floor extension and alterations to existing granny annexe The Granny Annexe, Kismet, Dover Lane, Holmfirth.</p> <p>Contact officer: Katie Chew, Planning Services.</p> <p>Ward(s) affected: Holme Valley South</p>   |              |
| <hr/>      |   |              |
| <b>13:</b> | <b>Planning Application - Application No: 2021/93564</b>  | 133 -<br>148 |
|            | <p>Erection of two-storey and single-storey rear extensions, basement extension and front and rear dormers. 8-10, Moorbottom Road, Thornton Lodge, Huddersfield.</p> <p>Contact officer: William Simcock, Planning Services.</p> <p>Ward(s) affected: Crosland Moor and Netherton</p> |              |
| <hr/>      |   |              |

### **Planning Update**

The update report on applications under consideration will be added to the web agenda prior to the meeting.

Contact Officer: Richard Dunne

## KIRKLEES COUNCIL

### PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

**Thursday 16th September 2021**

Present: Councillor Terry Lyons (Chair)  
Councillor Paul Davies  
Councillor James Homewood  
Councillor Mohammad Sarwar  
Councillor Mohan Sokhal  
Councillor Harpreet Uppal  
Councillor Bill Armer  
Councillor Timothy Bamford  
Councillor Donna Bellamy  
Councillor Bernard McGuin  
Councillor Anthony Smith  
Councillor Susan Lee-Richards  
Councillor Steve Hall

Observers: Councillor Donald Firth  
Councillor Andrew Cooper

Apologies: Councillor Sheikh Ullah

**1 Membership of the Sub-Committee**

Councillor Steve Hall substituted for Councillor Sheikh Ullah.

**2 Minutes of previous meeting**

The minutes of the meeting held on 5 August 2021 were approved as a correct record.

**3 Declaration of Interests and Lobbying**

Councillors S Hall, Bamford, McGuin, Homewood, A Smith, Davies and Armer declared that they had been lobbied on application 2020/91055.

Councillor Sokhal declared an "other interest" in application 2021/91823 on the grounds that he had already expressed an opinion on the merits of the application.

**4 Admission of the Public**

All items on the agenda were taken in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Public Question Time**

No questions were asked.

**7 Planning Application - Application No: 2021/91384**

The Sub Committee gave consideration to Planning Application 2021/91384 Erection of 13 dwellings (resubmission) land south of, 5-25, Clay Well, Golcar, Huddersfield.

**RESOLVED -**

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

1. Complete the list of conditions including those contained within the considered report including:
  1. Three years to commence development.
  2. Development to be carried out in accordance with the approved plans and documents.
  3. Submission of a Construction Management Plan.
  4. Submission of details of temporary (construction-phase) surface water drainage arrangements.
  5. Drainage and surfacing of parking spaces.
  6. Submission of details relating to internal adoptable roads.
  7. Submission of details of any highways retaining walls and structures.
  8. Submission of details of the internal road's pedestrian connection to the adjacent public right of way COL/56/40.
  9. Submission of details of cycle parking, and provision prior to occupation.
  10. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
  11. Submission of details of waste storage and collection, and provision prior to occupation.
  12. Temporary refuse storage and collection arrangements during construction
  13. Submission of detailed drainage scheme (including clarification regarding on-site attenuation volume of and annotations).
  14. Submission of flood routing details.
  15. Submission of details to allow for a surface water connection across the site from site ref: HS153.
  16. Submission of an intrusive site investigation report (phase II report).
  17. Submission of a remediation strategy.
  18. Implementation of remediation strategy.
  19. Submission of a validation report.
  20. Submission of details of crime prevention measures.
  21. Submission of details of the retention, making safe and maintenance of the site's derelict building.
  22. External materials (details and samples to be submitted).
  23. Submission of details of boundary treatments.
  24. Submission of details of external lighting.
  25. Implementation of tree protection measures.
  26. Submission of full details of a hard and soft landscaping scheme, to include replacement trees.
  27. Submission of details and implementation of bat mitigation measures.
  28. Submission of an Ecological Design Strategy.



29. Submission of an invasive species removal and eradication strategy, and implementation of measures.
30. Removal of permitted development rights for extensions and outbuildings.
2. Include an additional condition to cover the provision of sustainable energy technologies.
3. Secure a Section 106 agreement to cover the following matters:
  - 1) Affordable housing – Three affordable housing units (two affordable/social rent, one intermediate) to be provided in perpetuity.
  - 2) Open space – £22,948 off-site contribution and an additional contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153) and the cumulative impacts of both developments require mitigation.
  - 3) Education – Contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153), the education contribution threshold (by both developments considered together) is met, and the cumulative impacts of both developments require mitigation.
  - 4) Sustainable transport – Measures to encourage the use of sustainable modes of transport.
  - 5) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties (including the application site's protected woodland), and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker). Section 106 agreement to include a plan clearly defining all land which would be the responsibility of the management company.
  - 6) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
  - 7) Adjacent land – Agreement to allow vehicular, cycle, pedestrian and construction access to adjacent site (site allocation ref: HS153) without unreasonable hindrance.
4. Pursuant to (3) above, in the circumstances where the S106 agreement has not been completed within 2 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.
5. In addition, the Head of Planning and Development is authorised to refuse the application if the applicant is not willing to provide the affordable housing as set out in the considered report

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Bamford, Davies, Homewood, Sarwar, Sokhal, S Hall and Lyons (7 votes).

## **Planning Sub-Committee (Huddersfield Area) - 16 September 2021**

Against: Councillors: Bellamy and A Smith (2 votes).

Abstained: Councillors Armer, Lee-Richards, McGuin and Uppal (4 votes).

### **8 Planning Application - Application No: 2021/91638**

The Sub Committee gave consideration to application 2021/91638 Reserved matters application pursuant to outline application no. 2016/91479 (appeal no. APP/Z4718/W/17/3173711) for erection of 22 dwellings Land at Hart Street, Newsome, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Diane Sims (objector), Mark Henderson (agent) and Nick Gould (applicant).

Under the provisions of Council Procedure Rule 36 (3) the Sub Committee received a representation from Councillor Andrew Cooper (ward member).

### **RESOLVED –**

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

1. Await the result of the crayfish survey. If none are found move the application forward to a decision in accordance with points 3 and 4 of the recommendation as outlined below.
2. If, in the unexpected circumstance that crayfish are identified within the mill ponds, undertake appropriate negotiation on the matter, and return the application to a subsequent Sub Committee meeting with an updated recommendation.
3. Complete the list of conditions including those contained within the considered report including:
  1. Development to be carried out in accordance with the approved plans and specifications.
  2. Material samples, to include proposed coursing etc.
  3. Implementation of boundary plan.
  4. Details on road built to an adoptable standard
  5. Details of works adjacent to retaining wall
  6. Secure cycle storage details.
  7. Further details on highway retaining works.
  8. Proposed driveways to be provided and retained.
  9. Removing Permitted Development rights for extensions and outbuildings for plots 6, 15 and 16.
  10. The provision of Electric Vehicle Charging Points
  11. Submission of Arboricultural Method Statement
  12. Landscaping to be provided in accordance with approved details.
  13. Submission of Landscape and Ecological Management Plan (LEMP)

## Planning Sub-Committee (Huddersfield Area) - 16 September 2021

14. Boundary treatment to be erected in accordance with plans, to be provided prior to occupation.
15. Finished floor levels as per flood routing plan.
16. Temporary surface water drainage details to be provided.
17. Submission of Construction Environmental Management Plan (CEMP).
18. Construction traffic Management Plan (CMP).

4. Secure a S106 agreement to cover the following matters:

- a) Public open space provisions including off site commuted sum (£23,798.15) and future maintenance and management responsibilities of the open space within the site.
- b) Contribution towards sustainable travel measures (£11,253)
- c) Four dwellings (20% of units) to be affordable, with all four to have a tenure of affordable rent.
- d) Management and maintenance of drainage and public open space.

5. Pursuant to (4) above, in the circumstances where the S106 agreement has not been completed within 3 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.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Davies, Homewood, Sarwar, Sokhal, Uppal, Lyons and S Hall (7 votes).

Against: Councillor Lee-Richards (1 vote).

Abstained: Councillors: Armer, Bamford, Bellamy, McGuin and A smith.

### 9 Planning Application - Application No: 2021/91823

The Sub Committee gave consideration to Application 2021/91823 Alterations to convert existing basement into two apartments (Listed Building within a Conservation Area) 132, Trinity Street, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Malcolm Sizer (on behalf of the applicant).

### RESOLVED –

That the application be refused in line with the following reasons outlined in the considered report:

1. The habitable room windows within the proposed dwellings, especially the bedrooms and the front-facing living room, would, by reason of the relationship

between the proposed windows and existing ground levels, experience severely restricted natural light and outlook. The proposed development would therefore fail to provide an adequate level of amenity to future occupants of the dwellings, contrary to the aims of the National Planning Policy Framework paragraphs 125(c) and 130 (f), and Policy LP24(b) of the Kirklees Local Plan.

2. The removal of the existing steps would harm the significance of the Listed Building. Whilst the degree of harm would be less than substantial, it has not been justified by a demonstrable public benefit as required by paragraphs 200 and 202 of the of the National Planning Policy Framework, since it is considered that the creation of two new apartments with severely substandard levels of amenity would not be a public benefit.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Armer, Davies, Homewood, Lee-Richards, Sarwar, A Smith, S Hall, Uppal and Lyons (9 votes).

Against: Councillors: Bamford and Bellamy (2 votes).

Abstained: Councillor McGuin.

**10 Planning Application - Application No: 2020/91055**

The sub committee gave consideration to application 2020/91055 variation of conditions 2 and 6 and removal of condition 5 on previous permission 2019/93254 for provision of 3 parking spaces and landscaping works to provide amenity space 102, Dunford Road, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Joy Hewitson, Nikki Fahey (objectors) and Jeremy Childs (agent).

Under the provisions of Council Procedure Rule 36 (3) the Sub Committee received a representation from Councillor Donald Firth (ward member).

**RESOLVED –**

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

1. Complete the list of conditions including those contained within the considered report including:
  1. Development to be in accordance with the approved plans
  2. Landscaping to accord with submitted details and retained for 5 years
  3. Parking areas to be surfaced
  4. Parking areas only to be used by the occupiers of nos. 100, 102 and 104 Dunford Road.
2. Approval of the variation of conditions 2 and 6.

## **Planning Sub-Committee (Huddersfield Area) - 16 September 2021**

3. That contrary to officer recommendation that the removal of condition 5 be refused. The sub Committee considered that the removal of the condition would lead to the parking spaces approved as part of application 2019/93524 having an intensification of use of a substandard access to the detriment of Highway Safety and would fail to accord with Policy LP21 of the Kirklees Local Plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Armer, Bamford, Bellamy, Davies, Homewood, Lee-Richards, McGuin, Sarwar, A Smith, Sokhal, S Hall, Uppal and Lyons (13 votes).

Against: (0 votes).

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## KIRKLEES COUNCIL

### DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an “Other Interest”)	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

#### LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: .....

Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.



**In respect of the consideration of all the planning applications on this Agenda the following information applies:**

## **PLANNING POLICY**

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

### **National Policy/ Guidelines**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 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.

## **REPRESENTATIONS**

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

## **EQUALITY ISSUES**

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

## **HUMAN RIGHTS**

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

## **PLANNING CONDITIONS AND OBLIGATIONS**

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

**Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.**

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

**Date: 09-Dec-2021**

**Subject: Planning Application 2020/91896 Demolition of existing dwelling and erection of 15 dwellings with associated access and external works Pentlands, New Mill Road, Holmfirth, HD9 7LN**

#### **APPLICANT**

Priestroyd Construction  
Ltd

#### **DATE VALID**

26-Jun-2020

#### **TARGET DATE**

25-Sep-2020

#### **EXTENSION EXPIRY DATE**

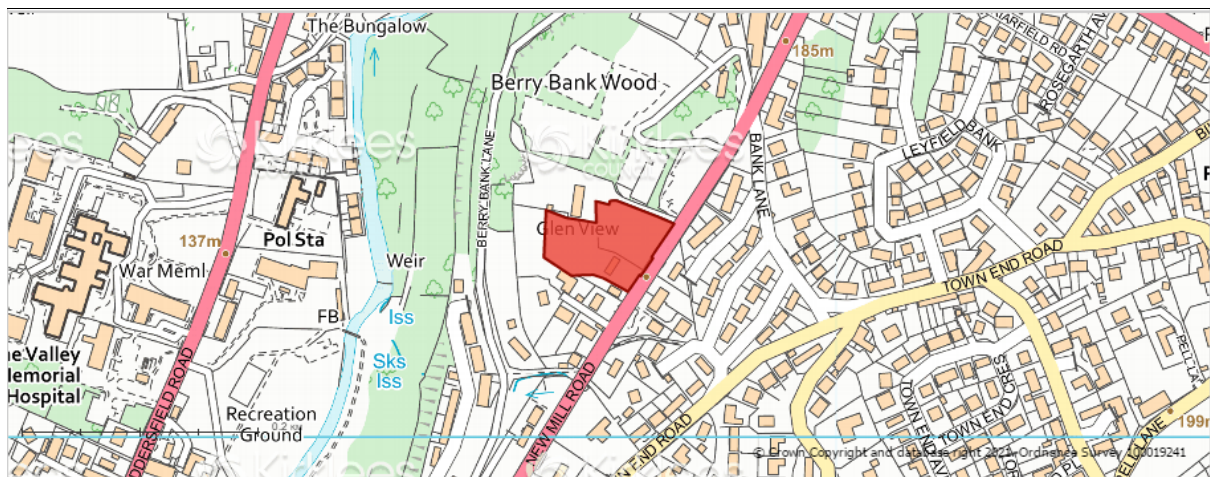
10-Dec-2021

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### **LOCATION PLAN**



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

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**Electoral wards affected: Holme Valley South**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development and to secure a Section 106 agreement to cover the following matters:

- 1) Affordable housing – 3 affordable dwelling houses to be provided in perpetuity – 1 intermediate and 2 for social rent
- 2) Public Open Space - Off-site contribution of £25,903 to address shortfalls in specific open space typologies.
- 3) Biodiversity – £14,743.50 contribution towards off-site measures to achieve biodiversity net gain.
- 4) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £17,672.50 financial contribution.
- 5) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water and foul drainage infrastructure until formally adopted by the statutory undertaker).

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 mitigation and 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 the demolition of existing dwelling and erection of 15 dwellings with associated access and external works.
- 1.2 The application was originally submitted for the demolition of an existing dwelling ('Pentlands') and erection of 25 dwellings with associated access and external works.
- 1.3 The application is presented to the Huddersfield Sub-Committee as the site is larger than 0.5 hectares in size, in accordance with the Council's Scheme of Delegation.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is accessed from and can be found to the west of New Mill Road (A635), Holmfirth. The site consists of a dwelling, known as 'Pentlands' and its extensive garden curtilage which includes a driveway, together with a disused field defined as 'Banksville' on the OS Map. The application site has an irregular shape and measures 0.52 hectares in size.
- 2.2 The site falls from southeast to north-west with levels at the south-eastern boundary being of the order of 181m dropping to approximately 178m at the northern most corner of the site. The 'Banksville' field is set on lower ground to the adjacent A635 New Mill Road by approximately 2m.
- 2.3 'Pentlands' is a large detached 2-storey dwelling house with an attached single storey garage. The dwelling house is characterised by a hipped built form, with a front gable, constructed from natural stone and a slate roof. The house is also defined by large window openings and a door opening with stone dressings.
- 2.4 Detached dwellings houses known as Wynncliffe and 1c New Mill Road form the site's southern and eastern boundaries, whilst another detached dwelling house, known as Glen View forms the site's northern boundary. Further west a mature woodland can be found that eventually leads to the River Holme on lower ground. To the east, beyond New Mill Road are stone dwelling houses, set on higher ground.
- 2.5 The site included a number of trees, particularly mature trees along the eastern, and south western boundaries as well as adjacent to the access on New Mill Road but none have Tree Preservation Orders. A significant number of the trees on and adjacent to the site are reported to have been removed by KC Trees.
- 2.6 There are no Public Rights of Way that cross the site.
- 2.7 The application site is not within a Conservation Area nor does it affect a listed building.

## **3.0 PROPOSAL:**

- 3.1 The applicant seeks full planning permission for the demolition of the existing dwelling house (Pentlands) and for the erection of 15 dwelling houses on allocated Housing Site HS189. The dwelling houses would be accessed from a new priority junction with New Mill Road (A635). The initial access section is to be laid out with footway extending up to plots 5 & 6 with block-paved parking aisles extending in front of plots 1-9 where vehicles will be parked between principle elevations and the highway of New Mill Road. The access road travels between plots 5 and 6 to the north west where it provides access to plots 10-15 with a turning head set amidst plots 12 and 13 capable of manoeuvre by a refuse vehicle. The new highway will also enable a connection to a land parcel further west which is within HS189 but which is not coming forward as a part of this proposed development due to ownership. The spinal road is to be surfaced in tarmac with parking aisles and parking spaces finished in grey and brown permeable block paving.

- 3.2 The proposed development consists of a mixture of detached, semi-detached, and terraced houses. The proposed house types can be summarised as follows:

House Type H2 - Two 2-bed dwellings arranged into a semi-detached building format over two stories, each measuring 89.2 sqm. The building is defined by a dual pitch gable built form with a central two storey rear projection, flat roof door canopy, large window openings, some with cill and header detailing and a rear Juliet balcony feature at first floor. Two parking spaces are allocated for each dwelling unit. Defensible/amenity space is proposed to the front and side of the buildings, whilst each have a private rear garden space.

House Type H2-A – Eight 3-bed dwellings arranged into a one pair of semi-detached dwellings (plots 6 & 7) and a row of four terraces (plots 2 to 5) set over two and half stories, each measuring 121.1 sqm. The building is defined by a dual pitch gable built form with a central two storey rear projection, a flat roof door canopy, large window openings, some with cill and header detailing, rooflights and a rear Juliet balcony feature at first floor. Two parking spaces are allocated for each dwelling unit. Defensible/amenity space is proposed to the front and side of the buildings, whilst each have a private rear garden space.

House Type H2-B - One 3-bed detached dwelling, two and a half stories, measuring 145.2 sqm. The building is defined by a dual pitch gable built form, a flat roof door canopy, large window openings, some with cill and header detailing, rooflights and a rear Juliet balcony feature at first floor. Two parking spaces are allocated for each dwelling unit. Defensible/amenity space is proposed to the front and side of the buildings and has a private rear garden space.

House Type H4 – One 3-bed detached dwelling house over two and a half stories, with 150 sqm. The dwelling house is defined by a dual pitch gable built form with a flat roof front door canopy and single storey flat roof rear projection. The dwelling house has window openings with cill and header detailing and rooflights. The dwelling has in-curtilage space for two car parking spaces, as well as front and rear gardens.

House Type H5 – Four 5-bed detached dwelling houses over two and half stories with integrated garage, each measuring 201.2 sqm. Each dwelling house is defined by a dual pitch gable built form with a hipped roof two storey front projection, together with other single storey flat roof projections. Each dwelling house has large window openings, some with cill and header detailing and rooflights. Each dwelling also has in-curtilage space for two car parking spaces, as well as front and rear gardens.

House Type H5-A - One 5-bed detached dwelling house over two and half stories with integrated garage, measuring 185.2 sqm. The dwelling house is defined by a dual pitch gable built form with a hipped roof two storey front projection, together with a single storey flat roof projection to the front. The dwelling house has large window openings, some with cill and header detailing and rooflights. The dwelling also has in-curtilage space for two car parking spaces, as well as a front and rear garden.

- 3.3 The supporting information explains how a contemporary design and appearance has been employed for all of the dwelling houses. The proposed building materials consist of pitched face & sawn ashlar stone, timber cladding and interlocking dark roof tiles.
- 3.4 A recent amendment to the scheme has entailed the creation of 'amenity greenspace' at the rear of plots 1-6.
- 3.5 To enable satisfactory levels for access, the ground will be built up in the eastern section to attenuate for the level drop relative to New Mill Road.

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

- 4.1 2014/60/91492/W– Outline application for residential development (4 dwellings) to the rear of Pentlands, New Mill Road, Holmfirth, HD9 7LN – Conditional Full Permission – 15/12/2014

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

- 5.1 The applicant requested pre-application advice from the council in November 2019 for the development of 18 dwelling units at the site. Officers met the pre application enquiry team on 12<sup>th</sup> November 2019. Advice was provided verbally at the meeting and within a letter dated 2<sup>nd</sup> December 2019. The main points raised are summarised as follows:

- The principle of residential development may be acceptable subject to further details relating to highways, infrastructure, design, amenity, drainage and other matters being addressed to achieve sustainable development.
- Any forthcoming submission must respond positively to these policies and initiatives in relation to climate change.
- Measures will be necessary to encourage the use of sustainable modes of transport.
- The site comprises part of a housing allocation, HS189, and unallocated land. Concern was expressed that the proposal would result in the remainder of the site allocation (outside the land ownership) would cause prejudice in the implementation of the remainder of the site allocation.
- Need for the enquirer to fully consider the provisions of Local Plan policy LP5 and work with relevant parties to effectively implement the entire housing allocation.
- In line with Local Plan policy LP7, a minimum density of 35 dwellings per hectare should be achieved. Thus, a minimum of 18 dwellings would be expected across the enquiry site and 23 dwelling units across the entire site allocation and the Pentlands dwelling plot.
- The provision of 3 and 4 bed+ only units caused concern in relation to Local Plan policy LP11; further details and a more representative mixture should be sought.
- The designated 'Holme Valley Corridor' Strategic Green Infrastructure Network should be considered.
- Design advice provided on the proposed scale, massing, height, building materials and siting of the dwelling houses in relation to the site constraints and with respect the open character of the wider area.
- Development should not turn its back onto New Mill Road and have a positive relationship with proposed streets and spaces.

- An appropriate landscape scheme should be employed, including boundary treatment.
  - To protect residential amenity, suitable separation distances should be proposed between new dwellings as well as with 1c New Mill Road and Glen View.
  - The proposed highway design should be designed to adoptable standards in accordance with the guidelines of the Highway Design Guide Supplementary Planning Document.
  - Depending on the scale of development, planning obligations may be sought in relation to affordable housing, education, public open space and modes of sustainable travel.
  - Advice provided regarding noise (in relation to New Mill Road), air quality, land contamination, minerals safeguarding and drainage.
  - Consideration of the ecological constraints as the site falls within a bat alert area, swift nesting area, adjacent to and surrounded by several Habitat Networks, with Pentlands having a recorded bat roost within it.
  - Development will facilitate the removal of trees but are not worthy of a Trees Preservation Order and there is no objection to their removal. However, suitable mitigation through replacement planting should be proposed within a landscape strategy.
- 5.2 In email dated 11<sup>th</sup> August 2020, officers raised concerns regarding the initial planning application proposal for 25 dwellings. Officers believed that the advice provided within the pre application enquiry letter had been overlooked and that the proposal for 25 dwellings was 'overdevelopment' and could therefore, not be supported.
- 5.3 In response to the above officer concerns, the applicant submitted a number of sketch plans showing 23 dwellings. Officers from Development Management held discussions with the applicant team and provided a number of comments in an email dated 25<sup>th</sup> August 2020, expressing concerns in relation to density, design, amenity, character and masterplanning.
- 5.4 Further initial sketches were provided showing 21 dwelling houses and a number of phone discussions and emails have been exchanged between officers and the applicant team (the main ones dated 8<sup>th</sup> September 2020, 9<sup>th</sup> September 2020, 17<sup>th</sup> September 2020, 18<sup>th</sup> September 2020, 5<sup>th</sup> October 2020, 7<sup>th</sup> October 2020). Concerns were raised regarding design, masterplanning and amenity. Officers also considered the proposed highway layout had not been designed to an adoptable standard and that there were issues regarding bin storage and collection; refuse vehicle manoeuvring; visitor car parking spaces and forward visibility.
- 5.5 Therefore, after extensive negotiations, the proposal now shows 15 dwellings, reduced from 25 dwellings. The site layout plan has been amended to have a more positive relationship with New Mill Road, the surrounding existing residential properties and to ensure that the whole of the site allocation can be implemented. The proposed highway design has been amended to a more appropriate adoptable standard. The number of different house typologies have been reduced, and the design amended with the use of stone instead of render. Space has also been provided for protection of neighbouring trees and to allow for planting throughout the development. Amended plans and supporting information have been provided to justify such changes.



- 5.6 In response to consultee comments, further ecological survey work has been carried out and amended Ecological Assessments submitted. In addition, information as to how the applicant would achieve a biodiversity net gain have been submitted. Further information and a revised drainage strategy have been provided in response to the Lead Local Flood Authority comments. Additional information was also provided by the applicant after land contamination intrusive site survey work was carried out.

## **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 Majority of the application site forms part of a housing allocation in the Local Plan (site allocation HS189). HS189 relates to an area measuring 0.57 hectares with an indicative capacity for 12 dwellings. This area excludes the Pentlands dwelling plot. The following site constraints are identified:

- Limited surface water drainage options
- Potentially contaminated land
- Part/all of the site is within a High Risk Coal Referral Area

- 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  
LP5 – Masterplanning sites  
LP7 – Efficient and effective use of land and buildings  
LP9 – Supporting skilled and flexible communities and workforce  
LP11 – Housing mix and affordable housing  
LP20 – Sustainable travel  
LP21 – Highways and access  
LP22 – Parking  
LP23 – Core walking and cycling network  
LP24 – Design  
LP26 – Renewable and low carbon energy  
LP27 – Flood risk  
LP28 – Drainage  
LP30 – Biodiversity and geodiversity  
LP 31 – Strategic Green Infrastructure Network  
LP32 – Landscape  
LP33 – Trees  
LP34 – Conserving and enhancing the water environment  
LP47 – Healthy, active and safe lifestyles  
LP48 – Community facilities and services  
LP49 – Educational and health care needs  
LP50 – Sport and physical activity  
LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality  
LP53 – Contaminated and unstable land  
LP63 – New open space  
LP65 – Housing allocations

Supplementary Planning Guidance / Documents:

6.4 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions
- Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highway Design Guide SPD (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

Holme Valley Neighbourhood Plan

- 6.5 The Holme Valley Neighbourhood Development Plan has been passed in a referendum on 4<sup>th</sup> November 2021. The next and final stage for ‘making’ (bringing into force) the Plan will be at Full Council on 8th December 2021. Until formally adopted the Plan remains a material planning consideration in decision making and weight must be attributed in accordance with NPPF (July 2021) Paragraph 48. When weighing material considerations in any planning judgement, it is always the case that what is material is a legal fact, and the weight to be attributed thereto is, as always, for the decision makers to ascertain.

Relevant policies include:

- *Policy 2 – Protecting & Enhancing the Built Character of the Holme Valley and Promoting High Quality Design*
- *Policy 5 – Promoting High Quality Public Realm and Improvements to Gateways and Highways*
- *Policy 6 – Building Homes for the Future*
- *Policy 11 – Improving Transport, Accessibility and Local Infrastructure*
- *Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain*

## Climate change

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

### National Planning Policy and Guidance:

- 6.7 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:
- Chapter 2 – Achieving sustainable development
  - Chapter 4 – Decision-making
  - Chapter 5 – Delivering a sufficient supply of homes
  - Chapter 8 – Promoting healthy and safe communities
  - Chapter 9 – Promoting sustainable transport
  - Chapter 11 – Making effective use of land
  - Chapter 12 – Achieving well-designed places
  - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
  - Chapter 15 – Conserving and enhancing the natural environment
  - Chapter 16 – Conserving and enhancing the historic environment
  - Chapter 17 – Facilitating the sustainable use of materials.
- 6.8 Since March 2014 Planning Practice Guidance for England has been published online.
- 6.9 Relevant national guidance and documents:
- National Design Guide (2019)
  - Technical housing standards – national described space standard (2015, updated 2016)
  - Fields in Trust Guidance for Outdoor Sport and Play (2015)

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), the application was originally advertised as a major development by means of three site notices on 22/07/2020, an advertisement in the local press on 10/07/2020 and by direct neighbour notification.

7.2 As a result of consultation, thirteen letters of representation were received, redacted versions can be found on the council's website and the concerns raised are summarised below:

- Loss of open space along New Mill Road.
- The original plans were for 4/5 houses this has now been increased to 25!
- Fewer dwellings at this site should be sought.
- Kirklees local plan HS189 shows an indicative number of 12 dwellings. There is a significant difference between 12 and 25 dwellings!
- The density is significantly higher than the council has ever approved previously or considered reasonable for the development of this land within Kirklees Local Plan Allocations and Designations Report.
- Proposal represents overdevelopment.
- In conjunction with the adjacent development, the proposed scale of this development would change the character of the local area.
- The proposed entry and exit will require crossing busy pedestrian routes and this represents a risk to local school children and is likely to impact adversely on mature trees adjacent to New Mill Rd.
- The 3 storey 4 sectioned dwellings at the front of the plot, have no garden space/ play spaces whilst facing a very busy road.
- The 3 storey (4 back to back) would have an adverse impact on residential amenity in terms of privacy and overlooking.
- This is high density, over development and not at all consistent with the Kirklees commitment to residents' well being and health.
- Gaining access to New Mill Road from adjoining properties is already hazardous, which development would worsen.
- New Mill Road (A635) would suffer from additional traffic and highway safety issues.
- New Mill Road suffers from speeding traffic and is a danger to cyclists and pedestrians, particularly children.
- The issue of traffic and highway safety was a reason for refusal when a Tesco planning application was submitted at the nearby Midlothian garage site.
- Concerns regarding the visibility splay - No consideration has been given to the proximity and location of the bus shelter with the brow of the hill and reduced visibility as a result of additional existing resident parking on the A635.
- Could the council confirm if traffic and highway safety concerns have been covered by way of a Council Traffic Risk Assessment?
- There has been 3 road deaths as well as accidents within 200 metres from the site.
- When the M62 is closed there are significant tail backs which this development will impact.
- Has the traffic flow from future, further development that borders the application site been considered?
- The levels of traffic flowing through the village continues to increase, especially large HGV vehicles taking the "short cut" over the Pennines for which the village is not equipt.
- New Mill Road has no signage, cameras or any other traffic calming measures – traffic calming measures should be implemented.
- School children walking to/from Holmfirth High School use the pavement outside the site and increase traffic would endanger them.

