

Public Document Pack



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

Julie Muscroft

Governance and Commissioning

PO Box 1720

Huddersfield

HD1 9EL

Tel: 01484 221000

Please ask for: Richard Dunne

Email: richard.dunne@kirklees.gov.uk

Wednesday 12 July 2023

Notice of Meeting

Dear Member

Planning Sub-Committee (Huddersfield Area)

The **Planning Sub-Committee (Huddersfield Area)** will meet in **Meeting Room 3 - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 20 July 2023**.

(A coach will depart the Town Hall, at 09:50 am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in meeting room 3, Town Hall , Huddersfield.)

This meeting will be webcast live and will be available to view via the Council's website.

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 Sheikh Ullah (Chair)
Councillor Paul Davies
Councillor James Homewood
Councillor Jo Lawson
Councillor Manisha Roma Kaushik
Councillor Imran Safdar
Councillor Mohan Sokhal
Councillor Donna Bellamy
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Paola Antonia Davies
Councillor Andrew Marchington
Councillor Susan Lee-Richards

When a Member of the Planning Sub-Committee (Huddersfield Area) cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

B Armer
D Hall
A Gregg
R Smith
J Taylor
M Thompson

Green

K Allison
A Cooper

Labour

B Addy
A Anwar
S Hall
Moore E Firth
T Hawkins

Liberal Democrat

J Lawson
A Munro
A Pinnock
A Smith

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Sub-Committee

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

2: Minutes of previous meeting

1 - 6

To approve the Minutes of the meeting of the Committee held on the 15 June 2023.

3: Declaration of Interests and Lobbying

7 - 8

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.

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.

5: Deputations/Petitions

The Committee will receive any petitions and/or 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 submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four

deputations shall be heard at any one meeting.

6: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

7: Site Visit - Application No: 2022/93096

Erection of extension and external staircase 57, Fixby Road, Fixby, Huddersfield.

(Estimated time at arrival at site 10:10 am)

Contact: JohnP Holmes, Planning Services

Ward(s) affected: Ashbrow

8: Site visit - Application No: 2022/94118

External and internal alterations to convert one dwelling into two dwellings and formation of new vehicular access to No. 2 from Lumb Lane. 2-4, Lumb Lane, Almondbury, Huddersfield.

(Estimated time of arrival at site 10:30 am)

Contact: Tom Hunt, Planning Services.

Ward(s) affected: Almondbury.

9: Site visit - application No: 2023/90714

Reserved matters application pursuant to previous outline permission 2020/91146 for erection of residential development of 35 dwellings Land west of, Wesley Avenue, Netherthong, Holmfirth.

(Estimated time of arrival at site 10:55 am)

Contact: Ellie Worth, Planning Services.

Ward(s) affected: Holme Valley South.

10: Site visit - Application No: 2023/90346

Erection of two detached dwellings land at, Greenhill Bank Road, New Mill, Holmfirth.

(Estimated time of arrival at site 11:30 am)

Contact: William Simcock, Planning Services.

Ward(s) affected: Holme Valley South.

Planning Applications

9 - 10

The Planning Sub 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 no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 17 July 2023.

To register, please email governance.planning@kirklees.gov.uk or phone Richard Dunne or Andrea Woodside on 01484 221000 (Extension 74995 or 74993).

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.

11: Planning Application - Application No: 2023/90714

11 - 78

Reserved matters application pursuant to previous outline permission 2020/91146 for erection of residential development of 35 dwellings Land west of, Wesley Avenue, Netherthong, Holmfirth.

Contact: Ellie Worth, Planning Services.

Ward(s) affected: Holme Valley South.

12: Planning Application - Application No: 2023/90346

79 - 100

Erection of two detached dwellings land at, Greenhill Bank Road, New Mill, Holmfirth.

Contact: William Simcock, Planning Services.

Ward(s) affected: Holme Valley South.

- 13: Planning Application - Application No: 2022/94118** 101 - 118
- External and internal alterations to convert one dwelling into two dwellings and formation of new vehicular access to No. 2 from Lumb Lane. 2-4, Lumb Lane, Almondbury, Huddersfield.
- Contact: Tom Hunt, Planning Services.
- Ward(s) affected: Almondbury.
-

- 14: Planning Application - Application No: 2022/93096** 119 - 132
- Erection of extension and external staircase 57, Fixby Road, Fixby, Huddersfield.
- Contact: JohnP Holmes, Planning Services
- Ward(s) affected: Ashbrow.
-

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 15th June 2023

Present: Councillor Sheikh Ullah (Chair)
Councillor James Homewood
Councillor Imran Safdar
Councillor Mohan Sokhal
Councillor Donna Bellamy
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Paola Antonia Davies
Councillor Andrew Marchington
Councillor Susan Lee-Richards
Councillor Eric Firth
Councillor Beverley Addy
Councillor Ammar Anwar

Apologies: Councillor Paul Davies
Councillor Jo Lawson
Councillor Manisha Roma Kaushik

1 Membership of the Sub-Committee

Apologies were received from Councillors Paul Davies, Jo Lawson and Manisha Kaushik.

Councillor Eric Firth substituted for Councillor Paul Davies.

Councillor Beverley Addy substituted for Councillor Jo Lawson.

Councillor Ammar Anwar substituted for Councillor Manisha Kaushik.

2 Minutes of previous meeting

The minutes of the meeting held on the 13 April 2023 were approved as a correct record.

3 Declaration of Interests and Lobbying

Cllr McGrath declared an 'other interest' in application 2023/91198 on the grounds that he had contributed to the crowd funding of the proposed application.

It was noted that Cllr McGrath did not participate in the Committee discussion or vote on the application.

Planning Sub-Committee (Huddersfield Area) - 15 June 2023

Cllr Lee-Richards declared an 'other interest' in application 2023/91198 on the grounds that she had submitted the application on behalf of the Newsome Community Benefit Society.

It was noted that Cllr Lee-Richards did not participate in the Committee discussion or vote on the application.

Cllrs Safdar and Ullah declared that they had been lobbied on application 2023/90120.

4 Admission of the Public

All items were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2023/90120

Site visit undertaken.

8 Planning Application - Application No: 2022/90672

The Sub Committee gave consideration to Planning Application 2022/90672 Erection of 19 single storey dwellings, associated access, and hard and soft landscaping, including demolition of no.1 Row Street. Land rear of, Row Street, Crosland Moor, Huddersfield.

RESOLVED –

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

1. The proposed development layout does not achieve a net density of 35 dwellings per hectare that would be sufficient to use land efficiently for a residential purpose. As such the proposal is contrary to Policy LP7 of the Kirklees Local Plan and Paragraph 124 of the National Planning Policy Framework as it does not seek to maximise housing delivery and is not overridden by mitigating reasons with regard to development viability, compatibility with its surroundings or meeting local housing needs. The lack of a sufficient density would also further undermine the Local Planning Authority's housing delivery target, which is subject to a Housing Delivery Test Action Plan.

2. The applicant has failed to justify the provision of no affordable housing units on a site which, in total, would require 4. No weight has been afforded to the submitted Viability Assessment as the Independent Review shows that the provision of 2 affordable units could be viable. As such, the proposal would be contrary to Policy LP11 of the Kirklees Local Plan and Paragraph 58 of the National Planning Policy Framework.

Planning Sub-Committee (Huddersfield Area) - 15 June 2023

3. The proposed development, by reason of its contrived, minimalistic and regimented layout, scale and appearance, would fail to sympathetically relate to existing development within the locality and would fail to provide a housing mix in respect of the character of the area. The development would therefore be contrary to Policies LP11 and LP24 of the Kirklees Local Plan, Principles 2 and 14 of the Kirklees Housebuilder Design Guide SPD and Chapter 12 of the National Planning Policy Framework.
4. The proposed development, by reason of the severely limited amount of useable internal floor space for each dwelling, would provide a poor standard of amenity to future occupiers contrary to paragraph 130(f) of the National Planning Policy Framework, Principle 16 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Policy LP24(b) of the Kirklees Local Plan.
5. The applicant has failed to demonstrate, through the submission of sufficient drawings and information, that the proposals would: ensure an adequate provision of on-site parking and visitor parking spaces and would take into account access and egress for emergency services and refuse collection. These deficiencies in the application are all to the detriment of highway and pedestrian safety, contrary to Policies LP22 and LP24 of the Kirklees Local Plan, Key Drivers of the Highways Design Guide SPD, Principles 12 and 19 of the Housebuilders SPD and the aims of the National Planning Policy Framework.
6. The application, by lack of information fails to demonstrate any mitigation measures to overcome the ecological harm the development would cause and to provide a 10% net biodiversity gain. Therefore, to grant permission would be contrary to Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
7. The application fails to provide green infrastructure and an attractive frontage, as it does not make effective use of tree-lined streets in the site. This would fail to maximise visual amenities, ecological benefits and adaption to climate change. Therefore, to grant this permission would be contrary to Policy LP24(i) of the Kirklees Local Plan, Principle 7 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF, particularly Paragraph 131.
8. The application, by reason of insufficient information, fails to demonstrate whether adequate space or provisions for surface water, rainwater and foul waste drainage can be provided within the site. As such, there are severe concerns as to whether the site could successfully and safely accommodate suitable drainage systems for the level of waste water and foul waste infrastructure required to meet the demand by the new development. As such, the scheme does not comply with LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.
9. The application submission fails to demonstrate how meaningful or useable amenity green space or public open space of any typology can be provided on the site. Therefore, it is concluded that the proposal, due to the lack of on-site public open space provision and the inability to secure any off-site contributions, is contrary to Policy LP63 of the Kirklees Local Plan and Open Space Supplementary Planning Document.

Planning Sub-Committee (Huddersfield Area) - 15 June 2023

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

For: Councillors: Addy, Anwar, Bellamy, Paola Davies, E Firth, Homewood, Lee-Richards, Marchington, McGrath, McGuin, Safdar, Sokhal and Ullah (13 votes)

Against: (0 votes)

9 Planning Application - Application No: 2023/90120

The Sub Committee gave consideration to Planning Application 2023/90120 Erection of extension and alterations to detached garden room/gym to create dwelling forming annex accommodation associated with 5, School Hill, South Crosland, Huddersfield, HD4 7BY (within a Conservation Area) 5, School Hill, South Crosland, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Robert Grieve (applicant) and Ron Berry (in support).

RESOLVED –

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

1. The proposed development would constitute a disproportionate addition to the original dwelling which would no longer be the dominant element in terms of size or appearance. This is inappropriate development in the Green Belt by definition. Further harm to the spatial and visual openness of the Green Belt would arise through the extension of this prominent structure on rising land encroaching towards open countryside. No very special circumstances have been demonstrated to clearly outweigh the harm of the development to the Green Belt by reason of inappropriateness or other harm. The development would be contrary to Policy LP57 of the Kirklees Local Plan and policies contained within Chapter 13 of the National Planning Policy Framework.

2. The proposed development by reason of its scale, siting and design would be neither subservient to nor harmonise with the host dwelling and would appear visually jarring in the wider streetscene. This would cause detrimental harm to the visual amenities of the host dwelling and character and appearance of the area. This is contrary to policies LP24 (a and c) and LP57(d) of the Kirklees Local Plan, Principles 1 and 2 of the House Extensions and Alterations SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

3. The proposed extension, by reason of its siting, scale and external appearance, would fail to preserve the character or appearance of the South Crosland Conservation Area. The harm is considered to be less than substantial harm, however, as required by paragraph 199 of the National Planning Policy Framework (NPPF), great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and

Planning Sub-Committee (Huddersfield Area) - 15 June 2023

Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

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

For: Councillors: Addy, Paola Davies, E Firth, Lee-Richards, Marchington, McGrath, Sokhal and Ullah (8 votes)

Against: Councillors Anwar, Homewood, McGuin and Safdar (4 votes)

Abstained: Councillor Bellamy

10 Planning Application - Application No: 2023/91198

The Sub Committee gave consideration to Planning Application 2023/91198 Change of use from place of worship (Class F1) to community centre with ancillary cafe (Class F2) St Johns Church, Jackroyd Lane, Newsome, Huddersfield.

RESOLVED –

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 the considered report as set out below:

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. Hours of use: no activities outside the hours of 9:00-22:00 every day, and the ancillary community café no outside 9:00-17:00 each day.
4. No external lighting until details submitted to and approved in writing by the local planning authority.
5. Details of bin storage, bin presentation points and access for collection of wastes.
6. Details of cycle storage facilities.

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

For: Councillors: Addy, Anwar, Bellamy, Paola Davies, E Firth, Homewood, Marchington, McGuin, Safdar, Sokhal and Ullah (11 votes)

Against: (0 votes)

This page is intentionally left blank

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 27th 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 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.

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.

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2023

Subject: Planning Application 2023/90714 Reserved matters application pursuant to previous outline permission 2020/91146 for erection of residential development of 35 dwellings Land west of, Wesley Avenue, Netherthong, Holmfirth, HD9 3UL

APPLICANT

Jonathan Mayo,
Heywood Homes

DATE VALID

09-Mar-2023

TARGET DATE

08-Jun-2023

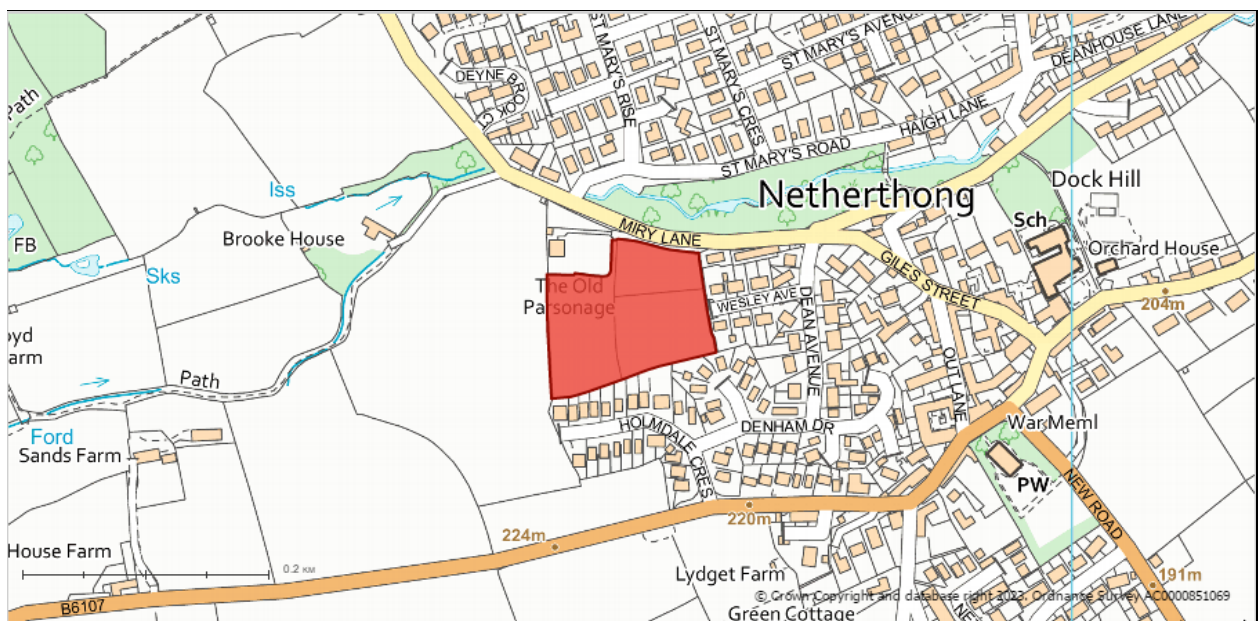
EXTENSION EXPIRY DATE

27-Jul-2023

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure an appropriate S106 agreement to include the following matters:

- 1) Affordable housing – seven affordable housing units (four to be social rented three intermediate dwellings for affordable sale) to be provided in perpetuity.
- 2) Open space – A sum of £55,298 towards off site provision.
- 3) Education – £62,953 contribution to be spent on the additional spaces required at Netherthong Primary School and Holmfirth High School.
- 4) 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 drainage until formally adopted by the statutory undertaker).
- 5) Highways and transport - £14,833.50 towards a Sustainable Travel Fund.
- 6) Biodiversity - £71,990 contribution towards off-site provision to achieve a 10% biodiversity net gain.

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.

1.0 INTRODUCTION:

- 1.1 This is a Reserved Matters submission for a residential development of 35 dwellings. The applicant seeks approval of all matters previously reserved, namely appearance, landscaping, layout and scale.
- 1.2 Outline planning permission for residential development was granted via appeal on the 31st January 2022. All matters were reserved other than access. The application (ref 2020/91146) was considered by Huddersfield Sub-Committee on the 10th March 2021. The Sub-Committee refused the application for the following reason:

“The development of this site for residential purposes would require access via Wesley Avenue, which is of sub-standard width taking into account the constant presence on-street parking. It would therefore fail to provide an acceptable means of access into the site and it would have an unacceptable impact on highway safety, contrary to Policy LP21 of the Kirklees Local Plan (2019) and guidance within the National Planning Policy Framework”.

1.3 The refusal of outline planning permission was subsequently appealed, and the appeal upheld. The Planning Inspector concluded that Wesley Avenue was suitable for access into the site. The application also secured a S106 which includes the following:

- 1) Affordable housing – 20% of dwellings to be affordable with a split of 55% social or affordable rent to 45% intermediate housing;
- 2) Open space – contribution to off-site open space to be calculated at Reserved Matters stage based upon the level of on-site provision at that time;
- 3) Education - additional places would be required at Netherthong Primary School and Holmfirth High School with the contribution to be calculated at Reserved Matters stage based upon the projected numbers at that time;
- 4) Arrangements to secure the long-term maintenance and management of public open space and the applicant’s surface water drainage proposals;
- 5) A contribution to sustainable transport methods to be determined at Reserved Matters stage (Indicative contribution of £14,833.50 based on 36 dwellings).

1.4 The current application is presented to Huddersfield Sub-Committee at the request of Ward Councillors D Firth and P Davies and due to the substantial number of public representations received. The reasons for the Councillor requests include concerns regarding the impact on the Conservation Area, road infrastructure, drainage, the protected trees within The Old Parsonage, the design and materials of the houses, overlooking and privacy issues to existing residential properties. These are expanded in more detail within the report.

2.0 SITE AND SURROUNDINGS:

2.1 The application site lies on the western edge of the settlement of Netherthong. It is a Greenfield site that extends to 1.22 hectares. It presently constitutes three fields/paddocks used for grazing. Wesley Avenue lies to the east and the site physically adjoins the gardens of 11 and 12 Wesley Avenue and the detached property at 5 Miry Green Terrace. Along its northern boundary, the site adjoins Miry Lane and the garden to The Old Parsonage, a detached dwelling set within generous grounds. The rear gardens of properties on Arley Close and Holmdale Crescent adjoin it to the south with open fields within the Green Belt to the west.

2.2 The character of the site is presently that of an open field with natural stone walls to its perimeter. Topographically, it slopes gradually from the south towards the north before falling more steeply towards Miry Lane. Mature tree planting exists within the garden of The Old Parsonage, which are protected by a Tree Preservation Order (TPO). There is a sycamore and oak along the boundary with Miry Lane within the site and a further group of trees along the southern boundary.

- 2.3 The prevailing context of the residential dwellings that bound the site to the south and east on Wesley Avenue, Holmdale Crescent and Arley Close is circa 1960s modern housing development. The properties comprise a mixture of detached bungalows and detached and semi-detached two storey houses constructed mainly in brick and artificial stone. These dwellings have a clear planned form. They are typically set back from the road along a broadly consistent building line with mature front gardens and generally longer gardens to the rear.
- 2.4 Along Miry Lane and within Netherthong are more traditional stone dwellings. Opposite the site on Miry Lane is an area of protected woodland, which is part of a Wildlife Habitat Network. These areas, along with the Old Parsonage, fall within the Netherthong Conservation Area (CA), which adjoins the site boundary to the north/north-east.
- 2.5 The site is designated for housing in the Kirklees Local Plan (HS 184) and is referenced as 'land to the West of, Wesley Avenue, Netherthong, Holmfirth' The site allocation refers to a gross site area of 1.24 hectares, a net site area of 1.09 hectares and an indicative capacity of 38 dwellings.

3.0 PROPOSAL:

- 3.1 The application seeks Reserved Matters consent in relation to appearance, landscaping, layout and scale, following the approval of Outline permission (with details of access) via appeal in 2022. Therefore, the principle of taking access from Wesley Avenue is not under consideration for this submission, as the principle of this access to serve the development has been approved.
- 3.2 35 dwellings are proposed, comprising 10 detached dwellings, 4 semi-detached dwellings, 9 terraces and 12 residential flats. The majority of the units would be two-storey in height, the few exceptions would have a third storey either to the front or rear elevation. This is due to the changes in levels within the site. Each property would be provided with off street parking. An area of public open space would be provided to the north of the site (with a stepped pedestrian connection onto Miry Lane). Vehicular access would be taken onto Wesley Avenue (as approved at outline).
- 3.3 The 35 units would comprise of 3 x 5 bed units, 7 x 4 bed units, 11 x 3 bed units, 10 x 2 bed units and 4 x 1 bed units. 7 affordable units would be provided, in the form of 4 x 1 bed units and 3 x 2 bed units, to be managed and operated by a registered housing provider. These have been secured in the S106 as part of the previous outline application.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 On the application site:

2020/91146 Outline application for erection of residential development – Refused and appeal upheld (APP/Z4718/W/21/3276678).

The outline application was refused by Huddersfield Sub-Committee on the 10th March 2021. It was refused against Officer recommendation, on the grounds that:

“The development of this site for residential purposes would require access via Wesley Avenue, which is of sub-standard width taking into account the constant presence on-street parking. It would therefore fail to provide an acceptable means of access into the site and it would have an unacceptable impact on highway safety, contrary to Policy LP21 of the Kirklees Local Plan (2019) and guidance within the National Planning Policy Framework”.

The subsequent application against the refusal of planning permission was and allowed on the 31st January 2022, granting Outline permission. In the decision letter, the Inspector concluded that:

“51. The appeal site is allocated for housing development in the KLP. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Framework at paragraph 11(c) advises that for decision making, development proposals that accord with an up-to date development plan should be approved without delay.

52. The appeal proposals conform with the location and scale of development proposed in the Local Plan. I have concluded that access to the proposed development along Wesley Avenue would not be harmful to highway safety.

53. Consequently, for the reasons given above, and having regard to all other matters raised, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed subject to conditions”.

2023/90882 Discharge of conditions 17 and 18 (soil testing) of previous outline permission 2020/91146 (APP/Z4718/W/21/3276678) for erection of residential development – Discharge of conditions approved.

4.2 Surrounding the application site:

2022/92477 Erection of single storey extension to side – Granted (6 Arley Close)

2016/93425 Erection of single storey rear extension (within a Conservation Area) – Granted (The Old Parsonage)

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

5.1 A number of concerns/requested amendments have been raised by officers during the assessment of the application, as follows:

- To reduce overall height to Plots 1 and 2
- Provide details regarding the retaining walls
- To update the Tree Report.
- To provide bin presentation points for each unit and the appropriate number of bins for each property.

- To update the planting schedule on the landscaping plan and provide a buffer from the gardens of the dwellings to the north to the POS.
- To identify the levels of the turning head.
- To amend the retaining wall details to plots 26-35.
- To provide a street scene from Miry Lane.
- To show the finished floor levels of the proposed
- To submit a boundary treatment plan

5.2 In light of the above, the applicant has provided amended plans seeking to overcome the concerns raised.

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

Kirklees Local Plan (2019):

6.2 The site is allocated for residential development in the Local Plan (Site Reference HS184) with an indicative capacity of 38 dwellings. Identified constraints are cited as limited surface water drainage options, third party land required to achieve drainage solution and that the site is close to a Conservation Area.

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Master planning 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
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

- LP63 – New open space
- LP65 – Housing allocations

Neighbourhood Development Plans

6.3 The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. 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 Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 11: Improving Transport, Accessibility and Local Infrastructure
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

6.4 The application site is within Landscape Character Area 5, Netherthong Rural Fringe. The key landscape characteristic of the area are:

- The elevation offers extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below.
- Within Netherthong and Oldfield views of the surrounding landscape are often glimpsed between buildings.
- Distinctive stone wall field boundary treatments divide the agricultural landscape.
- Public Rights of Way (PRoW), including the Holme Valley Circular Walk, cross the landscape providing links between settlements. National Cycle Route no. 68 also crosses the area.