- Cumulative traffic impact and highway safety issues with the proposed development of 50 plus dwelling houses at Midlothian garage site.
- The increase in traffic will lead to more air and noise pollution.
- There are already consultee concerns with the site.
- The materials used for construction outlined in the application must be representative of the dwellings in the surrounding area.
- Hazardous materials within the development site and could possibly have stemmed from the disused tip which was used to remove a significant amount of hazardous waste. Developing on such a site would be detrimental to the surrounding ecology.
- Signs of bats in the current dwelling that occupies the site and a bat survey would be beneficial to identify if the site is still active.
- Concerns regarding the safety of the proposed access.
- Third party land could be subject to flooding as a result of development.
- Already an drainage issue in the area. The proposal will mean the new homes will have to be pumped in to an already malfunctioning main. Pump failures happen, even with back ups, and this will lead to the real possibility that the site will be flooded with raw sewage resulting in a real environmental health risk to the populous.
- Due to the levels of the site will main sewage be pumped up the gradient into New Mill Road with the possibility of pump failures and sewage flooding possible this with the potential flooding would /could encroach into neighbouring gardens.
- This proposal will contribute to the number of developments at different scales along New Mill Rd in recent years that cumulatively create a sense of continuous housing between Holmfirth and New Mill and therefore a loss of distinction between the historically separate villages.
- The architecture of the proposed new homes is not consistent with the style of current local architecture. Is this so that cheaper materials can be used?
- This urban development is out of character and not in-keeping with the semi rural location.
- There are no actual smaller terrace houses in the vicinity of the build, and these are all stone construction and not constructed from cladding materials such as render, timber and tile.
- The proximity of the proposed high-density housing will significantly impact our lives with increases in noise as well as light pollution.
- KC Crime Prevention report that highlights concerns over the safety and security of the development site with increased possibility of burglary.
- There is significant wildlife present on the undeveloped area; we frequently see bats flying to and from the area as well as nesting birds etc.
- Overbearing architecture.
- Why is there such a large number of developments within a "tight" area and are these in keeping with the current property types in the locality?
- Why were not all of the residents in the locality, including those at Bank View not consulted?
- Unacceptable loss of mature trees, particularly adjacent to New Mill Road.
- With the removal of trees and vegetation there will be an adverse impact on biodiversity and wildlife - bats, owls, field mice, squirrels, hedgehogs, badgers and reptiles along with many nesting birds at the site.
- Bats can be found in the Pentlands garage.
- Conflicting consultation end dates.

- Plots 21 and 20 would directly look into habitable room windows associated with 1C New Mill Road – going to cause overlooking loss of privacy and noise.
- The proposed number of gardens with 1C New Mill Road will impact on to the boundary wall could seriously disrupt privacy and outside space and also from the noise generated from these gardens.
- The Supporting Statement is incorrect and no consultation or approach has taken place between the applicant and the adjacent landowner who owns the remainder of the site allocation.
- Concerns are raised over excavation work close to 1C boundary and possibility of damage to trees and walling foundations from any excavations.

7.3 Holme Valley Parish Council were consulted and provided the following comments: *“Object: the Council welcomed the mix of houses including affordable accommodation in the project, but were concerned regarding over-intensification of the site and the increase of vehicles onto the road.”*

7.4 Officers sought the views of Holme Valley Ward Councillors during the determination of the planning application.

Cllr Patrick:

*Whilst reserving my judgement on this one I have a number of initial observations that I would like you to look into.*

1. *The proposed homes next to Wyngate are very close to Wyngate and I wonder why there isn't better spacing as there is for other existing properties adjoining the site. Looks too close to Wyngate.*
2. *I think the three storey blocks will be overbearing to the existing dwellings on New Mill Road, and indeed to some of the smaller proposed dwellings they will neighbour.*
3. *The biodiversity seems to have taken a big hit, with most of the green replaced by hard surfaces. It is a big contrast to the existing site. Why is there so little soft landscaping within the site? It looks more like a city development.*
4. *A new access for 25 dwellings close to a new access at the adjacent Midlothian site for 50 plus dwellings. Will this create some road safety issues on New Mill Road? Two right turns very close to one another for a lot of traffic. And we already have a lot more on street parking displaced by the redevelopment of the Midlothian site. Is there a better way such as both developments sharing one access?*
5. *There is some interesting architecture, but I do worry that the scale and massing is going to mean this development sticks out like a sore thumb, both from distance views across the valley and within the streetscape.*
6. *Not enough affordable housing in the scheme.*
7. *Were any of these matters looked at during the pre application stage?*

Cllr Davies:

Informed officers of resident's concerns with the proposal.

7.5 As a result of an amendment to the planning application from 25 dwelling houses to 21 dwelling houses another 3-week public consultation took place, which ended on 27<sup>th</sup> November 2020. Eight representations were received. All the redacted versions of the representations have been posted online. The following is a summary of the points raised:

- The proposal does not address previous concerns raised by residents.
- Regarding the adjacent development, why are you not ensuring that a road sweeper is in place to ensure the road is kept clean and free from mud?
- What are the permitted working times of this site? As I have been woken at 6.30am by works starting!!
- Cars are having to be cleaned at least weekly because of no road sweeper.
- Does not properly address consultee concerns, particularly Highways as well as Design and Conservation comments.
- No objection to the principle of development but concerns about the proposed number and type of houses and implications of traffic flows and movements onto New Mill Road.
- Where will the occupants of the Bank view council houses will eventually park their cars as this will further congest New Mill Road.
- There needs to be speed control measures.
- No body objects to the development of the site and the building of a reasonable number of properties, indeed I think we welcome the area being tidied up
- Objections about sheer number of houses crammed into a site which initially had planning for four.
- A road traffic survey and an investigation into traffic calming is needed.
- Traffic, speeding and highway safety concerns, particularly when considered cumulatively with the Midlothian garage.
- Welcome the reduction in the number of dwelling houses. However, the original plans were for four quality homes. Twenty one on a site of this size is unacceptable and not in-keeping with the local area.
- Welcome how the houses have been set back from the road and there is an addition of a small road presumably for bins and bin collection as this will improve future occupants amenity.
- Hope the copper beech tree can be retained as part of any approval.
- In depth traffic survey of New Mill Road is required considering nearby Midlothian garage – speed cameras, clear speed signage, double yellow lines on some stretches where parking is dangerous.
- It is understood that the builder originally wanted to put 18 dwellings on the site but that this has been actively pushed up by Kirklees Council itself wanting to fulfil new building quotas. There is a design on the website that showed 18 dwellings – not 21 or 25.
- A reduction of only 4 dwellings feels like neighbour objections are being given no consideration.
- Twenty one ‘urban’ styled houses tapping into existing services and adding a lot more traffic to the road does not make sense.
- The ongoing development of the Midlothian site in recent weeks has already led to increased displaced parking of private vehicles and taxis on A635, vehicles which used to park on the derelict Midlothian site.

7.6 Holme Valley Parish Council were again consulted and provided the following comments: “*Object. Over-intensification. Highways issues.*”

- 7.7 Officers again sought the views of Ward Councillors on the amended proposal but to date no comments were formally provided.
- 7.8 As a result of a further amendment to the planning application to 17 dwelling houses another 3-week public consultation took place, which ended on 19<sup>th</sup> March 2021. Four representations were received. All the redacted versions of the representations have been posted online. The following is a summary of the points raised:
- Overbearing, disproportionate and out of character with the surrounding environment -an urban development in a semi- rural setting;
  - Cumulatively with the neighbouring Midlothian housing site will have adverse impact on New Mill Road, which is already suffering from traffic, speeding and highway safety issues and is well used by school children.
  - Has there been a traffic survey?
  - Consultees have raised issues with the proposed development regarding flood risk, design, security, ecology and waste.
  - Queries regarding accuracy of the neighbouring property and its boundary location.
- 7.9 Holme Valley Parish Council were again consulted and provided the following comments: *“Object on the basis of over-intensification of the site (density and layout), traffic management and the lack of arrangements for renewable energy sources (solar panels, district heating &c) as described in the Holme Valley Parish Council draft Neighbourhood Development Plan.”*
- 7.10 As a result of a further amendment to the planning application to 15 dwelling houses another 3-week public consultation took place, which ended on 12<sup>th</sup> November 2021. Five representations were received. All the redacted versions of the representations have been posted online. The following is a summary of the points raised:
- Cumulatively, along with the neighbouring Midlothian housing site, the development of HS189 will have adverse impact on New Mill Road, which is already suffering from traffic, speeding and highway safety issues and is well used by school children whose safety could be jeopardised by the increase in vehicle movements
  - Use of Greenfield site and impact on habitat of various species of animals and trees.
  - Flood risk and sewerage issues prevalent across the site will impact on the dwellings once the site is built given the increased quantum of hardstanding creating run-off.
  - Over-intensification/over-development of the dwelling houses proposed despite the reduction in number.
  - Privacy loss of habitable room windows (lounge and master bedroom) serving Berry Banks House, 1c, New Mill Rd. Loss of amenity for outside space and privacy given the introduction of the houses, their gardens and boundary treatment, including noise potential from the new residential curtilages.
  - Concerns relating to the construction period and damage to property
  - Foul water pumping could create sewage flooding impacting adjacent property.
  - Overbearance of Wyncliff dwelling house by a disproportionate and inappropriate development that shoehorns nine dwelling houses into one row at the front of the site.
  - The proposed scheme is out of character with the rest of the area due to its density



- 7.10 Holme Valley Parish Council responded to the latest round of consultation and offered the following comments in objection:

*“Oppose owing to over-intensification of the site; the Parish Council would also expect more detail from a project of this size on meeting sustainability outcomes and addressing the climate emergency. In reference to the Holme Valley Neighbourhood Development Referendum Plan, August 2021 p152 Policy 12: Promoting Sustainability”.*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Coal Authority: No objection.

KC Highways: No objection, subject to conditions for areas to be surfaced and drained, internal adoptable roads, construction access. A total financial contribution of £17,672.50 requested by West Yorkshire Combined Authority for nearest bus stop improvements and Bus Only Residential MCards.

KC Lead Local Flood Authority (LLFA): The LLFA have confirmed that they can accept the proposal submitted subject to conditions that further detail, prior to commencement, issues pertaining to the connections and outfalls of the surface water drainage design. The LLFA have also recommended the inclusion of a Section 106 agreement requirement for an interim management company to maintain the surface water and foul water drainage systems on the site prior to adoption by the statutory undertaker.

Health and Safety Executive: No objection.

The Environment Agency: No comment.

### **8.2 Non-statutory:**

KC Biodiversity: No objection. The submitted Ecological Design Strategy now contains the required faunal provisions, maintenance and monitoring to provide security regarding positive outcomes for biodiversity. A condition for a Construction Environmental Management Plan (CEMP: Biodiversity) should be applied to ensure the mitigative measures recommended within the Ecological Impact Assessment are secured. A total financial contribution of £14,743.50 is required to ensure that the site secures a 10% biodiversity net gain.

KC Conservation and Design: No concerns on heritage grounds and design issues have been sufficiently addressed.

KC Environmental Health: No objection subject to the imposition of planning conditions which require the implementation of a remediation strategy, submission of a validation report, a noise assessment report and mitigation scheme, construction site working times and electrical vehicle charging points.

KC Landscape: Based on the number of dwellings, there is a shortfall of Public Open Space provision and a financial contribution of £25,903 is required in lieu of this shortfall towards improving existing facilities in the vicinity within the Ward, being Sycamore Rec, Wooldale Rec and Sands Rec, all within the recommended distances from the development and can be agreed in more detail through engagement with Members and the community nearer the time. Conditions recommended to secure the appropriate hard and soft landscaping scheme.

KC Policy: Particular consideration should be given to matters raised in the Local Plan Site Allocation Box HS189, policies LP5 (Masterplanning sites), LP7 (Efficient and effective use of land and buildings), LP11 (Housing Mix and Affordable Housing), LP24 (Design) and LP63 (New open space).

KC Strategic Housing: No objection. 3 units are sought from this development. Affordable homes should be distributed evenly throughout the development and not in clusters, and must be indistinguishable from market housing in terms of both quality and design. 2 social or affordable rented dwellings and 1 intermediate dwellings would be suitable for the development and contribute towards meeting local need.

KC Trees: Concerns raised. A mature Sycamore (Cat B) located on the north east corner of the site as well as a mature Beech tree (Cat A) have been felled prior to development being approved or commenced. The latest Arboricultural Impact Assessment (Tree Survey) and Ecological Design Strategy Plan present these two trees as retained and inclusive of the biodiversity net gain baseline from which the original contribution is based – it is therefore possible that the off-site Biodiversity Net Gain will be revised upwards to take account for this loss of habitat.

KC Waste Strategy (Refuse and Cleansing): No objection subject to a condition requiring temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction.

Northern Gas: No objection.

West Yorkshire Archaeology Advisory Service: No objection.

West Yorkshire Police Designing Out Crime Officer: No objection.

Yorkshire Water: No objection subject to the necessary planning conditions protecting the local aquatic environment and Yorkshire Water infrastructure.

Yorkshire Wildlife Trust: No objection, subject to the development securing an appropriate biodiversity net gain, exploring on-site provision in the first instance and then off-site compensation.

## 9.0 MAIN ISSUES:

- Land use and principle of development
- Climate change and sustainability
- Design
- Residential amenity and quality
- Affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Trees and ecological considerations
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Other matters

### Land use and principle of 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. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum and taking account of windfalls, committed housing figures and losses/demolitions.
- 10.3 The planning application site consists part of Local Plan housing allocation HS189, accounting for 0.43 hectares of the housing allocation and leaving 0.14 hectares undeveloped, which does not fall within the red line boundary. Full weight can be given to this site allocation for housing development in accordance with Local Plan policy LP65. Allocation of this and other greenfield sites was based on a rigorous borough-wide assessment of housing and other need, as well as an analysis of available land and its suitability for housing, employment and other uses.
- 10.4 The planning application site also consists of an unallocated, existing large dwelling plot known as 'Pentlands,' which is located in an established residential area in the Holmfirth valley. Officers acknowledge that the planning application would result in the loss of a detached residential dwelling unit and associated garden features, including trees. However, the dwelling house is not a heritage asset, and there are no protected trees or trees considered worthy of protection within the curtilage of this dwelling. The loss of these features is considered necessary in providing an appropriate access from New Mill Road into the housing allocation, thus aiding its delivery. Therefore, officers consider the proposal to be in accordance with Local Plan policies LP7 and LP24, which seek the efficient and effective use of land, whilst respecting and enhancing the character of the townscape.

- 10.5 The Site Allocation Box in the Local Plan states that site HS189 has a capacity of 12 dwellings. It is understood that this capacity takes into consideration the previous outline planning permission (Reference: 2014/91492) for four dwellings to the rear of the existing Pentlands property. However, it should be noted that the indicative site layout plan for this permission did not show access to the other areas of land within the site allocation. The calculations for indicative capacities in the Local Plan are set out in the Housing Topic Paper which accompanied the Local Plan at Examination, stating in paragraph 5.17 that *“In some cases, sites proposed as housing allocations in the Local Plan may have also recently received planning permission. The housing capacity of the planning permission has been used as the indicative site capacity as this represents a realistic assessment of the amount of housing a site is likely to deliver if the planning permission is implemented.”* Therefore, as that planning permission has not been implemented, the starting point for assessing the site’s development potential is Local Plan policy LP7.
- 10.6 Local Plan policy LP7 considers the efficient and effective use of land and buildings. The first part of Local Plan policy LP7, criterion d states that proposals *‘will allow for access to adjoining undeveloped land so it may subsequently be developed’*. The proposal leaves approximately 0.14 hectares of site HS189 undeveloped but shows how an adoptable highway would be developed up to the site boundary, thus providing access to it and adhering to this policy objective.
- 10.7 Criterion a of the second part of Local Plan policy LP7 states that that *‘developments should achieve a net density of at least 35 dwellings per hectare, where appropriate.’* The planning application form states that the proposal accounts for 0.52 hectares and as such, a residential development would account for 33 dwellings per hectare on this site. The appropriateness of the proposed density against the site and policy constraints is explored later on in this report.
- 10.8 The principle of residential development at this site is considered acceptable as it would contribute towards meeting the housing delivery target of the Local Plan. However, the identified site constraints and the development’s impacts would need to be appropriately mitigated, along with the need for a high quality development. These matters are considered later in this report.

#### Climate change and sustainability

- 10.9 The applicant’s supporting information acknowledges the Council’s Climate Change Emergency and makes reference to measures included in the development that would help tackle climate change. These include, the provision of Electrical Vehicle Charging Points, tree replanting, dwellings with high insulation levels beyond Building Regulations, development being in a sustainable location near to amenities, provision of bin recycling and composting facilities and promotion of a biodiversity net gain. Some positive weight can be attached to the provision of these measures, although such weight is limited due to the level of information provided. For, instance the applicant has not provided figures for the amount of energy, water and materials that would be saved, nor confirmed how energy-efficient or close to zero carbon the development would be.

- 10.10 Officers recognise that part of the application site involves the re-use of an existing dwelling plot within an existing settlement, which could represent an efficient use of resources and so in this sense the development limits the impact on climate change. Planning conditions and obligations would be necessary to secure facilities that would promote modes of sustainable travel and other low carbon forms of travel. In addition, conditions securing flood risk minimisation measures and a drainage scheme that combats climate change would also be necessary.
- 10.11 Officers consider that the application site is in a sustainable location for residential development, as it is relatively accessible and is within and adjacent to an existing, established settlement. Shops and services can be found within Wooldale to the east, Thongsbridge to the north and Holmfirth to the south, which would ensure that some of the daily, social and community needs of residents of the proposed development can be met within the area surrounding the application site. The site is also adjacent to a New Mill Road, which is served by regular bus services, providing access to shops and services associated with the larger centres of Holmfirth, Huddersfield, Denby Dale and Wakefield. As such, officers consider that residential development at this site can be regarded as sustainable.
- 10.12 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

### Design

- 10.13 The proposal is for the demolition of an existing dwelling house and for a cul de sac development of 15 dwelling houses with access onto New Mill Road. Further details of the proposal are provided in section 3.0 of this report.
- 10.14 The demolition of a large dwelling house, known as 'Pentlands' is not listed or within a conservation area or benefits from any other designation that would warrant its retention. Additionally, none of the site's vegetation benefit from any Tree Preservation Orders or are worthy of such an order.
- 10.15 Concerns were raised with the initial proposal for 25 dwelling units (48 dwellings per hectare) as it was considered that such a proposal would result in 'overdevelopment,' of the site. Officers considered that the proposal would result in a residential character with a 'central urban feel' rather than a more 'spacious suburban/rural feel.' This in turn, would have resulted with parked cars dominating the street scene, little regard for bin provision and collection, residential amenity being compromised, access into the neighbouring site not being possible and an unacceptable highway design. In response to these concerns the applicant submitted an amended proposal for 23 dwellings (44 dwellings per hectare) and then for 21 dwellings (40 dwellings per hectare). However, these amended proposals did not fully address officers' concerns associated with 'overdevelopment.' A subsequent proposal was made for 17 dwellings on the site which was considered more appropriate. However, an objection was still in place from the LLFA in respect of surface water drainage and the latest design iteration for 15 dwellings on the site reflects the removal of 2 dwellings to allow for the inclusion of SUDS in the central northern section of the site directly east of 'Glen View' – a further benefit being the introduction of on-site public open space above the attenuation tanks. The latest amended

proposal, for 15 units, equates to 28.84 dwellings per HA which is 6.16 units lower than the 35 dwellings per HA required under LP7. Similarly the westernmost part of the housing site allocation is not included as a part of the red-line area under this planning application submission, though this is somewhat offset by the inclusion of the former curtilage of the 'Pentlands' dwellinghouse across the south east of the site. On balance, given the indicative 12 dwelling yield stated in the site policy wording contrasted against the 6.16 dwelling density shortfall identified relative to the 35 dwellings per HA density objective set out by LP7, the 15 units proposed on the site is determined to be a broadly reasonable density given that the 28.84 dwelling density broadly equates with the 30 dwelling per HA expected in the Holme Valley set out within paragraph 4.5.16 of the Holme Valley Neighbourhood Plan

- 10.16 Initially, a site layout plan was proposed that showed dwelling houses 'turning their back' onto New Mill Road. Officers raised concerns that such a design would fail to enhance natural surveillance and activity of New Mill Road. In addition, officers considered that the privacy of the proposed rear garden spaces would have been compromised and would have been vulnerable to burglaries. The applicant has positively responded by now proposing dwelling houses facing onto New Mill Road, set behind appropriately designed carriageway, parking spaces and landscaping. The proposed site layout also means that the proposed dwelling houses are appropriately sited and respond to the adjacent neighbouring dwelling house, Wynncliffe.
- 10.17 During the course of the planning application, concerns were raised with regards to how the site would enable the development of the whole of the site allocation, which consisted of land associated with 1C New Mill Road. The applicant has asserted that the owners of this area of land have not responded to their requests to work together in relation to Local Plan policy LP5. No information has been provided as to evidence this line of enquiry. However, the applicant has responded positively to officers' requests for an adoptable road to the site boundary to facilitate access into this area of land. Furthermore, the latest site layout plan, shows how the application would not compromise the development of the remainder of the site allocation for housing. A condition would be required to secure this vehicular connection to the adjacent land (within allocated site HS189) without unreasonable hindrance. As such, officers consider that the planning application accords with Local Plan policy LP5.
- 10.18 As detailed in section 3.0 of this report, the proposal would deliver a suitable housing mix in line with Local Plan policy LP11, with the provision of three 5-bed, ten 3-bed and two 2-bed dwelling houses. However, the site does omit 1-bed dwellinghouses stipulated under Policy 6 of the Holme Valley Neighbourhood Plan which required for sites of this size. However, it is believed it would be unreasonable to justify a reason for refusal on this basis given that the proposal was submitted well in advance of the referendum for the Holme Valley Neighbourhood Plan while also broadly meeting the housing for 2-bed and 3-bed dwelling houses also required of Policy 6.
- 10.19 Officers initially raised concerns that the proposed dwelling house types were predominantly three-storeys in height and generally set within long narrow development plots. In contrast, the surrounding proposed development plots ignored the surrounding built character which predominately consisted of dwelling houses that were two-storeys in height, set within fairly wide and large landscape plots. To address these concerns the applicant has now submitted

an amended proposal that shows a reduction in dwelling numbers and house types with larger footprints that are either two or two and half stories in height. Officers acknowledge that majority of the dwelling units contain accommodation within the roof space. However, officers consider that this approach limits the overall height of these dwellings and ensures the scale is in keeping with the established character of the built environment.

- 10.20 For the initial proposal for 25 dwelling houses, the Design and Conservation officer raised additional concerns about the proposed roof form, scale and appearance of the dwelling units. As a result, the applicant has reduced the number of house types proposed and amended the elevational treatments to address the concerns about the dwellings appearing 'overly busy.' Existing house types in the vicinity exhibit a range of designs and it is considered that the proposed range of house types would now assimilate well with those existing and are therefore considered acceptable in design terms.
- 10.21 The applicant proposes the use of stone and timber cladding as well as dark concrete tiles across the site. Again, this broadly reflects the variety of facing and roofing materials used in the vicinity of this site. However, the proposed building materials would be secured by planning condition to ensure that the proposal respects the surrounding residential neighbours.
- 10.22 Site layout plans shows the use of a variety of boundary treatments. A condition would be sought to ensure the retention of existing site boundary stone walls and that further details are submitted to ensure the proposed walling and fencing boundary treatments are appropriate from a visual and crime prevention perspective. Indeed the latest amendment has ensured that the rear boundaries of plots 1-7, which are visible from public vantage points within the site, are composed matching stonework as opposed to being close-boarded timber fencing.
- 10.23 The West Yorkshire Police Design Out Crime Officer raised concerns with the initial proposal for 25 dwellings, particularly about the proposed relationship between the dwellings and the existing and proposed streets and spaces. These concerns were largely addressed with the proposal for 21 dwellings. However, further comments and queries were made in relation to street lighting, boundary treatments and access into the properties. An amended plan for 17 dwellings and further information to address these matters and the officer has welcomed such changes and has no objection to the proposal. However the latest response to the 15 dwelling scheme has not been forthcoming from the Designing Out Crime Officer and it is anticipated that some concerns may be had in respect of the rear boundaries across plots 1-5 on the basis that these back onto public open space. That being said, the public open space is largely monitored from the habitable windows at the front of plots 11, 12 and 13, meanwhile the stone walls across plots 1-5's rear boundary will be of a more substantial and imposing construction thereby potentially deterring potential trespassers. On balance it is considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with Local Plan policy LP24 (e).

- 10.24 In light of the above assessment, it is considered that the proposal would broadly accord with the relevant requirements of Chapter 12 of the NPPF, the National Design Guide and Local Plan policies LP2, LP3, LP5, LP7, LP11 and LP24 as well as the relevant Policies within the Holme Valley Neighbourhood Plan.

#### Residential amenity and quality

- 10.25 Although there are no formal standards for space about buildings or separation distances between dwelling houses, paragraph 127 clause (f) of the NPPF and clause (b) of policy LP24 of the Local Plan requires proposal to provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.
- 10.26 During the course of the planning application, officers raised concerns that the proposed relationship between the dwellings and with neighbouring properties, including Wynnccliffe, 1C New Mill Lane and Glen View may have an adverse impact on residential amenity. The applicant has subsequently provided further information and amended the site layout to address these concerns raised.
- 10.27 The proposed dwellings adjacent to the existing property known as Wynnccliffe is now appropriately set back to respect existing habitable room windows within this side elevation.
- 10.28 The latest site layout plan shows that there are ground and first floor secondary habitable and non-habitable room windows within the side elevation of 1C New Mill Road that faces the application site. Some of these windows are already screened by a boundary stone wall and vegetation, which is understood to be retained. The plan shows that the rear of dwelling plot 11 would be set back by 20.9 metres. Plans show that the first floor rear of dwelling plot 12 would be set back by 17.8 metres, whilst a ground floor rear projection would be set back by 12.4 metres. Officers consider that the level of proposed impact on residential amenity in terms of privacy, overshadowing, overlooking and views is acceptable in this location.
- 10.29 A separation distance of over 19 metres is proposed between the front habitable windows of Plot 15 and the nearest rear habitable windows of Glen View while being set at a relatively acute angle. This angle prevents mutual views into the shared rooms of both properties and therefore mitigates loss of privacy that could otherwise be incurred. The 15m separation distance between the front of Plot 15 is sufficient to prevent overlooking of Glen Views private amenity space, especially as Plot 15 is angled so that it faces more towards the dwellinghouse forming Glen View itself as opposed to its rear curtilage. Both Plots 14 and 15 are in excess of the 12m separation distance required by the Housebuilders SPD between habitable rooms (principle and rear elevations) relative to non-habitable windows (side elevations). Officers consider that given the proposed siting, orientation and design of the dwelling houses, as well as the separation distances with Glen View, that there would be no unacceptable impact on residential amenity in terms of privacy and overshadowing.



- 10.30 The proposed highway would abut the site boundaries of Glen View, whilst the boundaries of the proposed dwellings would abut Glen View's driveway. As such, a suitable boundary treatment would be required. This would be secured by planning condition to ensure the amenities of Glen View and proposed dwellings are not unduly compromised by traffic and that such boundary treatments are visually appropriate.
- 10.31 A condition requiring the submission and approval of a Construction Management Plan (CMP) is proposed. The details submitted for a future discharge of condition would need to sufficiently address the potential amenity impacts of construction work at this site. Details of temporary drainage arrangements would also need to be included in the CMP. Environmental Health have also request a condition regarding construction working times.
- 10.32 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.33 The sizes (in sqm) of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD. In the current proposals, all dwellings would be NDSS-compliant, as set out within the table below table:

<b>House Type</b>	<b>House Description</b>	<b>Type</b>	<b>Number of units</b>	<b>Sqm (GIA)</b>	<b>NDSS Sqm (GIA)</b>
House Type 2	Semi-detached, 2-bed, 2-stories		2	89.2	79
House Type 2-A	Semi-detached, 3-bed, 2.5 stories		8	121.1	108
House Type 2-B	Detached, 3-bed, 2.5 stories		1	145.2	108
House Type 4	Detached, 3-bed, 2.5-stories		1	150	108
House Type 5	Detached, 5-bed, 2.5 stories		2	201.2	134
House Type 5-A	Detached, 5-bed, 2.5-stories		1	185.2	134

- 10.34 All of the proposed dwelling houses would benefit with adequate outlook, privacy and natural light. Adequate distances would be provided within the proposed development between new dwellings. In the main, each dwelling house would have adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents. It is acknowledged that the private gardens to plots 12, 15 and 16 will be affected by boundary trees and hedgerows, to be retained. However, the necessary pruning is proposed to these vegetation features and it is considered that it will be up to the prospective buyer to decide whether or not the desired property garden meets their requirements.

- 10.35 Given the application site is adjacent to a main road, New Mill Road (A635), a planning condition requiring a noise impact assessment and mitigation report is considered necessary. This will ensure that the necessary mitigation measures are carried out so that future occupiers will not be negatively impacted by traffic noise.
- 10.36 For the reasons set out above, the proposal is considered to provide acceptable living conditions for future occupiers and sufficiently protect those of existing occupiers. It would therefore comply with the objectives of Local Plan policy LP24.

#### Affordable housing

- 10.37 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.
- 10.38 In this instance, 20% of the proposed 15 dwelling units would represent 3 affordable dwelling units. KC Strategic Housing have requested 2 social or affordable rented dwellings and 1 intermediate dwellings to contribute towards meeting local need. The applicant has confirmed that plots 5, 8 and 9 are intended as affordable housing and this complies with the requirement to have the affordable housing component appear as normal market housing with clusters of such housing to be clustered across the site and not concentrated in a specific area.
- 10.39 The tenure mix is to be secured by a Section 106 Agreement and the applicant has agreed in principle to the proposed tenure split which KC Strategic Housing have identified as being required. The proposed development is consequently in accordance with the principles set out within Policy 6 of the Holme Valley Neighbourhood Plan as well as Local Plan policy LP11.

#### Highway and transportation

- 10.40 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.41 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, 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 109 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.

- 10.42 The application site currently has a single point of access with New Mill Road (A635) in the form of a long-dropped footway crossing shared with the adjacent property located to the south of the site frontage. New Mill Road is a two-way single carriageway and it is the subject of a 30-mph speed limit. There are no traffic regulation orders along the site frontage restricting on street parking and waiting and it is lit to main road standards. There are continuous footways to both sides of the highways which vary in width and a carriageway with an average width of between 7.7 - 7.8 metres. Along this part of the highway a large number of properties have direct frontage access and there are also numerous side road junctions. Opposite the site frontage there are just two private access points to individual dwellings.
- 10.43 The planning application is supported by a Transport Statement and subsequent supporting information that were submitted during the course of the planning application. It is proposed that the residential development will be accessed via a new priority access junction. Drawings show that visibility splays of 2.4m x 70m can be achieved in either direction, which is in line with the recommendations set out in the Highway Design Guide. For highway safety reasons a condition is recommended to be imposed which secures these visibility splays prior to works commencing on site.
- 10.44 The supporting Transport Statement explains how the internal layout would be predominantly informal shared surface, but with the initial section being laid out as traditional estate road with footway extending beyond the ramp. Beyond this point the new highway would be laid out as a mews court design with hard paved margins and off carriageway visitor parking bays. Two private drives with parking spaces would also lead off the main spine road and would serve plots 1-5 and 6-9. They would be over 6.0m in width to allow for ease of access and egress to and from the parking bays provided for these dwellings. An independent Stage 1 Safety Audit has been commissioned by the developer, with no major highway safety implications highlighted, and all minor issues raised addressed by the highway consultant. KC Highways Development Management have no objections to the proposed access and layout, subject to the necessary conditions securing further details of the internal adoptable roads, retaining features and construction access. A condition is also recommended to ensure that areas for parking are to be surfaced and drained 'Guidance on the permeable surfacing of front gardens (parking areas).'
- 10.45 Plans show that the proposed highway would be developed up to the western boundary, ensuring potential connectivity with the neighbouring land within the housing allocation, which has yet to come forward for development. A planning condition is imposed to secure this future access arrangement so that there is no ransom situation in accordance with Local Plan policies LP5 and LP7.
- 10.46 Each property benefits from off-street parking in line with the recommendations set out in Kirklees' Highway Design Guide SPD. Three visitor spaces are provided and some sections of the proposed highway are wider than the standard 5.5m, which could allow for safe on-street parking if necessary. The parking provision is therefore deemed acceptable.

- 10.47 No objections have been raised by KC Waste Strategy (Refuse & Cleansing). The proposed site layout now shows an adequate turning facility for a refuse collection vehicle. There is provision for each dwelling for waste storage and there is dedicated space within the layout for waste collection. Conditions would be necessary to secure the implementation of the proposed waste storage and collection facilities, and temporary waste collection arrangements during site construction.
- 10.48 Representations have been received that express concern that the proposal would have an adverse impact on traffic and highway safety within the local area. The supporting Transport Statement explains that based on the TRICs data the development would be anticipated to generate around 7 trips at the recognised peak periods. Notwithstanding the above, Kirklees Council HDM consider a trip rate of 0.7 per dwelling at the peak times being a more realistic generation figure. Based on this trip rate then the development, as a worst-case scenario, could generate some 11.9 or so two-way trips during the network peaks.
- 10.49 In addition, representations have expressed concerns regarding traffic when the proposal is cumulatively considered with the development of the neighbouring Midlothian garage site (56 dwellings and a 62-bed care home). At the request from Highways Development Management, a supporting letter considering this cumulative impact was submitted during the application process. This reads:
- “The Sanderson’s Transport Statement stated that their client’s development (56 dwellings and a 62-bed care home) would generate some 37 vehicle movements in the am peak. The Pentlands Development will as a worst-case scenario based upon the 0.7 trip rate generate 17 trips in the am peak. The cumulative impact would therefore be 59 trips overall. The combined trips would see just an 8.1% increase on the local network during the am peak. It is generally acknowledged that the traffic flows on major roads such as the New Mill Road (A635) can fluctuate by some 10% in the network peaks. Given this daily fluctuation it can only be acknowledged that the additional trips associated with both developments will not be noticeable against the daily change in traffic flow. The traffic distribution for the Midlothian garage was accepted as a 50/50 split during the peak hours with 18 movements in both directions i.e. Towards Holmfirth and New Mill in the am peak. Taking this accepted distribution into account the Pentlands scheme would increase the distribution rates to a maximum of an additional 9 trips in both directions - an additional 50% overall. The Pentlands development would therefore, result in an average increase of just 1 vehicle trip every six minutes or so in each direction. This would have no material impact upon the local network.”*
- 10.50 KC Highways Development Management consider that all the information provided demonstrates that the traffic likely to be generated by both sites would not create any capacity issues on the existing highway network, nor would there be a significant impact on highway safety.
- 10.51 The West Yorkshire Combined Authority (WYCA) have requested financial contributions totalling £17,672.50 to promote sustainable travel initiatives, such as Bus Only Residential Metro Cards (£7,672.50) and the installation of a Real Time Information Display (£10,000) at the nearest bus stop. Officers consider these contributions necessary in the promotion of sustainable travel. However,

officers acknowledge that some of the amount requested by WYCA may alternatively be put to effective use in improving other modes of sustainable travel, such as the provision of cycle parking and the enhancement of nearby pedestrian and cycle routes. Further consultation with Ward Members is considered necessary to decide how the monies should be used.

#### Flood risk and drainage

- 10.52 NPPF paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case. Furthermore, as the site is less than 1 Hectare and therefore a Flood Risk Assessment (FRA) is not required. However, the application is supported by a Flood Risk and Drainage Strategy Overview by Avie Consulting Ltd who have concluded that there are no flood risk issues from known sources of flooding.
- 10.53 The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:
- 1 – into the ground (infiltration)
  - 2 – to a surface water body
  - 3 – to a surface water sewer, highway drain, or another drainage system
  - 4 – to a combined sewer
- 10.54 The Drainage Strategy explains that the testing of the site's soils show that the site is unsuitable for traditional soakaways. The site lies some 2 metres below the level of the A635 New Mill Road and the existing surface and foul sewers run along A635 New Mill Road. To remove the need to pump surface water from the development, it is proposed that surface water would be discharged to the River Holme, some 60 metres away from the site, across third party land. This would require agreements with the landowners of Glen View and the former Midlothian garage site and it is understood that the applicant is currently in negotiations with these landowners.
- 10.55 The Drainage Strategy shows that surface water would be stored in a pre-cast concrete attenuation tank. Surface water would then be released at a maximum rate of 3.5l/s for all design storm events up to and including the 100-year return period events with an additional 30% allowance for climate change. Previous submissions presented the outfall level of surface water drainage as 174.22m AOD as a minimum requirement (shown on previous drawings as 175.190m). Simulation models has a free outfall of 175.448m and other information shows the invert level at 175.606m. There have been alterations again with 175.325m highlighted on the plan in a notation box. This matches revised calculations. However different levels can be seen as spot heights on the plan. The LLFA have advised the LPA that the actual level on site would be determined by work carried out on the Former Midlothian Garage site when they amalgamate surface water drainage of Glen View as part of a separate agreement. This site therefore relies on a design that can facilitate a gravity connection for this application. There is a possibility therefore that this plan will be redundant if a formal agreement with the third part is not reached. Kirklees LLFA would not accept a pumped solution for surface water as a substitute at detailed design stage.

- 10.56 Flood routing on the roads is accepted by the LLFA in principle. A blockage scenario and exceedance event has been reassessed by the applicant and reviewed by the LLFA. It has been highlighted to the LPA that the retaining wall level marked above the ground levels on the Glen View side appears to be lower than new spot height marked on the updated flood routing plan. This inconsistency will need to be verified going forward. However, it is now realised that if the tank was full it would overflow from gullies and manhole cover levels in the road which are lower than those potentially on the tank or flow control manholes. As stated, flood routing on the roads is accepted in principle. Plans previously showed contributing hard standing areas with a sum of 3998 sq. m yet the Microdrainage calculations had a lesser input of 3520 sq. m. This has now been revised downward again to 3200 sq. metres. The LLFA are confident however that any further adjustment can be accommodated in the space provided if a large attenuation tank is required. The LLFA are therefore prepared to review this requirement at detailed design stage through a condition. The LLFA have advised the LPA that this contributing area does not include any provision for land to the west to be developed in terms of flow rates and attenuation, gravity or otherwise. The road design does facilitate future access. The planning officer needs to be aware that in this scenario, land to the west must find its own route to watercourse and could be land locked as a result and be undevelopable.
- 10.57 Overall the drainage of the site is complex and subject to off-site private agreements with the potential unknowns in respect to this development's impact on the ability to develop the remaining part of the site from a surface water drainage perspective. However, the LLFA have removed their initial objection to the proposal in respect of surface water flood risk and it is considered that the remaining details with regard to the drainage layout can be required by condition. By consequence the proposed development is considered to accord with the requirements of policy LP28 – Drainage – of the Kirklees Local Plan and Paragraph 159 of the NPPF.

#### Trees, landscaping and ecological considerations

- 10.58 The application site consists of a large dwelling plot and an undeveloped field. Trees can be found around its boundaries, particularly to the frontage of the site with New Mill Road. Trees and scrubs are also scattered throughout the site, some of which are self-seeded. None of the trees are protected by Tree Preservation Orders or are considered worthy of such protection. The site also consists of grassland. The site is within the Holme Valley Corridor which is part of the Strategic Green Infrastructure Network and within a Bat Alert Area.
- 10.59 The planning application is supported by an Arboricultural Impact Assessment and Method Statement, prepared by David Watts Associates. The assessment provides details of the trees on and adjacent to the site as including one Category A tree of high quality, seven Category B trees of moderate quality, five Category C trees of low quality, and seven Category C groups of trees of low quality. No Category U trees with a life expectancy of less than ten years were identified on the site. The development would result in the removal of six Category B trees, four Category C trees and five groups of Category C trees, together with a small proportion of another group of Category C trees being affected. The assessment considers the removal of these trees necessary to facilitate the proposed development.

- 10.60 The Council's Tree officer has reviewed the application and agrees that these trees are not worthy of protection and would have to be lost to facilitate the housing allocation. Tree planting is indicatively shown on the site layout plan and a condition would be necessary to secure an appropriate landscaping scheme showing the exact location and species of proposed tree planting to ensure the appropriate on-site mitigation.
- 10.61 Using the tree numbers on the submitted information; T17, one of the only trees to be retained on the road frontage, and still shown as retained in the current plans, has been recently felled. Not only that but the large mature Beech tree, T19, located offsite but definitely impacting upon the site has also been felled. Both of these trees were slightly constraining the site but provided significant benefits to it and the wider landscape. It is unfortunate that this action has occurred as they had not been protected by a TPO under the belief the applicant was working with us and had no intention of felling trees prior to development. The mitigation planting proposed and plans submitted are currently viewed as inaccurate and insufficient by consequence. The mitigation required to replace the lost trees will need to be increased and the plans updated to accurately show which trees are to be retained in order for a clear impression of the impacts of these proposals to be available for members and the public. As such, and to enable members to come to a decision on the application, a detailed soft and hard landscaping scheme and plan setting out sufficient replacement/attenuation for the lost trees is required as a pre-commencement condition thereby preventing the development from coming forward until such time as a satisfactory quantum of on-site planting and landscaping is submitted by the developer/applicant. For the purposes of balance, it should be noted that the scheme is now coming forward, under the latest design iteration for 15 dwellings, with on-site public open space which provides opportunities for off-setting the harm inflicted upon the by the felling of T17 and T18. Consequently, and based upon condition proposed, the proposal would be in accordance with Local Plan policies LP24, LP31, LP32 and LP33.
- 10.62 The site falls within a Bat Alert area and a Swift Nesting area. The planning application is accompanied by an updated Ecological Impact Assessment (EclA), an Ecological Design Strategy (EDS) and a Biodiversity Metric 2.0 calculation, all prepared by David Watts Associates. The EclA states that there would be no foreseeable impacts of the development proposals upon any designated sites. The EclA explains how development proposals will necessitate the removal of all the habitats on the site, with the exception of some of the scattered trees. These habitats are all considered to be of low ecological value, and their removal easily mitigated. A condition for a Construction Environmental Management Plan (CEMP: Biodiversity) should be applied to ensure the mitigative measures recommended within the Ecological Impact Assessment are secured.
- 10.63 The EDS shows the installation of bat and bird boxes as well as the location of access points for hedgehogs. The EDS also includes the provision of soft landscape measures to promote biodiversity enhancement. These measures would need to be taken into account within the proposed full landscaping scheme, which would be secured by condition. The Biodiversity officer has stated that the submitted EDS now contains the required faunal provisions, maintenance and monitoring to provide security regarding positive outcomes for biodiversity.

10.64 The submitted Biodiversity Net Gain metric highlights a biodiversity net loss of -45.09% or 0.46 habitat units. During the application process the applicant made some minor changes to the biodiversity metric in response to consultee comments. These changes related to ecological connectivity of habitats and acknowledgement that the site is within the valley slopes biodiversity opportunity zone in which scrub is a habitat of principal importance. Following these changes the site has a baseline value of 1.02 habitat units. In order to provide a measurable biodiversity net gain of 10%, a total of 0.56 habitat units will be required. As the applicant has the potential to create on-site net gain through submission of detailed landscaping information, in this instance a commuted sum of £14,743.50 will be required in order for the Council to facilitate habitat creation/enhancement elsewhere. A 15% admin fee of £3,930 will be required to enable these works and is inclusive of the aforementioned figure. Therefore, subject to the necessary planning conditions and obligations, the proposal would accord with Local Plan policy LP30.

#### Environmental and public health

10.65 The proposed development would cause an increase in vehicle movements to and from the site, however air quality is not expected to be significantly affected. To encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, Local Plan policies LP21, LP24 and LP51, the West Yorkshire Low Emission Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. Therefore, conditions are required for the provision of electric vehicle charging points and cycle parking.

10.66 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed dwelling sizes, affordable housing, proximity to the recreational facilities in the wider locality, New Mill Road being a bus route (which can help facilitate active travel), measures to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.

10.67 Regarding the social infrastructure currently provided and available in Holmfirth and the surrounding area (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local dentistry and GP provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

#### Ground conditions

10.68 The application is supported by a number of land contamination reports prepared by Rogers Geotechnical Services Ltd. These provide a desktop study of the site contaminants, intrusive site investigation findings and a remediation strategy. The latest report explains how it is considered that it will not be necessary to undertake any remediation at this site in relation to soil



contamination. However, measures that ensure the protection from bulk ground gasses (CO<sub>2</sub>) will be required with respect to the intended end use as a residential development. Environmental Health officers have reviewed the documentation and are satisfied with their findings and recommendations. Officers do not have any significant environmental health concerns in relation to Local Plan policy LP53, subject to the imposition of planning conditions requiring the implementation of the remediation strategy and submission of a validation report in accordance with the Phase 3 Remediation Report.

- 10.69 The application site falls partly within the defined Development High Risk Area. The site lies in an area where historic unrecorded coal mining activity may have taken place at shallow depth. During the course of the application a revised Phase 1 Environmental Desk Study (29 July 2020, prepared by RGS) was provided. This document considered that, on the basis of available geological information, the Upper Meltham coal seam is not present below the application site. The document concluded that the risk posed to the proposed development by shallow mine workings associated with this seam is low. The report also concluded that no further assessment or intrusive investigation is required with regards to instability associated with unrecorded mining. The Coal Authority has reviewed this document and raised no objections with regards to these conclusions. As such, the proposal would accord with Local Plan policy LP53.
- 10.70 The application site falls within an area designated as a Mineral Safeguarded Area (Sandstone) in the Local Plan. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 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.

### Representations

- 10.71 To date, a total of 30 representations have been received in response to the council's consultation and subsequent re-consultations whilst 4 representations were received from the Holme Valley Parish Council, one for each round of consultation. Comments were also received from both Ward Councillors Patrick and Davies. The material considerations raised in comments following publicity of the application have been fully addressed in this report as follows:

### Design

- The original plans were for 4/5 houses this has now been increased to 25!
- Fewer dwellings at this site should be sought.
- Kirklees local plan HS189 shows an indicative number of 12 dwellings. There is a significant difference between 12 and 25 dwellings!
- The density is significantly higher than the council has ever approved previously or considered reasonable for the development of this land within Kirklees Local Plan Allocations and Designations Report.
- Proposal represents overdevelopment.
- In conjunction with the adjacent development, the proposed scale of this development would change the character of the local area.
- This is high density, over development and not at all consistent with the Kirklees commitment to residents' well being and health.

- The materials used for construction outlined in the application must be representative of the dwellings in the surrounding area.
- This proposal will contribute to the number of developments at different scales along New Mill Rd in recent years that cumulatively create a sense of continuous housing between Holmfirth and New Mill and therefore a loss of distinction between the historically separate villages.
- The architecture of the proposed new homes is not consistent with the style of current local architecture. Is this so that cheaper materials can be used?
- This urban development is out of character and not in-keeping with the semi rural location.
- There are no actual smaller terrace houses in the vicinity of the build, and these are all stone construction and not constructed from cladding materials such as render, timber and tile.
- Overbearing architecture.
- Why is there such a large number of developments within a "tight" area and are these in keeping with the current property types in the locality?
- No objection to the principle of development but concerns about the proposed number and type of houses and implications of traffic flows and movements onto New Mill Road.
- No body objects to the development of the site and the building of a reasonable number of properties, indeed I think we welcome the area being tidied up
- Objections about sheer number of houses crammed into a site which initially had planning for four.
- Welcome the reduction in the number of dwelling houses. However, the original plans were for four quality homes. Twenty one on a site of this size is unacceptable and not in-keeping with the local area.
- Welcome how the houses have been set back from the road and there is an addition of a small road presumably for bins and bin collection as this will improve future occupants amenity.
- Over-intensification/over-development of the dwelling houses proposed despite the reduction in number.
- The proposed scheme is out of character with the rest of the area due to its density
- Consultees have raised issues with the proposed development regarding flood risk, design, security, ecology and waste.

**Officer response:** The concerns raised relating to design have been addressed in the main assessment above, with particular regard to paragraphs 10.13-10.24. It is considered that the proposal would broadly accord with the relevant requirements of Chapter 12 of the NPPF, the National Design Guide and Local Plan policies LP2, LP3, LP5, LP7, LP11 and LP24 as well as the relevant Policies within the Holme Valley Neighbourhood Plan.

#### Residential amenity and Quality

- The 3 storey (4 back to back) would have an adverse impact on residential amenity in terms of privacy and overlooking.
- This is high density, over development and not at all consistent with the Kirklees commitment to residents' well being and health.
- The proximity of the proposed high-density housing will significantly impact our lives with increases in noise as well as light pollution
- Plots 21 and 20 would directly look into habitable room windows associated with 1C New Mill Road – going to cause overlooking loss of privacy and noise.

- The proposed number of gardens with 1C New Mill Road will impact on to the boundary wall could seriously disrupt privacy and outside space and also from the noise generated from these gardens.
- What are the permitted working times of this site? As I have been woken at 6.30am by works starting!!
- Welcome how the houses have been set back from the road and there is an addition of a small road presumably for bins and bin collection as this will improve future occupants amenity.
- KC Crime Prevention report that highlights concerns over the safety and security of the development site with increased possibility of burglary.
- Overbearing, disproportionate and out of character with the surrounding environment -an urban development in a semi- rural setting;
- Privacy loss of habitable room windows (lounge and master bedroom) serving Berry Banks House, 1c, New Mill Rd. Loss of amenity for outside space and privacy given the introduction of the houses, their gardens and boundary treatment, including noise potential from the new residential curtilages.
- Concerns relating to the construction period and damage to property
- Overbearance of Wynclyff dwelling house by a disproportionate and inappropriate development that shoehorns nine dwelling houses into one row at the front of the site.

**Officer response:** The concerns raised in regard to residential amenity are addressed above, with particular regard to paragraphs 10.25-10.37. The proposal is considered to provide acceptable living conditions for future occupiers and sufficiently protect those of existing occupiers, complying with the objectives of Local Plan policy LP24.

#### Highways and Transportation

- The proposed entry and exit will require crossing busy pedestrian routes and this represents a risk to local school children and is likely to impact adversely on mature trees adjacent to New Mill Rd.
- Gaining access to New Mill Road from adjoining properties is already hazardous, which development would worsen.
- New Mill Road (A635) would suffer from additional traffic and highway safety issues.
- New Mill Road suffers from speeding traffic and is a danger to cyclists and pedestrians, particularly children.
- The issue of traffic and highway safety was a reason for refusal when a Tesco planning application was submitted at the nearby Midlothian garage site.
- Concerns regarding the visibility splay - No consideration has been given to the proximity and location of the bus shelter with the brow of the hill and reduced visibility as a result of additional existing resident parking on the A635.
- Could the council confirm if traffic and highway safety concerns have been covered by way of a Council Traffic Risk Assessment?
- There has been 3 road deaths as well as accidents within 200 metres from the site.
- When the M62 is closed there are significant tail backs which this development will impact.
- Has the traffic flow from future, further development that borders the application site been considered?

- The levels of traffic flowing through the village continues to increase, especially large HGV vehicles taking the "short cut" over the Pennines for which the village is not equipt.
- New Mill Road has no signage, cameras or any other traffic calming measures – traffic calming measures should be implemented.
- Concerns regarding the safety of the proposed access.
- Regarding the adjacent development, why are you not ensuring that a road sweeper is in place to ensure the road is kept clean and free from mud?
- Cars are having to be cleaned at least weekly because of no road sweeper.
- No objection to the principle of development but concerns about the proposed number and type of houses and implications of traffic flows and movements onto New Mill Road.
- There needs to be speed control measures.
- A road traffic survey and an investigation into traffic calming is needed.
- Traffic, speeding and highway safety concerns, particularly when considered cumulatively with the Midlothian garage.
- In depth traffic survey of New Mill Road is required considering nearby Midlothian garage – speed cameras, clear speed signage, double yellow lines on some stretches where parking is dangerous.
- The ongoing development of the Midlothian site in recent weeks has already led to increased displaced parking of private vehicles and taxis on A635, vehicles which used to park on the derelict Midlothian site.
- Cumulatively with the neighbouring Midlothian housing site will have adverse impact on New Mill Road, which is already suffering from traffic, speeding and highway safety issues and is well used by school children.
- Has there been a traffic survey?
- Cumulative traffic impact and highway safety issues with the proposed development of 50 plus dwelling houses at Midlothian garage site.
- The increase in traffic will lead to more air and noise pollution
- Where will the occupants of the Bank view council houses will eventually park there cars as this will further congest New Mill Road.

**Officer response:** The concerns raised in regard to highway safety and transportation are addressed in the main assessment above, with particular regard to paragraphs 10.40-10.51. It is considered that, subject to the inclusion of appropriate conditions and secured of s106 agreement, the proposals would not result in undue harm to highways or transportation.

#### *Flood risk and drainage*

- Due to the levels of the site will main sewage be pumped up the gradient into New Mill Road with the possibility of pump failures and sewage flooding possible this with the potential flooding would /could encroach into neighbouring gardens.
- Consultees have raised issues with the proposed development regarding flood risk, design, security, ecology and waste.
- Flood risk and sewerage issues prevalent across the site will impact on the dwellings once the site is built given the increased quantum of hardstanding creating run-off.
- Foul water pumping could create sewage flooding impacting adjacent property.
- Third party land could be subject to flooding as a result of development.

- Already drainage issue in the area. The proposal will mean the new homes will have to be pumped in to an already malfunctioning main. Pump failures happen, even with backups, and this will lead to the real possibility that the site will be flooded with raw sewage resulting in a real environmental health risk to the populous.

**Officer response:** Concerns raised in regard to flood risk and drainage are addressed in the main assessment above, with particular regard to paragraphs 10.52-10.57. Subject to the inclusion of appropriate conditions, the proposed development is considered to accord with the requirements of policy LP28 – Drainage – of the Kirklees Local Plan and Paragraph 159 of the NPPF.

#### Trees, landscaping and ecology

- Use of Greenfield site and impact on habitat of various species of animals and trees.
- With the removal of trees and vegetation there will be an adverse impact on biodiversity and wildlife - bats, owls, field mice, squirrels, hedgehogs, badgers and reptiles along with many nesting birds at the site.
- Unacceptable loss of mature trees, particularly adjacent to New Mill Road.
- The proposed entry and exit will require crossing busy pedestrian routes and this represents a risk to local school children and is likely to impact adversely on mature trees adjacent to New Mill Rd.
- Hope the copper beech tree can be retained as part of any approval.
- Consultees have raised issues with the proposed development regarding flood risk, design, security, ecology and waste.
- Concerns are raised over excavation work close to 1C boundary and possibility of damage to trees and walling foundations from any excavations.
- Signs of bats in the current dwelling that occupies the site and a bat survey would be beneficial to identify if the site is still active.
- There is significant wildlife present on the undeveloped area; we frequently see bats flying to and from the area as well as nesting birds etc.
- With the removal of trees and vegetation there will be an adverse impact on biodiversity and wildlife - bats, owls, field mice, squirrels, hedgehogs, badgers and reptiles along with many nesting birds at the site.
- Bats can be found in the Pentlands garage.
- Loss of open space along New Mill Road.
- Hazardous materials within the development site and could possibly have stemmed from the disused tip which was used to remove a significant amount of hazardous waste. Developing on such a site would be detrimental to the surrounding ecology.

**Officer response:** Concerns relating to trees, landscaping and ecology matters are addressed in the main assessment above, with particular regard to paragraphs 10.58-10.64. It is considered that, subject to the necessary planning conditions and obligations, the proposal would accord with Local Plan policy LP30.

- 10.73 All of the comments received as a result of the publicity for this planning application have been carefully considered. However, when considered against relevant local and national planning policy, it is concluded by officers that, subject to the imposition of relevant conditions and the securing of certain planning obligations, as summarised below, the proposals are acceptable.

## Planning obligations

10.74 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (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. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

- Affordable housing – Three affordable housing units to be provided in perpetuity (Agreed as one intermediate and two social/affordable rent) In accordance with Local Plan policy LP11 and Policy 6 of the HVNP.
- Public Open Space - Off-site contribution of £25,903 to address shortfalls in specific open space typologies in accordance with Local Plan policies LP4 and LP63.
- Biodiversity - A total financial contribution of £14,743.50 towards off-site measures to secure a measurable biodiversity net gain of 10% in accordance with Local Plan policies LP4 and LP30 as well as HVNP Policy 13
- Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £17,672.50 financial contribution, in accordance with Local Plan policies LP4, LP20 and LP21.
- Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water and foul drainage infrastructure until formally adopted by the statutory undertaker).

## Other matters

10.75 There are no other matters considered relevant to the determination of this application.

## **11.0 CONCLUSION**

11.1 Part of the application site is a housing allocation in the Local Plan (Reference: HS189). Although, development would result in the loss of unallocated land consisting of a dwelling and garden space, officers consider that such loss could be considered acceptable when considered against Local Plan policy LP7.

11.2 The site has constraints in the form of the adjacent residential dwellings (and the amenities of these properties), topography, drainage, highways and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant or can be addressed at conditions stage. The applicant has proposed an appropriate quantum of development and a reasonable layout and has demonstrated that the proposals would not sterilise adjacent allocated land, at least from an access perspective though questions remain in respect of the ability of the residual parcel to drain effectively. The proposals respond appropriately to the character and appearance of the surrounding area, and the quality of residential accommodation is considered acceptable. The provision of 15 residential units at this site (including the provision of three affordable housing units that meets the Council's tenure split

in the Holme Valley) would contribute towards meeting the housing delivery targets of the Local Plan and are welcomed. Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.

- 11.3 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

**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. Submission of a Construction (Environmental) Management Plan. (Pre-commencement)
4. Submission of details relating to internal adoptable roads, site entrance visibility and safety audit. (Pre-commencement)
5. Submission of details of surfacing and drainage of parking spaces.
6. Submission of details of any retaining walls. (Pre-commencement)
7. Submission of cycle parking details and provision prior to occupation.
8. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
9. Submission of temporary waste storage and collection.
10. Submission of an Arboricultural Method Statement and Tree Protection Plan. (Pre-commencement)
11. Submission of drainage details (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) (Pre-commencement)
12. Submission of an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions (Pre-commencement)
13. The site shall be developed with separate systems of drainage for foul and surface water on and off site. (Pre-commencement)
14. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed (Pre-commencement)
15. Submission of a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip). (Pre-commencement)
16. Submission of a noise impact assessment with the necessary mitigation measures for identified dwelling plots.
17. Implementation of the approved Remediation Strategy.
18. Submission of Validation Report.
19. Submission of external materials (details and samples to be submitted).

20. Submission of boundary treatments details.
21. Submission of a Construction Environmental Management Plan (CEMP: Biodiversity) (Pre-commencement)
22. Submission of a full landscaping plan with regard to the Ecological Design Strategy.
23. Vehicular connection to the adjacent land (within allocated site HS189) without unreasonable hindrance.
24. Adherence to construction site working times.

**Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/91896>

Certificate of Ownership – Certificate B signed: Notice served on Kirklees Council.



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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

**Date: 09-Dec-2021**

**Subject: Planning Application 2021/91578 Erection of 9 detached dwellings with associated works land at, Lancaster Lane, Brockholes, Holmfirth, HD9 7BP**

#### **APPLICANT**

J Wood

#### **DATE VALID**

28-Apr-2021

#### **TARGET DATE**

23-Jun-2021

#### **EXTENSION EXPIRY DATE**

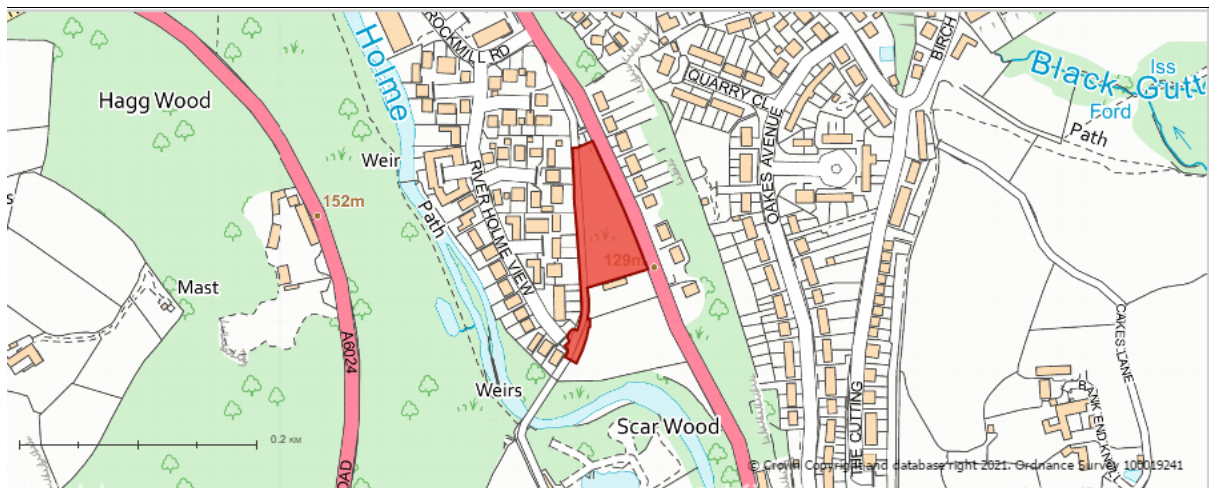
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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

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#### **LOCATION PLAN**



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

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**Electoral wards affected:** Holme Valley North

**Ward Councillors consulted:** No

**Public or private:** Public

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**RECOMMENDATION:**

To inform the Planning Inspectorate that the Local Planning Authority would have recommended the application for approval subject to conditions had its determination remained within its remit.

**1.0 INTRODUCTION:**

- 1.1 This application seeks full planning permission for the erection of 9 detached dwellings with associated works.
- 1.2 The application was originally brought to the Huddersfield Planning Sub-Committee for determination as the application was called in by Cllr Greaves given concerns with the non-adoption of Lancaster Lane proposed, and how this impacts on maintenance, road safety and the turning head.
- 1.3 An appeal against the 'non-determination' of the planning application has been lodged with the Planning Inspectorate and validated by the Planning Inspectorate. Thus, the Planning Inspectorate will now determine the application.
- 1.4 As part of the appeal process, this Authority is required to inform the Planning Inspectorate as to what decision it would have made if the determination of the application had remained within its remit. A resolution from the Huddersfield Planning Sub-Committee is therefore sought on this basis.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises a triangular shaped parcel of land which lies between Lancaster Lane – an unmade track which forms a Public Right of Way (HOL/291/10) – and New Mill Road in Brockholes. The site comprises of overgrown brambles and scrub which slopes steeply upwards in a westerly direction from Lancaster Lane to New Mill Road. The site is accessed off River Holme View to the south.
- 2.2 Beyond Lancaster Lane to the east are residential properties belonging to River Holme View, which comprises 1 to 2 storey dwellings constructed from stone under tile roofs. The site is predominantly residential in character. The site is flanked to the south by 238 New Mill Road which forms a large 2 storey detached dwelling and separates the site from a parcel of grass and scrubland further to the south which is allocated for housing in the Local Plan, and benefits from planning permission for the erection of 8 dwellings (ref: 2019/90085), accessed off River Holme View. To the north of the site is an electricity substation.

- 2.3 The site is unallocated in the Kirklees Local Plan, is not within a conservation area and is not within close proximity to any listed buildings. The site does not contain any significant or protected trees however there is one large mature Sycamore, protected by TPO 36/93, to the south within the grounds of 238 New Mill Road.