The key built characteristics of the area are:

- In Netherthong and Oldfield buildings are grouped around courtyards to provide protection from the elements whilst Deanhouse has a predominantly linear plan.
- Vernacular buildings largely comprise farmhouses, barns and two and three storey weaver's cottages of millstone grit with stone mullioned windows.

Supplementary Planning Guidance / Documents:

6.5 The most relevant SPD documents are the following:

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

Guidance documents

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

- Waste Management Design Guide for New Developments (2020)
- Green Streets® Principles for the West Yorkshire Transport Fund
- Kirklees Housing Strategy (2018)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)

National Planning Guidance:

6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and 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 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

6.7 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

Climate change

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

6.9 On the 12th of 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised as a major development, which entailed four site notices being erected in the local vicinity, neighbour notification letters to residents in which adjoin the sites red line boundary and a press advert.
- 7.2 As a result of the above, 53 representations have been received at the time of writing, in response to the Council's consultation. These have been published online. The following is a summary of the concerns/objections raised, which will be addressed in more detail within the report:

Visual amenity and conservation:

- These houses seem to have deteriorated in quality from the original plans with visible cutbacks being made. Many of the houses were being built with conservatories and these are now optional.
- The design of the houses is described by the developer as 'simple'. Indeed, they lack any architectural merit and it is difficult to see what the employed architect actually did.
- The limited drawings / elevations which have been provided reveal that these buildings would all be of a stark modern design.
- There are two 300 year old stone gate posts that are not mentioned in the application at all. I would like to know how the development plan to conserve these ancient artefacts and therefore retain some of the heritage of the site.
- The existing heritage is not protected, e.g. unique ancient stone gateposts, circa 1700's.
- The Developer has only stated that the gateposts adjoining Miry Lane would be safeguarded (by repositioning them) but has remained silent on the other (most ancient) pair of gateposts that sit between the north and south fields adjacent to Wesley Avenue – these need to be preserved and protected).
- The planned house for Plot 6 is unsuitable as it fails to meet Kirklees Council's own policies in respect of its planned roofline. It does not comply with Principle 5 and 6 of the SPD. If plot 6 was removed, it would give some of the other plots a larger south facing garden.
- The large house is not suitable for the area and will be marketed at a high price.
- The site is situated to the south of Netherthong Conservation Area and is made up of 3 fields. The field is substantially elevated and the applicant seeks to building 11 properties, very close together across the crest of the hill. These would completely dominate the field and would tower over Miry Lane and the Conservation Area.
- The materials would differ considerably from those of existing properties in the immediate area. The applicant has clearly not sought to modify its existing house type designs or materials to accommodate this special Conservation Area location and has had no regard to Heritage or Historic issues.

- It is submitted that what is proposed here would be utterly alien in style, materials, size, position and overall appearance to the existing character of the conservation area. This would constitute substantial harm. It cannot sensibly be said that any substantial public benefit would outweigh this harm. The present proposal should be rejected. See in particular NPPF 194,199 and 200 and LP35.
- The development would impact upon the Old Parsonage which is considered to be a non-designated heritage asset, which has a garden and many trees. The applicant proposes to build a large 3 storey detached house in the north-west corner of the field, a block of 4 town houses in the north centre and a semi- detached house to the north east corner. These buildings would be closer together and of modern designs. Therefore, concerns have been raised regarding, the impact the development would have on the setting of the Old Parsonage, the impact upon the tree protection area and the development not being in keeping with the character of the area and conservation area.
- The applicant has failed to prepare a detailed Heritage impact assessment.
- The development and the designs of the houses are totally inappropriate for the Conservation Area and rural setting. It is hard to believe that the applicant seriously suggests a row of 4 ultra modern townhouses and a large 3 storey detached house.
- Buildings to the west side of the western field would be highly visible and would impact upon the conservation area and the Green Belt. The applicant has given no serious thought to such matters and has presented the application in a routine way as if it was for an urban setting rather than a rural one.
- All the large fences between each garden with be an eye sore. It would be like looking onto an allotment site or council house estate with rows and rows of fences and certainly no in keeping with the area.
- To the North of the site is the Conservation Area and any house close to it should be designed with great care. For some reason, the design of plot 19 (a large, 3 storey dwelling) seems to have overlooked these basics matters. It's the only one of this design on the site and would be highly visible from public vantage points including public footpaths. Such a huge house would be an intrusion in this rural location.

Residential amenity:

- Concerns regarding the location of plot one with neighbouring properties.
- The large houses that back onto existing properties would cause a privacy and light issue.
- Peace and quiet which would all be lost, plus the privacy in our own home and garden that we paid a premium for because of its rural location.
- The new development would dwarf us and take away our privacy. Windows would also overlook our garden. This would be very oppressive. A bungalow in this location would be better suited.
- Impact on the extensions of neighbouring properties due to the development proposed.

- Original plans were for bungalows along the top of the estate, which at least meant bungalows on Holmdale Crescent had more privacy and were not overlooked straight into bedrooms to the extent they would be now.
- The new build development would be very close to our properties leaving no privacy and being overlooked into our bedrooms and the proposed properties at this end of the site are some of the largest on the plans.
- I strongly object to plot 14 and the relationship it would have with the bungalows on Holmdale Crescent.
- There are 5 openings within plot no. 14 which would overlook our gardens and dwelling. This would be a massive invasion of our privacy.
- The proposed plans are also for houses taller than the bungalows lining the edge of the site, which means residents in these houses would now be overlooked, would lose their privacy and natural light/sunlight would be blocked by the new properties.
- Plot 6 would severely affect the privacy of existing neighbouring properties.

Highways and parking:

- The village of Netherthong is getting like the M1 with all the extra traffic. When cars are parked on Dean Avenue, you have very little room to pass.
- Wesley Avenue is too narrow for large amounts of traffic and are already dangerous to walk on.
- Netherthong is not built to take yet another (at least) 70 or more cars, delivery vans, visitors' cars to a new 35 house estate which is being built with cutbacks due to increasing building costs.
- Planning should consider looking at the road situation around Netherthong and an overfull school.
- Traffic already has problems passing through the village because of parked cars and narrow lanes, some without pavements.
- Entry to the proposed site from Miry Lane would lead to many issues for residents with parked HGV's and workers vehicles making passage for pedestrians and cars and the small bus very difficult.
- On several occasions my children have faced near misses with vehicles while journeying to and from school.
- Netherthong is a small village with narrow roads which are made narrower by parked vehicles. After 2 previous building developments there is no longer any road surface left on Dean Brook Road, it is substrata.
- Adding more traffic would make it a real danger zone for everyone and emergency vehicles getting through.
- Pedestrians walking through the village are not safe as cars frequently mount the pavements to allow 2 cars to pass side by side. There are similar examples of this in Holmfirth, whereby the road isn't wide enough to accommodate the traffic.
- The roads are riddled with potholes and deteriorating tarmac and would only get worse with more traffic.
- There is a need for traffic calming measures.

- Has a Highways Officers looked at the road plan. How would a narrow road that is essentially only wide enough for one car to travel down due to the necessity of parked cars (Wesley Avenue) going into a wider road (the new development) work in practice? There must be a reliance on somewhere to pull in on Wesley Avenue to pass? Or someone may need to wait at the end of Wesley Avenue and cause traffic to wait on the hill of Dean Avenue.
- Wesley Ave is not suitable in width for additional traffic from the new development and the existing residents parking.
- The Council needs to make it a condition that Wesley Avenue will not be used as a means of access for construction vehicles, deliveries or workers during the construction phase of the development. Furthermore, the Council also needs to make it a condition that those working on or visiting the site do not park on Wesley Avenue.
- The outline planning application, which the Planning Inspector considered during the appeal process, had 92 car parking spaces included in the development. The new plan states that only 73 parking spaces will be provided (including the single visitor space). As the Developer's own Road Safety Audit report states:- It is unclear if car parking can be fully accommodated off street to serve each dwelling having regard to the requirement for 3 spaces for 4-bedroom dwellings.
- Additional housing on top of recent building and the volume of building traffic required to build this estate would create an obvious danger to pedestrians and young children who walk to the village and local high school on country lanes without pavements.
- The Kirklees section 38 preference would be to have the visitor parking off street or in bays.
- The bus service is being further reduced.
- I object to this development because nothing has been done to make the access to the development safer since it was refused planning permission at the last planning committee meeting. The decision should not have been overturned without suggestions being made to make the access safer. Concerns regarding the use of Wesley Avenue for construction traffic, the road is only 4.9m wide and regularly has cars parked at the side.
- Concerns regarding the construction phase. Where would the construction staff park their cars until the on site car park is built.
- Concerns regarding the removal of the current turning head. As stated previously this is a narrow road and the turning head is vital in being able to safely turn around while also limiting damage to vehicles and pavements through the use of this space. By only having the turning head at the end of the new development it increases the distance by 104m that current residents would have to travel to turn their cars.
- The removal of the turning head on Wesley Avenue would make it harder for residents to turn.
- The roads are already in a dire state which would only be exacerbated by an extended period of building works.
- There is not enough car parking spaces.
- Why isn't there any provision for bikes including e-bikes.
- There is not enough space for recycling bins etc. Government policy is about to change and would require more recycling.
- How would lorries enter the site.

- Each plot has allocated parking for one vehicle where do visitors park without causing an obstruction or damage to the pavements? This could be a particular issue around the plots that are designated as flats.
- House owners along Wesley Avenue have to park on pavements due to drives being too steep, undercarriages of cars scrap on them.
- The proposed construction phase has not been properly planned. It would increase the risk of accidents, traffic jams, bus delays and access for the emergency services.
- Vehicles must not be allowed to park on the local roads which are already over congested as this would lead to a risk of accidents as well as damage to elements of the highway from, e.g., driving up the kerb.
- No regulation of traffic took place with the site on Miry Lane leading to Oldfield and a whole section of it and St. Mary's Road was treated as a car park with damage to kerbs , verges and some appalling littering . A detailed and enforceable plan must be created to ensure that all parking takes place within the site itself.
- The proposed construction phase has not been properly planned. It would increase the risk of accidents, traffic jams, bus delays and access for the emergency services (a travel plan for the construction phase of the development has not been submitted – Wesley Avenue is simply not wide enough to accommodate the size of vehicles associated with construction work and cannot safely accommodate the parked vehicles of those involved in the construction.
- The large vehicles that would be needed for such a development would create significant traffic and dangerous situations for both vehicles and pedestrians.
- The roads in the area are mainly too narrow for current size of vehicles as the roads weren't designed for cars to be parked on the roads as they were designed for horse and carts.
- Wider parking issues, with people parking on street rather than on their drives or within their garages.
- The council has, ironically, renewed the pavements on Wesley Avenue and the adjoining estate roads which would then be severely damaged by construction traffic.
- Slow moving congested traffic would cause more bad air quality. Traffic congestion has become a daily occurrence down New Road, Deanhouse and by the church and Londis Shop.
- Putting yellow lines through the village would affect the church and the shop and would probably close them down as no one would visit. This would then be another lost business thanks to Kirklees.
- People would not walk down on to Miry Lane to go to the village and this is an absolutely ridiculous suggestion. They would use their cars as the pavements around Netherthong are not safe with all the traffic trying to get through.
- The proposed cycle/pedestrian access onto Miry Lane has 4 flights of steps which aren't fit for purpose for cyclists, pedestrians and wheelchair users etc. These users would have to use Wesley Avenue, which defeats the object of reducing footfall on Wesley Avenue.
- Planning permission had been previously rejected for this site on a number of occasions, due to the width of the road by which the site would be accessed: it was decided it was therefore not suitable for building. The road has not changed since previous plans for this site were rejected, therefore there is no reason why it should now have been

passed. This change of opinion has not been justified by the council either, therefore there is no valid reason for the plans to have been passed this time. If anything, sale of houses on the street has meant the volume of traffic and cars parked on the road has increased, making access to the site even narrower and more difficult than before.

- The inadequate parking provision within the finished site would increase the risk to road safety on the surrounding village streets (Kirklees Highways Department is going against its own policies in allowing an inadequate number of visitor parking spaces to be provided within the site.
- The development would make it dangerous for children walking to school due to existing traffic problems,
- The roads on Denham Drive are already damaged and additional work traffic will make them worse.
- Wesley avenue is not fit for construction traffic. P10 of the Construction Phase Plan suggests that work vehicles must not be too large for the road network, due to the terrain and parking.
- Where will construction workers park before the staff car park is created? There is limited car parking on Wesley Avenue. More detail is needed.

Ecological and tree concerns:

- The fields have been left to grow for many years into a wildlife sanctuary for plants such as wildflowers and bluebells, nesting birds, Owls that come in the evenings to feed, Hedgehogs that I have personally helped and had to put them back in to the field when they have come wandering out. The Bluebells are a protected flower which should not be damaged or harmed and during the construction of this development. Provisions should be made.
- The stone walls which would inevitably be taken out with this development are all homes for the desperately needed wildlife.
- Concerns regarding the assessment on invertebrates.
- Dean Brook has a significant number of wildlife including birds, hedgehogs and visiting badgers. Further building on the fields would surely impact on their well-being.
- The proposed construction plan for this development would irrevocably destroy existing protected species, e.g. hedgehogs and native bluebells.
- We have lots of bats in an evening which would also be lost as part of this development and provisions should be made to protect them.
- Concerns regarding the disturbance of nesting birds.
- Can it be confirmed that the net loss would be compensated for, as the developer hasn't given any examples of this.
- I am glad to see that hedgehog holes would be placed in fences as we regularly have hedgehogs walking down our drive (caught on cctv a few times a week). However, I am concerned that this development would damage a huge area of land that provides them with food and shelter as a lot of their shrub habitat would be removed during the development phase.
- I am concerned regarding the time periods to when the biodiversity indicator was calculated as both surveys were done in March, meaning that it would be difficult to identify many plant species.

- The proposed construction plan for this development would irrevocably destroy existing protected species, e.g. hedgehogs and native bluebells (the developer is proposing to start work in August 2023 even though their own Ecologist has stated that a survey needs to be completed in May/June).
- The presence of hedgehogs is acknowledged in the Developer's Ecological Design Strategy Report. However, the presence of native bluebells has been missed because none of the ecological assessments have been undertaken in the season when these are visible above ground.
- Hugely destructive of biodiversity. Not enough trees being planted.
- On the subject of nesting birds, the development site sits adjacent to an area of well-established woodland in a designated Conservation area. This is currently rich in wildlife, including many species of bird. This is also the case in many surrounding gardens, my own included. According to the Royal Society for the Protection of Birds, gardens may provide a breeding habitat for at least 20 per cent of the UK populations of house sparrows, starlings, greenfinches, blackbirds and song thrushes, four of which are declining across the UK. They state: For this reason, it is important we try to reduce cat predation as some of these species are already under additional pressure from a wide range of other sources. Cat predation can also be a problem beyond the garden. For example in adjacent woods, copses and hedges.
- The wildlife report says quite clearly that no work of site clearance should be undertaken between March and August - nesting birds etc.- but the work schedule seems to begin in May. Please explain.
- One of the stipulations of new developments is that the streets are tree lined and as much as this planning proposal appear to have addressed this, the location of trees at the front of the properties in the plans look to be included within the boundary of the property. What guarantee does the council and/or the developer offer to ensure that these trees are not removed by the property owners at a later date after taking occupancy?
- Pending full disclosure of information requested, it is not yet clear whether the works associated with the proposed tank would be within the Tree Protection Zone set out in the report and scale plan mentioned below. The TPZ does extend into the Eastern field and it is vital that all the information is provided so that a reasoned decision can be made.
- There should be no activity within the Tree Protection Zone.
- All of the buildings within the western field would be within the Tree Protection Zone.
- The developer has addressed some of the issues previously raised by residents. I would add that fencing should allow passage by hedgehogs.
- I believe the well-established trees near Miry Lane have a conservation order on them so cannot simply be cut down as they are in wrong place for this development.
- Concerns regarding the impact to which plot 6's garage would have on nearby trees.
- Impact on flora and fauna.

Drainage concerns:

- Water floods down the fields in heavy rainfall.
- Concrete and Tarmac does not soak up water like soil and trees. The excess water on the new estate would be full of Chemicals. Cleaning fluids and soap from people washing their cars, salt in winter which would be thrown down by the homeowners. This would all be washed down in o Dean Brook, destroying even more wildlife and woodland plants along with adding more water to flooding issues that occur in Dene Brook making this a more common occurrence. More flooding would also cause further damage to properties and gardens which have been there for many years.
- The proposed development (both during construction and after completion) would increase the risk of flooding and the risk of harmful contaminants entering the local river (the risk of flooding from the discharge of surface run off water into Dean Brook river, some 260m downstream has not been assessed, nor has the risk of contaminants, e.g. oil, windscreen wash, salts entering that natural watercourse).
- During and after construction there would be an increase in surface runoff following heavy rain (a regular event) due to the removal of fields (which would normally absorb this water). I am concerned with where the discharge of surface run-off is going, as highlighted in the Yorkshire Water Consultation. I can't see plans for how they aim to prevent it going down Wesley Avenue. Furthermore, I also share Yorkshire Water's concerns that the sewer may not be able to cope with excess surface run-off.
- On a number of occasions over recent years, the roads entering St Mary's Road have been flooded making access impossible until local residents have intervened. I am concerned that further building in this vicinity would make matters worse.
- The proposed development (both during construction and after completion) would increase the risk of flooding and the risk of harmful contaminants entering the local river.
- Further housing also impacts the local environment, increases risk of flooding as this field is used as a run off for water and Netherthong has already seen flooding due to the flood plains struggling to cope, alongside removing further habitat for local wildlife.
- The sewage system cannot cope at the moment. Only on the 13th June it had to be repaired again on Dean Brook Road.
- The drainage on Wesley Avenue is already an issue, puddles often form on the road outside my house. With the dirt, debris and pollutants being carried on work vehicles alongside wash out down the new road on to ours this would become a real problem.
- Constructing the euphemistically called attenuation tanks and the associated sewers in Miry Lane would lead to considerable traffic disruption in Miry Lane and Dean Brook Lane. Would they be passable during the work?
- I note the landowner has been refused access permission to lay a new surface water sewer and that the developer states there was a 225ml surface water sewer onto Dean Beck but this is not evidence on Yorkshire Waters Plans. Has the pipe now been verified by Yorkshire Water and Kirklees Planning and is it available to remove surface water from the site.

- Increase in flood risk to Miry Lane/Dean Brook. By adding 35 dwellings this can only increase this risk. The residents on Wesley Avenue already experience difficulties with drainage.
- Rain is currently absorbed into the field.

General concerns:

- The application is invalid as the site is in Netherthong not Netherton.
- Concerns over the plans submitted, whereby I have contacted the builder to discuss my concerns with no reply.
- What are the dimensions of the timber crib wall? There are no measurements of this.
- The plans need to be made clearly especially regarding boundaries.
- The local school is already full so most children would have to be transferred to other nearby schools. This would already make a congested area during school times worse.
- The amended plans do not mention repairs to the stone wall adjacent to Holmdale Crescent, as this would be the builders' responsibility.
- There are no proposed bungalows for older residents to downsize to.
- Additional information should be sought to include an up to date tree survey, details of the retaining wall along the northern boundaries of plots 19 to 35, a cross section of plots 19-35 including the Old Parsonage, a streetscene from Miry Lane, full retains of any retaining, gabion, crib walls, existing and finished floor levels, a comprehensive Heritage Statement and full boundary treatments. There are also some discrepancies between the plans.
- Has a bat survey been completed as there is a hive of activity at dusk of bats.
- This village cannot support further development or 3 years of heavy building traffic and associated dirt, noise or pollution.
- We suffer from frequent power cuts and flooding on Miry Lane.
- It has also been made law that external charging points have to be fitted to each new build house to enable the charging of electric vehicles, I cannot see that plans have been updated to show the inclusion of these.
- Consideration needs to be given to the standard and quality of this building, in this rural well established location.
- Impact on the environment by building on green fields.
- Concern regarding the affordability of the properties.
- It would appear that the village is going to have to endure 3 years of building traffic (after we have already had to suffer 2 previous building sites and associated noise, dirt and pollution) on narrow village roads which already have no road surface left and are down to the substrata.
- 'Carbon Reduction & Offsetting Supporting Document' mentions solar panels installed on the roof, but then in the 'Climate Change Statement for Planning Application' it conversely says it is an 'option'. Therefore, this isn't carbon offsetting by the developer but instead the responsibility of the homeowner (just like most already existing houses in the UK). Also why haven't they considered a ground source heat pump? This would be a brilliant opportunity to heat all 35 homes with a much more environmentally friendly option.

- The proposed development does not reduce the impact on the environment/climate change due to its overreliance on sources of non-renewable energy, e.g. gas fired central heating/water systems and its failure to offset the carbon emissions associated with its construction.
- The developer has not gone far enough to mitigate the impact on climate change from the proposed development. The developer is proposing to install gas fired central heating/water heating systems and solar roof panels. The International Energy Agency has stressed that no new gas boilers should be sold after 2025.
- The climate change measures are not in accordance with Kirklees Policy and national guidance.
- We were attracted to the bungalow (we live in) for its open view of the wild, natural field and countryside at the rear.
- The work times are no acceptable. They should be as agreed by Kirklees Council for the previous Miry Lane development with no working on weekends.
- The proposed hours of construction would be detrimental to the health and wellbeing of existing residents. Working on a Saturday is unreasonable. Starting at 7.30 would also disrupt local residents.
- No reference to potential light pollution from the houses. External/emergency/security lighting should be restricted to hours, density, direction and type (flashing) both to preserve darkness and stop disruption of wildlife and harassment to near neighbours.
- Concerns regarding the principles set out within the submission.
- The village would be overcrowded and would be devalued by losing the nature and beauty of the surrounding environment.
- The drains are already inefficient to sustain the current village and there is no mitigation to the added power that would draw on the rest of the village which already suffer frequent outages.
- I believe the overall infrastructure cannot withstand another development. The electric supply is struggling to accommodate the existing housing in the area. We have regular power cuts which is normally due to the system being overwhelmed by the demand. Especially since more people are working from home.
- Concerns regarding the sums produced to show what new school places are required. How can it only total 11, yet the development is for 35 dwellings. There is currently a major housing development under construction off Woodhead Road within the same catchment area which would be completed before this one so the places that have been identified would no doubt be no longer be available.
- Set up a new village on the moors, this would also provide new jobs with the need for infrastructure up there.
- The proposed development does not reduce the impact on the Environment/Climate Change.
- Concerns regarding the carbon emissions from the development and the climate change document. The documents are contradictory. On a climate change basis there is far too much tarmac, and too much blockwork.
- Conditions would be required to allow for net zero carbon, additional planting/protective measures for wildlife and ecology, to ensure that no surface water would enter Miry Lane, Plot 6 is removed and replace with a smaller more affordable house, the gate posts are left in situ, Wesley Avenue would not be the means of access for construction, to ensure

sufficient on-site parking and for visitors and for the appropriate hours of construction.

- Additional information is sought to allow the public and others to properly understand the key aspects of the development. In the absence of this information, the application should not be determined.
- An unlit footpath enhances the risk of criminal activity. Especially at night time where there is cover from vegetation and this would be close to existing and proposed new housing. Lighting however would adversely impact upon the Conservation Area and wildlife.
- The landscape area would need to be maintained otherwise it would have a negative impact on the Conservation Area.
- Enough is enough now with all this building. Regenerate the town centre. Huddersfield centre is a disgrace.
- I note that in the previous round of comments an officer responded saying that there would always be fields around Netherthong. The point is that these other fields are farmed, fertilised and are mainly monocultures of grass or crops. They are not much use to wildlife. These fields at the end of Wesley Avenue are an unfarmed habitat and could be managed to support an even greater diversity of insect, plant, bird and mammal life.
- Residents here are almost entirely retired, they are feeling very stressed about the long, noisy, dusty building work that would be carried out.
- Land stability concerns due to the excavation required.
- Netherthong village has already seen three new developments in recent years, which have taken away green spaces and impacted on the natural environment: this development would further impact upon this.
- The proposed plans give a time frame for building works of 3 years: this is only correct if all works are carried out in the time frame planned, which is often not the case with building as unforeseen issues regularly occur. This could result in an even lengthier build time, during which disruption would be caused to all local residents. Vehicular disruption and noise levels would cause a huge disturbance to residents, particularly on Wesley and Dean Avenue for a lengthy period of time. The children and elderly, vulnerable residents on these streets would be most impacted by the disturbances, putting their mental health and wellbeing at risk.
- We bought a house in a quiet village on a quiet cul-de-sac: this development would make Wesley Avenue now a busy street, one which I would not consider safe for my children to play on any longer, particularly during the three year building period.
- Could a site visit be undertaken from Holmdale Crescent to show the impact to which the site would have on neighbours' amenity.
- The proposed development, in its current form, would, for the reasons set out above, constitute inappropriate development. The proposal is contrary to the policies and principles as set out in the Local Plan and in Kirklees Council's Housebuilders Design Guide SPD. As such, unless the required conditions (detailed below) are stipulated and fully enforced by Kirklees Council, this application should be refused.
- More detailed plans are required.

7.3 Holme Valley Parish Council: Oppose the application given the adoption of the Neighbourhood Development Plan and the Parish's declaration of a Climate Change Emergency. Nonetheless, the Parish Council requests the following conditions are applied to this development:

1) This development should be net zero, both in terms of its construction and its future use. The Parish Council expects that large-scale developments like this would include much more detail on efforts to promote renewable energy and energy efficiency. The Holme Valley Neighbourhood Plan Policy 12: Promoting Sustainability p152 states. "All new buildings should incorporate technologies which generate or source energy from renewable, low carbon sources." The reliance on gas-powered boilers is disappointing. The Parish Council is unclear whether information supporting this application is written specifically for the development, or whether it is a generic document. The document states that all houses would have solar panels but that does not appear to be shown on the plans. The Parish Council would like clarification as to whether the supporting documentation is bespoke to the site or is merely a generic statement of desirable features.

Officer comment: The application has been submitted with a climate change statement, which sets out how the buildings are to be constructed (timber frames) and what enhancements would be installed including triple glazed windows, water butts, electric charging points. Officers have noted the Parish Council's comments with regards to the solar panels and these have been provided on the amended plans for each building.

2) Before any ground surface clearance works are undertaken/construction work begins, a rich mix of semi-mature hedge plants should be planted and left to establish for at least 6 months (and thereafter protected) around the whole inner perimeter of the site (not just the areas currently planned for) to give hedgehogs and newts a place of refuge. Further, that the raised timber crib on the southern edge of the development must have a sufficient number of large permanent tunnels through it at ground level to ensure that hedgehogs can safely enter and exit. A full survey should be undertaken during the native bluebell flowering season (mid-April to late May) to establish the current locations of these plants so that they can be moved for their own protection until they can be safely replanted at the end of the construction period. Existing stone walls, including the one at the western end of Wesley Avenue, should not be interfered with during the bird nesting period (March to June) to ensure that The Wildlife and Countryside Act 1981 is complied with. A Biodiversity Net Gain of 10% and the associated management of this must be in place for 30 years to maintain the specially created ecological habitats after sales have completed.

Officer comment: These concerns have been noted and the appropriate ecological and landscape assessments have been undertaken as part of the application process.

3) Suitable protections would be incorporated into the development design/construction to ensure that no surface water would enter onto Miry Lane or into the adjacent Dean Brook river.

Officer comment: Detailed drainage conditions have been attached to the Outline permission, requiring works to be agreed, prior to commencement. KC LLFA have also confirmed that there is adequate space within the site layout for water.

4) Plot 6 should be removed from the proposed development and replaced with a plot/house that sits between plot 5 and plot 7, which has a similar sized footprint to those adjacent plots, making it a more affordable home.

Officer comment: This concern has been noted, however, the design and layout of the site has been considered, on balance, acceptable by Officers, especially when taking into account the changes in topography. The development would also provide the required affordable housing.

5) The gate posts should be left in situ in their current position and protected against damage both during the construction phase and after the development has been completed. The stone walls, if they have to be moved, should be reconstructed elsewhere on the site to recreate the valuable wildlife habitat that they currently provide.

Officer comment: This concern has been noted, however, the gate posts are to be re-located to the new pedestrian access onto Miry Lane, at the request of KC Conservation and Design. This can be secured by condition. The existing opening would be retained for easement.

6) Wesley Avenue should not be used as a means of access for construction vehicles, deliveries or workers during the construction phase of the development. Furthermore, the Council also needs to make it a condition that those working on or visiting the site do not park on Wesley Avenue.

Officer comment: This concern has been noted and a Construction Management Plan has been conditioned as part of the Outline permission. This requires detail in regard to; means of access to the site for construction traffic, times of use of the access, the routing of construction traffic to and from the site, construction workers' parking facilities and a scheme to demonstrate how the public highway would be kept clear of mud/debris.

7) Sufficient parking spaces should be provided to ensure that all of the new residents and their visitors can park there to ensure that there is no overspill into any of the surrounding streets.

Officer comment: The development as proposed, would provide the correct amount of on-site parking in accordance with the Council's Highways Design Guide. Whilst only 1 visitor parking space has been explicitly shown on the site plan, the road width has been widened to allow visitors to park and still allow a refuse or emergency vehicle to enter and manoeuvre within the site, without obstruction.

8) The working hours should be fixed, throughout the duration of the development to 8.00am to 5.00pm Monday to Friday, with no weekend working. It should also be a condition that unnecessary noise is kept to an absolute minimum.

Officer comment: Environmental Health Officers have reviewed the construction working hours, set out within the Construction Phase Plan and considered these to be acceptable. The hours as currently proposed do not include weekend working.

Ward Councillor comments:

- 7.4 Councillor D.Firth (received 18th April 2023): *“Field at the end of Wesley Avenue, Netherthong, In a Conservation Area //Road infrastructure around that particular area of Netherthong not adequate to support 30 plus Houses Netherthong already overbuilt and it has been proved a very inadequate Victorian sewage system!”*

Comment: These concerns have been noted, however access from Wesley Avenue was agreed at outline, and the outline permission included drainage conditions. The assessment upon the impact of the Conservation Area has been undertaken as part of this application.

- 7.5 Councillor D.Davies (received 26th April 2023): *“I would like a number of areas to be covered at Committee which I feel are important with regard to this development:*

- *Heritage issues – appropriate design of the houses for the area*
- *Adequate parking to ensure there is no extra pressure on Wesley Avenue*
- *Any overlooking/privacy issues with regard to current housing in the vicinity of the development”.*

Comment: These concerns have been noted and have been assessed as part of the committee report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM: The application is considered acceptable subject to conditions.

KC Lead Local Flood Authority: Officers are satisfied that there is adequate space for the attenuation tank within the proposed layout. Initial concern was raised in regarding to flood routing. Therefore, an updated drawing (ref E22/7931/004E) has been submitted to overcome this concern to show that the flood routing would follow Wesley Avenue for its full length and the road network thereafter.

Yorkshire Water: No objections to the approval of the Reserved Matters. However, it has been noted that infiltration testing shows that soakaways may be possible but are impractical due to the fall of the site. The Drainage Statement prepared by Haigh Huddleston states that discharge via watercourse is not feasible due to 3rd party land permission. Yorkshire Water does not consider this a sufficient reason to rule out discharge to watercourse - permission must be sought and denied. Further issues with the outfall to watercourse have been noted - could these please be expanded upon so Yorkshire Water can assess the difficulties involved. Lastly, it is further noted that the 225mm surface water sewer discharged to Dean beck in any case. Yorkshire Water records do not show this - is there a survey that shows the outfall?

Comment: The applicant has contacted Yorkshire Water directly to discuss the above matters and therefore the Drainage Strategy has been updated appropriately. An additional consultation with Yorkshire Water has been undertaken, however, no final comments have been sought to date. Nonetheless, the concerns would be resolved as part of the drainage conditions and during the S104 agreement with Yorkshire Water.

8.2 Non-statutory:

KC Conservation and Design: In support of the scheme given the additional information sought. However, Officers would still require conditions to be attached to the decision notice in the case of an approval, in regards to all external material samples (including the retaining walls) and the dry stone boundary wall to the north of the site to be repaired, with the stone gate posts and re-set at the new pedestrian entrance onto Miry Lane.

KC Education: A contribution towards Netherthong Primary School and Holmfirth High School would be required as part of this application.

KC Strategic Housing: Seven affordable homes would be required as part of this application, which would be provided as dwellings for older people. This includes 4 x 1 bed flats and 3 x 2 bed flats. As such, the scheme can be supported from the Strategic Housing Team.

KC Landscape: In support of the landscaping scheme, however, an off-site contribution would be required.

KC Trees: In support of the application subject to the development being carried out in accordance with the Arboricultural Method Statement.

KC Environmental Health: In support of the information submitted regarding the Construction Phase Plan, Contaminated land and Electric Vehicle Charing Points.

KC Crime Prevention: In support of the application, subject to a Security Measures condition.

KC Ecology: In support of the application, subject to an off-site contribution being secured. A condition regarding a CEMP would also be required.

KC Public Health: The application is outside our remit.

KC Waste Strategy: The amended plans show appropriate bin store and collection points and therefore, the proposals are accepted from the Waste Collection Authority.

9.0 MAIN ISSUES

- Principle of development
- Quantum and density
- Sustainability and climate change
- Urban design and conservation
- Residential amenity
- Highways issues
- Flood risk and drainage issues
- Ecological considerations
- Trees
- Environmental health
- Other matters
- Representations

- Planning obligations
- Conclusion

10.0 APPRAISAL

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.
- 10.2 The principle of residential development at this site has already been established. The application site is allocated for housing in the Local Plan (site allocation ref: HS184. Full weight can be given to this site allocation, and as noted above outline planning permission has been granted for residential development at this site.

Quantum and density

- 10.3 The Local Plan sets out a minimum housing requirement of 31,140 home between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.4 Site allocation HS184 sets out an indicative capacity of 38 dwellings which reflects the expectation of Local Plan policy LP7 that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. Having regard to paragraphs 124 and 125 of the NPPF, given that allocated land in Kirklees is finite, and given the housing delivery target set out in the Local Plan, applicants should develop their sites as far as possible (having regard to all other planning considerations) to ensure that appropriate and optimal densities are achieved. The appropriate quantum and density for each site would, however, be partly determined by constraints, including those constraints identified by the council in site allocations, those that may be identified and evidenced by applicant when undertaking more detailed site analysis and design work.
- 10.5 The application seeks to provide 35 dwellings, which would compromise of 3 x 5 bed units, 7 x 4 bed units, 11 x 3 bed units, 10 x 2 bed units and 4 x 1 bed units. Whilst providing a good mix of market housing, as shown in the table below (when compared to the Council's Affordable Housing SPD), it would be slightly below the required density at 32 dwellings per hectare (dph).

Kirklees Rural West	Market housing required	Market housing proposed
1 and 2 bed	30-60%	25%
3 bed	25-45%	40%
4 + bed	10-30%	35%

- 10.6 However, given the sloping nature of the site, and the provision of public open space, the development is considered to provide an efficient use of land, in line with Policy LP7 of the Kirklees Local Plan. The layout proposes adequate distances between existing and proposed dwellings, includes adequate outdoor amenity space for each dwelling, makes space for water and responds to the requirement of the council's Highway Design Guide SPD. Therefore, it is considered that the quantum and density is acceptable and would not adversely affect visual amenity or the character and quality of the surrounding area.

Sustainability and climate change

- 10.7 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions. It is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area, its proximity to some (albeit limited) local facilities, and the measures (a commuted sum) to go towards sustainable transport, have been secured as part of the S106 on the original Outline permission.
- 10.8 Further details have been set out within the applicant's Carbon Reduction and Climate Change document (in relation to condition 27) on the Outline permission. This in brief includes the use of timber within the build process and ways to reduce carbon during construction. The dwellings would be fitted with solar panels and would each have an electric vehicle recharging point. Lastly, the applicant has stated materials would also be sourced locally.
- 10.9 Drainage and flood risk minimisation measures would need to account for climate change. These aspects would be considered where relevant within this report.
- 10.10 Overall, officers consider the development to provide sufficient mitigation measures in order to combat climate change and to improve sustainability within the site and the surrounding area.

Urban Design and conservation

Appearance & scale

- 10.11 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."

- 10.12 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.
- 10.13 Policy LP24 of the KLP 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...”.*
- 10.14 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.
- 10.15 Policy 1 of the 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.
- 10.16 Policy 2 of the 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.
- 10.17 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: “New residential development proposals would be expected to respect and enhance the local character of the area by:
- Taking cues from the character of the built and natural environment within the locality.
 - Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.
 - Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”
- 10.18 Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*

- 10.19 Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.
- 10.20 The application site is located at the edge of an existing, well-established settlement. Residential development exists to the south, east and north of the site and this means that development would sit comfortably within the context without appearing as a sprawling, inappropriate enlargement of Netherthong. Given the change in levels within the wider vicinity, the proposed development would be visible from several viewpoints, especially when the wooded area to the north of the site is not in leaf. However, Officers consider the visual impact of built form here would not have a significant or adverse impact on the context of the surrounding development already built. Green Belt land lies immediately to the west of the site and would continue to provide green farming around the settlement, without being directly impacted upon. Therefore, the western edge of the development, is likely to be visible within the long-distance views of the site. This will be discussed in more detail below.
- 10.21 The proposed layout, including the quantum and density is considered to respond to the site's shape and constraints, including one central road with a turning head to the west and two private driveways to the south. With this, in order to achieve the required on-street parking, it is noted that the site's frontage would be dominated by parking, however, green space and some planting have been proposed where possible. The proposed layout has been designed so that it is read as a legible and logical and appears as an extension to Wesley Avenue. Site section plans have been submitted to demonstrate how the development would fit in with the surrounding built form and would not dominate the landscape. Concern is however raised with the regimented and repetitive design of the detached dwellings, to the western edge, as this would form part of the new edge to the village and are likely to be visible from Moor Lane. However, on balance, given the mix of house types within the site, the change in levels and the fact that any further architectural features may further complicate the rear elevations, this can be accepted by Officers.
- 10.22 In terms of height, the dwellings proposed would be predominantly two storey, with the exclusion of plots 1, 2, 19, 24 and 25, which would have a third storey either to the front or rear elevation, working with the significant changes in levels within the site. Plots 15-18 whilst two storey in height would have relatively large ridge heights at 9.1m and would be readily visible from public vantage points, including Moor Lane. Concern was initially raised with the overall height of plots 1 and 2, as these are located within the entrance into the site, and therefore some reduction in height has been requested. With this, the plots have been re-designed to incorporate dormer windows within the eaves. Dormer windows can be found within the local vicinity and therefore, on balance, no concern is raised in this respect. The section plan B-B also shows plots 1 and 2 to be no greater in height than no. 11 Wesley Avenue and therefore any ensuing visual impact can, on balance, be supported.

- 10.23 Regarding architectural form, the proposed dwellings would have a typical, simple modern vernacular, with front facing gables. Dwellings in the area have a varied appearance but can predominantly be identified as the vernacular design of their period of construction, with simple aesthetics. In terms of openings, adequately sized mullion windows are proposed, along with the inclusion of larger areas of glazing to rear elevations. This would accord with Principle 14 of the Housebuilders Design Guide SPD which states that *“innovation for energy efficiency is encouraged, particularly for maximising solar gain”*. Officers would like to see all new window frames being set back into the reveal by 75-100mm, and therefore this shall be added as a condition to the decision notice. Concern has been raised with the applicant regarding the areas of glazing above the front doors to some of the plots, however, this design feature has not been removed from the amended plans and therefore, a balanced approach has been taken as to its acceptability. Roof forms in the area are predominantly gable, however, there are some examples of hipped roofs within the locality. As such, the scheme has been designed to include gable roofs, to respond to the local character.
- 10.24 The dwellings would be faced in stone with natural slate tiles to the roof. Such materials are common within the surrounding landscape and would be sympathetic to the Conservation Area adjacent to the site. Therefore, the use of stone is supported as it is a high high-quality material and would accord with Principle 13 of the Housebuilders Design Guide and Policy 2 of the HVNDP. Heritage Officers have however, requested a condition regarding samples of the materials before development on the superstructure commences.
- 10.25 A boundary treatment plan has been submitted as part of the application process (dwg ref 21 Rev E). This shows that the existing/dry stone boundary walls would be retained to the perimeters of the site. Within the site, retaining walls are proposed, along with timber fencing to rear gardens. Hedgerows would predominantly separate the dwellings to the front, with some examples of 1m high timber and post rail fencing. The boundary treatments proposed have been considered acceptable from a visual perspective and can be supported by Officers.
- 10.26 In conclusion, it has been considered that the details provided within this Reserved Matters application, demonstrates that the development has been designed to sympathetically respond to local character for example with the use of natural stone, stone mullioned windows and corbels. It is considered that the proposed development complies with the council’s guidance documents for residential developments.

Setting of Netherthong Conservation Area

- 10.27 Section 72 of the Planning (Listed Buildings & Conservation Area) Act (1990) requires that LPA’s pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area where relevant.
- 10.28 Kirklees Local Plan Policy LP35 relates to the historic environment. It states that development proposals which would affect a designated heritage asset should preserve or enhance the significance of that asset. In cases likely to result in substantial harm or loss, development would only be permitted where

it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm. This is supported by guidance contained within Chapter 16 of the NPPF and Policy 2 HVNDP which aims to protect the special and distinctive built character and heritage assets of the Holme Valley, whilst promoting high quality design in new development.

- 10.29 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.
- 10.30 The application site lies outside but adjacent to the boundary of Netherthong Conservation Area (CA), which runs along the edge of the northern boundary (Miry Lane) and includes The Old Parsonage and its curtilage. The application site would therefore be within the setting of the Conservation Area. The setting itself is not designated but it is the surroundings in which the heritage asset (the CA) is experienced. In this case, the essence of Netherthong Conservation Area is considered to derive from the central core of the village with traditional stone buildings in a variety of forms, either positioned close to the back edge of the pavement and tightly packed or set within more generous grounds and set back behind stone boundary walls. The Conservation Area also includes the mature wooded area to either side of Dean Brook
- 10.31 In terms of the impact on the significance of the designated heritage asset (Netherthong Conservation Area), Heritage Officers have acknowledged that the scheme would respect and reflect the local vernacular character, with the use of natural stone, stone mullioned windows and corbels.
- 10.32 Plots 26-33 is a terrace of flats on the northern side of the site closest to the conservation area boundary and most likely to affect its setting. The vernacular detailing on the north elevations responds to the local character and the terrace follows the line of the topography which is characteristic of development in the locality. This, along with the northern buffer preserves the setting of the conservation area.
- 10.33 The submitted site layout shows the northern part of the site to remain open to safeguard the setting off the conservation area. This is proposed with open space retained on this side of the site with an attenuation tank below the ground. The requirement for the northern part of the site, immediately adjacent to Miry Lane, to remain open to safeguard the setting of the conservation area was also required by the Local Plan.
- 10.34 Natural hedging is proposed on the west boundary, with some tree planting on the north-west corner, which would soften the view from Miry Lane and further afield. Heritage officers have also confirmed their view that the impact on the Old Parsonage within the conservation area would be negligible, due to the landscaping, topography and the surrounding boundary walls. The development is therefore considered to have a neutral impact upon the setting of the conservation area, preserving its character and appearance and would not cause harm to its significance. This accords with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

10.35 For the above reasons, Officers are satisfied that the proposed appearance of the development would not harm the visual amenity of the area, in accordance with Policy LP24 of the Kirklees Local Plan, the aims of the Councils Housebuilders Design Guide SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and the National Planning Policy Framework.

Residential Amenity

Layout

- 10.36 A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. Specifically, it outlines that for two storey dwellings the following, typical minimum separation distances between existing and proposed dwellings, are advised: -
- 21 metres between facing windows of habitable rooms at the back of dwellings.
 - 12 metres between windows of habitable rooms that face onto windows of non-habitable room.
 - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
 - For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.
- 10.37 In addition to this, Paragraph 130 (f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. Policy 2(10) of the HVNDP also concurs with this.
- 10.38 Principle 17 of the Council's adopted Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings provide a good standard of amenity for future residents and make reference to the 'Nationally Described Space Standards' document (March 2015).
- 10.39 The site is surrounded by existing residential development to the east, south and due north of the woodland area. With regards to separation distances, it has been noted that the majority of the dwellings would retain 21m between windows of habitable rooms and 12m between windows of habitable rooms that face onto a non-habitable room, within the site and to third party properties. This would ensure that there would be no undue overlooking, commensurate with the minimum recommended separation distances set out in the SPD.
- 10.40 Notwithstanding the above, Officers have noted the concern raised by some residents along Holmdale Crescent with regards to potential loss of privacy due to the relationship the new plots would have with these existing properties. In this case, it has been noted that the first-floor openings within the southern

elevations of plots 6, 13 and 14 would serve en-suites, bathrooms and as secondary windows to a bedroom and therefore it unlikely to result in any material overlooking. However, given the relatively close relationship between these properties and the aforementioned plots, Officers consider it reasonable to request a condition for all first-floor window openings (within the southern elevations) to be fitted with obscure glazing, a minimum of Grade 4. This would protect neighbouring amenity, in accordance with Policy LP24 of the KLP and Policy 2 of the HVNDP. Any impact from ground floor openings are likely to be obscured by the change in levels.

- 10.41 With regards to overbearing and overshadowing, it has been noted that the nearest properties to the site are no.s 11 and 12 Wesley Avenue, 6 Arley Close, no.s 8 – 26 Holmdale Crescent and The Old Parsonage.
- 10.42 No.s 11 and 12 Wesley Avenue would not be materially impacted by this proposal, as the nearest dwellings would be adjacent to their side elevation. More specifically, the nearest dwelling to no. 11 would be plot 1, whereby a separation distance of 10.5m is proposed, alongside 19.5m from the nearest elevation at plot 35 to no. 12 Wesley Avenue.
- 10.43 With regards to no. 6 Arley Close, this property would have an indirect relationship with plot 1, as these properties would be at an oblique angle to one another. Therefore, Officers are satisfied that there would be no undue overbearing or overshadowing.
- 10.44 No.s 6 – 26 Holmdale Crescent would have a close relationship with plots 6, 13 and 14 to the south of the site, particularly, no.s 22, 24 and 26 with plot no. 14. In this case, sections D-J have been provided to show the relationship to which these properties would have with the application site. The plan shows a separation distance of 12m to be retained from no. 22's rear extension and 14.5m from their rear elevation to plot no. 14. 17m is proposed from the rear elevation of no. 24 and 14.5m from their rear extension. Lastly, 17.5m is proposed from no. 26's rear elevation and 14.5m from their rear extension. Whilst the aforementioned properties are all bungalows, the change in levels mean that the overall height of plot no. 14 would be no greater than these dwellings. The properties along Holmdale Crescent are also situated to the south of the site and therefore the new dwellings would not result in any material overshadowing. For the aforementioned reasons, Officers are satisfied that an acceptable level of amenity would be retained at these properties. The loss of a view is not a material planning consideration.
- 10.45 Lastly, with regards to The Old Parsonage, there would be a separation distance of approximately 25m from plot 19, including dense tree and hedge cover (within these neighbours' grounds) which are covered by a TPO order. (ref 12/75/a1). As such, Officers consider these neighbours' amenity to be protected.
- 10.46 Consideration must also be given to internal separation distances and the amenity of future occupiers. Internal separation distances meet or exceed the minimums set out within the Housebuilders Design Guide and therefore the proposed layout, for residential amenity purposes, is considered acceptable and complies with guidance contained within the Housebuilders Design Guide SPD and the aims and objectives of LP24 of the Kirklees Local Plan.

- 10.47 The quality of the proposed residential accommodation is also a material planning consideration and therefore the 35 units would comprise of 10 detached dwellings, 4 semi-detached dwellings, 9 terraces and 12 residential flats. Each unit would meet or exceed the Government's Nationally Described Space Standards and would provide a dual aspect for all residents, in regards to outlook, privacy and light.