### **3.0 PROPOSAL:**

- 3.1 Planning permission is sought for the erection of 9 detached dwellings and associated works. The layout provides a row of 4 properties perpendicular to Lancaster Lane in the southern part of the site (these properties are to be served by a short section of estate road (turning head) which then turns into a shared private drive). The other 5 properties are to front onto Lancaster Lane (but would be a slight angle to it, with 4 properties having driveways directly off Lancaster Lane and 1 property having a driveway off the turning head. Gardens are proposed to the rear of every property. Access to the site at Lancaster Lane is via River Holme View. It is not proposed to divert Lancaster Lane which serves a Public Right of Way.
- 3.2 The dwellings are all proposed to be split level being three storeys to the front and two storeys to the rear with additional accommodation in the roof space. All dwellings are proposed to have an integral garage. Land is proposed to be regraded to accommodate the development and a number of retaining walls are proposed. Facing materials are proposed to be manufactured stone under imitation blue slate roofs.
- 3.3 A soft landscaping plan has been provided displaying tree planting is proposed along the western boundary of the site adjacent to New Mill Road. Tree planting is also proposed adjacent to the site access. Bird and bat boxes are proposed across the site.
- 3.4 Bin storage areas are proposed within the properties, with 2 collection areas within the site to the front of dwellings.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The following planning history at the application site is considered relevant to the assessment of this planning application:
- 2014/93549 – Outline planning application for residential development – Refused on 18/6/2015 and dismissed at appeal on 21/12/2015
  - 2016/90138 – Outline application for erection of residential development – Section 106 outline permission approved 14/10/2016.
  - 2018/92589 – Reserved matters application in pursuant of outline application 2016/90138 for residential development – Non-determination subject to appeal, and allowed at appeal on 7/1/2020.
  - 2020/92415 – Discharge of conditions 2, 4 and 6 of previous permission 2018/92589 for erection of residential development – Approved on 3/8/2021
  - 2020/92432 – Discharge of conditions 5, 6, 7, 8, 9, 10, 11, 13, 17, 18, 19, 22 and 23 of previous outline permission 2016/90138 – Fully approved on 10/9/2021
  - 2021/90493 – Discharge of condition 15 (highway retaining structures) of previous permission 2016/90138 for outline application for erection of residential development – Pending Consideration.

- 2021/90504 – Variation of condition 14 (adoptable estate roads) of previous outline permission ref: 2016/90138 for erection of residential development – Pending Consideration.
- 4.2 Residential development at the site was initially refused by the Local Planning Authority in 2015 (2014/93549). This was refused by the Local Planning Authority by reason of the impact upon residential amenities of residents of River Holme View due to the proximity and use of the proposed access road. The application was appealed, but this refusal was dismissed by the Planning Inspectorate solely on the grounds that a planning obligation had not been provided in respect of affordable housing.
  - 4.3 Residential development at the site was approved in 2016 under the outline application 2016/90138. Access was the only matter applied for under this outline application. The total number of units on the site was not confirmed. The permission was subject to a legal agreement, of note of which sought to regulate the provision and future maintenance of public open space.
  - 4.4 The Reserved Matters application (2018/92589) at the site related to the matters of appearance, landscaping, layout and scale. The layout, design and scale of the development under this current planning application is similar to that approved under this Reserved Matters application. Condition 4 of the outline permission (2016/90138) specifies that the development should be begun before the expiration of two years from the final approval of the reserved matters which was 7<sup>th</sup> January 2020, thereby at the time of writing, this permission is still extant.
  - 4.5 All pre-commencement conditions relating to the Reserved Matters permission have been discharged under application 2020/92415. A number of conditions relating to the outline permission have been discharged under application 2020/92432, but it is worth noting that conditions 9 and 10 have not been discharged. All pre-commencement conditions relating to the outline permission have been discharged apart from conditions 14 and 15
  - 4.6 At the time of writing, there is one pending discharge of condition application (ref: 2021/90493) relating to a condition 15 attached to the outline permission of 2016/90138. Condition 15 outlines that the design and construction details of all temporary and permanent highway retaining structures within the site shall be approved in writing by the Local Planning Authority.
  - 4.7 Further to this, at the time of writing, there is a pending variation of condition application at the site, which seeks to vary condition 14 of the outline permission at the site (ref: 2021/90504). Condition 14 is a pre-commencement condition and requests a scheme detailing the proposed internal adoptable estate roads including works to the public footpath and measures to restrict vehicle access to New Mill via Lancaster Lane. The applicant wishes to amend the condition so that Lancaster Lane and internal estate roads are not adopted and will remain under private ownership

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Not applicable in this case.

## **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 27th February 2019).

6.2 The site is unallocated on the Kirklees Local Plan Proposals Map.

6.3 Kirklees Local Plan (2019):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 4** – Providing Infrastructure
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 11** – Housing Mix and Affordable Housing
- **LP 20** – Sustainable Travel
- **LP 21** – Highways and Access
- **LP 22** – Parking
- **LP 23** – Core Walking & Cycling Network
- **LP 24** – Design
- **LP 27** – Flood Risk
- **LP 28** – Drainage
- **LP 30** – Biodiversity & Geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 33** – Trees
- **LP 43** – Waste Management Hierarchy
- **LP 47** – Healthy, Active and Safe Lifestyles
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

6.4 National Policies and Guidance:

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 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 Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

6.6 Holme Valley Neighbourhood Development Plan (Referendum Plan) (2020-2031)

6.7 The Holme Valley Neighbourhood Development Plan has been passed in a referendum on 4th November 2021. The next and final stage for 'making' (bringing into force) the Plan will be at Full Council on 8th December 2021. Until formally adopted the Plan remains a material planning consideration in decision making and weight must be attributed in accordance with NPPF (July 2021) Paragraph 48. When weighing material considerations in any planning judgement, it is always the case that what is material is a legal fact, and the weight to be attributed thereto is, as always, for the decision makers to ascertain.

- **Policy 1** – Protecting and Enhancing the Landscape Character of the Holme Valley
- **Policy 2** – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- **Policy 6** – Building Homes for the Future
- **Policy 11** – Improving Transport, Accessibility and Local Infrastructure
- **Policy 12** – Promoting Sustainability
- **Policy 13** – Protecting Wildlife and Securing Biodiversity Net Gain

6.8 Supplementary Planning Guidance Documents

- Kirklees Housebuilders Design Guide (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Kirklees Highways Design Guide (2019)

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Neighbour letters expired on 9<sup>th</sup> June 2021; Press advert expired on 4<sup>th</sup> June 2021; Site notice expired on 16<sup>th</sup> June 2021.

7.2 9 letters of representation have been received, 6 of which raise objections and 3 of which raise general comments on the scheme. The comments received are summarised below (full comments are available to view on the Council's Planning Webpage):

- Site not allocated for housing in the Local Plan.
- Lancaster Lane accommodates a Public Right of Way and is unfit to carry any traffic - Concerns with the stability of Lancaster Lane and walls to west.
- Who is to be responsible for the maintenance of Lancaster Lane and the retaining wall to the west.
- Lancaster Lane is of insufficient width to accommodate two way traffic.
- Footpath should continue to be maintained by the Council.
- Would result in the closure of the Public Right of Way during construction and on completion of the proposed development.
- Would be unsafe for users of the Public Right of Way.
- Overlook the properties on River Holme View.
- Sewer capacity concerns.
- Surface water flooding.
- Detrimental impact upon efficient operation of highway network.

- Would increase risk to pedestrians using pedestrian crossing on New Mill Road.
- Harm to protected trees.
- Concerns about the impact upon protected species.
- Further ecology surveys are required.
- Impact on local services (schools, dentists and doctors etc).
- Devaluation of property prices.
- Why has it taken the developer so long to submit their discharge of condition? If issues cannot be resolved, this suggests that the site is not suitable for development (topography and access issues).

Holme Valley Parish Council: Oppose due to lack of information regarding the adoption of the road.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

- The Environment Agency: No comments received.
- Yorkshire Water: No objections subject to conditions.

### **8.2 Non Statutory:**

- KC Crime Prevention: Content with lighting scheme. Would wish to know what the proposed security measures are for the dwelling.
- KC Environmental Health: No objections subject to conditions.
- KC Highways Development Management: No objections subject to conditions.
- KC Lead Local Flood Authority: No objections subject to conditions.
- KC Trees: Concerns in relation to the potential impact of the development upon a protected tree to the south of the site.
- KC Ecology: No comments received.
- KC PRow: No comments received.
- KC Landscape: No comments received.

8.3 The above is a summary of the responses provided from consultees, with full comments being able to view on the Council's Planning Webpage.

## **9.0 MAIN ISSUES:**

- Principle of the development
- Visual amenity
- Residential amenity
- Highways safety
- Ecological impacts

- Trees
- Flooding and drainage
- Other matters
- Representations
- Conclusion

## 10.0 APPRAISAL:

### Principle of the development

- 10.1 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.
- 10.3 The site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:
- “All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*
- 10.4 The site is within the Kirklees Rural sub-area. The listed qualities will be considered where relevant later in this assessment.
- 10.5 As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).
- 10.6 As the Kirklees Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.7 Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy 6 of the Referendum Holme Valley Neighbourhood Development Plan (HVNDP) states that proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character. In addition, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. That said,



the text supporting Policy 6 of the Referendum HVNDP states that it is estimated that the housing density in the Holme Valley will be approximately 30 dwellings per hectare. By that standard, this site could, in theory, accommodate 15 dwellings. Policy LP7 of the Kirklees Local Plan states this target of 35 dwelling per hectare should be 'where appropriate' and in the policy justification set out in paragraph 6.40 that the policy allows for lower 'densities where a site would not be compatible with its surroundings'.

- 10.8 The site is approximately 0.48 hectares in size. In theory, the site could accommodate 16 dwellings in relation to 35 dwellings per hectare, or 14 dwellings in relation 30 dwellings per hectare. However, given the topography of the site and the triangular shape of the site, Officers consider that it would likely prove difficult to provide more than 9 dwellings on the site, whilst at the same time respecting local context (River Holme View has a density of approximately 26 dwellings per hectare), preventing the development from appearing cramped, providing future occupiers with a good standard of amenity, and preventing detrimental harm to neighbouring properties (especially those to the west on River Holme View). It is also pertinent to note, that there is extant permission on the site for 9 dwellings and this is considered to be a material consideration of substantial weight in the assessment of this application. In the Officer report for the approved Reserved Matters application at the site (2018/92589), it was noted that a scheme of 10 dwellings was reduced due to officer concerns with the overdevelopment of the site. Thus, in respect of the above, Officers consider the quantum of development is considered acceptable in respect of Policy LP7 of the Kirklees Local Plan.
- 10.9 Policy 6 of the Referendum HVNDP states that developments should have good access to public transport routes. The site would be located adjacent to the A616, which has bus stops along it (including one adjacent to the site) which accommodate a number of services. Brockholes also has a train station. Given this, the site is considered to have good access to public transport routes.
- 10.10 Policy LP11 of the Kirklees Local Plan states that for schemes of more than 10 dwellings or for site of 0.4ha or greater in size, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure as evidenced by the information set out in the latest Strategic Housing Market Assessment (SHMA) or evidence of local need submitted through the application process. The site is over 0.4ha in size. The Kirklees SHMA (2016) identifies that 1-2 bedroom houses, 3 bedroom houses and 4+ bedroom houses are particularly required across Kirklees. Further to this, Policy 6 of the Referendum HVNDP states that for schemes of more than 10 dwellings or on sites of 0.4 hectares or greater, proposals should include a mixture of one, two and three bedroom properties for sale and rent, and include housing designed to meet the needs of older people and properties for first time buyers.
- 10.11 Under this application, 9 detached 4 bedroom market houses are proposed therefore there is not a great mixture of dwellings. Whilst this is considered to be unfortunate, as noted previously, it is the case that a similar scheme at the site benefits from permission and is currently extant. This previous permission is considered to constitute a material consideration of substantial weight in this case, therefore the lack of a mixture of dwellings is considered acceptable by Officers.

- 10.12 Policy LP11 of the Kirklees Local Plan also outlines that the Council will negotiate with developers for the inclusion of an element of affordable homes in planning applications of more than 10 homes. Policy 6 of the Referendum HVNDP outlines that developments should also provide a suitable proportion of affordable housing in line with the recommendations in the Kirklees Local Plan. Given that the scheme is for 9 dwellings, there is no policy requirement to seek affordable housing under this application. It should also be noted that because 9 houses were approved under the extant scheme at the site, this did not trigger a policy requirement to provide affordable housing in 2018.
- 10.13 Given the above, the principle of 9 detached dwellings on the site could be acceptable. However, the acceptability of the proposal is also dependent on a number of other considerations, which Officers will go on to discuss below:

Visual amenity

- 10.14 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 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.”*

- 10.15 Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also 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.

- 10.16 LP24 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...”*

- 10.17 Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 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. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

- 10.18 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will 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.”*

10.19 Policy 1 of the Referendum Holme Valley Neighbourhood Development Plan (HVNDP) relates to protecting and enhancing the landscape character of Holme Valley, and states that: *“All development proposals should demonstrate how they have been informed by the characteristics of the Landscape Character Area (LCA) in which they are located”*. The Policy goes on to note that proposals should be designed in accordance with the character and management principles in respect of landscape set out for each LCA in order to avoid detrimental impact on the LCA. This Policy also notes that a full hard and soft landscaping scheme is to be submitted with all planning applications for new buildings.

10.20 Policy 2 of the Referendum HVNDP relates to protecting and enhancing the built character of the Holme Valley and promoting high quality design. Policy 2 notes that proposals should be designed in accordance with the management principles for each LCA in respect of built character in order to avoid detrimental harm to the LCA.

10.21 In respect of Policies 1 and 2 of the Referendum HVNDP, the site is identified as being within LCA 7 (River Holme Wooded Valley). In terms of landscape, the Referendum HVNDP notes that key character management principles for this LCA are:

- Ensure new development respects glimpsed views between built form.
- Ensure views are maintained across the wooded valley landscape from elevated vantage points.
- Retain and restore existing stone boundaries and use stone walling in new boundary treatments.
- Maintain and enhance the network of PRow to promote access and consider opportunities to create new links to existing routes.

10.22 In terms of the built character, the Referendum HVNDP states that the key character management principles for this LCA are:

- Ensure that new development respects the distinct character and built form of the LCA such as weaver’s cottages and folds and the sensitive conversion of former farm buildings.
- Strengthen local sense of place through improving the connection to past industrial heritage including through retaining or restoring mill buildings.
- Consider the use of traditional materials of millstone grit and slate for repairs and localised alteration with stone mullions retained.

10.23 Policy 2 of the Referendum HVNDP also states that: *“New developments should strengthen the local sense of place by designing the site layout to respect the existing grain of development in the surrounding area and through use of local materials and detailing,”* and that: *“Designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting.”* Policy 2 also states that: *“Materials must be chosen to complement the design of the development and add to the quality or character of the surrounding environment.”*

- 10.24 The triangular shape of the site, its topography (which slopes steeply up from Lancaster Lane to New Mill Road), the land's function in retaining the adjacent section of New Mill Road serve to constrain development on the land and surrounding residential properties have influenced the layout of the site.
- 10.25 As outlined above, the proposed density of the development is considered to be broadly similar to that of River Holme View.
- 10.26 All of the properties form detached dwellings. The surrounding area has a mixture of house types including detached, semi-detached and terraced properties. Whilst the development proposed does not provide a mixture of house types, Officers hold the view that a group of detached houses in this location would not be out of keeping with the character of the area.
- 10.27 The dwellings are all split level, being three storeys to the front and two at the rear, which reflects the topography of the site. Additional accommodation is provided in the roof space of each dwelling.
- 10.28 Adjacent development on River Holme View consists of traditional two storey dwellings and bungalows. The finished levels of plots 6-9 have been designed so that these properties would not sit high above the level of Lancaster Lane, so as to prevent them appearing disproportionate to nearby housing on River Holme View. In addition, these dwellings include an asymmetrical roof so that the ridgeline of the dwellings is set further away from Lancaster Lane so as to prevent them dominating this right of way.
- 10.29 As the dwellings at plots 2-5 are set much further into the site it is considered the impact of their scale on visual amenity is mitigated. The side gable end of the dwelling at plot 1 is adjacent to Lancaster Lane, but Officers hold the view that the massing of this dwelling and the set off from Lancaster Lane is acceptable so as to prevent this dwelling dominating Lancaster Lane.
- 10.30 All of the dwellings would sit below the level of New Mill Road. The most prominent dwelling is considered to be the one proposed at plot 4 which has a gable end close up to the roadside. It would only be the first floor level and roof space that is visible from New Mill Road and as such, Officers consider that it would not appear as an unduly prominent feature within the streetscene. The remaining plots are all set much lower down and it would principally be the roofs of plots 5-9 that would be visible from New Mill Road.
- 10.31 The proposed dwellings would sit above the height of the houses on River Holme View, which occupy the flatter valley floor, and would sit well below the height of the existing houses on the eastern side of New Mill Road, which are located higher up the side of the valley. Officers are therefore of the view that the proposed development provides a natural stepping up in the height of development up the valley side.
- 10.32 In terms of appearance, the proposals provides some variety across the development and particular design features have been incorporated to help to break up the mass of the dwellings, for example stepped frontages and fenestration detailing. The asymmetrical roof to four of the plots results in a less traditional design but Officers consider the design remains acceptable.
- 10.33 Facing materials are to be manufactured stone and imitation blue slate.

- 10.34 More specifically, the proposed roofing material is a Forticrete Hardrow Duets concrete roof tile in 'Barley', and this material was considered acceptable for the approved development at the site which is extant (under discharge of condition application 2020/92415). This material is once again considered acceptable by Officers.
- 10.35 Natural stone was previously approved at the site, but manufactured stone is proposed under this application (Forticrete Sheartstone Cotswold Village Cottage Walling). The applicant's agent has not provided any images of such walling under this application, but images of such stone were originally submitted alongside discharge of condition application 2020/92415 (although this material was not accepted by Officers). Officers have concerns how the use of manufactured stone, rather than natural stone, could reduce the quality of the development, and that the use of stone replicating that within the Cotswolds would not necessarily reinforce local distinctiveness. Officers would therefore prefer to see natural stone which would better harmonise with existing surrounding development. For this reason, Officers consider it necessary to recommend a condition outlining that notwithstanding the specified materials within the application form, samples of the external walling materials for the houses should be approved by the LPA before works to construct the superstructure of any of the dwellings commence.
- 10.36 Thus, Officers consider, that subject to conditions, the appearance of the houses would be of a good standard, and relatively similar in scale to neighbouring properties, thus complimenting existing residential development in the immediate vicinity of the site. It is also worthwhile noting that the layout and design of the dwellings is similar to that of the approved and extant scheme at the site, and this is a material consideration in the assessment of this current application.
- 10.37 In terms of landscaping, a detailed planting plan, boundary treatment plan and landscape management and maintenance plan have been submitted.
- 10.38 Regarding the hard landscaping, the boundary treatment plan outlines that the retaining wall adjacent to New Mill Road would be faced in new drystone walling. The existing drystone wall adjacent to Lancaster Lane, that forms the boundary with existing houses on River Holme View, is proposed to be repaired and raised to a maximum height of 750mm (150-200mm above the existing height). The rear gardens of plots 5-9 are proposed to have 1.8m hit and miss timber fencing. The southern site boundary and the boundaries between rear gardens and driveways on plots 1-4 would have new drystone walling to the face of the retaining wall with 800mm fencing behind (overall height 1.8m). The driveway to plot 1 where it is adjacent to Lancaster Lane would have 1.2m drystone walling. These boundary details have been approved in relation to the extant scheme at the site under Discharge of Condition application 2020/92415. Nonetheless, the use of drystone walling to the retaining walls is considered to be in keeping with the area. Officers consider that the boundary details submitted are acceptable from a visual amenity perspective.
- 10.39 The planting plan and landscape management and maintenance plan submitted are similar to previously approved under Discharge of Condition application 2020/92415 and Officers consider that these details are acceptable so as to help create a pleasant environment.

- 10.40 Given the above, and subject to conditions, Officers hold the view that the proposal would prevent detrimental harm to the visual amenities of the locality, in accordance with Policy LP24 (a) of the Kirklees Local Plan, Policies 1 and 2 of the Referendum HVNDP and Chapter 12 of the NPPF.

#### Residential amenity

- 10.41 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”*.
- 10.42 In addition to this, Paragraph 130 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.
- 10.43 Principle 6 of the Kirklees Housebuilders Design Guide SPD states that residential layout must ensure adequate privacy and maintain high standards of residential amenity to avoid negative impacts on light, outlook and avoid overlooking. For two storey houses, this SPD recommends minimum separation distances of:
- 21 metres between facing windows of habitable rooms at the back of dwellings.
  - 12 metres between windows of habitable rooms that face onto windows of a non-habitable room.
  - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
- 10.44 Policy 2 of the Referendum HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

#### *River Holme View*

- 10.45 The layout of the site is such that only proposed plots 5-9 face towards River Holme View, whilst the east side elevation of plot 1 would not have any windows (and would be over 23 metres away from the rear wall of the nearest property on River Holme View). The separation distances between new and existing habitable windows would exceed 21 metres, with the exception of one instance where there is a shortfall of approximately 2 metres, but this would be between the study window in plot 9 and a conservatory at the rear of 35 (which is on lower land therefore helping to restrict views into this conservatory). Whilst Officers acknowledge that the Housebuilders Design Guide SPD outlines that the recommended separation distances refers to 2 storey dwellings, and these dwellings proposed would be 3 ½ storey in height, the orientation of the plots 5-9 means that there is an oblique relationship between habitable windows which would help mitigate the impact of the development on the privacy of adjacent properties to the west.

- 10.46 Further to this, due to the separation distances from adjacent gardens that back onto Lancaster Lane, and the oblique angle of dwellings on plots 5-9, it is considered that undue harm in terms of overlooking would be prevented to properties on River Holme View.
- 10.47 The increase in height of the wall along Lancaster Lane is only slight and so Officers consider that it would not unduly impact on the adjacent gardens on River Holme View, that are at a lower level to Lancaster Lane.
- 10.48 Officers the proposal would therefore prevent undue harm to these properties on River Holme View in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect.

#### *238 New Mill Road*

- 10.49 Plots 1-4 would back onto 238 New Mill Road. The rear wall of this neighbouring property immediately abuts the site and predominantly forms a mainly blank elevation although it does contain four small windows; two at ground floor level floor (one window that appears to serve a garage and one that serves living accommodation) and two upper floor windows that do not appear to be principal windows for main rooms. Separation distances are approximately 11.5 metres. No comments have been received from this neighbour in response to the publicity, but it is believed that the applicant owns this land. As noted, the Housebuilders Design Guide SPD advises a minimum separation distance of 12 metres between habitable windows and non-habitable windows. Considering the nature of 3 of the windows and that a similar relationship has been accepted under the approved and extant scheme at the site, Officers deem these separation distances acceptable in this case so as to prevent undue harm in terms of loss of light, the creation of an overbearing effect and overlooking.
- 10.50 The proposed 1.8 metre high retaining wall and fencing to the southern site boundary would be immediately adjacent to 238 New Mill Road. The lower-level windows are likely to be obscured by the proposed boundary treatment, with just a narrow gap between the rear wall of No.238 and the proposed boundary treatment. Officers hold the view that the proposed boundary treatment to the southern boundary is likely to have a significant impact on the amount of natural light to these windows as well as the outlook from them, although the size and location of the windows indicates that they are not main habitable windows and so living conditions are unlikely to be significantly harmed. In normal circumstances this type of relationship would not be considered acceptable, however, given that the impact would be limited to a property that the applicant appears to own, and given that the impact is unlikely to severely harm the standard of amenity that the occupiers currently enjoy, Officers consider it can be accepted in this case.

#### *Properties on the Opposite Side of New Mill Road*

- 10.51 The existing properties to the east on the opposite side of New Mill Road are set up from the site and are considered to be well separated from the new dwellings. The dwelling at Plot 4 has the closest relationship to these adjacent properties, being approximately 21 metres away from the property known as The Himing (463 New Mill Road). It is the gable end of plot 4 that faces onto

New Mill Road and there are no habitable windows in this side elevation (only landing windows). As such, Officers consider that the proposal would not cause undue harm in terms of overlooking. Plots 5-9, which have habitable windows facing onto New Mill Road, are separated by 24-34 metres from the nearest properties on New Mill Road with a significant difference in levels and an oblique relationship existing between windows. There is also existing and proposed screen planting and boundary treatments which will further prevent any scope for undue overlooking. Officers therefore consider that the proposed development would prevent undue harm to these properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect.

### *Environmental Pollution*

- 10.52 The LPA has previously refused an application for residential development on the site (2014/93549), and this was due to the impact of a formalised carriageway serving such development upon residential amenity. It was previously considered that the proximity of the lane to adjoining rear gardens and the comings and goings associated with the development would give rise to an unacceptable detrimental impact on the amenity of adjoining properties. However, the decision was appealed and the Planning Inspector concluded that: *“the proposed access road would not have an unacceptable effect on the living conditions of nearby residents in respect to noise and disturbance”*. The Inspector was also satisfied that: *“the introduction of street lighting into the appeal site would not have an adverse effect upon living conditions of local residents”* and in any event a planning condition requiring details of the lighting scheme could be imposed in order to safeguard living conditions. The Inspector also commented that *“whilst the headlights of vehicles using the proposed access road could cause spill/glare to neighbouring dwellings, any such effect would be limited due to the low levels of traffic generated”*.
- 10.53 Following on from the conclusion from the Planning Inspector above, in the approved and extant outline application at the site Officers concluded that the impact on residential amenity from the proposed access was acceptable. However, a condition (18) was attached to the outline permission relating to street lighting of the approved means of access so to limit light spill or glare onto existing neighbouring properties. Details of lighting were provided under Discharge of Condition application 2020/92432, including an outdoor lighting report, lighting layout plan and lighting reality drawing displaying vertical illuminance. These plans displayed some light spill to the rear gardens that back onto Lancaster Lane, but this was limited to the lower parts of the adjoining gardens. The plans also show some spill within the front garden of 57 River Holme View, but this is principally a result of an existing lighting column to the front of this property. Officers were satisfied with the details provided hence and condition 18 of 2016/90138 was therefore discharged. The lighting report and lighting layout plan submitted under this Discharge of Condition application have also been submitted under this current planning application, which is similar to the approved and extant application at the site, and Officers consider that compliance with this, as well as lighting reality drawing pursuant to application 2020/92432 would help to prevent undue harm to the amenities of nearby residential properties.



### *Amenities of Future Occupiers*

- 10.54 In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* All the dwellings would comfortably exceed the minimum recommended internal floor space standards as specified in the NDSS, therefore internally, Officers consider that the proposed dwellings would provide a good standard of amenity for future occupiers.
- 10.55 Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”* The properties would all benefit from private external amenity space to the rear, and Officers consider these gardens to be of a good size.
- 10.56 Thus, in respect of residential amenity, Officers consider that the proposal would be in accordance with Policy LP24(b) of the Kirklees Local Plan, Chapter 12 of the NPPF and Policy 2 of the Referendum HVNDP.

### Highways safety

- 10.57 Access to the site is proposed via River Holme View and Lancaster Lane. Lancaster Lane forms an unmade track which serves a public footpath (HOL/32/20). It is proposed to create a carriageway along Lancaster Lane to serve the proposed development and this would join the turning head at the end of River Holme View. The site falls steeply from New Mill Road down to Lancaster Lane.
- 10.58 As noted previously, the scheme is similar in terms of quantum of development and layout to the approved and extant residential development at the site (2016/90138 and 2018/92589). Under these applications, the traffic impact resulting from the development, as well as the cumulative impact resulting from other developments in the area, on the junction on the A616 New Mill Road and Rock Mill Road were considered acceptable (i.e. the junction has the capacity to accommodate the developments). It was also considered that the approved development was unlikely to have any significant detrimental impact on highway capacity and safety. Officers consider there to be no significant change in circumstances so as to reach a different view on such matters when considering the similarity between the current application and approved scheme, and Kirklees Highways Development Management have not raised any objections on such grounds.
- 10.59 The level of parking proposed for all of the dwellings is considered to be acceptable by Officers given that it is similar to the approved scheme and is compliant with guidance within the Kirklees Highways Design Guide SPD. The general layout of the site is also considered acceptable by Officers.

- 10.60 Under the approved outline permission at the site (which is extant), Condition 14 outlined that no development shall take place until a scheme detailing the proposed internal adoptable estates roads, including works to the public footpath and measures to restrict vehicular access to New Mill Road via Lancaster Lane have been approved by the LPA. It was noted that the scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with a safety audit covering all aspects of work.
- 10.61 Under this current application, the applicant has requested that Lancaster Lane as well as the internal estate roads are not adopted, but under private ownership. The applicant has also sought to vary Condition 14 of the outline permission under application (2021/90504) so that Lancaster Lane is not adopted. This Section 73 application is pending consideration. KC Highways have raised concerns with this element of the proposal, which has not been addressed by the applicant therefore at the time of writing is considered necessary to attach a condition similar to Condition 14 of 2016/90138.
- 10.62 Third party responses have raised concerns in relation to the stability of a public highway (Lancaster Lane) and the impact this could have on neighbouring properties, but it has been established in other applications at the site for residential development that this could be fully addressed by a condition, including in the extant permission at the site. The applicant has provided plans of retaining walls with this planning application, but not the depth of information expected, including method statements for works and removal of excavations and associated safety measures for the protection of the adjacent public highway, footpath and retaining wall.
- 10.63 The applicant has tried to discharge such a condition at the site (Condition 15 of 2016/90138) under application 2021/90493, and this condition states that no development shall take place until the design and construction details of all highway retaining structures within the site have been approved. At the time of writing, the Discharge of Condition application is still pending due to concerns by KC Highways Structure not being fully addressed due to the level of detail submitted. Given this, Officers once again consider it necessary to attach such a condition.
- 10.64 Lancaster Lane, over which the access road is to be formed, serves a Public Right of Way (Hol/32/20). The Public Right of Way also forms part of the Core Walking Network within the Kirklees Local Plan. Policy LP23 of the Kirklees Local Plan states that the core walking network will be safeguarded and extended. The Policy goes on to note that proposals that may prejudice the function, continuity or implementation of the core network will not be permitted, and that existing public rights of way that form part of the core network or elsewhere will be protected and enhanced. The Public Right of Way would still exist as a consequence of the proposed development. Recommended Condition 14 would deal with design details of the footpath. If the applicant wishes for the temporary closure of the footpath to facilitate the development, the applicant will require consent for this. An informative can be attached outlining that this right of way shall not be obstructed or closed without prior written consent.

- 10.65 Given the above, subject to conditions, Officers consider that the proposal would prevent detrimental harm to highways safety in accordance with Policies LP21, LP22 and LP23 of the Kirklees Local Plan, Policy 11 of the Referendum HVNDP and Chapter 9 of the NPPF.