Landscaping

- 10.48 The proposed private gardens are considered commensurate in scale to their host dwellings. They offer good separation and space about dwellings, while offering private amenity space for residents, securing a high standard of visual and residential amenity. There would be some impact upon the outdoor amenity space of plot no. 6 due to its relationship with the proposed timber crib wall, which would be at its highest at 2.1m adjacent to this property. However, given the generous garden to this plot, Officers still consider it to receive a good level of sun light for its future occupiers to enjoy. A 2D boundary treatment plan has been provided to show how the dwellings would be sub-divided and to identify other boundaries. Whilst accepted further details would be required prior to commencement, to show sections and details of levels for all boundary treatments, retaining and gabion walls. This should provide movement for hedgehogs.
- 10.49 As the site is for 35 dwellings, the scheme triggers the need for open space, to accord with Policy LP63 of the Kirklees Local Plan. It is accepted that the full expectation cannot be achieved on the site, given the current arrangement and the significant change in levels, however, the proposed Public Open Space (POS) to the northern edge of the site, provides a link to Miry Lane and the adjacent woodland. Therefore, given the layout proposed the development would provide 2283.5 sq.m. of public open space. This would include fitness equipment including three pieces of kit, consisting of a balance beam, sit up bench and tumble bars, all in timber and steel and appropriate for the setting.
- 10.50 Therefore, the applicant's approach to the remaining open space would, however, necessitate a financial contribution towards off-site open space. A contribution of £55, 298.00 would be secured as part of the S106 agreement, including funding for a Local Area of Play at Netherthong Village Play, Idfield Rec and The Oval, all within a 15min walk and less than 720m away.
- 10.51 Overall, the proposed on-site open space is welcomed, however, conditions are recommended to include the implementation of the landscaping as proposed (including details of all hard and soft materials), the management and maintenance details for the open space for a minimum of five years and for further details regarding the design and layout of the POS. This is to accord with LP32 and LP63 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
- 10.52 A pedestrian connection has been proposed from the northern edge of the site onto Miry Lane. This would be stepped due to the change in levels to this end of the site, however, it would still encourage walking and connectivity in line with Principle 10 of the Housebuilders Design Guide SPD. Full details of its construction would be required as part of condition 10 on the Outline permission. Furthermore, KC Conservation and Design have requested details of the proposed repair works to the dry stone wall, to the northern edge of the site, along with the stone gate posts retained and re-set at the new pedestrian entrance onto Miry Lane. This will also be controlled via a condition.

Highway issues

- 10.53 Paragraph 110 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 111 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.54 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.55 Initial comments were made by KC Highways DM on the 28/04/23, however concern was raised regarding the gradient of the turning head, the lack of street lighting, the shortfall of visitor parking spaces, the drag distance of plot 6 (waste collection) and there being no pedestrian access to the front of plots 4 and 8. These concerns have therefore been overcome or justified as part of the amended plans.
- 10.56 The main point of access would be an extension of Wesley Avenue beyond the current turning head in to the site. The designer's response to the stage 1 safety audit states that the existing turning head would be removed via a stopping up order and re-kerbed with the land being deeded to the existing residents as a private garden. The stopping up would need to be done under the correct legal process with the Department for Transport (DfT). The existing turning head should only be removed after the proposed new turning head within the development is completed and open to use. This can be appropriately controlled via condition. During the construction period the existing turning head should remain open and unobstructed.
- 10.57 The access road as shown on drawing No 034 Rev C is approximately 5.5m wide and this is acceptable to allow two vehicles to pass. This revised drawing shows a swept path analysis for an 11.85m refuse truck and this indicates that the refuse truck can safely negotiate the access road and turn within the turning head. The drawing also shows that refuse truck access is still available with some on street visitor parking. This is now acceptable.
- 10.58 The turning head is set at a slight gradient with drawing No 19 Rev B showing it as a 1:16 gradient heading downhill to the north of the site. Although Officers would prefer the gradient to be 1:20 or less, given the constraints of the site, it is acknowledged that this cannot be achieved and therefore a 1:16 is reluctantly accepted. The 1:16 gradient also extends into the shared surface private drive access to plots 13 to 16. For a shared surface the gradient should be no more than 1:16 before a segregated footway would be required. As the gradient is approximately 1:16 this would be acceptable as proposed.

10.59 With regards to lighting, the applicant has confirmed that they would contact Kirklees street lighting as part of the adoption process to arrange a suitable lighting scheme. Private lighting for shared drives would also be required as part of any security measures plan. A condition to this effect would be recommended in the case of an approval.

10.60 In terms of on-site parking for each unit, local guidance states that:

- 1 and 2 bed flats = 1 space per dwelling
- 2 and 3 bed houses = 2 spaces per dwelling
- 4 + bed houses = 3 spaces per dwelling
- 1 visitor space per 4 dwellings

10.61 The parking for the proposal can be found within the table below:

Plot number	Number of beds	Garage or no garage	Parking spaces required	Parking spaces proposed
1	4	Yes – single garage	3	3
2	4	Yes – single garage	3	3
3	3	No garage	2	2
4	3	No garage	2	2
5	3	No garage	2	2
6	4	Yes – double garage	3	4
7	3	No garage	2	2
8	2	No garage	2	2
9	3	No garage	2	2
10	3	No garage	2	2
11	2	No garage	2	2
12	3	No garage	2	2
13	4	Yes – double garage	3	4
14	5	Yes – double garage	3	4
15	4	Yes – single garage	3	3
16	4	Yes – single garage	3	3
17	4	Yes – single garage	3	3
18	4	Yes – single garage	3	3
19	5	Yes – double garage	3	4
20	1	No garage	1	1
21	1	No garage	1	1
22	1	No garage	1	1
23	1	No garage	1	1
24	3	No garage	2	2

25	3	No garage	2	2
26	2	No garage	1	1
27	2	No garage	1	1
28	2	No garage	1	1
29	2	No garage	1	1
30	2	No garage	1	1
31	2	No garage	1	1
32	2	No garage	1	1
33	2	No garage	1	1
34	3	No garage	2	2
35	3	No garage	2	2

- 10.62 Having taken into account the above, the number of parking spaces for each unit is considered acceptable. It is important to note, that the second parking spaces for plots 11 and 12 are to the west of no.12's rear garden. A condition would also be attached to the decision notice in the case of an approval to ensure that all areas of hardstanding are constructed from a permeable surface.
- 10.63 The Council's Section 38 Team have been consulted as part of this application and have raised some concern in terms of the lack of visitor parking, as 9 spaces would be required. In response to this, KC Highways DM acknowledge that there is an overprovision of parking for plots 6, 13, 14 and 19 and this would be suitable to remove 1 visitor parking space requirement, reducing the total number required to 8. Whilst Kirklees Section 38 Team's preference would be to have the visitor parking off street or in bays, this may need to be addressed for adoption to take place. Nonetheless, on balance KC Highways DM do not wish to raise a fundamental objection to this.
- 10.64 Waste storage and collection points are now clearly indicated on drawing 01 Rev E and these are to the satisfaction of the Kirklees waste strategy team and so are acceptable. This includes concerns with plot 6, where a bin collection point is now identified in an acceptable location. Conditions regarding the temporary arrangements being undertaken in accordance with site plan 2232 01 Rev E and full details of any bin stores shall be attached to the decision notice.
- 10.65 A travel plan has been provided with the application as it was included as a condition within the Outline permission granted at appeal. However, it must be noted that the size of the development is below the threshold for a travel plan in the Kirklees Travel Plan guidance. Highways Officers appreciate the inclusion of a travel plan, especially in a low sustainability location like this that would rely on the use of the private car as a primary mode of travel and so it is considered that the travel plan should remain in place as submitted, however Officers would not insist on an annual monitoring fee being added within the s106 and would thus not provide the full level of travel plan support that would be associated with a larger residential site.
- 10.66 The Outline planning permission included a condition requiring the submission of a Construction Access Management Plan and therefore this is along with all other relevant highways conditions contained within the Outline permission must be discharged.

10.67 In summary, when taking into account the above, Highways Officers are in support of the application on balance, due to the gradient of the turning head being close to maximum and the reliance of on-street visitor parking. Conditions regarding street lighting, the turning head to Wesley Avenue, permeable surfacing, bin storage and temporary collection, road surveys pre and post development and any details regarding surface water attenuation within the highway would be required in the case of an approval.

Flood risk and Drainage issues

10.68 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.

10.69 The site is within Flood Zone 1, and therefore is at the lowest risk of flooding. The Council's Lead Local Flood Authority (LLFA) have been consulted as part of this application and are satisfied that space is available within the layout for the appropriate attenuation tanks, however, slight concern was raised with the original information in regard to flood routing. As such, additional information has been sought with regards to this matter.

10.70 Having reviewed the updated drainage information, KC LLFA have confirmed that they are satisfied with the flood routing shown on drawing no. E22/931/004E, as this would follow Wesley Avenue for its full length of the road network. As such, the development has been considered acceptable from a drainage perspective, with further technical information required as part of a discharge of condition application. This is in accord with Policy LP28 of the KLP and Chapter 14 of the NPPF.

Ecological considerations

10.71 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. This is echoed in Policy LP30 of the Kirklees Local Plan.

10.72 Furthermore, Policy LP30 of the KLP outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Principle 9 of the Housebuilders Design Guide SPD and Policy 13 of the HVNDP echo the KLP in respect of biodiversity.

10.73 The application site is a greenfield and comprises pasture. Trees exist to the North-Western part of the site, but broadly appear outside of the curtilage for the application site and would therefore be retained.

- 10.74 Information has been submitted to support condition 15 and 16 attached to the outline application 2020/91146 relating to biodiversity and ecological measures. With regards to condition 15 which states “15) *Notwithstanding the submitted information, an updated Ecological Impact Assessment shall be provided with the details of ‘layout’ and ‘landscaping’ submitted pursuant to condition 1, and the layout and landscaping of the site shall be informed by the recommendations of the updated Ecological Impact Assessment*”, an updated Ecological Impact Assessment (EclA) (report ref: MBE/ECO/2022/11/4) has been submitted. The EclA provides a comprehensive assessment of the site, laying out a number of recommendations with regards to mitigation and enhancement measures, particularly for faunal groups. Almost all existing site habitats would be lost. However, existing site habitats are of no more than site level importance to nature conservation. Consequently, the loss of these habitats would result in a negative ecological impact at no more than a site level. Overall, the impact of the proposed development on faunal groups is anticipated to be of no more than site level, also. In order to further reduce scheme impacts and to ensure the scheme maximises potential benefits to nature conservation, it is recommended that mitigation and enhancement measures detailed in Section 6.2 are adopted throughout the development in order to ensure that biodiversity receptors are safeguarded, in line with Policy LP30 of the KLP, Policy 13 of the HVNDP and Chapter 15 of the NPPF. In order to ensure that these mitigation measures are secured as part of the application, a condition for a Construction Environmental Management Plan (CEMP) would be required as part of any planning approval.
- 10.75 Condition 16 states that “*Details of ‘layout’, ‘landscaping’ and ‘appearance’ submitted pursuant to condition 1 shall include an Ecological Design Strategy that details a scheme of measures to provide a demonstrable net gain for biodiversity on the site*”. In response to this an Ecological Design Strategy (EDS) (report ref: MBE/OTH/2022/12/01) has been submitted with the application. The submitted EDS provides a number of measures to incorporate wildlife friendly planting into the proposed scheme along with a significant uplift in bat, bird and hedgehog provisions throughout the site. In addition to the above, the EclA relating to condition 15 contains information pertinent to Biodiversity Net Gain, through calculations inputted into the Biodiversity Metric 3.1. Using this tool, it is calculated that post-development the site would have an ecological value of 2.35 Habitat Units, resulting in a net loss of 2.63 Habitat Units on site (- 52.86% of the existing site’s ecological value). There would however be 1.15 Hedgerow Units created (100% net gain in hedgerow).
- 10.76 In this case, given that options to maximise availability of biodiversity units at the site has been pursued, an off-site contribution is required of £71,990. This would be secured via a Deed of Variation to the Original Section 106 agreement. The habitats that are due to be delivered on site are secured through the submitted EDS.
- 10.77 Therefore, in light of the above, KC Ecology are in support of the application, subject to the S106 contribution and the submission of CEMP before development commences. This is to accord with the aforementioned policy and guidance.

Trees

- 10.78 Policy LP33 of the Kirklees Local Plan states that *“the Council would not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity...Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment”*. This is supported by Principle 7 of the Housebuilders SPD and Policy 2 of the HVNDP.
- 10.79 No trees within the application site are the subjects of Tree Preservation Order (TPOs), however, those within the Old Parsonage to the North West are (TPO 12/75/a1). As no updated tree information was originally submitted, this has been requested during the course of the application.
- 10.80 Upon receipt of the Tree Survey, Arboricultural Method Statement (AMS) and Impact Assessment, KC Trees have noted that the plans propose to remove T4. This concern was raised with the applicant and therefore an updated Method Statement has been sought to show this tree as being retained.
- 10.81 Furthermore, Officers have noted that the specific tree sizes for the protected trees within the grounds of the Old Parsonage have not been identified on the plan, contained within the AMS. This is due to this land being outside of the red line and under different ownership, therefore under procedures detailed within the BS5837, the measurements are estimated rather than taken from that land. This is considered to be a reasonable approach and given the protective fencing proposed, Officers are satisfied that there would be no material impact upon trees. As such, a condition is requested for development to be carried out in complete accordance with the Arboricultural Method Statement.

Environmental Health

- 10.82 With regard to the West Yorkshire Low Emission Strategy, Conditions 26 (EVCP's) and 27 (A scheme to combat climate change) of the Outline planning permission (ref: 2020/91146) requires details to be provided for charging electric vehicles and other ultra-low emission vehicles to help combat against climate change. In this instance, Environmental Health Officers have reviewed the information as set out within the document titled Condition 27: Carbon Reduction and Climate Change which clarifies that all 35 properties would benefit from a ROLEC Wallpod EV car charging point. These would have a minimum output of 16A/3.5kw and therefore, satisfies condition 26. An updated prescriptive condition to this effect, would be attached to the decision notice.
- 10.83 A Construction Phase Plan has been submitted in support of this application. The plan clearly identifies the responsible persons on site and includes details of a procedure to deal with complaints from members of the public, with associated monitoring and recording. The hours of operation for the site have been set generally as: - 7:30 to 16:30 Monday to Friday, with no working on a weekend of bank holiday. A timescale of 36 months has been indicated.

- 10.84 With reference to dust controls, a number of measures have been set out including, but not limited to, road sweepers to be employed on and off site, no burning on site and waste to be cleared as soon as possible to reduce accumulations. Noise controls have been proposed to ensure that no noise generating activities would occur at sensitive times of the day and general monitoring would be undertaken if complaints are received. Lastly, in terms of lighting, it is envisaged that lighting would be minimal on the site due to the working hours of operation, security cameras do not rely on traditional lighting techniques and intrusive lighting from the site is considered to be low risk.
- 10.85 Given the above, Environmental Health Officers are satisfied with the information provided and consider the measures to protect neighbouring amenity and the environment. A condition to ensure that development is undertaken in accordance with the aforementioned plan would be attached to the decision notice.

Contamination

- 10.86 A Geo-environmental Ground Investigation Report, dated August 2022 (ref: E22/7931/R001), Gas Monitoring Addendum, dated 27th October 2022 (ref: E22/7931/JF/001) and Soil testing letter, dated 10th March 2023 (ref: E22/7931/MD/003) authored by Haigh Huddleston & Associates have been received in support of the application.
- 10.87 The Geo-environmental Ground Investigation Report details the findings from an intrusive investigation undertaken in 2020. Soil sampling, laboratory analysis and ground gas monitoring was undertaken. The results of the laboratory analysis were compared against a residential with plant uptake assessment criteria. No exceedances were identified. At the time of writing, ground gas monitoring was incomplete, and the report recommended that a final assessment on gas protection measures to be made. A provisional classification of CS1 was assigned. The report recommended that the gas monitoring be completed and further sampling of topsoil to be taken to confirm the suitability of the material for reuse.
- 10.88 The Gas Monitoring Addendum describes the six rounds of gas monitoring undertaken between 29th June 2022 and 22nd September 2022 using a Gas Data GFM 436. The gas monitoring was undertaken over a range in barometric pressure between 986mb and 1005mb. The readings taken on four out of the six visits were carried out under falling barometric pressure. No methane was detected and carbon dioxide values peaked at 1.8% v/v. The minimum oxygen concentration encountered was 18.4% v/v. No flow rates were detected however a value of 0.1 l/h was used to calculate a gas screening value for carbon dioxide (0.0018 l/hr). Consequently, the report concludes that because of the low level of carbon dioxide recorded, and no methane, 'the site may be classified as Green when referred to the NHBC standards or CS1 by BS 8485:2105 Table 2.' It is then concluded that no gas protection measures are required for the proposed development.

10.89 The soil testing letter details the additional soil testing undertaken on-site. In addition to the original 8 samples taken and analysed in report ref: E22/7931/R001, a further 7 samples have been taken to confirm whether the soil is suitable for re-use on-site. Screened against a residential end-use criterion, the results from the laboratory analysis revealed no contaminants. Therefore, the report concluded that the topsoil is suitable for re-use across the site.

10.90 Given the above, Environmental Health Officers accept the ground investigation report, gas monitoring and soil testing information, and condition 17 on the previous outline permission 2020/91146 to be no longer necessary and deemed 'discharged'. However, conditions 18, 19 and 20 on the previous application still remain to be satisfied.

Other matters

Crime prevention

10.91 The Council's Designing Out Crime Officer has been formally consulted as part of this application. The Officer has raised no objection to the proposed layout however, has requested that a condition requiring the security measures for the site be attached to any approval. This included boundary treatments, lighting, window and glazing details, doors and locking systems, CCTV and alarms and cycle and motorcycle storage. In this case, a boundary treatment plan (ref 2232 21 Rev E) has been submitted during the course of this application, which has been considered acceptable from KC DOCO. This includes the existing dry stone walls to be retained to the wider perimeters of the site, along with 1.8m high timber fencing to rear elevations and hedging and 1m timber and post rail fencing to front gardens.

Representations

10.92 As a result of the above publicity, 53 had been received at the time of writing. Most of the matters raised have been addressed in the report. However, Officers have provided a brief response to the concerns raised below:

Visual amenity and conservation:

- These houses seem to have deteriorated in quality from the original plans with visible cutbacks being made. Many of the houses were being built with conservatories and these are now optional.
- The design of the houses is described by the developer as 'simple'. Indeed, they lack any architectural merit and it is difficult to see what the employed architect actually did.
- The limited drawings / elevations which have been provided reveal that these buildings would all be of a stark modern design.

Comment: Officers have assessed the design of the dwellings and considered them to be acceptable, and in keeping with the area. They would include design features such as stone heads and cills, corbels and mullion windows, which are considered to complement the conservation area setting. The removal of the conservatories was requested as part of the pre application advice.

- There are two 300 year old stone gate posts that are not mentioned in the application at all. I would like to know how the development plan to conserve these ancient artefacts and therefore retain some of the heritage of the site.
- The existing heritage is not protected, e.g. unique ancient stone gateposts, circa 1700's.
- The Developer has only stated that the gateposts adjoining Miry Lane would be safeguarded (by repositioning them) but has remained silent on the other (most ancient) pair of gateposts that sit between the north and south fields adjacent to Wesley Avenue – these need to be preserved and protected).
Comment: The gate posts to the north of the site would be moved and re-used for the new pedestrian access onto Miry Lane. This was requested by KC Conservation and Design and would be attached as a condition to the decision notice, alongside the making good of the existing dry stone wall. The gateposts separating the field are likely required to be removed in order to facilitate the development, whereby no concern has been raised from a heritage perspective.
- The planned house for Plot 6 is unsuitable as it fails to meet Kirklees Council's own policies in respect of its planned roofline. It does not comply with Principle 5 and 6 of the SPD. If plot 6 was removed, it would give some of the other plots a larger south facing garden.
- The large house is not suitable for the area and will be marketed at a high price.
Comment: This has been noted, however, Officers on balance can support the location of this dwelling. It would be no greater in height than any of the other dwellings to the south of the site.
- The site is situated to the south of Netherthong Conservation Area and is made up of 3 fields. The field is substantially elevated and the applicant seeks to building 11 properties, very close together across the crest of the hill. These would completely dominate the field and would tower over Miry Lane and the Conservation Area.
Comment: The above concerns are noted, however, Officers do not consider the development to lead to an overbearing/dominating impact to Miry Lane. This is due to the public open space creating a buffer from the built form.
- The materials would differ considerably from those of existing properties in the immediate area. The applicant has clearly not sought to modify its existing house type designs or materials to accommodate this special Conservation Area location and has had no regard to Heritage or Historic issues.
- It is submitted that what is proposed here would be utterly alien in style , materials , size , position and overall appearance to the existing character of the conservation area. This would constitute substantial harm. It cannot sensibly be said that any substantial public benefit would outweigh this harm. The present proposal should be rejected. See in particular NPPF 194,199 and 200 and LP35.
Comment: The materials proposed are natural stone with slate tiles to the roofs, which are considered to preserve the conservation area setting. The design of the dwellings has also been considered

acceptable by Heritage Officers and is considered to comply with national and local policy.

- The development would impact upon the Old Parsonage which is considered to be a non-designated heritage asset, which has a garden and many trees. The applicant proposes to build a large 3 storey detached house in the north-west corner of the field, a block of 4 town houses in the north centre and a semi-detached house to the north east corner. These buildings would be closer together and of modern designs. Therefore, concerns have been raised regarding, the impact the development would have on the setting of the Old Parsonage, the impact upon the tree protection area and the development not being in keeping with the character of the area and conservation area.
Comment: These concerns have been noted, however, a thorough assessment upon visual amenity has been undertaken as part of this application. The dwellings would be predominantly two storey, with some rear elevations appearing three, due to the change in land levels, however, this would not increase the overall height of the plots. The trees surrounding the Old Parsonage also add a buffer and therefore, Officers conclude that the proposed development would not adversely impact the setting of the Old Parsonage..
- The applicant has failed to prepare a detailed Heritage impact assessment.
Comment: An assessment upon the impact on Heritage has been included within the Design and Access Statement which concludes the information is sufficient enough given that there would be no harm.
- The development and the designs of the houses are totally inappropriate for the Conservation Area and rural setting. It is hard to believe that the applicant seriously suggests a row of 4 ultra modern townhouses and a large 3 storey detached house.
Comment: These concerns have been noted, however, the buildings for the residential flats would still be retained at two storey in height and whilst relatively wider than a standard dwelling, they would not appear incongruous within the site or wider street scene. Plot 19 would also benefit from 3 storeys to the rear elevation, however, this is due to the change in levels within the site, with this elevation not being widely visible from public vantage points, given its discreet location.
- Buildings to the west side of the western field would be highly visible and would impact upon the conservation area and the Green Belt. The applicant has given no serious thought to such matters and has presented the application in a routine way as if it was for an urban setting rather than a rural one.
Comment: The design of the dwellings has been considered acceptable, especially in regards to the conservation area and green belt setting.

- All the large fences between each garden will be an eye sore. It would be like looking onto an allotment site or council house estate with rows and rows of fences and certainly not in keeping with the area.
Comment: This has been noted, however, timber fencing to rear elevations is a common boundary treatment and therefore Officers raise no concern.
- To the North of the site is the Conservation Area and any house close to it should be designed with great care. For some reason, the design of plot 19 (a large, 3 storey dwelling) seems to have overlooked these basic matters. It's the only one of this design on the site and would be highly visible from public vantage points including public footpaths. Such a huge house would be an intrusion in this rural location.
Comment: This concern has been noted, however, on balance, the design of plot 19 has been accepted. The appearance of a three storey dwelling to the rear elevation is due to the change in levels within the site. However, the dwelling would be no greater in height than those to which it would sit alongside.

Residential amenity:

- Concerns regarding the location of plot one with neighbouring properties.
- The large houses that back onto existing properties would cause a privacy and light issue.
- Peace and quiet which would all be lost, plus the privacy in our own home and garden that we paid a premium for because of its rural location.
- The new development would dwarf us and take away our privacy. Windows would also overlook our garden. This would be very oppressive. A bungalow in this location would be better suited.
- Impact on the extensions of neighbouring properties due to the development proposed.
- Original plans were for bungalows along the top of the estate, which at least meant bungalows on Holmdale Crescent had more privacy and were not overlooked straight into bedrooms to the extent they would be now.
- The new build development would be very close to our properties leaving no privacy and being overlooked in to our bedrooms and the proposed properties at this end of the site are some of the largest on the plans.
- I strongly object to plot 14 and the relationship it would have with the bungalows on Holmdale Crescent.
- There are 5 openings within plot no. 14 which would overlook our gardens and dwelling. This would be a massive invasion of our privacy.
- The proposed plans are also for houses taller than the bungalows lining the edge of the site, which means residents in these houses would now be overlooked, would lose their privacy and natural light/sunlight would be blocked by the new properties.
- Plot 6 would severely affect the privacy of existing neighbouring properties.
Comment: A full assessment upon residential amenity has been undertaken within the committee report below.

Highways and parking:

- The village of Netherthong is getting like the M1 with all the extra traffic. When cars are parked on Dean Avenue, you have very little room to pass.
- Wesley Avenue is too narrow for large amounts of traffic and are already dangerous to walk on.
- Netherthong is not built to take yet another (at least) 70 or more cars, delivery vans, visitors' cars to a new 35 house estate which is being built with cut backs due to increasing building costs.

Comment: These concerns have been noted, however, access via Wesley Avenue has been agreed as part of the outline application.

- Planning should consider looking at the road situation around Netherthong and an overfull school.
- Traffic already has problems passing through the village because of parked cars and narrow lanes, some without pavements.
- Entry to the proposed site from Miry Lane would lead to many issues for residents with parked HGV's and workers vehicles making passage for pedestrians and cars and the small bus very difficult.
- On several occasions my children have faced near misses with vehicles while journeying to and from school.
- Netherthong is a small village with narrow roads which are made narrower by parked vehicles. After 2 previous building developments there is no longer any road surface left on Dean Brook Road, it is substrata.
- Adding more traffic would make it a real danger zone for everyone and emergency vehicles getting through.
- Pedestrians walking through the village are not safe as cars frequently mount the pavements to allow 2 cars to pass side by side. There are similar examples of this in Holmfirth, whereby the road isn't wide enough to accommodate the traffic.
- The roads are riddled with potholes and deteriorating tarmac and would only get worse with more traffic.
- There is a need for traffic calming measures.
- Has a Highways Officers looked at the road plan. How would a narrow road that is essentially only wide enough for one car to travel down due to the necessity of parked cars (Wesley Avenue) going into a wider road (the new development) work in practice? There must be a reliance on somewhere to pull in on Wesley Avenue to pass? Or someone may need to wait at the end of Wesley Avenue and cause traffic to wait on the hill of Dean Avenue.
- Wesley Ave is not suitable in width for additional traffic from the new development and the existing residents parking.

Comment: These concerns have been noted and have been considered assessed by KC Highways DM. Appropriate measures where necessary have been proposed.

- The Council needs to make it a condition that Wesley Avenue will not be used as a means of access for construction vehicles, deliveries or workers during the construction phase of the development. Furthermore, the Council also needs to make it a condition that those working on or visiting the site do not park on Wesley Avenue.

Comment: Access from Wesley Avenue has been agreed at outline and therefore cannot be re-assessed as part of this application. A Construction Management Plan was also secured via a condition and details regarding construction vehicles etc would be required as part of this document. This is a pre commencement condition.
- The outline planning application, which the Planning Inspector considered during the appeal process, had 92 car parking spaces included in the development. The new plan states that only 73 parking spaces will be provided (including the single visitor space). As the Developer's own Road Safety Audit report states:- It is unclear if car parking can be fully accommodated off street to serve each dwelling having regard to the requirement for 3 spaces for 4-bedroom dwellings.

Comment: The application has been reviewed by KC Highways DM who are satisfied that the number of off street parking is acceptable. More information on this has been set out within the committee report.
- Additional housing on top of recent building and the volume of building traffic required to build this estate would create an obvious danger to pedestrians and young children who walk to the village and local high school on country lanes without pavements.

Comment: This concern has been noted, however, the principle of developing the site for residential, has been established as part of the outline application which was granted by the Planning Inspectorate.
- The Kirklees section 38 preference would be to have the visitor parking off street or in bays.

Comment: This concern has been noted and has been assessed/addressed within the report.
- The bus service is being further reduced.

Comment: This has been noted, however a commuted sum is required as part of the S106 on the original outline, to go towards sustainable transport measures within the area.
- I object to this development because nothing has been done to make the access to the development safer since it was refused planning permission at the last planning committee meeting. The decision should not have been overturned without suggestions being made to make the access safer. Concerns regarding the use of Wesley Avenue for construction traffic, the road is only 4.9m wide and regularly has cars parked at the side.

Comment: Whilst this concern has been noted, the access, via Wesley Avenue, does not form a matter for consideration as part of this reserved matters application. The access has been deemed acceptable by the Planning Inspectorate when the allied outline planning permission was granted.

- Concerns regarding the construction phase. Where would the construction staff park their cars until the on site car park is built.

Comment: The Construction Management Plan states that “The majority of construction staff would not be on-site until the road, services, drainage, attenuation and parking are all in place. A temporary car park would be set up as per the plan below as an initial priority and should be created within 2 working days. This would be used for all contractors that are completing the initial ground works, and therefore no site traffic would be parked on Wesley Avenue after this point”.

Once again, this matter would have been taken into account by the Planning Inspectorate at the time of granting the outline permission which established the principle of residential development on the site.
- Concerns regarding the removal of the current turning head. As stated previously this is a narrow road and the turning head is vital in being able to safely turn around while also limiting damage to vehicles and pavements through the use of this space. By only having the turning head at the end of the new development it increases the distance by 104m that current residents would have to travel to turn their cars.
- The removal of the turning head on Wesley Avenue would make it harder for residents to turn.

Comment: This has been reviewed by KC Highways DM whereby no concern is raised. However, the existing turning head should only be removed after the proposed new turning head within the development is completed and open to use. During construction the turning head should remain open and obstructed.
- The roads are already in a dire state which would only be exacerbated by an extended period of building works.

Comment: This concern has been noted.
- There is not enough car parking spaces.

Comment: The scheme proposes sufficient on-site parking for each dwelling in accordance with the Highways Design Guide SPD. This is assessed in detail in the assessment below.
- Why isn't there any provision for bikes including e-bikes.

Comment: A secure bike store is shown for each dwelling that doesn't have a garage.
- There is not enough space for recycling bins etc. Government policy is about to change and would require more recycling.

Comment: Adequate space for bins has been provided for each unit.
- How would lorries enter the site.

Comment: Lorries would enter the site via Wesley Avenue.
- Each plot has allocated parking for one vehicle where do visitors park without causing an obstruction or damage to the pavements? This could be a particular issue around the plots that are designated as flats.

Comment: One off street visitor parking space has been provided for each block of flats. This has been considered acceptable by KC Highways DM.

- House owners along Wesley Avenue have to park on pavements due to drives being too steep, undercarriages of cars scrape on them.
Comment: This has been noted. The nature of parking along Wesley Avenue was also considered by the Planning Inspectorate at the time of granting the outline permission.
- The proposed construction phase has not been properly planned. It would increase the risk of accidents, traffic jams, bus delays and access for the emergency services.
Comment: This concern has been noted.
- Vehicles must not be allowed to park on the local roads which are already over congested as this would lead to a risk of accidents as well as damage to elements of the highway from, e.g., driving up the kerb.
Comment: The development is considered to provide sufficient levels of parking for the number of units proposed. With these facilities in place this would minimise the potential for additional on street parking within the area.
- No regulation of traffic took place with the site on Miry Lane leading to Oldfield and a whole section of it and St.Mary's Road was treated as a car park with damage to kerbs , verges and some appalling littering . A detailed and enforceable plan must be created to ensure that all parking takes place within the site itself.
Comment: This concern has been noted, however, an adequate amount of off-street parking has been provided for each unit. Visitor parking as noted above, would be on street, however, it has been demonstrated that the site could still be accessed by refuse/emergency vehicles. The outline permission includes a condition for a Construction Access Management Plan
- The proposed construction phase has not been properly planned. It would increase the risk of accidents, traffic jams, bus delays and access for the emergency services (a travel plan for the construction phase of the development has not been submitted – Wesley Avenue is simply not wide enough to accommodate the size of vehicles associated with construction work and cannot safely accommodate the parked vehicles of those involved in the construction.
Comment: This has been noted, however a Construction Management Plan has been conditioned as part of the Outline permission and will need to be discharged before development commences. This will provide more detailed information regarding, the means of access to the site for construction traffic, times of use of the access, the routing of construction traffic to and from the site, construction workers' parking facilities and a scheme to demonstrate how the public highway would be kept clear of mud/debris.
- The large vehicles that would be needed for such a development would create significant traffic and dangerous situations for both vehicles and pedestrians.
Comment: This concern has been noted, a Construction Access Management Plan is conditioned within the outline planning permission.

- The roads in the area are mainly too narrow for current size of vehicles as the roads weren't designed for cars to be parked on the roads as they were designed for horse and carts.
Comment: This concern has been noted, the principle of access to the site was approved at outline stage.
- Wider parking issues, with people parking on street rather than on their drives or within their garages.
Comment: This has been noted, however, is outside the remit of Planning and Officers cannot insist that people park on their drives.
- The council has, ironically, renewed the pavements on Wesley Avenue and the adjoining estate roads which would then be severely damaged by construction traffic.
Comment: This concern has been noted and a standard condition is recommended requiring pre and post construction road surveys and if needed, for the developer to remediate to the satisfaction of the council.
- Slow moving congested traffic would cause more bad air quality. Traffic congestion has become a daily occurrence down New Road, Deanhouse and by the church and Londis Shop.
Comment: This concern has been noted, however, Highways Officers do not consider the increase in traffic movements to cause adverse impact to the existing highways network. The concern regard air quality is noted, however, a development of this size is not considered to unduly exacerbate this.
- Putting yellow lines through the village would affect the church and the shop and would probably close them down as no one would visit. This would then be another lost business thanks to Kirklees.
Comment: This concern has been noted, but is not relevant to this application.
- People would not walk down on to Miry Lane to go to the village and this is an absolutely ridiculous suggestion. They would use their cars as the pavements around Netherthong are not safe with all the traffic trying to get through.
Comment: This has been noted, however, the new stepped pedestrian access is considered to increase/promote connectivity to and from the site.
- The proposed cycle/pedestrian access onto Miry Lane has 4 flights of steps which aren't fit for purpose for cyclists, pedestrians and wheelchair users etc. These users would have to use Wesley Avenue, which defeats the object of reducing footfall on Wesley Avenue.
Comment: This concern has been noted, however, given the gradient of the northern end of the site, it is unlikely that a shallow sloped footpath would be achievable. As such Officers have accepted the stepped approach.

- Planning permission had been previously rejected for this site on a number of occasions, due to the width of the road by which the site would be accessed: it was decided it was therefore not suitable for building. The road has not changed since previous plans for this site were rejected, therefore there is no reason why it should now have been passed. This change of opinion has not been justified by the council either, therefore there is no valid reason for the plans to have been passed this time. If anything, sale of houses on the street has meant the volume of traffic and cars parked on the road has increased, making access to the site even narrower and more difficult than before.

Comment: These concerns have been noted, however, the application was upheld at appeal, as the Planning Inspector considered the access via Wesley Avenue to be adequate. As such, this matter has already been approved and the principle of access to the site is not a reserved matter for consideration in this submission.
- The inadequate parking provision within the finished site would increase the risk to road safety on the surrounding village streets (Kirklees Highways Department is going against its own policies in allowing an inadequate number of visitor parking spaces to be provided within the site.

Comment: This concern has been noted, however, KC Highways DM are satisfied that some visitor parking could be provided within the highway, without obstructing refuse and emergency vehicles. For this reason, they do not wish to object to the application. This is explored further in the assessment.
- The development would make it dangerous for children walking to school due to existing traffic problems.

Comment: This has been noted, however, the development is not considered to impact upon highway safety within the area.
- The roads on Denham Drive are already damaged and additional work traffic will make them worse.

Comment: This would be covered by the condition survey, depending on the route to which work traffic would take into the site. This would be set out within the Construction Management Plan.
- Wesley avenue is not fit for construction traffic. P10 of the Construction Phase Plan suggests that work vehicles must not be too large for the road network, due to the terrain and parking.
- Where will construction workers park before the staff car park is created? There is limited car parking on Wesley Avenue. More detail is needed.

Comment: The concerns outlined above would be required as part of the Construction Management Plan condition (required by the Outline permission). This will provide more specific details than the Construction Phase Plan.

Ecological and tree concerns:

- The fields have been left to grow for many years into a wildlife sanctuary for plants such as wildflowers and bluebells, nesting birds, Owls that come in the evenings to feed, Hedgehogs that I have personally helped and had to put them back in to the field when they have come wandering out. The Bluebells are a protected flower which should not be damaged or harmed and during the construction of this development. Provisions should be made.
- The stone walls which would inevitably be taken out with this development are all homes for the desperately needed wildlife.
- Concerns regarding the assessment on invertebrates.
- Dean Brook has a significant number of wildlife including birds, hedgehogs and visiting badgers. Further building on the fields would surely impact on their well-being.
- The proposed construction plan for this development would irrevocably destroy existing protected species, e.g. hedgehogs and native bluebells.
Comment: These concerns have been noted and have been considered by KC Ecology.

- We have lots of bats in an evening which would also be lost as part of this development and provisions should be made to protect them.
- Concerns regarding the disturbance of nesting birds.
Comment: This concern has been noted and the relevant surveys have been undertaken.

- Can it be confirmed that the net loss would be compensated for, as the developer hasn't given any examples of this.
Comment: The compensation for the net loss would be provided via a commuted sum, which can then be used to enhance wildlife within the local vicinity.

- I am glad to see that hedgehog holes would be placed in fences as we regularly have hedgehogs walking down our drive (caught on cctv a few times a week). However, I am concerned that this development would damage a huge area of land that provides them with food and shelter as a lot of their shrub habitat would be removed during the development phase.
Comment: This concern has been noted, however, the proposed landscaping scheme shows some habitats and species to be provided within the public open space to the north of the site and a commuted sum contribution towards off-site provision to achieve a 10% biodiversity net gain.

- I am concerned regarding the time periods to when the biodiversity indicator was calculated as both surveys were done in March, meaning that it would be difficult to identify many plant species.
- The proposed construction plan for this development would irrevocably destroy existing protected species, e.g. hedgehogs and native bluebells (the developer is proposing to start work in August 2023 even though their own Ecologist has stated that a survey needs to be completed in May/June).
- Impact on flora and fauna.

Comment: KC Ecology have noted these concerns, however, the surveys were undertaken on the 30th June 2022, during optimal survey season. The report is therefore valid for a period of 18 months.

- The presence of hedgehogs is acknowledged in the Developer's Ecological Design Strategy Report. However, the presence of native bluebells has been missed because none of the ecological assessments have been undertaken in the season when these are visible above ground.

Comment: This concern has been noted and will be investigated further by KC Ecology. Their response will be captured within the committee update.

- Hugely destructive of biodiversity. Not enough trees being planted.

Comment: This has been noted, however, the submitted plans show planted areas within the public open space.

- On the subject of nesting birds, the development site sits adjacent to an area of well-established woodland in a designated Conservation area. This is currently rich in wildlife, including many species of bird. This is also the case in many surrounding gardens, my own included. According to the Royal Society for the Protection of Birds, gardens may provide a breeding habitat for at least 20 per cent of the UK populations of house sparrows, starlings, greenfinches, blackbirds and song thrushes, four of which are declining across the UK. They state: For this reason, it is important we try to reduce cat predation as some of these species are already under additional pressure from a wide range of other sources. Cat predation can also be a problem beyond the garden. For example in adjacent woods, copses and hedges.

Comment: The relevant conditions/protective measures will be provided during construction to ensure that there would be no impact on nesting birds or their habitat. However, the LPA cannot control cat predation.

- The wildlife report says quite clearly that no work of site clearance should be undertaken between March and August - nesting birds etc.- but the work schedule seems to begin in May. Please explain.

Comment: A condition would be attached to the decision notice in the case of an approval, to ensure that there is no site clearance (i.e removal/cutting down of trees or hedges) during the bird nesting season. This would draw attention to the provisions of the Wildlife and Countryside Act.

- One of the stipulations of new developments is that the streets are tree lined and as much as this planning proposal appear to have addressed this, the location of trees at the front of the properties in the plans look to be included within the boundary of the property. What guarantee does the council and/or the developer offer to ensure that these trees are not removed by the property owners at a later date after taking occupancy?

Comment: This concern has been noted and the trees appear to be within front gardens, whereby the council would have no control over their subsequent removal.

- Pending full disclosure of information requested, it is not yet clear whether the works associated with the proposed tank would be within the Tree Protection Zone set out in the report and scale plan mentioned below. The TPZ does extend into the Eastern field and it is vital that all the information is provided so that a reasoned decision can be made.
Comment: The submitted site plan shows a sufficient separation distance to be retained from the attenuation tank to the tree protection zone.
- There should be no activity within the Tree Protection Zone.
Comment: This has been noted.
- All of the buildings within the western field would be within the Tree Protection Zone.
Comment: The plans show no built form to be within a close proximity to the protected trees. Protective fencing would also be required in the case of an approval, as set out within the Tree Impact Assessment and Method Statement.
- The developer has addressed some of the issues previously raised by residents. I would add that fencing should allow passage by hedgehogs.
Comment: This has been noted and can be added as a condition to the decision notice.
- I believe the well-established trees near Miry Lane have a conservation order on them so cannot simply be cut down as they are in wrong place for this development.
- **Comment:** The development does not propose to cut down any trees near/along Miry Lane.
- Concerns regarding the impact to which plot 6's garage would have on nearby trees.
Comment: This can be mitigated by protective fencing.

Drainage concerns:

- Water floods down the fields in heavy rainfall.
Comment: This has been noted and there is a pre-commencement condition attached to the outline planning permission for full details of drainage. Basic information has also been provided as part of this application to show that there would be adequate space for water within the site.
- Concrete and Tarmac does not soak up water like soil and trees. The excess water on the new estate would be full of Chemicals. Cleaning fluids and soap from people washing their cars, salt in winter which would be thrown down by the homeowners. This would all be washed down in o Dean Brook, destroying even more wildlife and woodland plants along with adding more water to flooding issues that occur in Dene Brook making this a more common occurrence. More flooding would also cause further damage to properties and gardens which have been there for many years.

- The proposed development (both during construction and after completion) would increase the risk of flooding and the risk of harmful contaminants entering the local river (the risk of flooding from the discharge of surface run off water into Dean Brook river, some 260m downstream has not been assessed, nor has the risk of contaminants, e.g. oil, windscreen wash, salts entering that natural watercourse).
- Increase in flood risk to Miry Lane/Dean Brook by adding 35 new dwellings. The residents on Wesley Avenue already experience difficulties with drainage.
- Rain is currently absorbed into the field.
Comment: These concerns have been noted, however, detailed drainage conditions have been attached to the Outline permission which would need to be satisfied before development commences.
- During and after construction there would be an increase in surface runoff following heavy rain (a regular event) due to the removal of fields (which would normally absorb this water). I am concerned with where the discharge of surface run-off is going, as highlighted in the Yorkshire Water Consultation. I can't see plans for how they aim to prevent it going down Wesley Avenue. Furthermore, I also share Yorkshire Water's concerns that the sewer may not be able to cope with excess surface run-off.
Comment: A condition requiring temporary and permanent arrangements for surface water have been attached to the Outline permission. These would need to be satisfied before development can commence. KC LLFA are also in support of the flow routing information submitted as part of this Reserved Matters.
- On a number of occasions over recent years, the roads entering St Mary's Road have been flooded making access impossible until local residents have intervened. I am concerned that further building in this vicinity would make matters worse.
- The proposed development (both during construction and after completion) would increase the risk of flooding and the risk of harmful contaminants entering the local river.
- Wesley Avenue already floods and now that the field will be built upon, where will the water go?
- Further housing also impacts the local environment, increases risk of flooding as this field is used as a run off for water and Netherthong has already seen flooding due to the flood plains struggling to cope, alongside removing further habitat for local wildlife.
- The sewage system cannot cope at the moment. Only on the 13th June it had to be repaired again on Dean Brook Road.
Comment: These concerns have been noted and were raised as part of the Outline application. The Officers response was as follows:
"The recent flooding on Miry Lane was directly attributable to a badly maintained culverted and open watercourses under private riparian ownership along and adjacent to the public right of way leading past Brooke House. Kirklees Council has carried out some emergency works as a short term fix and dialogue with relevant landowners can be expected in the coming months. It is a specific existing issue that is unrelated to the development proposal at Wesley Avenue. Furthermore, all new developments have restricted discharge rates that would improve on the likely run off onto Miry Lane from the currently

undeveloped land". As such, the appropriate drainage conditions were attached to the Outline permission and will need to be discharged.

- The drainage on Wesley Avenue is already an issue, puddles often form on the road outside my house. With the dirt, debris and pollutants being carried on work vehicles alongside wash out down the new road on to ours this would become a real problem.

Comment: This has been noted and any dirt and debris should be cleared as part of the Construction Phase Plan as set out within the "site rules".

- Constructing the euphemistically called attenuation tanks and the associated sewers in Miry Lane would lead to considerable traffic disruption in Miry Lane and Dean Brook Lane. Would they be passable during the work?

Comment: This has been noted, however, any works on the highway would require a license and details of the works will need to be provided to the Council.

- I note the landowner has been refused access permission to lay a new surface water sewer and that the developer states there was a 225ml surface water sewer onto Dean Beck but this is not evidence on Yorkshire Waters Plans. Has the pipe now been verified by Yorkshire Water and Kirklees Planning and is it available to remove surface water from the site.

Comment: Full detailed drainage conditions were included on the Outline permission and will need to be satisfied before development can commence.

General concerns:

- The application is invalid as the site is in Netherthong not Netherton.

Comment: This was amended at the beginning of the application process and the correct address has been advertised.

- Concerns over the plans submitted, whereby I have contacted the builder to discuss my concerns with no reply.

Comment: This concern has been noted.

- What are the dimensions of the timber crib wall? There are no measurements of this.

Comment: The timber crib wall to the southern end of the site would vary in height given the change in levels from 0.6m at plot 1, to 2.1m at plot 6 and the down to 1.1m at plot 14.

- The plans need to be made clearly especially regarding boundaries.

Comment: A boundary treatment plan has been submitted as part of the amended plans.

- The local school is already full so most children would have to be transferred to other nearby schools. This would already make a congested area during school times worse.

Comment: This has been noted and a contribution towards additional school plans would be sought as part of this application.

- The amended plans do not mention repairs to the stone wall adjacent to Holmdale Crescent, as this would be the builders' responsibility.
Comment: This has been noted and has been raised with the applicant.
- There are no proposed bungalows for older residents to downsize to.
Comment: This has been noted, however, 1 and 2 bedroom flats for the elderly are proposed.
- Additional information should be sought to include an up to date tree survey, details of the retaining wall along the northern boundaries of plots 19 to 35, a cross section of plots 19-35 including the Old Parsonage, a streetscene from Miry Lane, full retains of any retaining, gabion, crib walls, existing and finished floor levels, a comprehensive Heritage Statement and full boundary treatments. There are also some discrepancies between the plans.
Comment: This comment has been noted and additional information, where considered necessary to inform a well rounded planning decision has been requested.
- Has a bat survey been completed as there is a hive of activity at dusk of bats.
Comment: The appropriate bat surveys have been undertaken as part of the application process.
- This village cannot support further development or 3 years of heavy building traffic and associated dirt, noise or pollution.
Comment: This has been noted and therefore it is vital that the 'CEMP' is adhered to.
- We suffer from frequent power cuts and flooding on Miry Lane.
Comment: This has been noted.
- It has also been made law that external charging points have to be fitted to each new build house to enable the charging of electric vehicles, I cannot see that plans have been updated to show the inclusion of these.
Comment: Each dwelling and flat would be served by an electrical vehicle charging point.
- Consideration needs to be given to the standard and quality of this building, in this rural well established location.
Comment: This has been noted and Officers consider the development to be of an appropriate quality in terms of design, materials and sustainability.
- Impact on the environment by building on green fields.
Comment: This has been noted, however, the site is allocated for housing with outline permission being granted.
- Concern regarding the affordability of the properties.
Comment: This has been noted, however, the required number of affordable units are to be provided.