### Ecology

- 10.66 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 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 180 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.
- 10.67 Policy LP30 of the Kirklees Local Plan and Policy 13 of the Referendum HVNDP echo the NPPF in respect of biodiversity. Policy LP30 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.
- 10.68 The site is included within the Strategic Green Infrastructure Network within the Kirklees Local Plan, and Policy LP31 states that the development proposals should ensure the protection and enhancement of biodiversity and ecological links.
- 10.69 A Preliminary Ecological Appraisal (PEA) and Badger Survey has been submitted alongside this application. This report provides an update to information previously submitted to the LPA in relation to the extant permission of 2016/90138 (the survey for this approved application was conducted in March 2016). This previous report outlined that badger activity on the site was restricted to commuting and this was predicted to decrease with continued shrub encroachment. The report recommended mitigation measures to prevent harm to bats, birds and reptiles and these were attached as a compliance condition to the outline permission. The report also recommended a number of measures to enhance the biodiversity of the site, including bat boxes and bat bricks. The report was considered acceptable and a condition was attached to the outline permission requesting details of bat and bird boxes to be incorporated into the development.
- 10.70 The updated PEA and Badger Survey outlines moderate potential for breeding birds and commuting badgers, as well as low suitability for roosting and foraging bats. Following on from this, the survey recommends mitigation measures, including: measures to retain existing and incorporate new roosting features for bats; measures taken to avoid killing birds or destroying their nests; measures to avoid killing or injuring badgers, hedgehogs and common toads. The survey report also outlines that a range of measures should be undertaken to satisfy the requirement of ecological enhancement, such as the provision of bat roosting and foraging opportunities and bird nesting opportunities. Given the recent date of this report, its overall content and that it was prepared by a suitably qualified individual, Officers are satisfied with the findings and recommendations. Should permission be granted, Officers consider that the mitigation measures within Section 4 of this report should be conditioned to prevent adverse harm to protected species.

- 10.71 Following on from this updated PEA and Badger Survey, a plan displaying bat and bird boxes across the site has also been provided alongside the application (Drg No. TWP21-NTF-E02-001). This plan is the same plan which was been submitted under discharge of condition application 2020/92432, relating to outline permission 2016/90138 (Condition 19 of which requested details for the provision of bird and bat boxes to be incorporated into the development to enhance the biodiversity of the development). Under this discharge of condition application, KC Ecology noted that the number of bat and bird boxes proposed was sufficient, but the location of these was not appropriate, thereby reducing the likelihood of bats utilising mitigative features. Following the advice of KC Ecology, an amended plan was submitted under Discharge of Condition application 2020/92432 (Drg No. TWP20-NTF-E02-003 Rev A). This addressed KC Ecology's concerns and Condition 19 of 2020/92432 was discharged. Given that the design of the proposed scheme is the same as the approved scheme at the site, this bat and bird box plan approved under 2020/92432 on 6<sup>th</sup> August 2021 is considered acceptable in respect of this current application. Officers will therefore recommend a condition that bat and bird boxes within this revised plan are provided before the first occupation of the dwellings, and retained thereafter.
- 10.72 A third party has raised concerns that a preliminary ecological assessment has been submitted. However, it is usual practice to conduct such a survey of the site to understand the ecological features on the site to begin with and understand whether a more detailed ecology survey is required. In this scenario, given the findings of the PEA and Badger Survey, further survey work is not considered necessary.
- 10.73 A condition (22) was attached to the previous outline application at the site requesting details of the external lighting for individual properties to mitigate the impact of the development on biodiversity. Such details were approved under Discharge of Condition application 2020/92432 and given the similarities between the scheme, it is considered that a compliance condition could be attached relating to the details approved under 2020/92432.

### Trees

- 10.74 Whilst there are some trees on the application site, these are considered to be relatively young and of low amenity value. The loss of these trees is therefore considered acceptable by Officers.
- 10.75 The above said, there is one large mature Sycamore, protected by TPO 36/93, to the south within the grounds of 238 New Mill Road. The canopy overhangs the site by approximately 9 metres. The Council's Tree Officer has noted that although the canopy is high above the site, it will create a considerable area of shading and sense of overbearing to proposed plots 1 and 2. The Council's Tree Officer has raised concerns that plots 1 and 2 will be too close to the protected tree and that the proposals are likely to result in an increase in pressure to prune or fell the protected tree. The Tree Officer notes that though the Council can resist the application to fell protected trees, a Planning Inspector could take the decision to approve with more pressure to prune this tree. The Tree Officer considers that the layout of the scheme should be such as to provide additional room to a tree of this size and dominance.

- 10.76 The access for the site will also pass beneath the mature Sycamore tree and a smaller semi-mature Birch (also subject to a TPO (16/88/t3). The Tree Officer states that the impact upon these trees should be covered by an impact assessment.
- 10.77 In response to these comments from the Tree Officer, an Arboricultural Impact Assessment was received from the applicant's agent. This makes a number of recommendations so as to protect these trees, but an arboricultural method statement would also normally be required to prevent harm to these trees.
- 10.78 The Council's Tree Officer has acknowledged the planning history of the site, of note the extant permissions for a similar development, but still note concerns regarding the development upon the protected Sycamore tree. Officers understand these concerns in relation to pressure on the Sycamore Tree and this is considered to be unfortunate. That said, as the permission for a development with a layout the same as this scheme under this current application is still extant, Officers consider this to be a material consideration of substantial weight and the development from an arboricultural perspective is deemed acceptable by Officers. In relation to the impact of the access for the site on the TPO trees, it is worth emphasising that these protected trees are subject to protection.

#### Flooding and Drainage

- 10.79 Paragraphs 159-162 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.
- 10.80 The vast majority of the site is within Flood Zone 1 apart from a very minor section of the access off River Holme View to the south of the site (which is within Flood Zone 2). Flood Zone 1 is land with the lowest probability of fluvial flooding (less 0.1% chance of flooding any year), whilst Flood Zone 2 is land with a medium probability of flooding (land having between a 1 in 100 and 1,000 annual probability of river or flooding).
- 10.81 Whilst some development is required within Flood Zone 2, this being a very minor section of engineering works at the access from River Holme View, the majority of the site, including all proposed residential properties including gardens and driveways would be sited in land within Flood Zone 1. It is therefore considered that a sequential test is not required for such development, and a sequential test was not considered necessary under the assessment of the outline application at the site (which is still extant).
- 10.82 As a very minor part of the site is within Flood Zone 2, the Environment Agency were consulted. However, comments have not been received from this consultee. Officers are satisfied with the development from a fluvial flooding perspective.
- 10.83 In terms of surface water, a drainage strategy has been submitted. This outlines that surface water is proposed to be discharged to a Yorkshire Water sewer via a single flow control device rated at 5.0 l/s located at the southern boundary of the site. Two geocell tanks are proposed.

10.84 KC Lead Local Flood Authority (LLFA) have raised a number of concerns with the proposal based on the submitted drainage scheme, including: ways to prevent silt within the geocell storage tanks; that the free water storage volumes should be re-calculated for lower allowable discharge rates; that the routing of floodwater during exceedance events should be determined and should indicate no flood risk to existing or proposed properties; and temporary drainage measures to prevent silts from exposed sub-soils being washed off the site. As a consequence, KC LLFA has raised no objections to the proposal subject to a number of drainage conditions, with details being provided prior to commencement of the development. Similarly, Yorkshire Water has requested a condition of surface water drainage works as they consider the Drainage Strategy requires amendments, particularly in relation to surface water management.

10.85 A similar drainage strategy was submitted under Discharge of Condition application 2020/92432, in relation to Condition 11 of 2016/90138 (drainage strategy) and the LLFA similarly objected to this for a number of reasons. A revised Drainage Strategy was however submitted in August in relation to this Discharge of Condition application and the LLFA removed their objection to the discharge of this condition. The LPA discharged Condition 11 of 2006/90138 on 10<sup>th</sup> September 2021. Given that the scheme for this current application is the same as what has already been approved at the site (and this permission is still extant), the approved drainage details accepted under discharge of condition application 2020/92432, are also considered acceptable under this current application in respect to the treatment of surface water. Should permission be granted, Officers would recommend a condition that the drainage scheme is provided before any piped discharge of surface water from the development takes place and before any occupation of the development.

#### Other matters

##### *Contamination:*

10.86 The Council's Environmental Health Officer (EHO) has noted that whilst Phase II reports and Phase III Remediation Strategies have been submitted alongside this planning application, no Phase I report has been submitted. The EHO has stated that such a preliminary risk assessment is required to begin with to establish whether there are any potentially unacceptable risks arising from contamination at the site. The EHO goes on to note that in the absence of a Phase 1 assessment, the site's historical land use, site setting and the associated risks from contaminants to receptors are unspecified, and consequently, it is unclear whether all potential risks to site receptors have been identified and assessed. For this reason, the EHO has requested full staged land contamination conditions.

10.87 Whilst the concerns of the EHO are noted, a Phase I report for the site has already been submitted under a previous application at the site. A Phase I was submitted under Discharge of Condition application 2020/92432 and approved on 8/6/2021, which relates to the outline permission at the site for residential development (2016/90138). Under this discharge of condition application, the EHO noted they were satisfied with the Phase 1 report. The Phase II and Phase III reports submitted under this current planning application were also deemed acceptable by the EHO under Discharge of Condition application 2020/92432 and were discharged by the LPA on the same date. Given the site under

2016/90138 is similar to this site under this current application, and the relatively recent dating of the reports, Officers consider that such staged conditions are not required as stated by the EHO, but that a condition should be attached stating that the remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved under Discharge of Condition application 2020/92432. Such a condition should highlight the steps to take if remediation is unable to proceed in accordance with the approved remediation strategy or contamination not previously considered is identified. A condition requesting a validation report is also considered necessary by Officers.

*Planning Obligations & Infrastructure:*

- 10.88 A third party concern has been received regarding the impact of the development upon local services (schools, dentists and doctors etc). However, the number of dwellings proposed under this application does not trigger contributions towards health or education with reference to the Local Plan. It is pertinent to note that such contributions were not sought for the approved scheme for 9 houses at the site which is still extant.
- 10.89 It is noted that the approved and extant development was subject to an off-site contribution towards open space. However, since the approval of this application, the Kirklees Open Space SPD has since been adopted (June 2021), and this outlines that the trigger for such contributions is 11 dwellings or over. For this reason, Officers are not seeking such contributions. For schemes under 11 dwellings, there is also no requirement to provide open space.
- 10.90 Yorkshire Water have recommended a compliance condition in order to allow for sufficient access for maintenance and repair work at all times. This recommended condition outlines that no building or other obstruction including landscape features shall be located 3.5 metres either side of the centre line of the public 450mm diameter sewer and 3 metres either side of the centre line of the 375mm diameter sewer and this can be conditioned should permission be granted. A similar condition was attached to the extant permission at the site.

*Climate Change:*

- 10.91 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.92 Given the above, and in accordance with the West Yorkshire Low Emissions Strategy, Officers would like to see an electric vehicle recharging point installed within the dedicated parking area/garage of each of the dwellings. A plan has been provided displaying a charging point on the driveway of each proposed dwelling, and the plan notes that the cable and circuitry ratings would ensure a

minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. These details are considered acceptable by Officers and it will be conditioned that these are installed before the dwelling to which the recharging point relates is first occupied.

- 10.93 Policy 12 of the Referendum HVNDP states that all development is expected to be designed to contribute a number of elements of sustainability, including promoting renewable energy and energy efficient. This policy outlines that the requirements should be met unless it can be demonstrated that this would render the development unviable. Whilst a sustainability and energy statement has not been submitted alongside the application, given that there is extant permission at the site for something similar which does not outline how the development will be made energy efficient or promote renewable energy, and that electric vehicle charging spaces are to be conditioned, it is not considered necessary or reasonable to attach a condition requesting such a statement in this case.

*Construction:*

- 10.94 Compliance with the Construction Management Statement (reference Arcuss Ltd, August 2020, Rev – 2), pursuant to Discharge of Condition application 2020/92415 is considered necessary to protect the health and safety of construction workers, the living conditions of existing nearby occupiers and in the interests of highway safety, and this can be conditioned.

Representations

- 10.95 9 letters of representation have been received, 6 of which raise objections and 3 of which raise general comments on the scheme. The comments raised have been mainly addressed in the above assessment of this committee report. However, Officers will now address any outstanding comments below:

- Third Party Comment: Devaluation of property prices.

Officer Response: This is not a material planning consideration in this case.

- Third Party Comment: Why has it taken the developer so long to submit their discharge of condition application? If issues cannot be resolved, this suggests that the site is not suitable for development (topography and access issues).

Officer Response: It is not the responsibility of Officers to ask such a question, but Officers consider that the proposal can be implemented.

## **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 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.



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

1. Development shall be begun within three years of the date of the permission.
2. Development to be in complete accordance with plans and specifications (unless specified otherwise).
3. Notwithstanding details provided, samples of stone for the external walls of the dwellings to be approved prior to the construction of dwellings above slab level.
4. The external roof of the development to be Forticrete Hardrow Duets roof slate in 'Barley' as specified in the application form.
5. Retaining walls within the site shall be faced in a 140mm Split Face Tumbled Stone from Abacus Stone Sales as approved under Discharge of Condition application 2020/92415.
6. Hard and soft landscaping of the site in accordance with Boundary Treatment Details plan (Drg No. TWO20-NFT-E02-004), Detailed Planting Plan (Drg No. PL62L01 Revision PR1) and Landscape Management and Maintenance Plan (ref: PL62R01 Rev P02, dated 30/11/2020). The approved planting scheme shall be maintained for a period of five years from its completion.
7. Development to be in accordance with the Preliminary Ecological Appraisal and Badger Survey undertaken by The Ecological Consultancy (Ref: B5610 Version 1) dated 23/04/2021 incorporating all of the recommendations set out in Section 4 (Potential Impacts and Recommendations).
8. Construction arrangements in accordance with the Construction Management Statement (reference Arcuss Ltd, August 2020, Rev – 2), pursuant to Discharge of Condition application 2020/92415.
9. Remediation of the site in accordance with the Phase III Remediation Strategy GEOL Consultants dated 4<sup>th</sup> August 2021 (ref: GEOL20-9775) and Phase III Remediate Strategy -Hot Spot Delineation by GEOL Consultants dated 05/04/2021 (ref: GEOL20-9775) pursuant to Discharge of Condition application 2020/92432. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered or encountered on site, all works on site shall cease immediately and the LPA shall be notified.
10. Following the completion of any measures identified in the approved remediation strategy, a Validation Report shall be approved in writing by the LPA prior to any of site being brought into use.
11. Development in accordance with Drainage Strategy prepared by Holloway Jennings (reference number: Bm/5017/Drainstrat) dated 13 August 2021 pursuant to Discharge of Condition application 2020/92432. The drainage scheme shall be provided before any piped discharge of surface water from the development takes place and before any occupation of the development.
12. No building or other obstruction shall be located over or within: 3.5 metres either side of the centre line of the public 450 mm diameter public sewer; and 3 (three) metres either side of the centre line of the public 375 mm diameter public sewer.
13. An electric vehicle recharging point shall be installed within the dedicated parking area of each of the approved dwellings in accordance with Drawing No. TWP21-NFT-E02-002 before the dwelling to which the recharging point relates is first occupied.
14. No development shall take place until a scheme detailing the proposed internal adoptable estate roads including works to the public footpath and measures to restrict vehicular access to New Mill Road have been approved.
15. No development shall take place until the design and construction details of all highway retaining structures within the site have been approved.

16. All external vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' before the dwellings to which they relate are first occupied.
17. Street lighting in accordance with Lighting Layout Plan (Drg No. 1258-DFL-HLG-XX\_XX-DR-EO-1301 Rev A) and Outdoor Lighting Report by Designs for Lighting (Ref: 1258) dated 1/6/2020, as well as Lighting Reality drawing (ref: 1258) dated 1/6/2020 pursuant to Discharge of Condition Application 2020/92432.
18. Bird and bat boxes in accordance with Bird and Bat Mitigation Plan (Drg No. TWP21-NTF-E02-001 Rev A) pursuant to Discharge of Condition Application 2020/92432, and shall be provided before any of the dwelling to which they relate are first occupied.
19. External lighting for individual properties in accordance with Property Lighting Plan (Drg No. TWP20-NTF-E02-003 Revision A) pursuant to Discharge of Condition Application 2020/92432, and provided before the dwelling to which the lighting relates is first occupied.

### **Background Papers:**

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F91578>

Certificate of Ownership – Certificate A signed

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

**Date: 09-Dec-2021**

**Subject: Planning Application 2021/90126 Erection of extensions and alterations to existing coach house to form annexe accommodation associated with Coachways, 1a Dingley Road, Edgerton, Huddersfield, HD3 3AY and partial demolition of existing bungalow with re-build to form 2 storey dwelling (within a Conservation Area) Coachways, 1a Dingley Road, Edgerton, Huddersfield, HD3 3AY**

#### **APPLICANT**

V Bains

#### **DATE VALID**

14-Jan-2021

#### **TARGET DATE**

11-Mar-2021

#### **EXTENSION EXPIRY DATE**

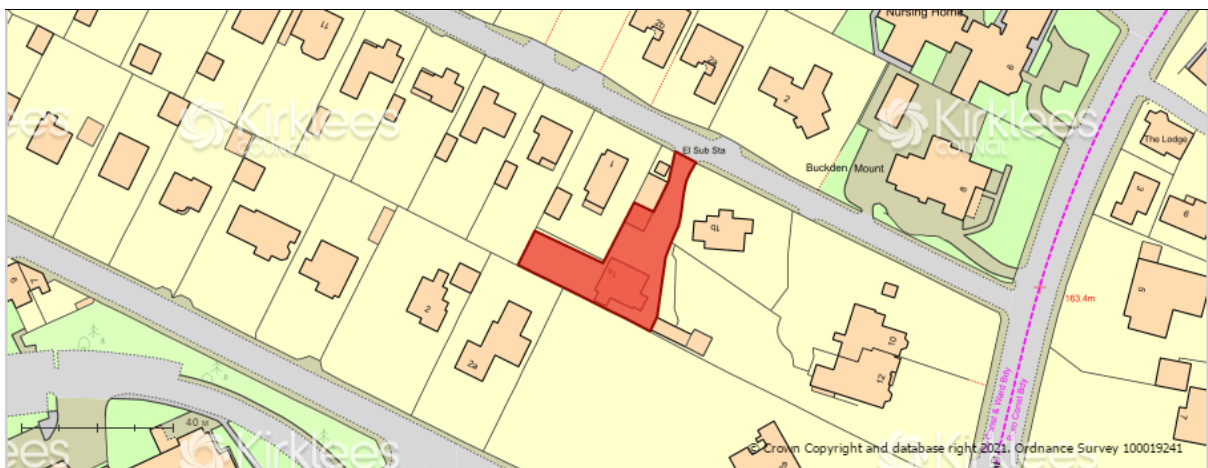
21-Apr-2021

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### **LOCATION PLAN**



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

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**Electoral wards affected: Lindley**

**Ward Councillors consulted: No**

**Public or private: Public**

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**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.

**1.0 INTRODUCTION:**

1.1 This application has been brought to Huddersfield Sub-Committee at the request of Ward Councillor Burke who has provided the following reasons:

1. Overspill of on-street parking problems resulting from insufficient parking spaces to cater for the proposed development, contrary to the Council's own Highways Design Guide and planning policy. This will lead to highway safety problems for the neighbouring property and on Dingley Road. The car parking has been reduced from 4 to 3 spaces which makes the situation more difficult.
2. The development comprises a new independent dwelling as opposed to the 'annexe' to the main house, which has further implications for off-street parking demand. This makes it a five bedroomed development, increasing it from a two bedroomed bungalow.
3. Insufficient space on the applicant's plot to accommodate the proposed development.
4. Residential amenity issues caused by overlooking from the proposed development.

1.2 The Chair of Sub-Committee has accepted the above reasons for making this request, having regard to the Councillor's Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application relates to the Coachways, 1a Dingley Road, Edgerton a detached bungalow faced in render and stone, with a tiled roof. To the North of the site is a detached outbuilding, of which the applicant has part ownership. The ground floor serves as a storage area, with office space above.

2.2 The host dwelling benefits from an area of hardstanding to its front elevation, along with a landscaped garden to the South West. Vehicular and pedestrian access is taken along a shared driveway onto Dingley Road. This serves as access for 1B Dingley Road, with a right of way also running through the site for no. 12 Thornhill Road, as they own the detached outbuildings to the South East of the application site. Boundary treatment consists of timber fencing and stone walling.

- 2.3 The site is situated within a predominately residential area, whereby the neighbouring properties vary in design and form. This includes Grade II listed buildings at nos. 10 and 12 Thornhill Road to the east of the site, no. 1B Dingley Road, previously referred to, which is a one-and-a-half storey property of around 30 years old to the north east of no. 1A and the east of the detached outbuilding. The site is also situated within Edgerton Conservation Area on the Kirklees Local Plan.

### **3.0 PROPOSAL:**

- 3.1 Permission is sought for the partial demolition of the existing bungalow (no. 1A) with re-building with extensions to form a two storey dwelling. It is also proposed to extend and alter the existing coach house to form annex accommodation to no. 1A.
- 3.2 The resultant two-storey dwelling would be 10.8m in width by 14m in depth, with an eaves height of 5.6m and an overall height of 8.1m. Its design features include a dual pitch projecting front gable, along with mullioned windows. To the North Western elevation, the plans show a single storey flat roof addition, with a projection of 3m, a width of 6.6m and an overall height of 3.6m (including a lantern light). The new dwelling would provide an open plan dining/kitchen and orangery along with a sitting room at ground floor. At first floor four bedrooms, an en-suite and a bathroom would be provided.
- 3.3 In terms of the annex accommodation, the existing coach house would be extended by 0.9m to the South at two-storey height, along with an additional single storey extension. This would have a projection of 4.5m, a depth of 2.5m and an overall height of 3.9m. Internally the works would provide a kitchen/lounge, W.C at ground floor alongside a bedroom and en-suite at first floor.
- 3.4 The extensions to the coach house and the extensions and alterations of the host property to form a two-storey dwelling would be constructed from natural stone with blue slate roofs. New windows and doors would be finished in timber to match.
- 3.5 Three parking spaces are indicated to be provided to serve the dwelling and its associated annexe accommodation, along with one visitor parking space.

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

- 4.1 2016/93616 Erection of extensions and alterations to existing coach house to form annexe accommodation associated with Coachways, 1a Dingley Road, Edgerton, Huddersfield, HD3 3AY and partial demolition of existing bungalow with re-build to form 2 storey dwelling (within a Conservation Area) – Granted.

2014/90369 Partial demolition of existing bungalow into 2 storey dwelling and re-building (within a Conservation Area) – Granted

2011/91069 Erection of extension and conversion of existing Coach House into annexe (within a Conservation Area) – Granted.

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

- 5.1 Officers have entered into multiple discussions as part of this application in order to clarify on site parking and internal turning, private rights of access and bin storage and collection details.

## **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<sup>th</sup> February 2019).
- 6.2 The site is situated within Edgerton Conservation Area on the Kirklees Local Plan.
- 6.3 Kirklees Local Plan (2019):
- **LP1** – Achieving sustainable development
  - **LP2** – Place shaping
  - **LP21** – Highway safety
  - **LP22** - Parking
  - **LP24** – Design
  - **LP30** – Biodiversity
  - **LP35** – Historic environment

### Supplementary Planning Guidance / Documents:

- 6.4 Householder Design Guide and Housebuilders Design Guide (SPDs)  
Kirklees Council has adopted supplementary planning guidance on house extensions and new development which now carry full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that both SPD's will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions and new development.
- 6.5 Edgerton Conservation Area Appraisal
- 6.6 KC Highways Design Guide 2019

### National Planning Guidance:

- 6.7 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 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 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application has been advertised by site notice, neighbour notification letters and the press. Final publicity expired on the 14<sup>th</sup> May 2021.
- 7.2 As a result of the above publicity, four representations have been made, from a planning consultancy on behalf of a neighbouring resident. A summary of the concerns are as follows:
- Concern to whether the coach house can be viewed as annex accommodation, as it is self-contained accommodation.
  - Concerns regarding the number of parking spaces for both the main dwelling and the annex.
  - There is concern regarding internal turning, especially if all four spaces are occupied. Also because of this, there would be an overspill of on street parking on Dingley Road which would have a detrimental impact on highway safety.
  - The conversion of the coach house could restrict neighbouring development.
  - There are concerns regarding overlooking from the habitable room windows proposed within the front elevation of the coach house.
  - Overdevelopment of the site.
  - The previous 2016/93616 should not have been granted.
  - The improvement to internal turning is not considered to overcome the concerns originally raised.
  - The amended plans are seen to be worse than the original proposal.
  - The red line boundary on the site plan does not match the red line boundary outlined on the location plan.
  - The parking spaces would be difficult to use and cannot operate properly, given that two spaces would be 'blocked in' by the car in front.
  - A right of access has been outlined on the plan, however, this falls outside of the red line boundary is not a right of way that the applicant is legally entitled to.
  - The proposal falls short of the requirements of four parking spaces.
- 7.3 Given the amendments sought to improve internal turning, officers considered it appropriate to re-advertise the application via a 10 day neighbour notification letter on the 4 May 2021. Since then, a final set of amended plans were received on the 18<sup>th</sup> November, after clarifying rights of access. These amended plans were not considered necessary to be advertised, as the development would not unduly impact upon neighbouring properties over and above the original scheme which residents have had two opportunities to comment on previously.
- 7.4 Ward Councillor comments:  
Cllr Burke: Requested the application be referred to planning committee for the reasons set out in the introduction of this report.

## **8.0 CONSULTATION RESPONSES:**

- KC Highway DM: No objection as the principle of having annex accommodation at the site has already been established. In this case, the latest plans submitted on the 18<sup>th</sup> November demonstrate parking to the levels recorded within the Highways Design Guide, along with internal turning within the red line boundary. . Nonetheless, officers have requested that a condition is attached to the decision notice to ensure that the annex is only used as an ancillary building to the main house.
- KC Environmental Health: No objections subject to conditions being attached to the decision notice regarding the finding of unexpected land contamination and the installation of an electric vehicle charging point.
- KC Conservation and Design: No concerns from a heritage perspective.
- KC Trees: No objection to the loss of the tree and conifer, in order to make way for the new parking area.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Other matters
- Representations
- Conclusion

## **10.0 APPRAISAL**

### Principle of development

#### *Heritage*

- 10.1 The site is located within Edgerton Conservation Area and is also adjacent to two listed buildings. Therefore, Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of listed buildings or land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.
- 10.2 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.
- 10.3 Furthermore, LP35 states "development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm". Whether harm exists, and whether it is substantial or less than substantial, is assessed in the report.



- 10.4 As well as this, LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district.
- 10.5 Alongside the above, permission has been previously granted under applications 2016/93616, 2014/90369 and 2011/91069 for the extensions and alterations to the coach house into annex accommodation and for the partial demolition and rebuild of the bungalow into a two storey dwelling. The principle of such development has therefore been established as assessed against national and local policy at that time. As such, the principle of development has been considered acceptable.

#### Urban Design issues

- 10.6 Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.
- 10.7 Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following: ‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.
- 10.8 The Housebuilders Design Guide SPD is also relevant which sets out a number of design principles, the key ones related to this application are:
- Principle 2 states that development should, take 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
  - Principle 5 states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.
  - Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.
  - Principle 14 states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.
  - Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.
- 10.9 Dingley Road is characterised by large, detached houses, many of which are two storey and set in moderate sized plots, set back from the road frontage. The predominant material of construction in close vicinity of the application site is stone.

- 10.10 In this case, officers have noted that the current dwelling appears to be within a tired state and therefore has minimal, if any environmental value. The existing property itself does not have any significant architectural features and therefore detracts from the character of the surrounding properties. This is also reinforced with Edgerton Conservation Area Appraisal whereby the site is highlighted within Character Area 1 as being a negative factor. As such, the properties demolition and re-build is greatly welcomed from a residential and conservation perspective.
- 10.11 The submitted plans show the proposed dwelling to be set over two floors, along with an extended ground floor. In this context, the new dwelling is considered to be of an appropriate size and scale, with a layout in which complements the sites unique curtilage. Therefore, it is considered that the works to increase the footprint and overall height of the building would respect the general surrounded development and would integrate sympathetically without appearing overly dominant or obtrusive on this infill plot. This is considered to comply with the aims of the aforementioned design principles within the Councils Housebuilders Design Guide SPD.
- 10.12 With regards to materials, the new dwelling would be constructed from natural stone with a blue slate tiled roof, which would enhance the visual amenity of the area and improve the character of this plot, in accordance with Paragraph 5.4 of Edgerton's Conservation Area Appraisal. As the document states that all *"historic buildings within the character area are constructed with natural stone walls, a pitched roof covered either in natural stone slate, blue slate or tiles"*.
- 10.13 The design of the new dwelling has also been considered acceptable from a visual perspective. The new mullion windows and turn gable would also enhance the character of the area and would be in keeping with the neighbouring property at no. 1B Dingley Road. This is to accord with Policies LP24 and LP35 of the Kirklees Local Plan.
- 10.14 Turning to the extensions and alterations to convert the existing coach house into annex accommodation, officers consider the physical alterations to appear sympathetic to the host building, conservation area and the setting of the Listed Building to the East. More so, this would allow the building to continue to make a positive contribution to the Conservation Area in line with the details held within the appraisal.
- 10.15 More specifically, the part of this building in which is under the applicants ownership will be extended at two storey by 0.9m and additionally at ground floor by 4.5m. In this case, the extensions are considered to sit comfortably, especially when viewed against the existing outbuilding. As such, no concern is raised regarding overdevelopment, especially given the fact that the principle of having this form of development has been previously approved.
- 10.16 Consultations have also been undertaken with Conservation and Design officers, whereby they have confirmed no concerns with the design of the proposal or its impact on the surrounding Conservation Area. In this case, the extensions will be constructed from stone with a blue slate roof to match. Furthermore, the garage door would be removed on the principle elevation and replaced with four large, elongated windows. Two smaller windows, a pedestrian door and a canopy would also be installed within the single storey extension.

- 10.17 Furthermore, the submitted plans also show that the site can adequately accommodate the development and therefore it is not considered appropriate to withdraw permitted development rights, as the site falls within the Conservation Area and therefore any extensions to the side and front of the property would be restricted.
- 10.18 As such, it has been considered that the proposed design, scale and layout would make efficient use of the land and would not cause detriments to the visual amenity of the site, nor the wider Conservation Area. A significant weight has also been afforded to the previous scheme and therefore, the proposal is considered to comply with Policies LP24 and LP35 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide and the House Extensions and Alterations SPD, Edgerton Conservation Area Appraisal and Chapters 12 and 16 of the NPPF.

### Residential Amenity

- 10.19 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 House Builders Design Guide 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.
- 10.20 The impact of the development on each of the surrounding properties will be assessed in turn. In this instance, the nearest residential dwellings to the application site are nos 1 and 1b Dingley Road, 12 Thornhill Road and 2A Occupation Road.
- 10.21 1b Dingley Road is the neighbouring property to the North East/East of the host property and the detached outbuilding. It has been noted that these neighbours' own part of the existing coach house.
- 10.22 In this instance, it has been assessed that any impact from the additional bulk and massing to re-develop the existing bungalow would not be detrimental. This is due to these neighbours being situated further forward within their plot. The orientation of the host property with no. 1b also helps mitigate some of the overbearing, and therefore the principle of having a two storey dwelling within this location can be supported. Habitable room windows within the principle elevation would also look directly to the North, onto the existing hardstanding and therefore there would be no significant loss of privacy. More specifically, a separation distance of approximately 15.7m would be retained to these neighbours' single storey flat roof addition.
- 10.23 With regards to the alterations and extensions to convert the outbuilding into annex accommodation, officers have noted that the additional built form would have a limited overbearing impact upon these neighbours' amenity. This is due to the majority of the side extension being retained at single storey. There would also be no further overshadowing, given that these neighbours and their private amenity space is situated to the East.

- 10.24 With reference to overlooking, the submitted plans show the existing garage door to be removed and replaced with four elongated windows. Two small openings will also be inserted into the single storey extension to serve the kitchen and W.C. At first floor the enlarged dormer would serve the bedroom. As such, it has been noted that the proposal would have the potential to impact upon these neighbours' amenity, given that its use will be altered from office/storage to residential. However, the principle of having this relationship has already been previously established under the 2016 application, with officers also noting that a separation distance of approximately 15m will be retained to these neighbours' first floor side openings. At ground floor, four elongated windows are proposed in replace of the existing garage door, which would be substantially screened by the existing large hedge row.
- 10.25 Having taken into account the above, it has been noted that the development would retain an acceptable level of amenity at these neighbours, in line with Policy LP24 of the Kirklees Local Plan.
- 10.26 1 Dingley Road is the neighbouring property situated to the North West of the application site. It has been assessed that there would be no material impact upon these neighbours' amenity, as a result of the additional development proposed.
- 10.27 More specifically, with reference to the extensions to the main property, it has been noted that these neighbours are situated further forward within their plot, with the main habitable room windows being within the Eastern and Western elevations. Therefore, given that the host property is situated to the South any impact would not be undue. In terms of overshadowing, it has been noted that the increase in built form would have some impact upon these neighbours' outdoor amenity, however, this would not be a cause for concern, as the host property is situated to the East of the plot. Alongside this, any loss of privacy would be limited, as the new dwellings principle elevation would not have a direct relationship with no. 1 Dingley Road.
- 10.28 Officers are also satisfied that the works to convert and extend the outbuilding to form annex accommodation, would not generate any further impact upon these neighbours' amenity. This is due to there being a sufficient boundary wall in place in which would mitigate the majority of any overbearing and overshadowing. Furthermore, the outbuilding would only be extended at two storey by 0.9m and the new dormer window would not exceed the ridge height of the existing building. As a result, there would be limited overbearing, overshadowing and overlooking upon these neighbours' amenity.
- 10.29 12 Thornhill Road is the residential property to the East of the application site. It has been assessed that there would be no detrimental impact upon these neighbours' amenity, as a result of the works proposed as a separation distance of at least 45m would be retained, to the nearest rear elevation.
- 10.30 2A Occupation Road is the neighbouring property to the South West of the application site. Given that the host property is situated close to the shared boundary between these neighbours and that the works would intensify the built form at the site, there would be some impact upon this property.

- 10.31 However, it has been considered that any impact would not be undue as no. 2A is situated to the South. The submitted plans also show high levelled windows to be inserted into the rear elevation of the host property, in order to provide some sun light into the kitchen. Velux windows for both rear bedrooms are also proposed. However, given that these would be secondary any loss of privacy onto these neighbour's outdoor amenity space is not considered to be detrimental. There would also be no further impact from the works to the existing outbuilding and therefore this relationship can be supported.

*Amenity of the future occupiers*

- 10.32 Principle 16 of the Housebuilders Design Guide seeks to ensure the floor space of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).
- 10.33 In this case, it has been noted that the new dwelling would have an acceptable amount of living space, as an internal floor space of approximately 240 sq.m would be provided. This would be significantly above the nationally described space standards for a four bedroom dwelling. With regards to the annex accommodation, this would also have an acceptable internal floor space of 65 sq.m which each habitable room also benefitting from an opening. This has been considered acceptable
- 10.34 In terms of rear amenity space, Principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is function and proportionate to the size of the dwelling and the character / context of the site is provided. In this case, the outdoor amenity space would be retained to the West of the replacement dwelling, which will be enjoyed by the occupants of the host property and the annex. This will also highlight the annex's dependence of the main property, as officers would not support a new dwelling within this location without any outdoor amenity space being provided. For these reasons, the proposal is considered to comply with Policy LP24 of the Kirklees Local Plan, Principles 6, 16 and 17 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

Highway issues

- 10.35 KC Highways DM have been formally consulted as part of this application, as the proposal seeks permission to re-build a larger dwelling and to convert the existing outbuilding into annex accommodation.
- 10.36 In this instance, the officer has referred back to the 2016 permission, outlining that access will still be taken from the shared driveway, which has a width of 3.5m at its narrowest point accommodating both the application site and one other dwelling, along with a private right of access for no. 12 Thornhill Road. Various discussions have been held with the agent in line with the concerns raised as part of the publicity and therefore final amended plans were received on the 18<sup>th</sup> November 2021.

- 10.37 Having reviewed the amended plans, Highways Officers are in full support of the scheme, as the plans demonstrate parking to the levels recommended in the Council's Highways Design Guide SPD. This includes three on site parking spaces for a 4+ bedroom dwelling. Alongside this, internal turning has also been demonstrated within the red line boundary, through the submission of swept paths. These demonstrate that access and egress can be taken from and onto Dingley Road in forward gear.
- 10.38 Furthermore, in order to overcome the concerns raised in the neighbour representations, officers would be looking to secure a condition on the decision notice to ensure that the annex accommodation is used in association with no. 1a and is not sold or rented out separately. This is considered necessary in order to ensure that there are no further implications to highway safety and parking, in accordance with Policies LP21, LP22 of the Kirklees Local Plan and Kirklees Highways Design Guide.

#### Other matters

- 10.39 *Bats* - The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential. In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats. However, a note would be attached to the decision notice to state that bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. Therefore, should any bat roosts be found during the demolition of the building, works should cease and the applicant is advised to contact Natural England for advice.
- 10.40 Alongside the above, in order to comply with the aims of LP30, proposals should provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat create where opportunities exist. In this case, a condition would be attached to the decision notice to state that a bat box shall be installed within the southern elevation of the host dwelling during the construction period. This is to accord with LP30 of the KLP and Chapter 15 of the NPPF.
- 10.41 *Climate change* - On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

- 10.42 In this case, it has been noted that the works would be constructed to modern building regulations which would aid improving the overall thermal efficiency of the property and the annex accommodation. The use of large areas of glazing to habitable rooms would also reduce the need for artificial light and improve solar passive gain.
- 10.43 *Trees* – KC Trees have been consulted as part of this application, as the new driveway/parking area for the property would result in the loss of an existing tree and conifer. Whilst these can be seen from public vantage points, they are well set back within the site and therefore their loss would not be inconsequential from an amenity value perspective. As such, the application would accord with Policy LP33 of the Kirklees Local Plan.

### Representations

- 10.44 As a result of the above publicity, four representations have been received from a planning consultancy on behalf of a neighbouring resident. A summary of the concerns, along with officer comments are as follows:
- Concern to whether the coach house can be viewed as annex accommodation, as it is self-contained accommodation.  
*Comment: The principle of having annex accommodation at the site has already been established under the previous planning applications. The proposal is considered to be of appropriate size for annex accommodation and to secure the buildings future use, a condition is attached to the recommendation to state that it cannot be sold or rented separately, to ensure that it is used as annex accommodation.*
  - Concerns regarding the number of parking spaces for both the main dwelling and the annex.
  - There is concern regarding internal turning, especially if all four spaces are occupied. Also because of this, there would be an overspill of on street parking on Dingley Road which would have a detrimental impact on highway safety.
  - The improvement to internal turning is not considered to overcome the concerns originally raised.
  - The amended plans are seen to be worse than the original proposal.
  - The parking spaces would be difficult to use and cannot operate properly, given that two spaces would be 'blocked in' by the car in front.
  - The proposal falls short of the requirements of four parking spaces.  
*Comment: These concerns have been noted by Highways Officers, however, a full assessment upon the impact on highway safety and parking can be found within the committee report.*
  - The conversion of the coach house could restrict neighbouring development.
  - There are concerns regarding overlooking from the habitable room windows proposed within the front elevation of the coach house.  
*Comment: A full assessment upon the impact on residential amenity has been undertaken within the report above.*

- Overdevelopment of the site.  
*Comment: Officers do not consider the scheme to result in the overdevelopment of the site.*
- The previous 2016/93616 should not have been granted.  
*Comment: The previous scheme was assessed with regards to local and national planning policy as was granted.*
- The red line boundary on the site plan does not match the red line boundary outlined on the location plan.  
*Comment: This has been noted and therefore updated plans have been provided to show the development only taking place on land within the applicant's ownership.*
- A right of access has been outlined on the plan, however, this falls outside of the red line boundary is not a right of way that the applicant is legally entitled to.  
*Comment: This has been noted, however, the right of access identified on the proposed site plan, is to demonstrate that of no.12's, at the request of officers. This is to ensure that any private right of access will be retained as part of this application.*

## **11.0 CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favor 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 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

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

1. Standard three-year time frame
2. Development to be completed in accordance with approved plans and specifications
3. The external walls and roofing materials to match those use in the construction of the existing outbuilding/host property.
4. The residential annexe accommodation approved as part of this permission shall be used by the occupants or relative of the 1a Dingley Road and shall not be sold/rented separately.
5. One bat box shall be installed within the rear exterior wall of the main property before the development is first brought into use.



6. One electric vehicle recharging point shall be provided within the area of hardstanding before the development is first brought into use.
7. The reporting of any unexpected land contamination.
8. New hardstanding to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas).

**Background Papers:**

Application and history files

[Planning application details | Kirklees Council](#)

Weblink to application

[Planning application details | Kirklees Council](#)

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

**Date: 09-Dec-2021**

**Subject: Planning Application 2021/91971 Erection of single storey extension and associated alterations The Barn, New Laithe Bank, New Laithe Lane, Holmfirth, HD9 1HL**

#### **APPLICANT**

Mr & Mrs J Belfield

#### **DATE VALID**

20-May-2021

#### **TARGET DATE**

15-Jul-2021

#### **EXTENSION EXPIRY DATE**

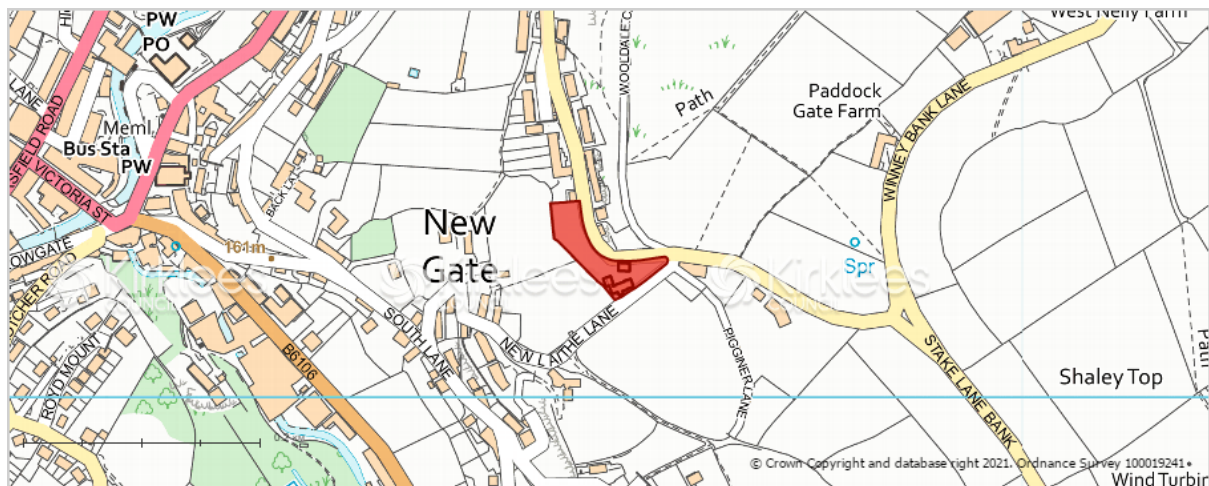
05-Nov-2021

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### **LOCATION PLAN**



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

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**Electoral wards affected: Holme Valley South**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION: REFUSE**

1. The proposed development, when considered cumulatively with the previous extensions to the property, would form disproportionate additions to the original building which would represent inappropriate development within the Green Belt. Furthermore, it would cause other harm by reducing the openness of the Green Belt by building on land which is currently open. There are no very special circumstances to clearly outweigh the harm the development would have on the Green Belt by reason of inappropriateness and other harm. The proposal fails to accord with the requirements of Policy LP57a of the Kirklees Local Plan and Policies within Chapter 13 of the National Planning Policy Framework.

**1.0 INTRODUCTION:**

- 1.1 The application is brought to Planning Sub Committee at the request of Ward Councillor Firth who has provided the following reason:

*“ The double garage of yesteryear is a separate item and should not be lumped in with the extensions to the dwelling. Therefore, the development would not impact upon the surroundings”.*

- 1.2 The Chair of Huddersfield Sub-Committee has accepted the reason for making this request, having regard to the Councillor’s Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The site relates to The Barn, New Laith Bank, a single storey detached dwelling constructed from stone with a slate roof. To the North East is an area of hardstanding, along with the properties main outdoor amenity space. A detached double garage also lies to the North of the site, which was approved under (2002/94141). Pedestrian and vehicular access can be taken from the South Eastern boundary onto New Laithe Lane. Boundary treatment consists of drystone walling. The site also slopes from East to West, due to the changes in topography within the wider area.
- 2.2 The site is situated within a small cluster of residential properties, given its location within the Green Belt.

**3.0 PROPOSAL:**

- 3.1 The applicant is seeking permission for the erection of extension and associated alterations. The measurements of the extension would be 7m in length by 6.9m in width, with an overall height of 5.1m. The extension would be

constructed from stone with a slate roof to match the host property. Internally, the works would provide a guest bedroom and lobby. On site parking would be retained on the existing hardstanding.

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

##### **4.1 At the application site:**

2010/90355 Erection of single storey extension – Granted

2002/94141 Erection of detached double garage - Granted

91/00085 Retrospective application for rebuilding part of barn to form dwelling - Granted

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

- 5.1 The officer contacted the agent to advice that the proposal represented a disproportionate addition to the host property, which in turn would be harmful to the Green Belt. In this instance, no very special circumstances have been provided. The agent has however, attempted to justify the development from a design perspective, however, in the opinion of officers, this is not considered to outweigh the harm.

#### **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<sup>th</sup> February 2019).

The site is located within the Green Belt on the Kirklees Local Plan.

##### **6.2 Kirklees Local Plan (2019):**

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highway safety
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity and geodiversity
- LP 53 - Contaminated and unstable land
- LP 57 – The extension, alteration, or replacement of existing buildings

##### **6.3 Supplementary Planning Guidance / Documents:**

- *House extensions and alterations*

Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

- *Highways design guide.*

#### 6.4 Holme Valley Neighbourhood Plan:

The Holme Valley Neighbourhood Development Plan has been passed in a referendum on 4th November 2021. The next and final stage for making (bringing into force) the Plan will be at Full Council on 8th December 2021. Until formally adopted the Plan remains a material planning consideration in decision making and weight must be attributed in accordance with NPPF (July 2021) Paragraph 48. When weighing material considerations in any planning judgement, it is always the case that what is material is a legal fact, and the weight to be attributed thereto is, as always, for the decision makers to ascertain.

Therefore, the policies most relevant are:

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

#### **The application site is within Landscape Character Area 4, the River Holme Settled Valley Floor.**

One key characteristic of the area is framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

Key built characteristic of the area are:

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.

- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

## 6.5 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 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 12 – Achieving well designed places
- Chapter 13 – Protecting the Green Belt
- Chapter 15 – Protecting and enhancing the natural environment

## 7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised by neighbour notification letters, as set out in Table 1 of the Kirklees Development Management Charters. Final publicity expired on the 29<sup>th</sup> June 2021. As a result of the above publicity, no representations have been received.

7.2 Holme Valley Parish Council: In support

## 8.0 **CONSULTATION RESPONSES:**

None necessary

## 9.0 **MAIN ISSUES**

- Principle of development: Green Belt
- Urban design issues
- Residential amenity
- Highway issues
- Other matters
- Representations

## 10.0 **APPRAISAL**

### Principle of development

10.1 The general principle of extending and making alterations to a property are assessed against Policy LP57 of the Kirklees Local Plan and advice within Chapter 13 of the NPPF regarding design. These require, in general balanced considerations of visual and residential amenity, highway safety and other material considerations.

10.2 The site is within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan

- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances, so as to amount to the very special circumstances necessary to justify development

*Is the development inappropriate in the Green Belt?*

- 10.3 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 149 and 150 of the NPPF.
- 10.4 The construction of new buildings is regarded as inappropriate development in the Green Belt. Within paragraph 149 (c) of the NPPF, one of the exceptions to this is the extension or alterations of a building providing that this does not result in disproportionate additions over and above the size of the original building.
- 10.5 Policy LP57 of the KLP supports national Policy within the NPPF by emphasising in policy LP57a that extensions will normally be acceptable where: "... the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building".
- 10.6 In this instance, it has been noted that the dwelling already benefits from a single storey extension to form a utility approved under (2010/90355) and a detached double garage approved under (2002/94141). As such, officers have calculated the volume increase for the new extension, along with the development outlined above. In this case, the volume increase would be 78% when compared against the original property. Such a scale of increase on the original building would result in a disproportionate addition to the original dwelling. In terms of design, the extension would be constructed to the North West and therefore, would encroach further than the current built form. Therefore, the scale of the extension combined with its location would constitute to inappropriate development within the Green Belt, contrary to the aims of Policy LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF.

*The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area*

- 10.7 Given the change in levels within the area, the property would be readily visible from New Laithe Lane and Cliff Road. More particularly, it is noted that the location of the extension would appear more sporadic, as it would adjoin the existing projecting rear gable, resulting in a small area of green space being developed. Although the loss of openness that would be directly attributable to the scheme and would not be significant in itself, it would add to the overall bulk of the property and reduce the open nature within the site and be contrary to the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.



### *Very special circumstances*

- 10.8 In accordance with paragraph 148 of the NPPF “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’”
- 10.9 In this instance, no very special circumstances have been put forward or are considered to exist that would clearly outweigh the harm to the green belt by reason of inappropriateness or other harm. The development is therefore contrary to Policy LP57a of the Local Plan and Paragraph 149 of the NPPF.

### Impact on visual amenity

- 10.10 Policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, it is advised within LP24(c) that these “are subservient to the original building and are in keeping with the existing building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers”.
- 10.11 These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 126 provides an overarching consideration of design stating that “the creation of high quality buildings and places are 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”.
- 10.12 With regard to the House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:
- Principle 1 - that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
  - Principle 2 - that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”
- 10.13 In this case, the single storey extension has been designed with a dual pitched roof to keep in with the existing built form. However, the works are not considered to appear as a subservient addition, when taking into account the cumulative impact. This is due to the location of the extension and its poor relationship with the host dwelling. As such, the development would be contrary to Policy LP24 of the Kirklees Local Plan which states that “extensions to buildings should be subservient to the original building and be in keeping with the original building in terms of scale and details”.
- 10.14 This is also reiterated within Policy 2 of the Holme Valley Neighbourhood Plan which states that ‘designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings

and neighbouring properties". In this case, given the extensions overall footprint, officers consider it impossible to distinguish between the original dwelling and the additional built form, given its potential dominance within the plot. This would also be contrary to Paragraph 4.5 of the Councils adopted House Extensions and Alterations SPD which states that proposed extensions should be normally smaller in size and scale than the existing property.

- 10.15 With regards to fenestration, concern is also raised regarding the design of the new windows proposed within the gable elevations, as these will bare no resemble to the mullion windows that exist on the host property. This would be contrary to the general design principles identified within page 9 of the Council's House Extensions and Alterations SPD. Nonetheless, if the principal of development was acceptable, officers are satisfied that amendments could be sought to overcome these concerns.
- 10.16 Materials would include natural stone walling and stone/art stone grey slates to match those used on the host property. Such materials are welcomed from a visual perspective, to accord with the aims of the aforementioned policies and documents, however, officers consider the principle to remain unacceptable.
- 10.17 For these reasons, the works would have an adverse impact upon the character and appearance of the property and would be contrary to the aims of Policy LP24, the Council's House Extensions and Alterations SPD, Policy 2 of the Holme Valley Neighbourhood Plan and Chapter 12 of the NPPF.

#### Residential Amenity

- 10.18 The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings."
- 10.19 The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity, which state:
- Principle 3 - that "extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours."
  - Principle 4 - that "extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook."
  - Principle 5 - that "extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property."
  - Principle 6 - that "extensions and alterations should not unduly reduce the outlook from a neighbouring property."
  - Principle 7 - that "extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals."

- 10.20 In this instance, given the properties sparse location within the Green Belt, the nearest residential property to the site would be no. 2 Cliff Road. In this case, given the significant separation distance of at least 25m, including a highway and the orientation of these properties, officers are confident that there would be no material impact, in the formation of overbearing, overshadowing or overlooking, as a result of the development proposed.
- 10.21 Therefore, the proposal would have an acceptable impact on residential amenity and would be compliant with Policy LP24 of the KLP and the aims of the House Extensions and Alterations SPD.

#### Highway issues

- 10.22 It has been noted that the development has the potential to intensify the domestic use, taking the property from a two to a three bed. However, the demand for on site parking does not increase, as properties of this size require two off street parking spaces, in accordance with the Council's Highways Design Guide. Alongside this, the existing garage would be retained as part of the application and would be suitable for parking.
- 10.23 As such, no concern has been raised regarding highway safety, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and the Highways Design Guide SPD.

#### Other Matters

##### *Climate change*

- 10.24 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.25 In this case, it has been considered that the proposed development would have a neutral impact upon climate change, as it would result in the loss of green space within the site. However, the extension would be constructed from natural stone, in which is a locally sourced and energy efficient material.

##### *Ecology*

- 10.26 Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

10.27 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

10.28 The application site lies within the bat alert layer on the Councils GIS System. In this case, careful attention was paid during the site visit, to look for bat roost potential. However, officers noted that the eaves and roof appeared to be well sealed and therefore no additional information has been required. This is to accord with Policy LP30 of the KLP and Chapter 15 of the NPPF.

#### *Contaminated land*

10.29 The site has been identified on the councils internal mapping system as being potentially contaminated due to being within 250m of a landfill site. Therefore, if the application was recommended for approval, the finding of unexpected land contamination condition would be necessary. This is to accord with Policy LP53 of the KLP and Chapter 15 of the NPPF

#### Representations

10.30 No representations have been received as a result of the above publicity.

### **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 This application has been assessed against relevant policies in the development plan and other material considerations. In this instance, the development proposed does not accord with Policy LP57 of the Kirklees Local Plan or Policies within Chapter 13 of the NPPF. The application of policies in the NPPF that protect areas of particular importance, in this case Green Belt, provides a clear reason for refusing the development proposed.

#### **Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/91971>

Certificate A signed and dated.

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

**Date: 09-Dec-2021**

**Subject: Planning Application 2021/90025 Outline application for erection of assisted supported living accommodation (within a Conservation Area) land opp, former garages, Stocks Walk, Almondbury, Huddersfield, HD5 8XB**

#### **APPLICANT**

S Mungofa

#### **DATE VALID**

19-Jan-2021

#### **TARGET DATE**

16-Mar-2021

#### **EXTENSION EXPIRY DATE**

16-Dec-2021

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### **LOCATION PLAN**



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

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**Electoral wards affected: Almondbury**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION: Refuse**

1. The proposed building would be sited in close proximity to a protected tree to the west of the application site and therefore pruning would be necessary to accommodate the building which would disfigure the tree and threaten the public amenity value. Furthermore, due to the proximity of the building to the tree there would be ongoing conflict that would significantly increase the pressure to prune or fell this tree in the future. For these reasons the proposal would be contrary to Policy LP33 of the Kirklees Local Plan.

**1.0 INTRODUCTION:**

1.1 This is an application for outline planning permission (reference 2021/90025) for the erection of assisted supported living accommodation (within a Conservation Area) at Land opposite former garages, Stocks Walk, Almondbury, Huddersfield, HD5 8XB.

1.2 The application is brought before Huddersfield Sub-Committee for determination in accordance with the Council's Scheme of Delegation at the request of Ward Councillor McGuin for the reason outlined below:

*'To allow members the chance to consider the layout and scale of the development proposals and whether it would be deemed to be acceptable despite the impact it may have on adjacent mature trees'.*

1.3 The Chair of Sub-Committee has accepted that the reason for making this request is valid having regard to the Councillor's Protocol for Planning Sub-Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site relates to Land opposite former garages, Stocks Walk, Almondbury, Huddersfield HD5 8XB.

2.2 The application site formerly comprised of dilapidated timber and pre-fabricated residential garages with corrugated roofs. However, these garages have now been removed from the site which now lies vacant and is screened by Heras fencing. The site is accessed from Stocks Walk to the north, Stocks Walk is a part adopted road.

2.3 To the north of the site is the Old Clergy House which comprises of 3 residential dwellings and is Grade 2 Listed, to the east is a block of residential properties, to the west are football pitches and the Almondbury Bowling Club, to the south is a library and Wesley Centre which is a community centre. The site is also

located within Almondbury Conservation Area, with mature trees located to both the south and west of the site. These trees are preserved due to being within the Almondbury Conservation Area.

- 2.4 Materials found within neighbouring buildings consist of stone and grey slate roof tiles.

### **3.0 PROPOSAL:**

- 3.1 The applicant is seeking outline permission for the erection of assisted supported living accommodation (within a Conservation Area). The application seeks to agree principle, scale, layout, appearance and access with landscaping to be reserved for future consideration under a reserved matters application.
- 3.2 Access to the building is proposed to be taken off Stocks Walk through the existing access which is proposed to be widened.
- 3.3 Indicative plans and additional information provided show the construction of a large building which is to be separated into 3 supported living apartments with a room and bathroom for the caretaker. Car parking is to be provided to the front of the building for 3 vehicles. Amenity space is to be provided around the dwelling in all directions.

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

- 4.1 Pre-app – reference no. 2020/20161 for residential development.
- 4.2 2020/90872 – Works to trees in CA. Approved 12<sup>th</sup> May 2020.

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

- 5.1 Amendments were sought to reduce the overall scale, size and massing of the proposed building in the interests of visual amenity. Additional information was also requested by the Council's Tree officer in the form of an Arboricultural Impact Assessment and Arboricultural Method Statement. Surface water discharge calculations and a drainage plan were also requested by the Lead Local Flood Authority (LLFA).

### **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<sup>th</sup> February 2019).
- 6.2 The application site is within the designated Almondbury Conservation Area and also within a Bat Alert Area. There are also Listed Buildings to the north, and Urban Greenspace and a Public Right Of Way (PROW) to the west.

### 6.3 Kirklees Local Plan (LP):

- LP1 – Achieving 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
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protecting and Improvement of Environmental Quality

### 6.4 Supplementary Planning Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- National Design Guide
- Kirklees Waste Storage and Collection Guidance

### 6.5 National Planning Policies and Guidance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 5 – Delivering a sufficient supply of homes
- 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

## 7.0 PUBLIC/LOCAL RESPONSE:

7.1 3 representations have been received in objection to the proposals, details are summarised below.

- Concerns over parking and increase in traffic to the site;

**Officer note:** Noted, the Council's Highways DM team has been consulted on the proposals and their comments can be found within the consultation responses section of this report.

- Concerns that the proposal will impact on the setting of a Listed Building in a Conservation Area;

**Officer note:** The Council's Conservation & Design team have been consulted on the proposals; their comments can be found under the consultation responses section of this report.



- If the proposals were single storey in height they would be much more acceptable;

**Officer note:** Noted.

- The wall going around the Old Clergy House, Stocks Walk, Cemetery Walk and abutting Hallows Court is all within the curtilage of a Grade II Listed Building, the wall itself is listed;

**Officer note:** Noted. Impact on heritage assets is assessed below within the visual amenity section of this report.

- The proposals should be built from natural stone;

**Officer note:** Noted. If permission is granted a condition would be provided requesting that the applicant constructs the building from natural stone rather than the tumbled and dyed coursed stone proposed within the submitted plans.

- Concerns over the loss of light into adjacent properties nos. 11, 12 and 14 Hallows Court;

**Officer note:** Noted. Amended plans have been received in which the scale and size of the proposals have been reduced, thus reducing potential impact on overshadowing and loss of light to these properties.

- What is assisted living accommodation, will the caretaker live in or is the office just for day use?.

**Officer note:** Assisted living accommodation allows individuals to live on their own and keep some of their independence whilst also receiving support in areas such as washing, dressing and taking medication. A caretaker will be in the office to provide around the clock care to the occupiers of the flats.

7.2 1 general comment has been made on the application; details are summarised below.

- Concerns over parking and increase in traffic to the site;

**Officer note:** The Council's Highways DM team have been consulted on the proposals and provide comments within the consultation responses section of this report.

7.3 **Parish/Town Council**

N/A.

7.4 **Local Ward Members**

Councillor McGuin made contact with officers to highlight concerns over the scale and size of the proposed building and that the materials in which it was to be constructed in should be natural stone. Amended plans were received which reduced down the overall scale, size and massing of the scheme and construction materials were also discussed with the applicant's agent to address the concern raised by Councillor McGuin. He also queried whether or not there would be enough space within the parking spaces allocated to the front of the flats for a disabled user. This query was raised with the Council's Highways officer's and it was confirmed that the parking space for flat 1 has a 1200mm footway to one side and 1000mm space at the end of the bay. This is considered sufficient for a residential parking space and that there would be no

need for a 1200mm space to both sides as suggested within the Highways Design Guide.

**Officer note:** Councillor McGuin called in the application to planning committee on the 11<sup>th</sup> October 2021 as he wants to allow members the chance to consider the layout and scale of the development proposals and whether it would be deemed to be acceptable despite the impact it may have on adjacent mature trees.

## **8.0 CONSULTATION RESPONSES:**

### **Statutory:**

- 8.1 **KC Environmental Health** – Comments received 2<sup>nd</sup> February 2021. No objections to the proposals but do recommend conditions and informatives relating to unexpected contamination, electric vehicle charging points and construction site working times.

- 8.2 **KC Trees** – Comments received 10<sup>th</sup> February 2021. As no information has been provided to demonstrate that a development of this scale and layout can be accommodated whilst avoiding long term impact on the adjacent trees, the Council's tree officer objects to the proposal.

**Officer note:** Following receipt of the requested Arboricultural Impact Assessment and a preliminary Arboricultural Method Statement, the trees officer notes that works will be required to T2 with a reduction in the canopy by 2m and a crown lift of 2m. the officer believes this to be excessive and is not supported in general due to the significant change this work would be imposing on the tree's natural shape and form. This would force the tree to conform to an unnatural shape which would result in repeated pruning being necessary. Repeating pruning would open up new wounds to the tree on a regular basis which increases the risk of infection and decay. All of which adversely affect the trees amenity value and long-term viability. In addition, the shade patterns of the adjacent trees show the site will be heavily shaded throughout the day, further exacerbating the pressure to prune or fell the trees described above. Whilst it is accepted that the early part of the day will not be affected by these trees, consideration must be given to the surrounding buildings too which include Almondbury Methodist Church to the south, which would further limit light to the property. For the above reasons the Council's tree officer objects to the proposals.

- 8.3 **KC Lead Local Flood Authority** – Comments received 22<sup>nd</sup> January 2021. LLFA object to the planning application and require further information to be provided on the management of surface water on site.