- It would appear that the village is going to have to endure 3 years of building traffic (after we have already had to suffer 2 previous building sites and associated noise, dirt and pollution) on narrow village roads which already have no road surface left and are down to the substrata.
Comment: This has been noted, however, the application has been submitted with a CEMP which aims to protect residential amenity. KC Environmental Health are in support of this document.
- 'Carbon Reduction & Offsetting Supporting Document' mentions solar panels installed on the roof, but then in the 'Climate Change Statement for Planning Application' it conversely says it is an 'option'. Therefore, this isn't carbon offsetting by the developer but instead the responsibility of the homeowner (just like most already existing houses in the UK). Also why haven't they considered a ground source heat pump? This would be a brilliant opportunity to heat all 35 homes with a much more environmentally friendly option.
- The proposed development does not reduce the impact on the environment/climate change due to its overreliance on sources of non-renewable energy, e.g. gas fired central heating/water systems and its failure to offset the carbon emissions associated with its construction.
- The developer has not gone far enough to mitigate the impact on climate change from the proposed development. The developer is proposing to install gas fired central heating/water heating systems and solar roof panels. The International Energy Agency has stressed that no new gas boilers should be sold after 2025.
- The climate change measures are not in accordance with Kirklees Policy and national guidance.
Comment: These concerns have been noted, however, Officers consider the measures proposed (to discharge condition 27 on the outline permission) to be acceptable. They include solar panels to each dwelling alongside an EVCP. Consideration has also been given to the orientation of the dwellings in order to maximise passive solar gain. Such, measures are in accordance with Policy 12 of the Holme Valley Neighbourhood Development Plan. However, further measures may be required in the case of an approval, at the Building Regulations stage.
- We were attracted to the bungalow (we live in) for its open view of the wild, natural field and countryside at the rear.
Comment: This concern has been noted, but loss of view is not a material planning consideration.
- The work times are no acceptable. They should be as agreed by Kirklees Council for the previous Miry Lane development with no working on weekends.
- The proposed hours of construction would be detrimental to the health and wellbeing of existing residents. Working on a Saturday is unreasonable.
- Starting at 7.30 would also disrupt local residents.
Comment: The working hours as proposed within the Construction Phase Plan would be generally 0730-1630 on weekdays, with no working on weekends or bank holidays. This has been reviewed by Environmental Health Officers who raise no concern from a residential amenity perspective.

- No reference to potential light pollution from the houses. External/emergency/security lighting should be restricted to hours, density, direction and type (flashing) both to preserve darkness and stop disruption of wildlife and harassment to near neighbours.
Comment: This concern has been noted, however, it is envisaged that lighting would be minimal on the site due to the working hours of operation. Future security cameras do not rely on traditional lighting techniques and intrusive lighting from the site is considered to be low risk from the completed development.
- Concerns regarding the principles set out within the submission.
Comment: Officers are content with the information set out within the applicants Design and Access Statement.
- The village would be overcrowded and would be devalued by losing the nature and beauty of the surrounding environment.
Comment: This concern has been noted. It is acknowledged that the site is allocated for housing with an outline permission in place. The loss of property value is not a material planning consideration.
- The drains are already inefficient to sustain the current village and there is no mitigation to the added power that would draw on the rest of the village which already suffer frequent outages.
- I believe the overall infrastructure cannot withstand another development. The electric supply is struggling to accommodate the existing housing in the area. We have regular power cuts which is normally due to the system being overwhelmed by the demand. Especially since more people are working from home.
Comment: The impact on drainage has been considered by KC LLFA. With regards to the concern around power, this is unfortunately outside of the remit of planning.
- Concerns regarding the sums produced to show what new school places are required. How can it only total 11, yet the development is for 35 dwellings. There is currently a major housing development under construction off Woodhead Road within the same catchment area which would be completed before this one so the places that have been identified would no doubt be no longer be available.
Comment: The sums have been produced by KC Education on the most recent cohort intake date and therefore is considered to be accurate.
- Set up a new village on the moors, this would also provide new jobs with the need for infrastructure up there.
Comment: This has been noted, however, the site is a housing allocation with outline permission.
- The proposed development does not reduce the impact on the Environment/Climate Change.
- Concerns regarding the carbon emissions from the development and the climate change document. The documents are contradictory. On a climate change basis there is far too much tarmac, and too much blockwork.

Comment: This has been noted and the works would have some impact upon climate change, however, the application's Carbon Reduction and Climate Change document sets out the ways that this can be mitigated.

- Conditions would be required to allow for net zero carbon, additional planting/protective measures for wildlife and ecology, to ensure that no surface water would enter Miry Lane, Plot 6 is removed and replaced with a smaller more affordable house, the gate posts are left in situ, Wesley Avenue would not be the means of access for construction, to ensure sufficient on site parking and for visitors and for the appropriate hours of construction.

Comment: This concern has been noted and taken into consideration and additional information has been requested where considered necessary.

- Additional information is sought to allow the public and others to properly understand the key aspects of the development. In the absence of this information, the application should not be determined.

Comment: Neighbours and interested parties have been re-consulted via a 21 day neighbour notification letter upon receipt of the amended plans and additional information.

- An unlit footpath enhances the risk of criminal activity. Especially at night time where there is cover from vegetation and this would be close to existing and proposed new housing. Lighting however would adversely impact upon the Conservation Area and wildlife.

- **Comment:** This has been noted and details of sensitive lighting would be required as part of the security measures condition and would need to be considered by KC Ecology.

- The landscape area would need to be maintained otherwise it would have a negative impact on the Conservation Area.

Comment: This has been noted and a management and maintenance plan would be requested as part of any approval.

- Enough is enough now with all this building. Regenerate the town centre. Huddersfield centre is a disgrace.

Comment: This has been noted but is not material to the consideration of this application.

- I note that in the previous round of comments an officer responded saying that there would always be fields around Netherthong. The point is that these other fields are farmed, fertilised and are mainly monocultures of grass or crops. They are not much use to wildlife. These fields at the end of Wesley Avenue are an unfarmed habitat and could be managed to support an even greater diversity of insect, plant, bird and mammal life.

Comment: This has been noted, however the site is allocated for housing and has outline permission.

- Residents here are almost entirely retired, they are feeling very stressed about the long, noisy, dusty building work that would be carried out.

Comment: This has been noted and a Construction Phase Plan has been submitted with the application.

- Land stability concerns due to the excavation required.
Comment: Appropriate conditions regarding land stability, particularly adjacent to the highway were attached to the outline planning permission.
- Netherthong village has already seen three new developments in recent years, which have taken away green spaces and impacted on the natural environment: this development would further impact upon this.
- The Council should try turning some derelict buildings into homes and stop ruining villages.
Comment: This has been noted, however, the site is allocated for housing in the Kirklees Local Plan.
- The proposed plans give a time frame for building works of 3 years: this is only correct if all works are carried out in the time frame planned, which is often not the case with building as unforeseen issues regularly occur. This could result in an even lengthier build time, during which disruption would be caused to all local residents. Vehicular disruption and noise levels would cause a huge disturbance to residents, particularly on Wesley and Dean Avenue for a lengthy period of time. The children and elderly, vulnerable residents on these streets would be most impacted by the disturbances, putting their mental health and wellbeing at risk.
- We bought a house in a quiet village on a quiet cul-de-sac: this development would make Wesley Avenue now a busy street, one which I would not consider safe for my children to play on any longer, particularly during the three year building period.
Comment: This concern has been noted, however, Officers cannot control the build time. However, a Construction Phase Plan has been submitted in order to demonstrate the measures put in place to mitigate the impact on neighbouring amenity during the construction phase. This has been reviewed and accepted by KC Environmental Health.
- Could a site visit be undertaken from Holmdale Crescent to show the impact to which the site would have on neighbours' amenity.
Comment: Officers have undertaken a number of site visits, from various view points, surrounding streets and from the application site and consider to have a good understanding of the site and the relationship it would have with existing properties.
- The proposed development, in its current form, would, for the reasons set out above, constitute inappropriate development. The proposal is contrary to the policies and principles as set out in the Local Plan and in Kirklees Council's Housebuilders Design Guide SPD. As such, unless the required conditions (detailed below) are stipulated and fully enforced by Kirklees Council, this application should be refused.
Comment: This concern has been noted. The assessment below concludes that the details submitted are acceptable.
- More detailed plans are required.
Comment: This has been noted, however, Officers consider there to be sufficient information/ the appropriate plans for a decision to be made on the scheme.

Financial contributions and planning obligations

- 10.93 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.
- 10.94 A S106 agreement was secured as part of the Outline permission and therefore, the contributions to this are identified below. A deed of variation or new S106 would be required as part of any approval, to secure any changes/additions to the existing legal agreement.
- 1) Affordable housing – 20% of dwellings to be affordable with a split of 55% social or affordable rent to 45% intermediate housing;
 - 2) Open space – contribution to off-site open space to be calculated at Reserved Matters stage based upon the level of on-site provision at that time;
 - 3) Education - additional places would be required at Netherthong Primary School and Holmfirth High School with the contribution to be calculated at Reserved Matters stage based upon the projected numbers at that time;
 - 4) Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals;
 - 5) A contribution to sustainable transport methods to be determined at Reserved Matters stage (Indicative contribution of £14,833.50 based on 36 dwellings).

Affordable housing

- 10.95 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, although this can be flexible. 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.
- 10.96 To comply with policy LP11, the proposed development would need to provide 7 affordable housing units. These would be provided in the form of 4 x 1 bed and 3 x 2 bed flats for older people. This is supported by the Council's Strategic Housing Team.
- 10.97 Whilst the affordable units would be primarily located to the north of the site, they would be integrated between market housing. As such, no objection has been raised by KC Strategic Housing; subject, to all affordable housing being indistinguishable from the rest of the development in terms of quality and design.

Education

- 10.98 As outlined within the S106 agreement secured on the Outline permission an education contribution is required due to the number of units being proposed. The contribution is determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. In this instance, a contribution of £62,953 is required to go towards Netherthong Primary School and Holmfirth High School.

Public open space

- 10.99 In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.
- 10.100 As part of the S106 agreement on the Outline permission, an off-site public open space contribution was to be calculated at Reserved Matters stage. This equates to £55,298, in accordance with the Public Open Space SPD and Policy LP63 of the Kirklees Local Plan.

Management and maintenance

- 10.101 A Management and Maintenance plan has been secured as part of the original S106 agreement to include the terms for the provision of long-term maintenance and management of the surface water drainage features (until adoption) and the on-site public open space. This is to ensure appropriate responsible bodies are in place to ensure the ongoing management and maintenance of these assets.

Highways and transport

- 10.102 As part of the S106 agreement on the Outline permission a contribution towards Sustainable Travel Plan Fund has been secured. This means that the developer would pay an overall contribution of £14,833.50 for 35 units.

Biodiversity

- 10.103 In accordance with Policy LP30 of the Kirklees Local Plan, developments are expected to demonstrate a net gain to local ecology. This is measured via the biodiversity metric and should be delivered through on-site enhancements. When sufficient enhancements cannot be delivered on site, an off-site financial contribution may be sought.
- 10.104 In this instance, an off-site contribution of £71,990 is required to provide a 10% net gain. This would be secured via a Deed of Variation to the original S106, as the net gain was covered by condition as part of the Outline application.

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS184, and outline planning permission was granted in January 2022 (ref 2020/91146), therefore the principle of residential development remains acceptable and the access at the site has already been approved.
- 11.2 This application seeks approval on all reserved matters; appearance, landscaping, layout, and scale for 35 residential dwellings. The site is constraint by topography, drainage, contamination, its location adjacent to Netherthong Conservation Area and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant or can be addressed at the conditions stage.
- 11.3 The proposal would not cause undue harm to residential amenity, visual amenity, highway safety, heritage assets and all other material planning considerations and would provide local affordable homes alongside market housing compliant with local and national policies.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and planning obligations being secured via an appropriate S106 agreement.

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

1. Development to be carried out in accordance with the approved plans and specifications.
2. Prior to their use, of all facing materials to include natural stone walling to be submitted to and approved in writing by the LPA.
3. Prior to their use, details of the proposed roofing material, to consist of natural slate unless otherwise agreed in writing by the LPA, to be submitted and approved in writing.
4. All new window frames shall be set back in the reveal by 75-100mm and shall not be fitted flush with the external wall.
5. Prior to the commencement of superstructure works, details for the repair works to the dry-stone wall to the northern edge of the site, along with the stone gate posts retained and re-set at the new pedestrian entrance onto Miry Lane, shall be submitted and approved in writing by the LPA.
6. Prior to the commencement of development (including ground works), the tree protection measures set out in the Arboricultural Method Statement (ref 230530a AMS) hereby approved shall be implemented in full and retained for the duration of the construction phase.
7. Prior to the commencement of superstructure works, details of measures to prevent and deter anti-social behaviour shall be submitted to and approved in writing by the LPA. These shall include lighting (including the pedestrian link to Miry Lane), window and glazing details, doors and locking systems, CCTV and alarms and cycle and motorcycle storage.
8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

9. The temporary arrangements for bin storage as shown on site plan 2232 01 Rev E, shall be implemented prior to the first occupation of those residential units, and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.
10. Prior to the commencement of superstructure works, full details of the bin stores to serve the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design, height and materials of the bin store.
11. Notwithstanding the submitted plans, all first-floor openings within the southern elevation of plots 6, 13 and 14 shall be fitted with obscure glazing, minimum of Grade 4 and retained as such thereafter.
12. The development shall be carried out in accordance with the Construction Phase Plan dated 03/03/23 (2nd issue).
13. The development shall be carried out and retained in accordance with the Solar and Car Charging plan ref 2232 22 Rev A.
14. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority.
15. Before the development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading shall be submitted to and approved by the LPA.
16. The development hereby approved shall not be occupied until the areas to be used by vehicles, as indicated on the approved plan, have been laid out with a hardened and drained surface in accordance with the Ministry of Communities and Local Government and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)
17. Prior to the first occupation of any dwelling with external lighting (other than street lighting on streets to be adopted), details of the external lighting for that dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a scheme detailing street lighting to all private (unadopted) roads/drives/courtyards and shall not include low-level or bollard street lighting. The external lighting shall be designed to avoid harm to residential amenity, increased highway safety risk, risk of creating opportunities for crime and anti-social behaviour, and disturbance to wildlife.
18. Prior to works commencing on the superstructure, details of all hard and soft landscape materials, including boundary treatments, garden fences/walls, new retaining walls and gabions and existing boundaries shall be submitted in writing and approved by the LPA. The details shall provide for the movement of hedgehogs.
19. Prior to works commencing on the superstructure, a management and maintenance plan for the landscaping scheme proposed shall be submitted and approved in writing by the LPA. This should also include any existing trees and vegetation retained on site, details for monitoring and remedial measures, including replacement of any trees, shrubs or hedge that fails or becomes diseased within the first five years from completion.

20. Prior to works commencing on the superstructure, a management and maintenance plan for the public open space shall be submitted to and approved in writing by the LPA. This should include the location and detailed design, details of any equipped area and playable space including safety surfacing, seats and litterbins.
21. The turning head to Wesley Avenue shall not be removed, until the new turning head within the development site is completed and open to use.
22. The development shall not commence until a joint survey with a Council engineer of the existing condition of the highway on Wesley Avenue (and the other surrounding highways to which construction traffic will take access pursuant to condition 9 on the outline application) has been approved in writing by the LPA. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway, shall be submitted to and approved in writing by the Local Planning Authority.

Background Papers:

[Planning application details | Kirklees Council](#)

Application and history files - <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2F90714>

Certificate of Ownership – Certificate B signed.

[Planning application details | Kirklees Council](#)

Link to Outline application - <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/91146>.

Appendix 1 – Conditions attached to the Outline permission (2020/91146)

- 1) Approval of the details of the scale, layout, appearance, and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development commences.
- 2) Plans and particulars of the reserved matters referred to in Condition 1 above relating to the scale, layout, appearance, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
- 3) Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 4) The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 0S1A – Location Plan, P3 –Access Details.

6) Details of 'layout' submitted pursuant to condition 1 shall be informed by the approved Parameters Plan (drawing number P2A Rev A).

7) The development permitted shall not exceed 36 dwellings.

8) The point of access for the development shall be provided in accordance with drawing number P3 (Access Details) prior to the first occupation of the development hereby permitted and shall thereafter be maintained.

9) Prior to development commencing a Construction Management Plan (CMP) shall be submitted to and approved in writing with the Local Planning Authority. The plan shall describe in detail the actions that would be taken to minimise adverse impacts on occupiers of nearby properties and highway safety by effectively controlling:

- Noise & vibration arising from all construction related activities. This shall also include suitable restrictions on the hours of working on the site including times of deliveries.
 - Dust arising from all construction related activities.
 - Artificial lighting used in connection with all construction related activities and security of the construction site.
 - Means of access to the site for construction traffic
 - Times of use of the access
 - The routing of construction traffic to and from the site
 - Construction workers' parking facilities
 - A scheme to demonstrate how the public highway would be kept clear of mud/debris
- The approved plan shall be adhered to throughout the construction of the development.

10) No development hereby permitted shall take place on the site until full details of the proposed internal adoptable estate roads including turning heads and the footpath link to Miry Lane, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of the work. The site shall be laid out and constructed in accordance with the approved details prior to the occupation of the development and be thereafter maintained.

11) No development hereby permitted shall take place on the site until full details of the proposed location and cross-sectional information together with the proposed design and construction details for all new retaining walls/building retaining walls adjacent to the proposed adoptable highways shall be submitted to and approved by the Local Planning Authority. The site shall be laid out and constructed in accordance with the approved details prior to the occupation of the development and be thereafter maintained.

12) Prior to the occupation of the development hereby permitted, details of secure and covered cycle parking facilities for the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the dwelling to which it relates and be thereafter maintained.

13) No dwelling shall be first occupied until the car parking and/or garaging provision for that dwelling have been provided. The car parking and/or garaging provision shall be retained for that purpose thereafter.

14) A Final Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority within 6 months of the first occupation of the development hereby permitted. The Final Travel Plan shall be based on the principles set out in the Travel Plan Statement (30 March 2020) and shall include modal targets to achieve its objectives and a timetable for their achievement. The Final Travel Plan shall thereafter be implemented in accordance with the approved details.

15) Notwithstanding the submitted information, an updated Ecological Impact Assessment shall be provided with the details of 'layout' and 'landscaping' submitted pursuant to condition 1, and the layout and landscaping of the site shall be informed by the recommendations of the updated Ecological Impact Assessment.

16) Details of 'layout', 'landscaping' and 'appearance' submitted pursuant to condition 1 shall include an Ecological Design Strategy that details a scheme of measures to provide a demonstrable net gain for biodiversity on the site.

17) Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

18) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 17, further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

19) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 18. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

20) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

21) The development shall be carried out in accordance with the flood mitigation measures detailed within the Combined Flood Risk Assessment and Drainage Strategy Prepared by Sanderson Associates – Report Ref: 11439/DH/001/01 dated March 2020.

22) A scheme detailing foul, surface water and land drainage, (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) shall be submitted to and approved in writing by the Local Planning Authority before development commences. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate. The drainage scheme shall thereafter be retained as such.

23) Details of the operation, maintenance, and management of the surface water drainage infrastructure approved pursuant to condition 22 shall be submitted to and approved in writing with the Local Planning Authority before any dwelling is first occupied. The details shall include adoption proposals of any adoptable structures, as necessary. The development shall thereafter be operated, managed, and maintained at all times for the lifetime of the development, or up to the point of adoption, in accordance with the approved details.

24) No piped discharge of surface water from the development site shall take place until the surface water drainage system approved pursuant to condition 22 has been completed.

25) Development shall not commence until a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision; and
- methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

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

26) Before the electrical system is installed on any dwelling, a scheme detailing the dedicated facilities that would be provided for charging electric vehicles and other ultralow emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point for every 10 unallocated residential parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. The charging points shall thereafter be retained.

27) The details submitted pursuant to condition 1 (the reserved matters), shall include a detailed scheme of measures to be incorporated into the development which promote carbon reduction and enhance resilience to climate change. The development shall be provided in accordance with the approved details and retained as such.

This page is intentionally left blank

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2023

Subject: Planning Application 2023/90346 Erection of two detached dwellings land at, Greenhill Bank Road, New Mill, Holmfirth, HD9 1ER

APPLICANT

H Bowers

DATE VALID

13-Feb-2023

TARGET DATE

10-Apr-2023

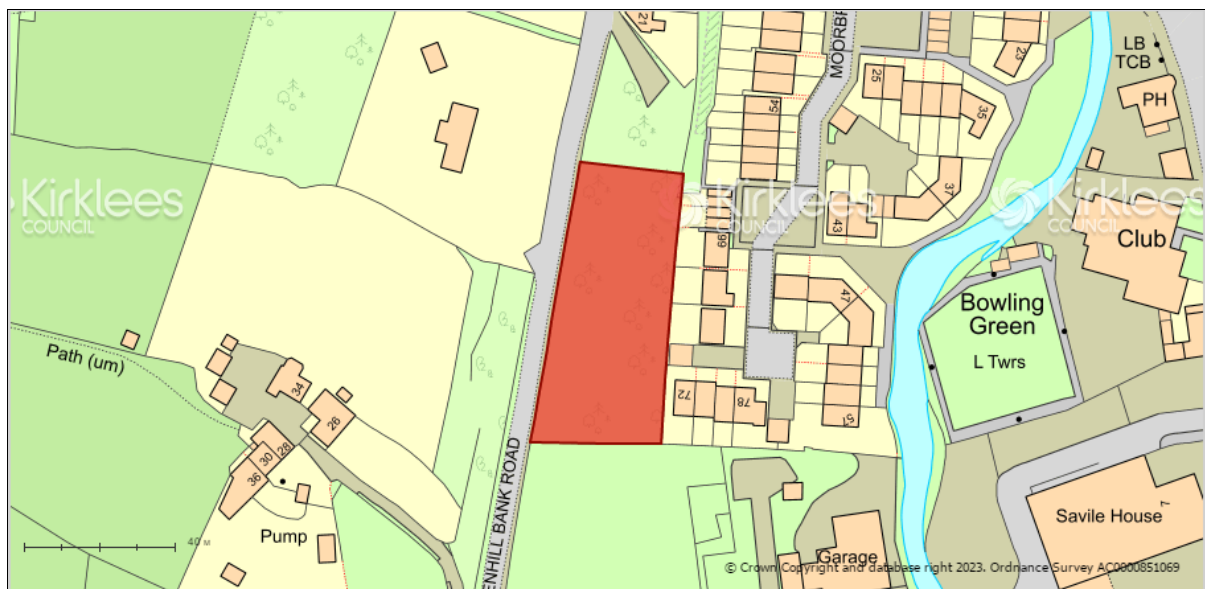
EXTENSION EXPIRY DATE

25-Jul-2023

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This application is brought before Huddersfield Planning Sub-Committee for determination under the terms of the Delegation Agreement due to the level and nature of local public objection.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises a very steeply sloping plot of land on the east side of Greenhill Bank Road. The plot comprises approximately 0.2h of land and is overgrown with scrub. At the eastern, or lower end, it is adjacent to a completed housing development on former site of Moorbrook Mills, Moorbrook Mill Drive. To the south alongside Greenhill Bank Road is further steeply sloping open scrubland. To the north is a small triangle of open land and beyond this a tarmac shared driveway used for the parking of vehicles. The boundaries are formed by retaining stone walls at the top along Greenhill Bank Road and bottom adjacent to the Moorbrook Mills site.

2.2 The site is on the edge of the built-up part of New Mill, the land to the west being only sparsely developed. The land to the south and west of the site is designated Green Belt.

3.0 PROPOSAL:

3.1 The proposal is for the erection of two detached dwellings.

3.2 The dwellings would be sited near the western or highway boundary of the site, at the top of the slope. The footprint of each dwelling would not have a simple rectangular or geometrical built form but would consist of several overlapping rectangular blocks so that the width and depth of each dwelling, and its distance from site boundaries, would vary according to where the measurement is taken.