**Officer note:** Whilst no additional information was provided by the applicant's agent to overcome their concerns a Preliminary Drainage Assessment was provided via email on the 22<sup>nd</sup> November 2021. This assessment is awaiting consideration by an LLFA officer. However, given the recommendation of refusal it is considered reasonable to condition that this information is submitted at reserved matters stage in relation to the layout of the proposal should members resolve to approve. The applicant's agent would be required to provide a proposed discharge rate and point, as well as an outline drainage layout (including any attenuation requirements) and associated calculations.

- 8.4 **KC Highways Development Management** – Comments received 3<sup>rd</sup> February 2021. Highways have no objections to the proposals but do recommend conditions relating to surfacing and draining, construction access and storage and access for waste.

**Officer note:** Following discussions with the applicant's agent and highways officers it was agreed that the proposed condition for storage and access for collection of waste was no longer needed.

- 8.5 **West Yorkshire Archaeology Advisory Service:** Comments received 18<sup>th</sup> February 2021. No objections to the proposals although if permission is granted an appropriate level of archaeological observation and recording should be carried out during the development. This will be secured via a condition.

#### **Non-Statutory:**

- 8.6 **KC Conservation & Design** – Comments received 17<sup>th</sup> March 2021. No objections to the proposals although concerns are raised in respect to the overall scale and size of the proposed building, materials and detailing.

**Officer note:** Amended plans were received which reduced down the overall scale, size and massing of the building in which the C&D officer stated that the scheme looked much better overall as there is now a view through to the old rectory. The officer did propose that a small single dwelling may be more appropriate in this setting however, the applicant's agent stated that the scheme would not be viable and believed that this request was unreasonable. Following discussions between officers it was concluded that on balance the scheme as submitted was acceptable in this instance.

- 8.7 **KC Designing Out Crime Officer** – Comments received 18<sup>th</sup> March 2021. No objections to the proposals but does provide advice on respect to boundary treatments and the security standards of doors and windows.

The above is a summary of the consultation responses received. Full responses from consultees can be viewed on the Council's Planning webpage.

## **9.0 MAIN ISSUES**

- Principle of development
- Impact on Visual Amenity/Heritage Assets
- Impact of the proposed development upon privacy and amenity of neighbouring properties
- Impact on highway safety
- Other matters
- Conclusion

## **10.0 APPRAISAL**

### Principle of development

#### Sustainable Development

- 10.1 NPPF paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

- 10.2 The dimensions of sustainable development will be considered throughout this proposal.
- 10.3 Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.
- 10.4 The site is without notation on the KLP Policies Map. Policy LP2 states that:
- ‘All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement’.*
- 10.5 As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).
- 10.6 As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority’s should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.7 Policy generally seeks to support residential development upon unallocated sites. However, LP7 establishes a desired target density of 35 dwellings per hectare. This is further supported by Principle 4 of the Housebuilders Design Guide. The application site is approximately 262m<sup>2</sup>, with 3 flats proposed. Given the restricted nature of the site the density proposed in this instance would be acceptable.
- 10.8 Paragraph 69 of the NPPF recognises that *“small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.*
- 10.9 The application site comprises of a medium sized plot surrounded predominantly by residential dwellings, with the Old Clergy House which comprises of 3 residential dwellings being located to the north, to the east is a block of residential properties, to the west are football pitches and the Almondbury Bowling Club, and to the south is a library and Wesley Centre which is a community centre. Whilst the Local Planning Authority can demonstrate a five-year land supply, it is noted that the development of this plot would contribute to the housing supply in the district. In this case, the principle of development is considered to be acceptable, and the proposal shall now be assessed against all other material planning considerations, including design, visual and residential amenity, as well as highway safety.

- 10.10 The proposal will also be assessed against all other material planning considerations, including design, visual and residential amenity, as well as highway safety.
- 10.11 These issues along with other policy considerations will be addressed below.

#### Impact on Visual Amenity and Heritage Assets

- 10.12 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires that Local Planning Authorities pay special attention to preserving or enhancing the character and appearance/setting of buildings or land within a Conservation Area.
- 10.13 Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets. This is supported by paragraph 202 of the NPPF.
- 10.14 Paragraph 199 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.15 Paragraph 194 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 10.16 Paragraph 5.5 of the Council's Housebuilders Design Guide SPD outlines that "great weight will be placed on the importance of good design where a proposed development may impact on a designated heritage asset or its setting".
- 10.17 Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

- 10.18 Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:
- ‘The form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.*
- 10.19 This is further supported within Chapter 16 of the NPPF and the recently published National Design Guide which supports good design that functions well and adds to the overall quality of an area and retains a strong sense of place whilst protecting heritage assets. Policy LP7 supports the efficient use of land, and this is further detailed within Chapter 11 of the NPPF.
- 10.20 Paragraph 5.5 of the Council’s Housebuilders Design Guide SPD outlines that “great weight will be placed on the importance of good design where a proposed development may impact on a designated heritage asset or its setting”.
- 10.21 Principle 15 of the above SPD sets out that the design of the roofline should relate well to the site context, including topography, views and heights of buildings and roof types. Principle 14 goes on to say that the design of windows and doors are expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.
- 10.22 The application is submitted in outline with landscaping reserved for later consideration. The applicant proposes a large two-storey detached building constructed in stone with a pitched and hipped slate roof within a medium sized plot of land. The building is to provide 3 apartments for supported living, with a built-in caretaker’s office. 3 off-street car parking spaces are to be provided to the front of the with amenity areas provided around the perimeter of the building.
- 10.23 Given the restricted nature of the site the proposed layout is considered to be the only suitable option within the plot. However, amended plans were requested by officers to reduce down the overall scale and size of the building as submitted originally, this was to ensure the site did not appear cramped or overdeveloped, and to allow views across to the Grade II Listed Building to the rear (the Old Clergy), it was also important that the residential amenity of adjacent neighbouring properties was not significantly impacted upon. The scheme was altered by removing 1 no. flat from the proposals to allow the building to incorporate an integral care takers office and bathroom, whilst also removing part of the two storey and single storey element to the eastern elevation of the building, providing a larger separation distance between the proposals and the adjacent neighbouring properties to the east.

- 10.24 In respect to the design of the building, amendments have been made to simplify the design to allow the building to blend in with its location rather than detract attention away from the adjacent Listed Building. The design as submitted is discussed in more detail below within the Conservation and Design officer's comments, but the proposals are now considered to be acceptable in this location. Furthermore, whilst the plans still show that tumbled & dyed coursed stone is to be used within the external walls of the building discussions have been had with the applicant's agent in which it is proposed that should planning permission be granted the building should be constructed from natural stone, this could be satisfied with a pre-commencement condition.
- 10.25 In respect to amenity areas, principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. Garden spaces found within dwellings on Stocks Walk typically comprise of both front and rear amenity areas however, dependent on the type of property these amenity areas may only relate to a small portion of land to either the front, side or rear. Given the variation in types of amenity areas and gardens provided in the area it is therefore considered that the proposed space to be provided in this instance would be appropriate given the use of the flats and reflect the immediate area. Whilst it is acknowledged that the site will be subject to some shadowing from the adjacent neighbouring buildings and mature trees to the south and west, it is considered that given the proposed use of the building that this would not be detrimental to the residential amenity of the future occupiers of the property and therefore would meet the requirements of principle 17 of the Housebuilders Design Guide SPD.
- 10.26 Moving on to potential impacts on heritage assets, the application site is located within the Almondbury Conservation Area and is directly in front of the Grade II Listed Old Clergy House (now 1, 2 and 3 Cemetery Walk). Opposite the site on the south side of Stocks Walk are The Wesley Centre, a former Wesleyan Sunday School built in 1900 and Almondbury Library constructed in 1905. Adjacent to the site to the east is a former school building which was converted into dwellings. These buildings were all constructed in the early 20<sup>th</sup> Century in natural stone with simple but high-quality detailing and they all make a positive contribution to the character of the conservation area.
- 10.27 Although the boundary wall to the south was historically part of the curtilage of the listed building it was in separate use at the time of listing in 1978. The west of the site appears to have been within the curtilage at this time and therefore the boundary wall on the south-west corner and western boundary would be included in the listing and any alterations to this section of the wall will require Listed Building Consent unless the applicant can demonstrate otherwise however, no alterations are proposed in this application.

- 10.28 The applicant has provided a Design & Access/ Heritage Statement however, no assessment has been made to establish the impact of the development on the setting of the Listed Building and whether or not there are any public benefits of the proposal that would outweigh any harm caused. In the case of a recommendation of approval officers would have sought further information from the agent in respect to the harm and public benefits of the proposals.
- 10.29 Given the nature of the application the Council's Conservation and Design officer was consulted, they raised concerns initially on the proposed scale, design and materials proposed within the building however, following on from the receipt of amended plans in which the massing of the building was reduced significantly and the design and materials altered and discussed to ensure that the building is more in keeping with the area and fits more sympathetically in this sensitive location, the Conservation & Design officer stated that the scheme looked much better overall as there is now a view through to the old rectory. The officer did propose that a small single dwelling may be more appropriate in this setting however, the applicant's agent stated that the scheme would not be viable and believed that this request was unreasonable. Following discussions between officers it was concluded that on balance the scheme as submitted was acceptable in this instance.
- 10.30 It is noted however that should planning permission be granted conditions should be imposed which require the applicant to submit further details/samples of the proposed external materials to be used in the walling, roof and windows. Details of the block setts and stone paving should also be clarified by condition to ensure that the colour and materials reflect the local vernacular.
- 10.31 In conclusion, the proposals are considered to be appropriate in size and scale in this location, and that subject to conditions, the submission of appropriate landscaping being provided and existing landscaping being retained, the proposals would not appear out of character or overly dominant in the general context of this site. Whilst no assessment has been provided by the applicant in respect to harm and public benefits, it is considered that there would be less than substantial harm caused to the setting of listed buildings through the development of land which is presently open. In addition, officers are of the opinion that the harm accrued is considered to be outweighed by the public benefit of providing new residential accommodation at a time of national shortage. On this basis, the proposals are considered to accord with the requirements of policies LP24 and LP35 of the Kirklees Local Plan, Chapter 12 and 16 of the National Planning Policy Framework and the Housebuilders Design Guide SPD.

#### Residential Amenity

- 10.32 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should: -



*“Maintain appropriate distances between buildings’ and ‘...minimise impacts on residential amenity of future and neighbouring occupiers”.*

- 10.33 Principle 6 of the Housebuilders Design Guide 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.
- 10.34 Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

***Impact on the occupiers of the Old Clergy House (nos. 1, 2 & 3 Cemetery Walk)***

- 10.35 These neighbouring properties are located to the north-west of the application site approximately 21m away. Whilst it is acknowledged that a number of windows are to be installed within the north-western elevation of the new building the majority of these windows would be for bathrooms/w.c's and therefore could be conditioned to be obscurely glazed in the interests of residential amenity given their close proximity to the above neighbouring properties rear garden/amenity areas. It is also noted that at ground floor level 2 windows are proposed within this elevation for a bedroom, given the large separation distance and the existing boundary treatments located to the north-west of the building there are no concerns in respect to overlooking or loss of privacy in this instance. It is acknowledged that during midday there would be some additional overshadowing into the rear garden areas of nos. 1, 2 and 3 of the Old Clergy House however, the properties do benefit from large garden spaces and therefore this additional shadowing is not considered to be detrimental and would not be for a prolonged period of the day. Finally, the proposed building would be viewed in context of adjacent neighbouring properties and with a separation distance of approximately 21m, the proposals are not considered to be overbearing in nature on this occasion.

***Impact on the residential properties located to the east forming part of nos. 4-15 Stocks Walk***

- 10.36 These neighbouring properties are located to the east of the application site approximately 4.8m away. As no windows are proposed within the eastern elevation of the new building there are no concerns in respect to overlooking or loss of privacy. There is to be a separation distance of approximately 8m between the eastern elevation of the proposed building and the western elevation of these adjacent neighbouring properties, the dwellings are also separated by a path which runs from Stocks Walk to the Old Clergy House. In the interests of residential amenity, the originally submitted proposals were requested to be reduced down in height to ensure that there were no concerns in respect to overshadowing or the proposals appearing overbearing in nature on these neighbouring properties. To eastern portion of the dwelling (closest to the above properties) is now single storey in height and therefore is considered to be acceptable in this location given the separation distances proposed. Whilst it is acknowledged that in the evening there will be some additional overshadowing in the amenity spaces of these neighbouring properties, with some shadowing falling on habitable room windows, this would not be for a prolonged period of the day with the morning and afternoon free from shadowing from the proposed building. This amount of overshadowing is not considered to be detrimental or sufficient enough to justify a recommendation for refusal.

### Amenity of future occupiers of the proposed dwellings

- 10.37 Consideration must also be given to the amenity of future residents of the proposed dwellings. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015). Internally, the proposed dwellings would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), therefore officers are content that the proposed dwelling would provide an adequate standard of amenity for future occupiers. In addition to this, all habitable rooms have access to at least 1 window and therefore outlook and natural light are considered to be acceptable. Finally, in terms of amenity space, principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character/context of the site is provided. In this instance officers consider that the amount of private amenity space provided for the proposed dwellings would be adequate given the size of the dwellings, nature of their proposed use and the context of the area.
- 10.38 In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted house builders design guide SPD.

### Highway issues

- 10.39 Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Furthermore, principles 12 and 19 of the Housebuilders Design Guide seeks to ensure that acceptable levels of off-street parking and waste storage are provided. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.40 Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.
- 10.41 Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.
- 10.42 3 off-street parking spaces are to be provided to the front of the proposed building with the existing access to be widened and utilised for the proposed dwellings. Given the nature of the proposals the Council's Highways officers were consulted. Highway's officers raised no objections as 3 off-street spaces are to be provided and given that the flats are for assisted supported living accommodation, near shops and services in Almondbury centre.

- 10.43 Within the submitted plans bin storage points are identified to the south of the building and are to provide 3 x green and 3 x grey wheelie bins. The amount and location of these bins is considered to be acceptable from a highway's safety point of view.
- 10.44 For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, the guidance contained within the National Planning Policy Framework and principles 12 and 19 of the Housebuilders Design Guide SPD. This is subject to a condition requiring the new access/parking spaces to be formed and surfaced in permeable materials.

#### Other Matters

##### Drainage

- 10.45 The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding). In addition to this there are no specific drainage risks associated with the site (e.g., river, culvert).
- 10.46 LLFA officers were consulted on the proposals and raised objections given the lack of information provided within the submission. As the officer's recommendation for the application was refusal, no further information has been provided by the applicant's agent. However, on the 22<sup>nd</sup> November 2021 a Preliminary Drainage Assessment was provided but this has not yet been assessed by an LLFA officer, therefore should planning permission be granted it is considered reasonable to attach a condition requiring the applicant's agent to provide details of the site drainage within the reserved matters application. Details would need to include a proposed discharge rate and point, as well as an outline drainage layout (including any attenuation requirements) and associated calculations.

##### Biodiversity/Trees

- 10.47 Whilst it is acknowledged that the application site is located within a Bat Alert Area there are no buildings on site to be demolished and therefore there are no significant concerns in respect to roosting bats on site. However, in accordance with Local Planning Policy LP30 and Principle 9 of the Housebuilders Design Guide, a condition is recommended that should the application be approved one integral bat roosting feature is incorporated into the new building on the east facing (side) elevation at least 6 metres above ground and not directly above doors or windows. This bat roosting feature would be installed during the period of construction and retained thereafter in the interests of creating a biodiversity net gain.
- 10.48 Local Plan Policy LP33 relates to trees, within this policy it states that the Council will not recommend approval for developments which directly or indirectly threaten trees or woodlands of significant amenity. In this instance the trees officer notes that works will be required to T2 (Sycamore) with a reduction in the canopy by 2m and a crown lift of 2m. The officer believes this to be excessive and is not supported in general due to the significant change this

work would be imposing on the tree's natural shape and form. This would force the tree to conform to an unnatural shape which would result in repeated pruning being necessary. Repeating pruning would open up new wounds to the tree on a regular basis which increases the risk of infection and decay. All of which adversely affect the amenity value and long-term viability of the tree. In addition, the shade patterns of the adjacent trees show the site will be heavily shaded throughout the day, further exacerbating the pressure to prune or fell the trees described above. Whilst it is accepted that the early part of the day will not be affected by these trees' consideration must be given to the surrounding buildings too which include Almondbury Methodist Church to the south, which would further limit light to the property. For the above reasons, officers do not consider the proposals to accord with Local Plan Policy LP33.

### Climate Change

- 10.49 On 12<sup>th</sup> November 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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.50 Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.
- 10.51 In this case it is considered that the proposed development would have an acceptable impact on climate change as the proposals are to provide electric vehicle charging points and be constructed to modern building standards.
- 10.52 There are no other matters for consideration.

## **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 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would not constitute sustainable development and is therefore recommended for refusal because, as set out in Policy LP33 of the LP, "the Council will not grant planning permission for developments which directly or indirectly threaten trees (or woodlands) of significant amenity."

**Background Papers:**

Application and history files.

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/90025>

Certificate of Ownership

Certificate A signed.

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

**Date: 09-Dec-2021**

**Subject: Planning Application 2021/92766 Erection of first floor extension and alterations to existing granny annexe The Granny Annexe, Kismet, Dover Lane, Holmfirth, HD9 2RB**

#### **APPLICANT**

Matthew Wright

#### **DATE VALID**

26-Jul-2021

#### **TARGET DATE**

20-Sep-2021

#### **EXTENSION EXPIRY DATE**

17-Dec-2021

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### **LOCATION PLAN**



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

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**Electoral wards affected: Holme Valley South**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION: REFUSE**

1. By virtue of the size and scale of the proposed extension, and previous additions to the property, the development would result in a disproportionate addition that would also have a detrimental impact upon the openness of the Green Belt. The proposal constitutes inappropriate development in the Green Belt for which no very special circumstances that clearly outweigh the identified harm to the Green Belt have been demonstrated contrary to Policy LP57 of the Kirklees Local Plan and policies contained within Chapter 13 of the National Planning Policy Framework.

2. By reason of its size, scale, massing, two storey design and relationship with the existing dwelling, the proposed development would fail to represent a subservient addition to the property, introducing an unsympathetic, incongruous and overly prominent addition. The development would have a detrimental impact upon the visual amenity, character and appearance of the host property and wider streetscene contrary to Policy LP24 of the Kirklees Local Plan, policies contained within Chapter 12 of the National Planning Policy Framework, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policy 2 of the Holme Valley Neighbourhood Plan.

**1.0 INTRODUCTION:**

1.1 This is an application for full planning permission (reference 2021/92766), for the erection of first floor extension and alterations to existing granny annexe.

1.2 The application is brought before Huddersfield Sub-Committee for determination in accordance with the Council's Scheme of Delegation at the request of Councillor Firth for the reason outlined below:

*'...I will add to my reasons, and they are as an extension will have no harmful effect on the surrounding area and will not only fit in with the locality they will provide, with the extension to the Granny Flat living accommodation for his extended family'.*

1.3 The Chair of Huddersfield Sub-Committee has accepted the reason for making this request as valid having regard to the Councillor's Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 The Granny Annexe, Kismet, Dover Lane, Holmfirth, HD9 2RB.



2.2 The application relates to a detached stone bungalow and annexe, located to the east of Dover Lane in Holmfirth. The property benefits from a large curtilage with amenity areas to the north, east and south. The site also benefits from a detached single and double garage to the north with a driveway.

2.3 The site is not within a Conservation Area and there are no Listed Buildings in close proximity to the site.

### **3.0 PROPOSAL:**

3.1 The application seeks planning permission for the erection of first floor extension and alterations to existing granny annexe.

3.2 The proposed two storey extension to the side of the annexe is to measure approximately 4.8m x 2.1m, with a ridge height of 6.9m.

3.3 A first-floor extension is also proposed to the annexe and is to measure approximately 10.3m x 9.3m, with a ridge height of 7.5m.

3.4 The extensions are to be constructed from random walled Yorkshire stone, slate grey flat profiled roof tiles and white UPVC windows and doors, all to match the host dwelling.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 2008/92381 – Erection of granny flat. Approved 9<sup>th</sup> December 2008.

4.2 99/90853 – Renewal of temporary permission for use of existing dwelling for private hire. Approved 13<sup>th</sup> May 1999.

4.3 98/91015 – Use of existing dwelling for private hire business. Approved 1<sup>st</sup> June 1998.

4.4 88/06397 – Outline application for 1 no dwelling. Refused 10<sup>th</sup> January 1989. Appeal dismissed 23<sup>rd</sup> August 1989.

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

5.1 Amendments were sought to the submitted Location Plan to outline the application site and highway in red, with all other land in the applicant's ownership outlined in blue. Officer's concerns were raised with the applicant from the outset, with alternative options provided and discussed. Unfortunately, the applicant did not want to progress any of the alternative schemes which has therefore led to this recommendation of refusal.

### **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<sup>th</sup> February 2019).

- 6.2 The application site is unallocated in the Kirklees Local Plan but is located within the Holme Valley Neighbourhood Plan Area, Green Belt, Bat Alert Area and Strategic Green Infrastructure Network. There is also a PROW which runs along the east and south of the site.

**6.2 Kirklees Local Plan (LP):**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

Supplementary Planning Guidance / Documents:

- House Extensions and Alterations Supplementary Planning Document (2021)
- Kirklees Highways Design Guide SPD 2019

Neighbourhood Development Plans

- 6.3 The Holme Valley Neighbourhood Development Plan has been passed in a referendum on 4<sup>th</sup> November 2021. The next and final stage for ‘making’ (bringing into force) the Plan will be at Full Council on the 8<sup>th</sup> December 2021. Until formally adopted the Plan remains a material planning consideration in decision making and weight must be attributed in accordance with the NPPF (July 2021) paragraph 48. When weighing material considerations in any planning judgement, it is always the case that what is material is a legal fact, and the weight to be attributed thereto is, as always, for the decision makers to ascertain.
- 6.4 The policies contained within Holme Valley Neighbourhood Development Plan relevant to the consideration of this application are as follows:

**Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley.**

*“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”.*

**Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.**

*“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”.*

### **Policy 11: Improving Transport, Accessibility and Local Infrastructure.**

*“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”.*

### **Policy 12: Promoting Sustainability.**

*“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”.*

### **Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain.**

*“All development proposals should demonstrate how biodiversity will be protected and enhanced”.*

- 6.5 It is important to note that the application site is within Landscape Character Area 4, the River Holme Settled Valley Floor. One key characteristic of the area is framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park. Key built characteristic of the area are mill buildings, chimneys and ponds, terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads. Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre. Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage. There are mixed areas of historic and more recent residential and commercial developments

#### **National Planning Guidance:**

- 6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
- 6.7 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:
- Chapter 2 – Achieving sustainable development
  - Chapter 9 – Promoting sustainable transport
  - Chapter 12 – Achieving well-designed places
  - Chapter 13 – Protecting Green Belt land
  - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
  - Chapter 15 – Conserving and enhancing the natural environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Neighbour Letters – Expired 8<sup>th</sup> September 2021.

7.2 Site Notice – Expired 10<sup>th</sup> September 2021.

7.3 Press Notice – Expired 17<sup>th</sup> September 2021.

7.4 No representations have been received to date.

## **8.0 CONSULTATION RESPONSES:**

8.1 **KC Highways Development Management** – No objections to the proposals.

8.2 **KC PROW** – No comments received within statutory timescales.

8.3 **KC Ecology Unit (informal)** – If the host dwelling and existing annexe appear to be well sealed at the eaves it is unlikely that roosting bats will be found at the property and therefore a bat survey would not be required.

**Officer note:** It can be confirmed that upon undertaking a site visit on the 15<sup>th</sup> September 2021 both buildings appeared to be well kept and sealed to the eaves. It is therefore considered that a bat survey is not required in this instance.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Other matters

## **10.0 APPRAISAL**

### Principle of development

#### *Sustainable Development*

10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

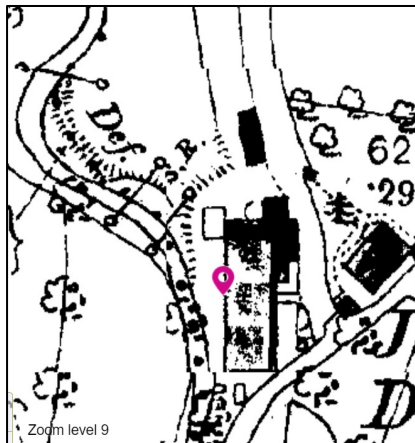
#### *Land Allocation (Green Belt)*

10.3 The site is allocated as Green Belt on the Kirklees Local Plan.

- 10.4 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.
- 10.5 Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF.
- 10.6 Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP57 also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

*Whether the proposal is inappropriate development in the Green Belt*

- 10.7 As a starting point it is important to understand what constitutes the 'original building'. the glossary within the NPPF defines 'original building' as: 'A building as it existed on 1st July 1948 or, if constructed after 1st July 1948, as it was built originally'.



1893



1907

- 10.8 By utilising OS maps it appears that the site which is subject to this application pre-dates 1948, with a large garage/outbuilding to the north, the clearest and earliest map available is from 1893 (shown above). It is officer's opinion that this resembles how the building was originally built and shall be assessed as such within this report.

- 10.9 The footprint of the original building is considered to be approximately 157sqm, although this does not include the detached double garage which appears to pre-date the host dwelling. The cubic volume of the original dwelling is approximately 910.8 cubic metres. The existing additions to the original building are considered to have increased the footprint of the building by approximately 79.3sqm, and by approximately 420.3 cubic metres.
- 10.10 The extension proposed to the building under this application would have a footprint of approximately 11.2sqm, the cubic volume of the proposed extension would be approximately 30.29 cubic metres.
- 10.11 Cumulatively, the existing and proposed extensions would increase the footprint of the original building by approximately 90.5sqm and the volume by approximately 450.59 cubic metres. This would equate to an increase of approximately 50.5% of the original building in terms of volume and approximately 57.5% in terms of footprint. Whilst it is acknowledged that the assessment into whether additions to a building are disproportionate is more than just an arithmetic exercise, it is considered that a 50%+ increase in the footprint and volume of the original dwelling does represent a significant increase and should be taken into consideration.
- 10.12 In terms of a visual assessment, the proposed extension along the northern elevation to create bathrooms and a hallway is to be two-storey in height and is to be small in scale and size. However, this extension coupled with the proposed first floor extension to the annexe would take this single storey property and create in part, a two-storey building. Should the extension be approved, this would result in the annexe having a significantly higher ridge height than the host dwelling, making the building appear as the dominant element within the site. These extensions would overpower and detract from the host dwelling for this reason. For the proposals to be acceptable in this location, the annexe would need to appear ancillary to the host dwelling and be of a scale and size which does not compete with it.
- 10.13 It is therefore considered that the proposals would not accord with Local Planning Policy LP57 and would constitute inappropriate development in the Green Belt. As outlined in paragraph 147 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF also states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 10.14 An assessment is therefore required into whether the proposal would cause any other harm to the Green Belt and whether very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness, as well as any other harm to the Green Belt.

*Whether there would be any other harm to the Green Belt, including visual amenity*

- 10.15 In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. As outlined above the proposal would increase the amount of built development therefore there would be some impact upon the openness of the Green Belt as a result of this. Further to this the site

is rural in character although it is noted that there are a number of other residential dwellings located to the east and south of the site. The proposed extensions would be visible from Dover Lane and from the adjacent PROW which runs to the south and east of the site. The extensions would be viewed against the existing built development (host dwelling and garages), and would be set significantly higher than the ridge height of the host dwelling, they would also provide an additional floor space of 11.2sqm, and volume of approximately 30.29 cubic metres, this equates to an increase of approximately 50+%. It is therefore concluded that the scale and size of the proposals are over and above what would be considered acceptable in this location and therefore would have a detrimental impact on the visual amenity of the area as well as the character and appearance of the host dwelling.

10.16 Materials proposed within the extensions are all to match what currently exists in the host dwelling and annexe, and therefore are deemed to be acceptable. It is also noted that the applicant seeks to utilise pitched roofs and a front gable end at first floor level, this reflects what is currently found at the site.

10.17 In conclusion, the proposals are therefore considered to be inappropriate development as defined within the NPPF paragraphs 147 & 148 as harmful to the Green Belt and should not be approved except in very special circumstances. The proposals in terms of their scale, size and design are also not considered to represent a subservient addition to the host dwelling and would introduce an unsympathetic, incongruous and overly prominent addition which would not accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, Principles 1 and 2 of the House Extensions and Alterations SPD and Policy 2 of the Holme Valley Neighbourhood Plan.

*Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development*

10.18 Whilst some justification has been provided within the submitted statement, the majority of this justification does not relate to material planning considerations. The remaining justification is also not considered to be sufficient to overcome the concerns raised by officers. Therefore, it is concluded by officers that no very special circumstances have been demonstrated by the applicant which would clearly outweigh the harm by reason of inappropriateness of development within the Green Belt.

10.19 In conclusion, the proposed extension is considered to represent a disproportionate addition to the host property and very special circumstances have not been demonstrated. The proposal would therefore fail to accord with Policy LP57 of the Local Plan and Chapter 13 of the NPPF.

#### Residential Amenity

10.20 Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

*“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.*

- 10.21 Further to this, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers. Policy 2 of the HVNP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes.
- 10.22 Principle 3 of the adopted House Extensions and Alterations SPD highlights that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours. In addition Principles 5 and 6 relate to developments ensure that the amount of natural light presently enjoyed by neighbouring properties is not impacted upon and that the proposals do not have any overbearing impact.
- 10.23 Given the location of the host dwelling and annexe in relation to adjacent neighbouring properties, there are no concerns in respect to overshadowing, overlooking, or the proposals appearing overbearing in nature. The nearest neighbouring dwelling is Jeanwood House which is located to the rear of the application site approximately 11m away. However, this neighbouring property is set at a significantly higher ground level to the Granny Annexe and is partially screened by a large portion of mature planting found along the boundary between both of these dwellings.
- 10.24 The proposal does not given rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, and is in line with the Councils recently adopted SPD for house extensions and alterations.

#### Highway issues

- 10.25 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Principle 15 of the House Extensions and Alterations SPD relates to the provision of parking and states that any alterations should maintain appropriate access and off-street in-curtilage parking.
- 10.26 The Council's Highways officers were consulted on the proposals and raised no objections as the Granny Annexe is ancillary to the existing house, with sufficient off-street parking to be retained. In addition to this, no changes are proposed to the existing access and egress to the site.
- 10.27 Principle 16 of the House Extensions and Alterations SPD relates to waste storage and highlights that developments should maintain appropriate storage arrangements for waste. Given the nature of the proposals it is considered that the waste storage and collection facilities shall remain as is and therefore officers have no concerns in this respect.
- 10.28 For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 15 and 16 of the House Extensions and Alterations SPD, the guidance contained within the National Planning Policy Framework and Policy 11 of the Holme Valley Neighbourhood Plan.