3.3 The dwellings, designated Plot 1 and Plot 2, would be handed with respect to each other. Each would have an open-fronted integral carport of approximately 7.7m width, set back approximately 1m from the highway boundary. Living accommodation would include a bathroom and bedroom at ground floor, one bedroom and open-plan kitchen-dining-lounge at first floor, and a further two bedrooms at lower ground floor.

- 3.4 The distance between the facing north and south side walls of the new dwellings would be 5.5m, and Plot 1 would be 9m from the southern plot boundary.
- 3.5 Each dwelling would incorporate a raised terrace garden at upper ground floor and first floor level. The first-floor garden is shown as having steps leading down to the surrounding land, which it appears is not intended to be levelled.
- 3.6 The living area and kitchen, and three lower floor bedrooms, would have their main outlook to the sides; only the first-floor bedroom would have its main outlook to the rear, or east.
- 3.7 The plans indicate that stone is to be the predominant walling material, but the application form states that materials are “to be agreed” so this must be treated as illustrative. The roofs would be flat.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Application site:

2016/92761 – Erection of two detached dwellings. Approved 30th January 2018, not implemented and expired 30th January 2021.

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

- 5.1 13-Jun-2023 – Amendments to floorplan to show bin storage area. The plans were not subject to new publicity since the amendments were not considered significant enough to require the opportunity for new public comment.

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

Kirklees Local Plan (2019):

- 6.2 The site is within land without designation within the Local Plan proposals map.
 - **LP 1** – Achieving sustainable development
 - **LP 2** – Place shaping
 - **LP 7** – Efficient and effective use of land and buildings
 - **LP 20** – Sustainable travel
 - **LP 21** – Highways and access
 - **LP 22** - Parking
 - **LP 24** – Design
 - **LP 30** – Biodiversity and geodiversity
 - **LP 53** – Contaminated and unstable land.

Holme Valley Neighbourhood Development Plan (HVNDP)

The site is within Landscape Character Area 7 – River Holme Wooded Valley

Key landscape characteristic of the area are:

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

Key built characteristic of the area are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

The following policies are considered to be relevant:

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 6: Building Homes for the Future

Policy 12: Promoting Sustainability

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

Supplementary Planning Guidance / Documents:

6.3 The following Supplementary Planning Documents are deemed relevant:

- Highways Design Guide 2019
- Housebuilders Design Guide Supplementary Planning Document 2021
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications
- Waste Management Design Guide for New Developments

National Planning Guidance:

6.4 National Planning Policy Framework

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Planning for climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the historic environment.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Publicity period expired 13-Mar-2023. Publicity was undertaken by neighbour notification letter only thereby fulfilling the requirements of the Development Management Procedure Order.

7.2 Representations were made by a total of 15 third parties, all objecting to the application.

Summary of concerns raised:

- Design is out of character
- Garage doors are bland
- Many trees and other vegetation have already been removed resulting in loss of biodiversity.
- Further loss of biodiversity and especially bat foraging and commuting
- Loss of allotments which are in short supply in Kirklees
- Overlooking of houses below
- Blocking of natural light / sunlight
- The road is narrow, with only just enough passing space for two cars, and it is not clear how visibility splays will be provided or retained.
- Obstruction to highway resulting from parked cars
- There would be insufficient space to turn within the site.
- Impact on stability of land and wall. The road surface is already showing signs of cracking and may collapse.
- Overloading of sewers. How will water run-off be managed, this may put pressure on the retaining wall;
- Doctors' surgeries and schools will be overstretched
- Noise pollution
- Has knotweed been removed?
- The access for build traffic is through private land and there is not enough parking available for contractors' vehicles;
- The address and postcode used on the applicant documents do not make the site easy to find
- There have been no site notices posted.
- Kirklees officers should check whether it is just a re-application or whether there have been changes. There are additional, and larger, panes of glass
- There is brownfield land available so developers should not be building on greenfield.

Holme Valley Parish Council – Oppose:

- Not in keeping with neighbouring properties and local vernacular. See HVNDP pp72-74 Policy 2.
- Issues of overlooking.
- Access concerns regarding Highway visibility.
- There was no climate mitigation statement which the Parish Council expects for all new builds.
- Members also felt that consideration needed to be given to visitor car parking additional to that of householder parking.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

There were no statutory consultees.

8.2 Non-statutory:

KC Highways Development Management – No objection subject to conditions

KC Highways Structures – No objection subject to conditions

KC Ecology – No objection subject to condition.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (NPPF) which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay unless material considerations indicate otherwise. This also applies to HVNDP which is part of the adopted development plan.
- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply. The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to

calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local Authorities 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.

- 10.3 The provision of housing needs however to be balanced against all policies and material planning considerations considered below. The site lies within land without designation on the Local Plan proposals map. As such there is no presumption against new build housing, which may in principle be an appropriate use of the land.
- 10.4 It is noted that there is a recent permission, reference 2016/92761 – Erection of two detached dwellings. This expired in January 2021. The scale and design of each dwelling would have been very similar to those now applied for, and the means of access would have been essentially the same, as they would have taken direct access to Greenhill Bank Road. The only substantial differences between the historic and current schemes are positioning of the dwellings within the site, the southernmost and northernmost dwellings (Plots 1 and 2) having been moved 20m and 18m to the south respectively and moved approximately 1m closer to the highway boundary. Implementation of permission 2016/92761 never commenced and it has therefore now expired. The application was assessed under the now-superseded Unitary Development Plan, and there have been several changes in the policy context since that time, including the adoption of both the Local Plan and HVNDP, revisions to the NPPF and the adoption of various SPDs by Kirklees Council. It is considered therefore that only limited weight should be placed on this historic permission, at least in so far as the assessment of design and visual amenity is concerned.
- 10.5 Policy LP7 states that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. It also identifies that proposals should encourage the use of previously developed land in sustainable locations and give priority to despoiled, degraded, derelict and contaminated land that is not of high environmental value. The site is not classed as “previously developed” within the meaning of the NPPF. This does not mean there is a presumption against development, but it also does not imply that a development making “efficient use” of land will necessarily be acceptable – this will be assessed having regard to its compatibility with local character (see part 2 below).
- 10.6 Whilst the achievement of a mix of size and tenure in a multi-unit scheme is desirable, Policy LP11 specifies that schemes of more than 10 units or those covering an area of greater than 0.4ha should provide a mix reflecting the proportions of households that require housing and achieve a mix of house size and tenure. For a small minor scheme, consisting of only two units, it would be unreasonable to treat this requirement as being mandatory.

Urban Design issues

- 10.7 The erection of two dwellings on this site would give rise to a density equivalent to approximately 9 units per hectare, as against Policy LP7 which recommends 35 units per hectare as a target. The density of development thus achieved

would be substantially lower than that of the Moorbrook Mill development to the east. But given the steep gradient and elevated position of the site, and as it would be seen in the context of largely undeveloped land to the west and south, it is considered that a significantly higher density would be difficult to achieve and might not be appropriate to its context.

10.8 It is therefore considered that the development would fulfil the aims of LP7 and Chapter 11 of the NPPF in making efficient use of land.

10.9 The proposal will be considered further having regard to the aims of LP24(a), and also those of the Housebuilders' Design Guide, in particular:

Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.

Principle 8 – Transition to open land to be carefully considered.

Principle 13 – Materials should be appropriate to the site's context.

Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.

Principle 15 – The design of the roofline should relate well to the site context.

10.10 The design policies within Holme Valley NDP (1,2 and 6) will be given significant weight since this forms part of the statutory development plan for the area. Under HVNDP Policy 2, development should respect the key characteristics of the local built environment and of the landscape character area in which they are situated, strengthen local sense of place, make use of existing assets such as trees, internal boundaries and watercourses, respect the scale, mass, height and form of existing buildings in the local area and minimise pollution (including light pollution).

As previously stated, the site is within Landscape Character Area 7 – River Holme Wooded Valley.

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

Key built characteristic of the area are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

10.11 Although the proposed development would give rise to some interruption to views across the valley floor, it is considered that this would only affect views from Greenhill Bank Road and that more generally it would allow views towards the wider landscape and wooded valley floor to be maintained. Within the site,

and on land immediately adjoining it, there are no clear signs of the area's industrial, or mining heritage and it is considered that the development would not result any such assets being diminished. Stone boundary walls are acknowledged as an important feature in the Landscape Character Assessment and can be observed on both sides of the road in the vicinity of the application site. The formation of sight lines would require the demolition of the existing mortared stone boundary wall, but the wall could be rebuilt to the rear of the sight line (at 900mm in height or less to maintain adequate visibility for emerging drivers). The rebuilding is not explicitly shown on the drawings but could be the subject of a condition. It is considered that the land in its existing semi-natural state makes, at most, only a very limited positive contribution to local amenity and that there are not trees on site that are of sufficient quality to merit a preservation order.

- 10.12 HVNDP Policy 6 states that proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character. The site is on the edge of the built-up part of New Mill. The older part of the settlement is characterised by terraced houses in short rows, larger free-standing buildings dating from the late 19th or early 20th Century such as the New Mill Club and former Duke of Leeds Inn, the industrial complex located to the south of the village centre between Sheffield Road and New Mill Dike, and examples of recent, high-density housing developments dating from within the last 20 years (Water Hall Court and the Moorbrook Mill development). Away from the centre of the village, the area is characterised by former estate housing (mostly semi-detached) off Holmfirth Road and, extending north along Huddersfield Road and Cold Hill Lane, individually-designed houses on medium to large plots built incrementally from the 1930s onwards.
- 10.13 Any attempt to mimic the older, high-density development in New Mill would be likely to result in a visually jarring and inappropriate form of development. A style of development that is appropriate in the relatively flat and low-lying land in the central and southern part of the village would seem out of keeping on this steeply sloping site which is also bounded by undeveloped land to the south and north. The two new proposed houses, considered in isolation, would be quite large, but the proposed development would have a relatively small footprint in relation to the large plot size and a large amount of space would be left between their mutually-facing side walls, and between the side walls and site boundaries. The proposed dwellings would be placed on the upper part of a steeply sloping site and would be up to three storeys in height. They would however be seen against a backdrop of rising land to the rear, which would somewhat reduce their visual impact.
- 10.14 The topography of the site, other than those areas required for access and the terraced gardens, would be retained in its natural state, which would avoid giving rise to a strongly engineered appearance over the whole site and allow it to retain some of its natural character. Whilst it is acknowledged that the proposal introduces new built development into an undeveloped semi-rural setting, and would be quite prominent being placed near the top of a slope, it is considered on balance that the site is capable of being modestly developed for housing and that the layout, scale and number of units is an appropriate response to the site context.

- 10.15 It is considered that the development would maintain a close association between built form and landscape which is recognised as being a feature of the area, would reflect settlement character, and would avoid give rise to the impression of overdevelopment of the site. It would thereby accord with the key aims of HVNDP policies 2 and 6.
- 10.16 Paragraph 8.3 of the Housebuilders' Design Guide SPD states that "contemporary and innovative approaches will be welcomed where they are of high quality and complement the existing context." The proposed dwellings would be of modern, contemporary appearance owing to their built form, use of flat roofs, fenestration and design details. Being sited near the top of a particularly steep slope, there is a risk that a more conventional design – with pitched roofs and a simple rectilinear built form – could seem overbearing in this context. The design that has been chosen, so that the dwellings lack a single, clearly definable rear elevation, breaks up some of their mass, this is also assisted by the overhanging flat roofs which help to provide a more horizontal emphasis. It is considered on balance that the design is a thoughtful and appropriate response to the character of the site and its surroundings, and would represent a gentle transition to open land outside the application site. Several design features would be noticeably different from development in other parts of New Mill, but as the new dwellings would appear visually separated from any existing housing and would not extend or sit within an existing built-up row, it is considered that this contemporary approach to design and materials is justified.
- 10.17 The application form states that materials are "to be agreed". The visuals indicate that the new dwellings are to be faced principally in stone with limited use of timber boarding or other lightweight cladding, which in principle is considered appropriate. The palette of materials could be the subject of a condition requiring further details before work commences above foundation level. In conclusion, it is considered that all aspects of building design would support the aims of Policy LP24(a), Policies 1, 2 and 6 of HVNDP and the principles within the HDGSPD listed earlier in the report.
- 10.18 Holme Valley NDP Policy (1)(4) states that a full hard and soft landscaping scheme should be submitted with all applications for new buildings. In practice, the detailed landscaping of a site is usually assessed at the post-decision stage. Taking into account the scale of the proposal it is considered that it would be proportionate to adopt the same approach here. The plans indicate that the majority of the site is to be retained in a semi-natural state, but it is important that any future landscaping scheme offers clarity about how the land close to the proposed dwellings will be restored after development, and any ecological enhancements that will be delivered. This should also include new boundary treatments, which should have regard for Holme Valley NPD policy 1(3) which states that boundary treatments should incorporate new dry-stone walls using natural stone in areas where these are a characteristic feature of the Landscape Character Area.
- 10.19 In conclusion, and on balance, it is considered that form, scale, layout and detail of the development would, on balance, respect the character of the townscape and landscape including the key characteristics set out in the assessment of landscape character area 7, strengthening the sense of place by responding innovatively to local context. Subject to conditions requiring details of materials

and landscaping (including boundary treatments), the development would thereby support the aims of LP24(a) and (c), the principles within the Housebuilders' Design Guide SPD set out in paragraph 10.9 above, Policies 1(1-3) and 2(1, 2, 3, 4 and 8) of the Holme Valley NDP and the relevant parts of NPPF Chapter 12. Given the visual prominence of the site it is also recommended that any approval should be conditioned to remove permitted development rights for extensions and outbuildings allowed under Part 1 Class A, B or E of the General Permitted Development Order so as to ensure that future extensions and buildings do not give rise to a negative visual impact on account of their scale, siting or design.

Residential Amenity

10.20 The following principles within the Housebuilders Design Guide are of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 21 metres between facing windows of habitable rooms at the backs 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; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of 2m distance from the side wall of the new dwelling to a shared boundary.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards (NDSS), which are not adopted but are to be given considerable weight as a guideline for assessing planning applications.

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

10.21 The 21m mutual separation between facing rear windows is a recommended minimum distance, and greater stand-off distances may sometimes be considered appropriate where, for instance, new development is at a much higher elevation than existing development that might be affected. The new dwellings would be considerably elevated above 66-70 Moorbrook Mill Drive, which have their main windows facing east and west, and no. 72, which has its main aspect to the north and south, and presents a gable end and amenity space to the application site. At its closest approach, the dwelling on Plot 2 would be approximately 23.5m from the facing rear elevations of 66-70 Moorbrook Mill Road. The only primary habitable room window in the rear elevation, that of the first-floor bedroom, would however be 30m away from these properties' rear elevations. It is considered that this degree of separation, notwithstanding the elevated position of the new development, would be enough to avoid giving rise to a level of overlooking that would be perceived as intrusive. It is recommended that, in order to avoid giving rise to the perception of mutual overlooking, rear-facing windows, other than the one primary bedroom window, should be fitted with obscure glazing.

- 10.22 There would still be the potential for mutual overlooking between the residential gardens of nos. 66-72 Moorbrook Mill Drive, and the curtilage of the new dwellings. This could however be mitigated to an acceptable degree by the provision of screen fencing.
- 10.23 It is considered that all habitable room windows would enjoy a satisfactory outlook and natural light. Internal floor space would be 225sqm per dwelling which is comfortably in excess of the recommended figure for a 4-bedroom dwelling as set out in the NDSS.
- 10.24 It is considered that the overall amount of amenity space available for future residents within the curtilage of each property would be more than adequate for the future needs of residents. It is noted that the land is steeply sloping and that this might give rise to practical difficulties in future residents seeking to actively maintain or use it as garden. The plans indicate that most of this land would be retained with its existing slope and would not be levelled or terraced, future engineering operations would require planning permission in their own right. This would provide increased opportunities for biodiversity net gain, as noted in paragraph 10.41 below. It is noted however that each property is provided with raised terraced areas which together would amount to roughly 33sqm for Plot 1 and 40sqm for Plot 2. It is considered on balance that the outdoor amenity space available, in terms of size and quantity would be functional and proportionate to the size of each dwelling and would thereby fulfil the aims of Principle 17 of the SPD.
- 10.25 It is therefore considered that the proposed new dwellings would give rise to a good standard of amenity for future occupants whilst not unduly detracting from the amenity of neighbouring residents and would thereby comply with the aims of LP24(b), Policy 2(10) of the HVNDP and the above principles of the HDG SPD.

Highway issues

- 10.26 Policies LP21 and 22 of the Local Plan state that development should not adversely affect the safe or convenient use of the highway and should provide parking at levels commensurate with the accessibility of the site and type of development. Holme Valley NDP policy 11 states that proposals should follow Kirklees' latest guidance on highway design and parking, that any highway works should protect the key landscape characteristics of that area and provide safe access to local streets (to footpaths, cycle routes and public spaces, where applicable).
- 10.27 Greenhill Bank Road is a two-way single carriageway with a width of approximately 5.1m in the vicinity of the proposed development site. There is a footway along the immediate site frontage which varies in width from 1 metre to 1.2 metres wide. The opposite side has a narrow verge of around 0.3 metres in width. Greenhill Bank Road is subject to a 30mph speed limit. Most of the properties along the route have individual points of access from the major road with many having no internal turning facilities or off-street facilities.

- 10.28 According to the Transport Statement, the proposed dwellings are anticipated to generate approximately 1 to 2 trips each during the morning and evening peak hours. The Highway Officer concurs with these findings. It is concluded that the level of traffic generated by the proposed development can easily be accommodated and will not significantly add to any congestion at the peak times on the local network or materially impact upon its safe operation.
- 10.29 Each dwelling would have its own independent point of access onto the main road via a private driveway with visibility splays of 2.4m x 43m to the east and west. It is considered that the access arrangements would allow safe access to and egress from the public highway to be achieved. Internal turning provision is not considered essential since the development would take access to a non-classified road, which also has good visibility. This arrangement was accepted for the 2016/92761 permission, noting that the dwellings were positioned in a more northerly location at that time and therefore closer to the sharp bend adjacent to 7 Greenhill Bank Road. The amended position may therefore represent a small improvement in highway safety terms.
- 10.30 Each dwelling would be provided with off-street parking provision. The area available for parking would, as previously stated, be approximately 7.7m wide, which would be more than enough for three standard parallel parking spaces. The layout also shows a bin storage area for each dwelling, with two standard-sized bins. It does not however show a clear pathway to drag bins out, which would be obstructed if all three parking spaces were in use. This could easily be remedied by the removal of the projecting 850mm slab of wall in front of the bins (which is presumably intended to conceal them from view for amenity and security reasons) and its replacement with a gate which could be opened to allow them to be dragged out. The architect has agreed in principle that this could be the subject of a condition. The plans also fail to show a collection point, but, again, it would be easy to add this without it interfering with vehicle parking or circulation. These minor changes could be the subject of a condition. It is considered that the aims of Policy LP24(d) and Principle 19 of the SPD, of facilitating waste separation and collection in a way that is convenient and has minimal visual impact, would be fulfilled.
- 10.31 The plans do not explicitly indicate parking for cycles. It would however be possible to store two or more adult-sized bicycles within the entrance lobby without obstructing internal movement, or alternatively within the first-floor boot room or externally in the upper or lower garden. Whilst such arrangements would not be ideal for the convenience of future occupiers, it is considered on balance that they can be accepted and that the aims of LP20 would thereby be fulfilled in encouraging the use of low-impact means of transport.
- 10.32 It is noted that the layout does not make any provision for visitor parking. Key Design Driver 20 of the Highways Design Guide SPD states that "in most circumstances, one visitor space per 4 dwellings is considered appropriate". In cases where the proposal is for two dwellings only, or for an even number that is not a multiple of 4, the decision on whether to round up or down is made in each case based on the circumstances of the site, the nature of the local highway network, and officers' assessment of the possible consequences of additional on-street parking occurring. In this instance, the development would take access to an adopted but unclassified road whose carriageway is just over 5m wide, and benefits from a footway on its eastern side which is

approximately 1m wide. If a visitor's vehicle were to park here, it would have the effect of narrowing the road to the extent that two vehicles would not be able to pass each other at that point, and if parked straddling the footway (whilst acknowledging that an improved, 2m footway, would be provided as a condition of granting planning permission) it would also impede the passage of pedestrians.

- 10.33 However, this stretch of Greenhill Bank Road has good alignment and visibility. Moreover, it is noted that visitor parking provision was also absent from the 2016/92761 scheme. This was before the Highway Design Guide SPD was adopted, but parking provision would have been assessed in a similar way. Recommended levels of provision for new dwelling houses (including the recommended one visitor space per 4 dwellings) for Kirklees were the same then as they are now. It is considered that it would be difficult to demonstrate, that on-street visitor parking arising from the development would have a significantly detrimental impact upon highway safety to be contrary to paragraph 111 of the NPPF. The proposal has been assessed against Policy 11 within the Holme Valley NPD, which it is noted does not contain any specific advice on visitor parking in particular.
- 10.34 It is recommended that conditions similar to those attached to the granting of the 2016/92761 permission should be applied to the present proposal, in respect of access and highways. This should include: means of access to the site for construction traffic (so as to eliminate the need for delivery or contractors' vehicles to park on the public highway); the provision of a 2.0m footway within and along the length of the site so as to improve pedestrian safety, for which prior details will be required; laying out and surfacing of parking areas. It is also recommended that the provision of refuse bin storage as shown on the plans, with suitable amendments to ensure that waste containers can be accessed and collected, be the subject of a condition.

Other issues

- 10.35 *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. Since February 2023, the submission of a Climate Change Statement has been mandatory for new applications. In determining this application, the Council will use the relevant Local Plan policies including LP24(d), Principle 18 of the HDG SPD, and Policy 12 (Promoting Sustainability) of the Holme Valley NDP. Policy 12 recommends that sustainable, energy-efficient designs should be used in all new buildings, that they be oriented to optimise passive solar gain, and should generate or source energy from renewable low-carbon sources.
- 10.36 The applicant's Climate Change Statement proposes the following:
- Smart energy metering and energy-efficient heating systems;
 - The use of energy-efficient white goods;
 - Provision of external drying space plus space for home composting;
 - Locally-sourced materials and workforce;

- The use of materials with low U-values;
- The layout maximises natural light, heating and cooling;
- Both dwellings to incorporate high-efficiency double glazing, low-energy lights and efficient boilers.

10.37 The siting of the two dwellings is possibly not ideal from the point of view of allowing passive solar heating since the main lounge in Plot 2 and some bedroom windows would face north. The site is located approximately 150m from village bus stops with a more than hourly service to Holmfirth and a twice-hourly service to Huddersfield Town Centre, 250m from the Post Office and general store, and 400m from the nearest Junior school. It is therefore considered to be an accessible site that would allow future occupants to fulfil many of their daily and weekly needs without the use of a private car. It is considered on balance, considering the applicant's proposals against the aims of Policy 12 of the Holme Valley NDP above, that subject to further details of the energy performance of the building (which must be proven to exceed minimum Building Regulations standards), the development would contribute positively to the above carbon reduction aims. Furthermore, each dwelling would be required to install an electric vehicle recharging point.

10.38 *Land contamination and instability*

Land immediately to the east of the site (the former Moorbrook Mills), although not the site itself, is registered as being potentially contaminated as a result of its former use. This land would presumably have been decontaminated at the time when it was redeveloped for housing (2016/91336). It is considered that the risk of soil contamination on the application site is very low, not least because of the difference in topography, and that in the circumstances it will be sufficient to add the standard precautionary condition on what to do if unexpected contamination is encountered during development.

10.39 Paragraph 174(f) and 183 of the NPPF state that planning policies and decisions should prevent new development from contributing to, or being put at risk from, land instability and that a site is suitable for its proposed use. Paragraph 184, however, states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner, and under Policy LP53 of the Local Plan, the potential for land instability may also be a material consideration.

10.40 The development plots are on steeply sloping land and the proposed development would involve works potentially affecting the stability of the adjacent highway. As well as vehicular access this involves the dwellings themselves and the requirement for a 2m wide footway to be provided within and across the site. It is therefore considered that it would be reasonable and proportionate to require the developer to provide, before development commences, a report signed off by a competent person demonstrating that the site can be developed without endangering the stability of the highway. Subject to inclusion of the recommended conditions the proposal is considered to be acceptable with regard to land quality / stability.