## Other Matters

### House Extensions and Alterations SPD

- 10.29 Principle 1 of the above SPD refers to extensions and alterations to residential properties being in keeping with the appearance, scale, design and local character of the area and streetscene. Whereas Principle 2 relates to proposals not dominating or being larger than the original house, this is in terms of scale, materials and detail. Principle 7 requires development to ensure an appropriately sized and useable area of private outdoor space is retained.
- 10.30 The cumulative effect of the two-storey side extension and first floor extension would dominate the host dwelling, as the proposed two-storey extensions would be set at a significantly higher ridge level than the host dwelling. Furthermore, as discussed in the principle of development section, the proposed extensions would increase the overall volume and footprint of this property by more than 50%. This fails to comply with Key Design Principle 2 of the SPD and relevant policy LP24 (c) and (d).
- 10.31 However, it is acknowledged that the existing garden area would not be significantly impacted upon given that the proposals are to extend over the footprint of the existing annexe, the proposals are therefore considered to be in accordance with Principle 7 of the SPD which relates to outdoor space.
- 10.32 Finally, it is noted that the guidance and additional details on KLP policies set out in the House Extensions and Alterations SPD are based on the principle of 'comply or justify'. The proposal under consideration departs from the guidance set out in the SPD and whilst some justification has been provided a large portion of this justification does not relate to material planning considerations. The remaining justification is also not considered to be sufficient to overcome the concerns raised by officers. It is therefore concluded that the proposals should be recommended for refusal as they do not comply with Local Plan Policies LP24 & LP57, Chapters 12 & 13 of the NPPF, Principle 2 of the Council's house extensions and alterations SPD and Policies 2 and 12 of the Holme Valley Neighbourhood Plan.

### Biodiversity

- 10.33 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 12 of the House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.
- 10.34 Whilst it is acknowledged that the application site is located within a Bat Alert Area, given the nature of the proposals, and that the existing structures appear to be well sealed and of a somewhat modern construction it is unlikely that bats would be roosting within the property. However, an informative should be provided if planning permission is granted, highlighting to the applicant what to do should roosting bats be found during construction works.

## Climate Change

- 10.35 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.36 Principle 8 of the House Extension and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency.
- 10.37 Principle 10 of the above SPD states that extensions should consider the use of renewable energy, with Principle 11 going on to state that developments should consider designing water retention into the proposals.
- 10.38 Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. However, as the extension would be constructed to modern building standards the proposed development is therefore considered to comply with Policy LP51 of the Kirklees Local Plan, Principles 8, 10 and 11 of the Kirklees House Extensions and Alterations SPD, Chapter 14 of the National Planning Policy Framework and Policy 12 of the Holme Valley Neighbourhood Plan.
- 10.39 There are no other matters for consideration.

## **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 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that, subject to conditions, the proposed development would not constitute sustainable development and is therefore recommended for refusal.

### **Background Papers:**

#### Application and history files.

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/92766>

#### Certificate of Ownership

Certificate B signed.

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

**Date: 09-Dec-2021**

**Subject: Planning Application 2021/93564 Erection of two-storey and single-storey rear extensions, basement extension and front and rear dormers 8-10, Moorbottom Road, Thornton Lodge, Huddersfield, HD1 3JT**

#### **APPLICANT**

M Sajar & Z Khatun

#### **DATE VALID**

17-Sep-2021

#### **TARGET DATE**

12-Nov-2021

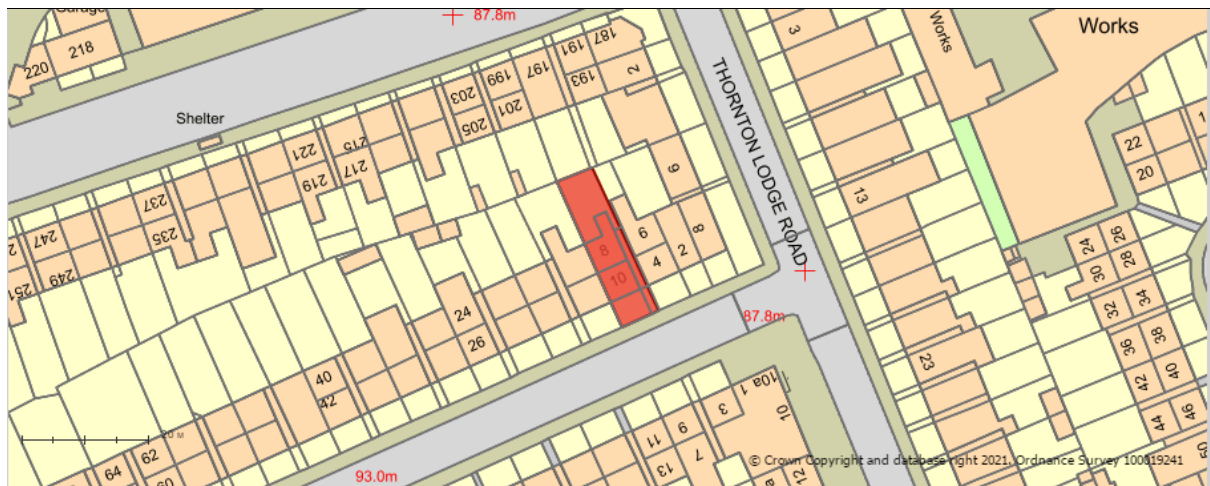
#### **EXTENSION EXPIRY DATE**

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### **LOCATION PLAN**



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

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**Electoral wards affected: Crosland Moor and Netherton**

**Ward Councillors consulted: No**

**Public or private: Public**

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**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.

**1.0 INTRODUCTION:**

1.1 This application is brought before Huddersfield Planning Sub-Committee for determination under the terms of the Delegation Agreement following a request from Ward Councillor Erin Hill. Cllr Hill's grounds for requesting a Committee decision can be summarised as follows:

- The extension is not subservient to the original building, contrary to Policy LP24(c) and does not respect its character;
- Some of the development crosses over into the boundary of 14 Moorbottom Road and there is no guarantee that they will be in common ownership in perpetuity;
- The building control and environmental health issues which have been caused during the building process, and in particular the serving of an S60 notice in relation to noise and restriction of access to 6 Moorbottom Road;
- There is an apparent discrepancy even between this current retrospective application and what exists on the ground, and I would like assurance that this has been considered by planning officers.

1.2 The Committee Chair has confirmed that Cllr Hill's request is valid having regard to the Council Protocols for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 8-10 Moorbottom Road, Thornton Lodge is a two-storey mid-terrace dwelling. It is built in stone with a blue slate roof. It forms part of a long row of properties of similar appearance built on approximate east-west alignment, with their rear elevations facing north. The dwelling has a small enclosed front yard, and a larger rear yard. To the north, where ground levels are somewhat lower, it faces the rear of back-to-back houses and commercial properties along Manchester Road.

2.2 The dwelling has been extended significantly and the presently unauthorised extensions are the subject of the current planning application.

### **3.0 PROPOSAL:**

- 3.1 The proposal is for the erection of:
- 3.2 A rear extension, projecting 4.2m at ground floor and 3.0m at first floor, height from ground level to eaves being 6.2m so that eaves height is about 300mm below that of the original building. It is 5.3m in width, so as to be aligned with the western edge of the site but 1m short of the eastern site boundary so as to leave the passageway clear. The single-storey part of the extension has a lean-to roof, the first-floor part has a gable roof. The single-storey part also incorporates a basement.
- 3.3 A rear dormer 4.5m in width, 2.2m in height with a flat roof, also aligned to the right as viewed from the rear, above the extension.
- 3.4 A front dormer, 3.2m in width and with a pitched roof, aligned to the west or left as viewed from the front.
- 3.5 The living accommodation shown on the floorplans provides a total of 4 bedrooms including one in the attic. The works have already been undertaken. The extensions have been built in coursed stone of a similar type to the host building and with a blue slate roof. The rear dormer is finished in white plastic cladding and the front dormer in dark grey cladding.

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

#### *Planning Applications*

- 4.1 2013/93881 – Erection of extensions and front and rear dormers. Approved
- 2020/90199 – Erection of extension and front and rear dormers. Approved. Development commenced but did not fully comply with approved plans.
- 2021/90962 – Erection of extension and front and rear dormers. Declared invalid owing to incorrect ownership certificate and unclear plans.
- 2021/93194 – Erection of two-storey rear extension and front and rear dormers. Declared invalid owing to incorrect ownership certificates.

#### *Planning Enforcement*

- 4.2 COMP/20/0510 - alleged extension not as approved (2020/90199) – Investigation commenced and it was established that the development was not built in accordance with the previously approved plans. An application was invited to be submitted. The investigation remains ongoing and is awaiting the outcome of this planning application.

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

- 5.1 23-Nov-2021: Case officer requested the following changes to the plans
- Bedroom 3 to be re-designated as another room such as a study
  - Parapet wall atop single-storey extension needs to be shown accurately
  - Position of rear dormer needs to be shown accurately on elevations

- The side entrance door should be shown on the “original” plans
- Elevations to show the dwelling in the context of the two adjoining properties
- Confirmation on plans that rear dormer will be re-clad in more suitable materials

5.2 The amended plans were submitted 30-Nov-2021. They were not subjected to new publicity since they amounted mainly to corrections and clarifications and were not considered to raise substantial new planning issues.

## **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<sup>th</sup> February 2019).

### Kirklees Local Plan (2019):

6.2 LP 21 – Highway safety  
LP22 – Parking  
LP 24 – Design  
LP 30 – Biodiversity and geodiversity

### Supplementary Planning Guidance / Documents:

6.3 Kirklees Council has adopted supplementary planning guidance on house extensions which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

The following two documents have also recently been approved by Cabinet and these can be viewed at: <https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx>

- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

### National Planning Guidance:

6.4 Chapter 12 – Achieving well-designed places

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Publicity period expired 1<sup>st</sup> November. Publicity was undertaken by neighbour notification letter in accordance with the requirements of the Development Management Procedure Order.

7.2 3 representations have been received in objection. The concerns raised are summarised as follows:

- Poor design, not subservient to original building, shows a lack of coherence and is not in accordance with House Extensions and Alterations SPD. The dormer and roof light affects the symmetry of the building and not in keeping with surroundings. Other extensions have a single roof and an entrance door located on side elevation not rear.
- Use of white plastic as an external finish for the rear dormer does not comply with original approval and would also conflict with the aims of NPPF paragraph 135 in that it would result in the quality of approved development being materially diminished.
- Overbearing impact, not in accordance with SPD which states that a 3m projection for two storey rear extensions to terraced houses will normally be the maximum. Overshadowing of no. 6's main entrance door by first floor. Impact on privacy from raised entrance door and external landing. Overbearing impact and overshadowing from the dormer.
- It fails to provide a high standard of amenity for future and neighbouring occupiers (LP24b) in that it reduces the amenity space to the rear.
- A fence has been erected which blocks light to the garden of the adjacent property no. 6
- It does not maintain 21m between habitable room windows at the rear as set out in the Housebuilder Design Guide SPD. Habitable room windows would be only 12m apart.
- It causes additional impact on privacy and amenity over and above that caused by the previous rear extension, 2013/93881.
- The extension also blocks afternoon and evening sunlight. This will affect the ability grow plants there and will result in mossy, slippery surfaces which will impact on the personal safety of residents, and not being able to sit out will have a detrimental impact on their health.
- The rear extension traverses the boundary of 14 Moorbottom Road
- The proposed roof light breaches the property boundary adjoining no.6 Moorbottom Road so will not maintain appropriate distances between buildings.
- The description is incomplete as it does not mention the basement
- Inaccuracies in application form regarding date of completion which was earlier than the stated date. Section 5 (materials) has not been filled in.
- The previous ground floor plans do not show the original layout accurately, especially with regard to openings.

- The plans as existing do not show the steps down to the basement or up to the rear entrance door. This makes it difficult to calculate whether the proposed development takes up 50% or more of land around the original house.
- First floor plan and loft indicates that a portion of internal wall may have been demolished, so we ask that the case officer engage with Building Control to ensure that it is factored into the additional structural works that are still outstanding. Unauthorised loft plan shows a roof void at the rear which does not accord with what has been built because the dormer is built to the eaves.
- The location plan fails to include all the land necessary to carry out the development because it only includes 2/3 the width of the passageway. It also exaggerates the projection of the extension at no. 6.
- The block plan does not show the property at 14 Moorbottom Road nor does it show what has been built.
- The elevations show the property as if it were detached, contrary to Kirklees guidance.
- Rear elevation shows the dormer set back from the eaves when it is not.
- Discrepancies between side and rear elevation regarding dormer height.
- Side elevation does not show basement
- Position of wall atop ground floor extension roof is not shown accurately.
- The extent of demolition is unclear.
- Discrepancies in measurements between drawings.
- The basement storage having a separate externally accessible door may indicate a commercial use in connection with the applicant's grocery business which would mean more disturbance and loss of privacy.
- The installation of the soil pipe in the shared passageway reduces its width which has an impact on access especially by a wheelchair user. It will also make it more difficult to install a ramp in the future.

7.3 Ward Councillor comments (Ward Councillor Erin Hill) - Requests Sub-Committee decision and makes additional comments on the scheme, as set out in Section 1.1 above.

## 8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** There were no statutory consultees

8.2 **Non-statutory:** No consultations were considered necessary.



## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site is without designation in the Local Plan. Of particular relevance is Policy LP24(c) which requires that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials, and details and minimise impact on residential amenity of future and neighbouring occupiers. Any implications for highway safety will also be considered as required by Policies LP21-22.
- 10.2 The Householder Extensions and Alterations SPD is a material consideration and any departure from the proposals contained within it must be clearly justified.
- 10.3 Planning permission was sought and obtained (2020/90199) for the erection of:
- A two-storey rear extension projecting 3.0m, 5.2m wide, with a double-pitched roof.
  - A dormer to the front, which is to be a total of 2.2m high with a pitched roof, aligned to the left and 2.4m wide.
  - A flat-roofed dormer to the rear, which is to be 5.9m wide and 2.2m high.
- 10.4 This is an extant permission and can therefore be treated as a fall-back position. The development now under consideration differs from it in a number of ways, however. The two-storey rear extension has had its eaves height increased relative to the host building so now only maintains a height difference of about 300mm when previously it would have been 800mm. The approved extension was shown to have a small amount of underbuild but no basement accommodation. The lean-to single-storey extension is a new addition that results in an increase in overall projection and footprint.
- 10.5 The front dormer is now wider by 800mm, occupying roughly half the width of the roof, and the rear dormer, whilst somewhat reduced in width from the previous approval, is of greater height and would no longer leave 500mm vertical clearance below the original roof ridge.

## Urban Design issues

- 10.6 Under the SPD referred to previously, two-storey rear extensions should be proportionate to the original house and garden, normally not exceed 50% of the curtilage, not project beyond the sides of the building, not project more than 3m to the rear, not exceed 3m eaves height if within 1.5m of a boundary, be separated from the property boundary by at least 1.5m, and not adversely affect habitable room windows where they adjoin a neighbour's boundary.
- 10.7 Paragraphs 5.11-5.12 of the SPD acknowledges part two-storey part single-storey extensions as being a form of development that is acceptable in principle, provided that the proportions reflect those of the original house and do not overlook overshadow or dominate neighbouring properties or gardens. The SPD also advises an overall depth of 3.0m as a desirable maximum for a terraced house.
- 10.8 The area is characterised by long rows of two-storey terraced houses built to a uniform design in stone and blue slate. Many properties have single-storey rear extensions but very few have two-storey rear extensions. There are also examples of dormers in the local area (e.g. on the opposite side of Moorbottom Road, on Thornton Lodge Road and on Crosland Road), but very few on this side of Moorbottom Road – there is just one front-facing dormer at the end of the row.
- 10.9 The General Permitted Development Order (Class A.1.(g)) allows single-storey extensions to terraced houses up to 6m subject to the notification procedure, but if any objections are received as a result of public consultation, an application made under this procedure has to be considered on its own merits as if it were a full planning application, and in any case developments that comprise a two-storey element cannot benefit from Class A.1(g). It is considered therefore that there is no permitted development fall-back position in this case.
- 10.10 Kirklees maps and aerial photos indicate that the original rear garden of the dwelling was roughly 10m in depth. This indicates that the extensions, in terms of footprint, would not even exceed 50% of the original rear garden, and furthermore the "curtilage" includes the front garden as well, which would be unaffected. The extension is subservient to the original dwelling both in height and in depth, since its projection is less than half the depth of the original dwelling measured from the front to the back wall (10.2m). Again, it would be seen in the context of a terraced row that has had a number of single-storey additions at the rear and the dwelling that adjoins it to the east, no. 6, also has a two-storey extension of the same or very similar projection although of lesser width.
- 10.11 Whilst a finely-balanced case, it is considered that in this context, the extensions would in terms of scale, layout, and built form respect the character of its surroundings.

- 10.12 It is noted that the extension combines two different roof styles – a rear-facing gable and a lean-to below it, but this is not unusual in Kirklees generally. The windows are of a similar style and proportions to those on the rear elevation of the original building. The basement and the steps leading up from the yard to the rear front door are considered to be neutral in their impact on the visual character of the building and would make use of existing changes in ground levels with only modest excavations being undertaken to form the basement.
- 10.13 Under part 5.24 of the SPD, dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house. The front dormer, it is considered, fulfils these requirements in that it has a pitched roof, does not dominate the original roof slope, and is finished in a dark grey cladding which harmonises with the original grey roofing slates. The rear dormer however is of inferior design, being large, box-like, with no clearance between the top of the dormer and the roof ridge. However, the permitted development fall-back position (and that based on the approved 2020 scheme) need to be considered.
- 10.14 Under Part 1, Class B, the enlargement of a dwelling house consisting of an alteration to its roof is permitted provided it is not on the principal elevation and provided that the cubic content of the resultant roof space would exceed that of the original roof space by 40 cubic metres (for a terraced house). The volume of the unauthorized rear dormer is approximately 20.4 cubic metres, that of the roof of the rear two-storey extension approximately 14 cubic metres, the front dormer (not including the roof) 5 cubic metres. It would therefore be that the rear dormer, when considered with the other extensions, would be just over the permitted development allowance and could be enforced against (although it could qualify as permitted development had it been built first, independently of the two-storey extension).
- 10.15 However, the fall-back position exists of building the dormer that was approved under 2020/90199. This is not considered to be aesthetically better in that it is of similar design, being of lesser height but wider. The 2020 permission was subject to a condition that the form would be given a blue slate or dark-grey artificial cladding finish. It is therefore recommended that permission should be subject to the dormer being re-clad in suitable dark-coloured materials within an agreed timescale.
- 10.16 In conclusion, it is considered that the development would respect the character of the existing building and its surroundings, and subject to the above conditions on materials, it would comply with the aims of policy LP24(a) and (c) of the KLP and the relevant parts of NPPF Chapter 12.

#### Residential Amenity

- 10.17 The SPD, as previously stated, recommends 3.0m as a maximum for a terraced house, and any increase on this must be justified. The following paragraphs provide general guidance on assessing residential amenity:

4.16 Any house extensions or alterations are expected to not materially affect the amount of natural light presently enjoyed by a neighbouring property. Therefore, extensions will not be permitted if they unreasonably overshadow neighbouring habitable rooms and private gardens.

4.17 When assessing the impact of overshadowing on neighbouring properties, the council will, as a starting point, have regard to the 45° guidelines. A line will be drawn from the midpoint in the nearest habitable room window of the adjacent property, at an angle of 45°, across the proposed extension. The extent to which the line infringes upon the proposed extension will indicate the levels of light that may be lost.

4.20 When assessing the impact that an extension or alteration may have on outlook, regard will be given to the established character of an area and the existing feeling of openness. It is important that neighbours do not feel unduly 'hemmed-in' by the proposals

4.21 Proposals should seek to retain adequate and useable private outdoor space for the occupiers of the building, such as garden space, paved or patio areas. Proposals which would result in outdoor space which are too small or significantly out of character with the local area are unlikely to be acceptable.

- 10.18 It is considered the rear extension has no significant effect on light or outlook for the neighbouring property to the east, no. 6, because this property has a rear extension bordering the shared passageway which is of similar projection. It is considered that no significant overshadowing or overbearing impact would result from the dormers since both adjoining properties have their main outlook to the rear.
- 10.19 Regarding the adjacent dwelling to the east, no. 12-14, which is understood to be in the applicant's ownership, it is not completely clear from the plans whether this is a back-to-back house or a through terrace. However, it is noted that ground and eaves levels for this dwelling are slightly higher and furthermore the property has a substantial single-storey extension close to the common boundary. It has not been demonstrated that a 3m, 2-storey extension would comply with the 45-degree rule with regard to this property, but the principle of such an extension has already been accepted, and it would clearly comply with the 45-degree rule in relation to ground floor living accommodation. It is considered that it would not have a materially negative impact upon this property's amenities.
- 10.20 The extensions contain no side-facing windows. Outlook would be to the rear. The distance between the first-floor and dormer windows within 8-10 Moorbottom Road and the facing rear windows of the nearest property to the north, no. 197, would be 18m. It is considered that this would not give rise to intrusive overlooking and is in any case the same relationship, in terms of distances, as on the originally approved plan. Regarding the ground floor extension, which is slightly raised above natural ground level, this would project out a further 1.3m, but as it is only single-storey, and a kitchen, it is considered that there would be no unacceptable overlooking impact on the property below and to the north. The dormer would provide some opportunity for overlooking but the principal of a rear-facing dormer, along with the two-storey extension, has previously been accepted, and the plans now under consideration are not considered materially different in terms of any impacts on privacy to the rear. The front-facing dormer would look out across the road and again is not considered to amount to intrusive overlooking.

- 10.21 In conclusion, it is considered that the development would allow a satisfactory living environment for future occupants whilst not compromising that of neighbouring properties, and that whilst not compliant with all recommendations within the Householder Extension SPD, this can be justified by the circumstances of the site as demonstrated in the analysis above. It is considered that subject to a condition that no windows are formed in the side elevations of the extension at ground floor, so as to prevent any possibility of mutual overlooking occurring in the future, it would accord with the aims of Policy LP24(b) of the KLP.

#### Highway issues

- 10.22 The development does not have any impact upon access or parking arrangements since the property had no off-street parking to begin with. Whilst the increase in the amount of living accommodation may indirectly result in an increased demand for on-street parking, this is already commonplace on Moorbottom Road and adjoining roads and it would be difficult to demonstrate that this would materially affect the safe or convenient use of the highway. It is therefore considered to accord with policy LP21 of the KLP.

#### Representations

- 10.23 The concerns raised by third parties are listed below with officer responses:

- Poor design, not subservient to original building, shows a lack of coherence and is not in accordance with House Extensions and Alterations SPD. The dormer and roof light affects the symmetry of the building and not in keeping with surroundings. Other extensions have a single roof and an entrance door located on side elevation not rear.

**Response:** Design issues have been examined earlier in the report and it is considered that the extension is acceptable, on balance, in terms of visual amenity subject to the dormer materials being changed.

- Use of white plastic as an external finish for the rear dormer does not comply with original approval and would also conflict with the aims of NPPF paragraph 135 in that it would result in the quality of approved development being materially diminished.

**Response:** This argument is accepted and it is recommended it be conditioned that the dormer be re-clad in a more suitable material. This is recommended to be secured via condition.

- Overbearing impact, not in accordance with SPD which states that a 3m projection for two storey rear extensions to terraced houses will normally be the maximum. Overshadowing of no. 6's main entrance door by first floor. Impact on privacy from raised entrance door and external landing. Overbearing impact and overshadowing from the dormer.

**Response:** Impact on residential amenity has been examined in detail earlier in the report and it is considered that no unacceptable impact would occur. It is considered that the steps and external landing to the new rear entrance door are, functionally the minimum to allow the door to be safely accessed and would not function as a terrace or sitting out area, so cannot be considered to materially affect privacy.

- It fails to provide a high standard of amenity for future and neighbouring occupiers (LP24b) in that it reduces the amenity space to the rear.

**Response:** Again, more than 50% of the original garden space would be retained.

- A fence has been erected which blocks light to the garden of the adjacent property no. 6

**Response:** The erection of a garden boundary fence of up to 2.0m in height does not require planning permission.

- It does not maintain 21m between habitable room windows at the rear as set out in the Housebuilder Design Guide SPD. Habitable room windows would be only 12m apart.

**Response:** The Housebuilder Design Guide applies to new dwellings not extensions.

- It causes additional impact on privacy and amenity over and above that caused by the previous rear extension, 2013/93881.

**Response:** The 2013 permission is not the most recent permission for this property and in any case a planning permission does not automatically rule out the possibility of permission being applied for and granted for a larger scheme at a later date.

- The extension also blocks afternoon and evening sunlight. This will affect the ability grow plants there and will result in mossy, slippery surfaces which will impact on the personal safety of residents, and not being able to sit out will have a detrimental impact on their health.

**Response:** Given that no. 6, the adjoining property to the east, has an extension of the same or very similar projection, it is considered that the extension now being considered has no material impact in terms of obstruction to sunlight. It might have some impact on morning sunlight to no. 14 during the summer but it is considered that this would not be perceived as oppressive.

- The rear extension traverses the boundary of 14 Moorbottom Road

**Response:** The applicant has confirmed that the two dwellings are in the same ownership and this has not been disputed by the occupant of this property. The very minor transgression of the boundary does not affect the validity of the application and is not considered significant in terms of its planning merits.

- The proposed roof light breaches the property boundary adjoining no.6 Moorbottom Road so will not maintain appropriate distances between buildings.

**Response:** This is a private civil matter and as notice has been served on the adjoining property the application is valid.

- The description is incomplete as it does not mention the basement

**Response:** This has now been added to the description.

- Inaccuracies in application form regarding date of completion which was earlier than the stated date. Section 5 (materials) has not been filled in.

**Response:** It is considered that the error is not fatal to the determination of the application and as the extensions have already been built there is sufficient information to allow it to be determined.

- The previous ground floor plans do not show the original layout accurately, especially with regard to openings.

**Response:** The original side door to the rear utility room extension was not shown on earlier versions of the plan – this has now been corrected.

- The plans as existing do not show the steps down to the basement or up to the rear entrance door. This makes it difficult to calculate whether the proposed development takes up 50% or more of land around the original house.

**Response:** The proposal takes up 50% or more of the land around the original house, and it is very unlikely that the steps would take it over 50%.

- First floor plan and loft indicates that a portion of internal wall may have been demolished, so we ask that the case officer engage with Building Control to ensure that it is factored into the additional structural works that are still outstanding. Unauthorised loft plan shows a roof void at the rear which does not accord with what has been built because the dormer is built to the eaves.

**Response:** This is a Building Regulations matter which is a separate regime of controls. The discrepancies between the floorplans and elevations have now been corrected.

- The location plan fails to include all the land necessary to carry out the development because it only includes 2/3 the width of the passageway.

**Response:** It is not clear whether this is intentional or just a drafting error. However, the development itself and the majority of the width of the side passage is shown on the location plan.

- It also exaggerates the projection of the extension at no. 6.

**Response:** The true projection of this extension has been observed on site and has been used to inform the case officer's recommendation.

- The block plan does not show the property at 14 Moorbottom Road nor does it show what has been built.

**Response:** The relationship between the two properties has been observed on site.

- The elevations show the property as if it were detached, contrary to Kirklees guidance.

**Response:** Since the extension has already been built, plans and elevations showing the property in context are not considered essential to allow officers to make an informed assessment. For the sake of clarity, and to allow Committee Members to see what the relationship between 8-10 Moorbottom Road and the two adjoining properties would be, additional drawings showing the extension in context were requested. The architect provided elevations showing the relationship with the two adjoining properties; floorplans do not show the relationship but this can be observed from the case officer's site photographs and further plans are not considered essential to allow a determination to be made.

- Rear elevation shows the dormer set back from the eaves when it is not.

**Response:** Again, this error has been corrected.

- Discrepancies between side and rear elevation regarding dormer height.

**Response:** The difference in height between the elevations was approximately 100mm and therefore not very significant, but this has been corrected on the latest plans.

- Side elevation does not show basement

**Response:** The basement would not be visible on a side elevation, only on a section. A section has not been requested because it is considered disproportionate given the domestic nature and scale of the works.

- Position of wall atop ground floor extension roof is not shown accurately.

**Response:** This is an inaccuracy noted on the original side elevation which has now been corrected.

- The extent of demolition is unclear.

**Response:** It is evident from observations on site that the former utility room, including the outer side wall, was demolished, so no further clarifications are considered necessary.

- Discrepancies in measurements between drawings.

**Response:** The drawings are now considered accurate enough to allow a full assessment to be made.

- The basement storage having a separate externally accessible door may indicate a commercial use in connection with the applicant's grocery business which would mean more disturbance and loss of privacy.

**Response:** This is conjectural and cannot be treated as a material consideration. Any unauthorised commercial use may amount to a material changes of use and can be enforced against if it occurs.

- The installation of the soil pipe in the shared passageway reduces its width which has an impact on access especially by a wheelchair user. It will also make it more difficult to install a ramp in the future.

**Response:** The installation of a soil pipe is, in general, permitted development under Part One, Class G, of the General Permitted Development Order and interference with a private right of access is usually not treated as a material planning consideration. Whilst impact upon accessibility for people with disabilities may be a planning consideration in some circumstances, it is considered that in this instance it would be difficult to justify a refusal, or seeking amendments, on this issue, and it should be regarded as a private civil matter.

10.24 Comments from Ward Councillor Erin Hill are summarised below with officer responses.

- The extension is not subservient to the original building, contrary to Policy LP24(c) and does not respect its character;

**Response:** The extension is considered subservient in terms of height, bulk and footprint and therefore complies with this policy.



- Some of the development crosses over into the boundary of 14 Moorbottom Road and there is no guarantee that they will be in common ownership in perpetuity;  
**Response:** This is not considered a problem since if it were to be sold separately the purchasers would be aware of the situation.
- The building control and environmental health issues which have been caused during the building process, and in particular the serving of an S60 notice in relation to noise and restriction of access to 6 Moorbottom Road;  
**Response:** This is noted but any problems of this nature would normally be assessed under the remit of Building Regulations and Environmental Health legislation not planning.
- There is an apparent discrepancy even between this current retrospective application and what exists on the ground, and I would like assurance that this has been considered by planning officers.  
**Response:** These have been checked and corrected on the amended plans

#### Other Matters

- 10.25 *Biodiversity:* The site is in the bat alert layer but on the basis of an external viewing would appear unlikely to have bat roost potential and in any case most of the works affecting the eaves or roof structure have already been undertaken. The standard precautionary note will be added to the decision notice.
- 10.26 *Climate Change:* On 12<sup>th</sup> November 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 pre-dates 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 application's the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.27 In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. As the proposal is for an extension to an existing dwelling within an urban area it is considered however that that it would contribute to making more efficient use of land in a relatively sustainable location. It is considered that in the circumstances the applicant does not need to demonstrate further measures to combat climate change and the proposal is deemed to be in accordance with the aims set out above, and set out in NPPF Chapter 14.

## **11.0 CONCLUSION**

- 11.1 It is concluded that the design and appearance of the extension, taking into account the relevant Local Plan policies, the provisions of the Householder Extensions and Alterations SPD, and all other material considerations, would respect the appearance and character of its surroundings, and that the development does not adversely affect the living conditions of neighbouring occupiers. It is therefore recommended that conditional approval can be granted.

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

1. No windows to be installed in side elevations at ground floor level
2. Existing white plastic cladding to be replaced with a material that has first been submitted to and approved in writing by the Local Planning Authority.

### **Background Papers:**

#### **Application details:**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93564>

Certificate of Ownership – Notice served on neighbouring property, no. 6 Moorbottom Road.

#### **History file details for the previous approved scheme:**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f90199+>