10.41 *Ecological issues.* – Holme Valley NDP Policy 13 requires that new development should create a “measurable net gain in natural capital and biodiversity” in accordance with current national and local guidance”. Under the Biodiversity Net Gain Technical Advice Note, development classed as “minor” is not required to demonstrate a biodiversity net gain using the Biodiversity

Metric 2.0, except those in “sensitive locations”. In this instance the site is neither within nor adjacent to the Kirklees Wildlife Habitat Network. It does however contain semi-natural habitat and is adjacent to further semi-natural land, and therefore provides the opportunity for significant enhancements which could include, but not be limited to, habitat boxes, the planting of native species of tree, shrub and wildflower. This, it is recommended, should be the subject of a condition requiring a detailed scheme to be submitted for approval. This will need to evaluate the existing biodiversity of the site, assess how this could be enhanced as part of the development, and include a timescale for implementation.

10.42 The following condition was imposed on the 2016 permission:

13. Before development commences (including any vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Himalayan balsam and Cotoneaster (alspecies list on Schedule 9, Part II of the Wildlife and Countryside Act 1981, as amended) on site outlined in red on the submitted location plan Dwg. No. OS R B. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: In the interest of visual amenity and ensure the eradication of invasive non-native species at the site to maintain and enhance ecological interest within the site, in accordance with the guidance contained within the National Planning Policy Framework and Policy EP11 of the Kirklees Unitary Development Plan. This is a pre commencement condition as non-native species need to be dealt with before construction work commences to stop additional spreading

10.43 It has not been possible to ascertain whether or not the aforementioned invasive species are still present on site. The architect has provided no information on this. It is therefore recommended that as a precautionary measure, the same condition should be reimposed.

10.44 *Drainage*. The application proposes that disposal of surface water be by means of a sustainable urban drainage system (SUDS). To ensure that a SUDS is installed that is suitable for the site and the intended development, details should be sought by means of a pre-commencement condition. This is in accordance with Policy LP28 of the Local Plan.

Representations

10.45 The comments made are summarised here with officer responses.

- Design is out of character.
Response: This has been thoroughly assessed in paragraphs 10.7-10.19 above
- Garage doors are bland.
Response: The plans indicate that the garages or carports would be open-fronted. It is recommended it be conditioned that garage doors should not be added unless these are designed to slide or otherwise open within the footprint of the development. This is to avoid a detrimental impact on highway safety.

- Many trees and other vegetation have already been removed resulting in loss of biodiversity.
Response: The felling of trees can be undertaken without the need to seek the consent of the Council unless they are covered by Tree Preservation Order or are within a Conservation Area. Neither applies in this instance.
- Further loss of biodiversity and especially bat foraging and commuting
Response: There are no features within the site that are likely to provide bat roosts. The Ecology Officer has examined the proposal and has no objection. As previously stated, the opportunity exists to enhance the biodiversity of the site, which can include, but not be restricted to, the installation of artificial bat roost features.
- Loss of allotments which are in short supply in Kirklees
Response: The area shows no sign of having been used as allotments in the recent past. It has not been possible to determine when the allotment use ceased. Since the site is not designated as Urban Green Space, but is unallocated, it would not be possible to formulate a defensible reason for refusal on the basis of past allotment use.
- Overlooking of houses below
Response: This issue has been examined and it is considered that no undue loss of privacy would occur.
- Blocking of natural light / sunlight
Response: It is considered that given the separation distances it would not be possible to substantiate this as a reason for refusal.
- The road is narrow, with only just enough passing space for two cars, and it is not clear how visibility splays will be provided or retained.
Response: It has been noted that the width of the carriageway will allow two vehicles to pass. Condition requires the provision of visibility splays.
- Obstruction to highway resulting from parked cars.
Response: This has been examined in paragraph 10.32-10.33 of the report and it is considered that any additional on-street parking arising from the development would only result in a minor inconvenience to other road users and would not justify refusing permission.
- There would be insufficient space to turn within the site.
Response: The provision of internal turning space, whilst desirable, is not treated as a mandatory requirement for small minor developments taking access to unclassified roads. It is considered that there are no specific highway safety concerns associated with this stretch of Greenhill Bank Road that would justify the inclusion of such provision as a condition of granting permission.
- Impact on stability of land and wall. The road surface is already showing signs of cracking and may collapse.
Response: Land stability issues are material to the assessment of this application. Pre-Commencement conditions are recommended to ensure that the impact of development on highway retaining structures is thoroughly addressed as part of the development.

- Overloading of sewers. How will water run-off be managed, this may put pressure on the retaining wall;
Response: The applicant proposes that a Sustainable Urban Drainage System be installed as a means of surface water disposal. Subject to details being supplied, this would ensure that water can be safely disposed of without overloading sewers or causing issues for neighbouring land. Any permission would also be subject to pre-commencement conditions regarding the impact of development on highway retaining structures.
- Doctors' surgeries and schools will be overstretched.
Response: The impact upon schools arising from just two dwellings would not amount to a defensible or policy-based reason to refuse permission. The requirement for additional doctor's surgeries is not material to the assessment of the application.
- Noise pollution
Response: The proposed use is residential and is therefore unlikely to give rise to levels of noise that are not typical in a residential area. If the construction process gives rise to levels of noise sufficient to cause disturbance to local residents, it can be dealt with under other legislation. It is considered that owing to the scale of development, it would not be reasonable in the circumstances to require the applicant to submit details of how the construction process would be managed, other than from the point of view of access and parking.
- Has knotweed been removed?
Response: There is no indication that Japanese Knotweed was found on site at the time when the 2016 application was being determined although it appears that two other invasive species were. In the circumstances, it is considered it would be appropriate to impose a precautionary condition (see 10.42 above).
- The access for build traffic is through private land and there is not enough parking available for contractors' vehicles
Response: Since there is no existing vehicular access to the site within the red line boundary, the submission of a construction management plan is a reasonable requirement in the interests of highway safety. If the developer's intended means of construction access would mean taking access over land not in their ownership, this would not amount to a reason for refusal since the grant of planning permission (or subsequent approval of details reserved by condition) does not override legal land ownership constraints.
- The address and postcode used on the applicant documents do not make the site easy to find.
Response: It is not mandatory for application documents to describe the location of a proposed development beyond giving a street address and postcode. The submission of a location plan showing the site within the wider road network is however a requirement and it is considered that this is clear enough to allow the site to be identified.

- There have been no site notices posted.
Response: Under the Development Management Procedure Order, it is not mandatory for the local planning authority to publicise most applications by means of site notices, provided that individual neighbouring properties have been notified by letter. This application does not fall within any of the categories for which a site notice is mandatory and the application has been publicised in accordance with Table 1 of the Kirklees Development Management Charter, as specified on the Council's website.
- Kirklees officers should check whether it is just a re-application or whether there have been changes. There are additional, and larger, panes of glass
Response: The case officer has noted that the proposal is not a mere re-submission of the previous one and that there have been changes, especially in the layout of buildings within the site. The position of windows within the new development has also been noted and assessed.
- There is brownfield land available so developers should not be building on greenfield land.
Response: Neither national guidance nor local planning policy contains a presumption against development on greenfield land.

10.46 Holme Valley Parish Council comments:

- Not in keeping with neighbouring properties and local vernacular. See HVNDP pp72-74 Policy 2.
Response: It is considered by officers that the development would respect local character and strengthen sense of place. This is examined in more detail in paragraphs 10.7-10.19 above.
- Issues of overlooking.
Response: This issue has been examined in 10.20-25 above and it is considered that development, subject to conditions, would not give rise to a material loss of privacy.
- Access concerns regarding Highway visibility.
Response: The plans indicate that satisfactory visibility can be achieved. This can also be controlled by condition.
- There was no climate mitigation statement which the Parish Council expects for all new builds.
Response: The applicant's Climate Change Statement, submitted subsequent to the main application documents, proposes measures to limit carbon emissions associated with the development. It is recommended that further details (of insulation, and of possible on-site renewable generation) be conditioned.
- Members also felt that consideration needed to be given to visitor car parking additional to that of householder parking.
Response: The 2016 scheme did not contain visitor parking provision. Since that time, recommended levels of private and visitor parking (as currently set out in the Highway Design Guide) have not changed. It is generally recommended that visitor parking be provided at the rate of one space per 4 dwellings, but it is not standard practice to round it up to one space if the

development proposed is only two dwellings. The Highway Officer has raised no concerns about this aspect of the proposal and for the reasons set out in paragraph 10.32-10.33 above, the inclusion of visitor parking is not considered essential.

11.0 CONCLUSION

- 11.1 It is considered that the site is suitable for new housing development and that the amount, scale, layout, and detailed design of the proposed dwellings would respect and harmonise with the character of their surroundings whilst ensuring a satisfactory level of residential amenity both for future and for neighbouring residents. It is also considered that a safe and convenient means of access to the highway would be achieved and that the development, subject to conditions, would support the aims of carbon reduction and the promotion of biodiversity in line with local and national policy.
- 11.2 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. 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 it 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 to commence within 3 years.
2. Development to be in full accordance with plans and specifications, except where conditions indicate otherwise.
3. Materials to be submitted and inspected prior to the construction of the superstructure of the dwellings
4. Full details of the height, materials, and position of all boundary treatments to be erected, including the use of dry-stone walling as a boundary treatment.
5. Landscaping and ecological enhancement scheme, to include future maintenance responsibilities.
6. Schedule for the means of access to the site for construction traffic, parking and unloading. (Construction Management Plan).
7. A scheme detailing the provision of a 2.0m wide footway to the Greenhill Bank Road frontage, within the application site, with sight lines and visibility splays together with highway works. This is a pre-commencement condition as the requirement for the footway would impact on the wall retaining the highway.

8. Design and construction details of all highway retaining structures including any modifications to the existing (and a dilapidation survey thereof pre- and post-development). This is a pre-commencement condition (design and construction and dilapidation survey) as these works could have a material impact on land stability which needs to be thoroughly addressed before development commences.
9. Areas indicated to be used for parking on the approved drawing no. 1169-101C to be laid out with a hardened and drained surface and so retained.
10. Details of storage and access for collection of wastes (notwithstanding the submitted details)
11. Further details of measures to limit carbon emissions/energy performance
12. Permitted development rights withdrawn for new extensions or outbuildings.
13. An electric vehicle recharging point for each of the approved dwellings.
14. Scheme for the containment, control and removal of invasive species, including Himalayan balsam and Cotoneaster to be submitted. This is a pre-commencement condition to ensure that appropriate measures to remove invasive species are undertaken before other development commences.
15. Measures to be undertaken if unexpected contamination is found during development.
16. Privacy – rear windows other than the bedroom window to be obscurely-glazed and no additional windows formed.
17. Surface water drainage scheme, to demonstrate sustainable urban drainage. This is a pre-commencement condition to ensure that a suitable scheme is approved at an appropriate stage of the construction process.
18. No garage doors to be installed on the car ports, unless these are designed to slide or otherwise open within the footprint of the development.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90346)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90346>

Certificate of Ownership – Certificate A signed

This page is intentionally left blank

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2023

Subject: Planning Application 2022/94118 External and internal alterations to convert one dwelling into two dwellings and formation of new vehicular access to No. 4 from Lumb Lane. 2-4, Lumb Lane, Almondbury, Huddersfield, HD4 6SS

APPLICANT

A Johnson

DATE VALID

20-Jan-2023

TARGET DATE

17-Mar-2023

EXTENSION EXPIRY DATE

03-May-2023

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Almondbury

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: Refuse

1. The proposed off-street parking space to serve no. 4 Lumb Lane would detrimentally affect highway safety. The siting of the parking space is close to the junction of Lumb Lane with Sharp Lane which would result in unacceptable turning incidents between vehicles reversing to/from the access and turning traffic at the junction. In addition, the narrow width of the footway adjacent to the access unacceptably restricts the available visibility, particularly in the critical direction looking west of the exit of the drive. The proposal would therefore be contrary to Policies LP21 and LP22 (f) of the Kirklees Local Plan and paragraph 111 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This is a full planning application for alterations to convert one dwelling into two dwellings and formation of new vehicular access to No. 4 from Lumb Lane.

This application is brought to the Huddersfield Sub-Committee for determination in accordance with the Council's Scheme of Delegation at the request of Councillor Bernard McGuin for the following reason:

"As we know, the applicants seek to separate 2-4 Lumb Lane. After talking to planning, they were told that they needed to provide one parking space as it was seen as a "new development". The applicants asked experts to draw up such a plan to follow Kirklees planning request.

I was asked to look at the application by a neighbour opposing the destruction of a garden in a quiet area of Almondbury. They and I have no objection to the splitting of 2-4 Lumb Lane.

I have asked for the condition about the provision of a parking space to be withdrawn. My purpose in referring this to a committee was to look at the principle of car space provision in this case. If it was accepted, by the committee, it was deemed necessary, then I would not object to the application.

I have talked to the applicants to assure them I am not opposed to what they want to do. I will not be able to attend July's meeting as I am on leave. I sincerely apologise for my absence. I do hope, though, that this item can be on July's agenda as this issue seems to have dragged on too long for them.

I think it would help to have a site visit by committee members in this case.

I have copied in the applicants: I want to be clear and transparent as I will not be a decision maker in this case.”

- 1.2 The Chair of the Sub-Committee has confirmed that Cllr McGuin’s reasons for the referral to the Committee are valid having regard to the Councillor’s Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to an extended two storey, end-terraced residential property on Lumb Lane, Almondbury. It was originally 2no. terraced dwellinghouses now combined to form one larger dwellinghouse. Within this report, the proposed mid-terraced property would become no.4 and the end terrace property no. 2, following the numbering sequence on existing properties on Lumb Lane.
- 2.2 The property is a traditional stone-build with a half-timbered gable front feature and red tiled roof. It is prominently elevated above the highway at the junction of Lumb Lane with Sharp Lane. There is a soft landscaped front garden supported by a stone retaining wall approximately 1m height from pavement ground level. The front amenity space and boundary treatment is consistent with neighbouring properties adding to a pleasant verdant setting. There is a visual interruption to this continuity with a driveway at the end of the terrace at No. 8.
- 2.3 The dwellinghouse is situated at the T junction between Lumb Lane and Sharp Lane of which both are unclassified roads; of note, approaching Sharp Lane from Lumb Lane, drivers are required to give way. Lumb Lane has a narrow pavement to its north side only. The property has existing vehicular access to the rear with a driveway from Sharp Lane. There appears to be a hardstanding to the rear of what would become No. 4 and space on hardstanding for vehicles to park to the rear of No. 2.
- 2.4 The immediate area to the rear of No. 4 has an area of hardstanding appearing as a patio informally used as a car parking space, as shown on aerial surveys, and a residential garden patio area. The immediate area to the rear of No. 2 abuts the driveway with no soft landscape garden. Each proposed property has a discrete single storey rear extension, both with a lean to roof and faced with stone; No. 2 uses theirs as a garaging space and No. 4’s rear extension serves as a kitchen/utility space.
- 2.5 The site has associated non-residential land to the rear (north) consisting of a field with detached single storey structures and surrounding boundary vegetation. This is edged ‘blue’ on the application location plan indicating the land is within the control of the applicant and does not form part of the domestic garden for the property. Adjacent to the driveway, is a substantial mature oak with a Tree Preservation Order (ref: 17/94/t1).

- 2.6 The site is situated outside of Almondbury's main built-up area and Almondbury Local Centre to the south. The site setting is characterised by sparse clusters and ribbons of residential development. The ribbon of development in which the site is situated is approximately 730m to the nearest public transport bus service and approximately 1000m to Almondbury Local Centre. The road network between the site and Almondbury appears to have one narrow, non-continuous pedestrian pavement with pedestrians required to switch between sides of the road at junctions.
- 2.7 The application site is not located within a Conservation Area nor located in close proximity to any listed buildings. The site is within a development low risk coal mining area. It is unallocated for development within the Kirklees Local Plan. It is within a Bat Alert layer and within the designated Green Belt.

3.0 PROPOSAL:

- 3.1 It is proposed to subdivide the property into 2no. 3-bedroomed dwellings. The internal configuration at ground floor is to remain same for both properties with a new wall to divide them. To the first floor, internal configurations would create an additional bedroom to No. 4 and a larger en-suite to an extended bedroom to No. 2.
- 3.2 Externally, no alterations are to be made to the host property, with an existing front entrance to No. 4, accessed directly from Lumb Lane, available to serve as the main entrance to this dwelling.
- 3.3 To the front of No. 4, an off-street parking space to serve the dwelling would be installed, seeking to retain as much of the landscaped area as possible. This would require engineering works to regrade land and to alter the retaining structures within the site to accommodate the space. A shared closed boarded timber boundary fence would be erected between the front gardens of the units at a height of 1.2m from ground level. The front amenity space for No. 2 would be unaltered.
- 3.4 To the rear of No. 4, the area of hardstanding and patio would be enclosed by a dividing section of close boarded timber fence 1.8m height from ground joining to existing boundary fencing. The rear driveway of No. 2 would be unaltered whilst retaining access to the land beyond the domestic garden.
- 3.5 The application does not include a change of use for the land, included in the red line boundary, for the purposes of establishing residential use or curtilage other than the residential dwellinghouse to be sub-divided into two residential units.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 At the application site:

93/03449 – Location: Rear of 2/4 Lumb Lane, Almondbury, Huddersfield.
Extension of garden area, erection of loose box, tack room and feed store.
Approved.

Appeal Reference: T/APP/Z4718/A/94/235003/P5. Appeal Dismissed:
25/08/1994.

Officer Note: The Appeal was brought regarding condition 2:
“Notwithstanding the submitted plans this approval shall not relate to the proposed siting of the stable which shall be re-sited to the satisfaction of the Local Planning Authority.”

The proposed stable was initially sited close to the dwellinghouse which would harm the living conditions of neighbouring residents.

No. 2 Lumb Lane

81/2121 – Extension to form lounge, toilet and garage with bedroom over. Partly Approved.

82/5105 – Extensions to form garage, shower room and lounge. Approved.

No. 4 Lumb Lane

82/069 – Extension to form kitchen and hobby room. Approved.

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

- 5.1 The original proposal did not supply a parking layout, boundary treatment or existing and proposed elevations. Those were requested by the Officer. Following this, the agent was advised that two off street parking spaces would normally be required to serve each property, compliant with advice given in Kirklees Council’s Highways Design Guide SPD.
- 5.2 It was confirmed by the agent that the elevations would not change and thus no elevation plans required. A site plan was supplied with boundary treatments and details of bin storage and collection arrangements. An initial parking layout was supplied with two parking spaces requiring the removal of a tree to the front amenity space of No. 4 and two to the rear of No. 2.
- 5.3 It was requested to reduce the impact of the parking to the front to retain as much soft landscaping as possible with tandem parking for two vehicles. Visibility splays and cross sections of the proposed driveway were requested to assess highway safety and impact to the retaining wall adjacent to the highway. It was advised that parking to the rear may avoid impact on visual amenity to the Green Belt and highway safety overcoming initial concerns.
- 5.4 Subsequent alterations to the parking layout to the front allowed two off street parking spaces however this would substantially reduce the soft landscaping to the front amenity space. It was proposed to minimise the visual amenity impact of the hard surface within the Green Belt to have one parking space to meet the parking needs of No. 4 Lumb Lane following objections received and this was supplied in the updated plan received.
- 5.5 Following receipt of the final plans, the scheme was reviewed by Highways who could not support the creation of a parking space within the front garden area for highway safety reasons, as set out in the reason for refusal.
- 5.6 A planning statement was received from the agent in response to the requests for all parking to take place to the rear of the properties, using the existing access from Sharp Lane. This provides the following information as to why this may not be feasible:

- The rear amenity space of No. 4 would be 6.7 by 6.6m which would be inadequate to turn a car around and would be of greater visual impact to the area than the proposed front car parking space.
- A large tarmacked area adjacent to the agricultural land would detract from the visual amenity of the area.
- The only alternative space for off street parking would affect the roots and health of the tree with the TPO.
- Access is needed to the agricultural land to the rear for tractors.
- Security and safe passage for young children and dogs at the rear cannot be ensured if the driveway is shared.
- Sharing the driveway with No. 2 would shift vehicles parked by No. 4 onto the highway.

These issues are considered in the 'Highways' section of the assessment.

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).

Kirklees Local Plan (2019):

- 6.2 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highway safety and access
- LP22 - Parking
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP43 – Waste management hierarchy
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP60 – The re-use and conversion of buildings

Supplementary Planning Guidance / Documents:

- 6.3 Relevant guidance and documents are:

- Kirklees Highways Design Guide SPD (2019)
- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

National Planning Guidance:

6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and 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 9 - Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Green Belt
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

6.5 The following national guidance and documents are also relevant:

- National Design Guide (2019) - The National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice.

6.6 Legislation:

- The Town & Country Planning Act 1990 (as amended).
- The Conservation of Habitats and Species Regulations 2017

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised via letters delivered to addresses adjacent to the application site in accordance with Table 1 of the Kirklees Development Management Charter.

7.2 Following amended plans and change of description, the proposal was readvertised. The period of publicity expired on 26/04/2023. As a result of the above publicity, three representations have been received.

7.3 A summary of the Objections are as follows:

- **Highway safety.**

No levels are supplied for the 1.2m-1.5m height retaining wall supporting the land adjacent to the highway. Insufficient space to turn which would allow vehicles to enter the highway in forward gear. Visibility would be restricted with danger to pedestrians and vehicles close to the junction.

Officer Note: An assessment of the impact of development on highway safety is considered in the assessment below and forms the reason for refusal.

- **Design and harm to Green Belt**

Site is on elevated ground in Green Belt and timber fencing boundaries are not a typical feature of the landscape with a detrimental impact on openness and rural setting. Retaining wall should be faced in natural stone. The driveway would detract from the attractive garden setting to the front and appear to be unsightly.

Officer Note: The proposed site retains full Permitted Development Rights in which the erection of fencing or walls could be carried out without planning permission subject to restrictions on height. The proposed would have boundary treatments compliant with these restrictions or a condition could be imposed requiring alternative arrangements. The retaining wall materials and driveway are discussed in the assessment

- **Public Right of Way**

The fence to the rear would be highly visible from PROW HUD/152/10.

Officer Note: The PROW is approximately 133m northwest of the site and is not adjacent to the land. While the proposed would be visible, this could still be carried out without planning permission being required under Permitted Development Rights.

- **Castle Hill setting**

Mention was made of the site being in an associated setting in relation to Castle Hill.

Officer Note: The site is in a 'Dominant Area' in the Castle Hill Settings Study. It is approximately over 1270m distance to Castle Hill and is concluded the scale and detail of the development would have no material impact on the special setting of Castle Hill.

- **Biodiversity**

The loss of the soft landscaping and tree to the front garden of No. 4 would have a detrimental impact on loss of habitat.

Officer Note: Discussed in section 10.55-10.60 of the assessment.

- **Drainage**

Driveway surfacing would increase surface water run off

Officer Note: This could be conditioned to be appropriately drained with a permeable surface to mitigate an increase in surface water-run off.

- **Curtilage**

The rear garden of No. 4 extends beyond the original domestic curtilage into Green Belt land.

Officer Note: The extent of the rear garden is within the red line application site boundary of the plot and is visible on aerial survey records since 2000. On the balance of probability, the land appears to be residential garden in existing use.

7.4 Ward Councillor Bernard McGuin has commented on the scheme and requested that the application be determined by the Huddersfield Planning Sub-Committee for the reasons outlined at Paragraph 1.1 of this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – Objection to the proposed parking arrangements for no. 4 on highway safety. Further details within the Highway issues section of the assessment

8.2 Non-statutory:

None

9.0 MAIN ISSUES

- Principle of development
- Green Belt
- Sustainability and Climate Change
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of Policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections of this report.
- 10.2 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.
- 10.3 The site is not allocated for development on the Kirklees Local Plan Policies map. Policy LP2 of the Kirklees Local Plan 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 This site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.
- 10.5 The application proposes to subdivide an existing dwelling. The impacts of this intensified use will be assessed under the Local Plan policies, the Housebuilders Design Guide SPD, and the NPPF.
- 10.6 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
- 10.7 The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local Authorities 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. The supply of one additional housing unit would make a minor contribution to the housing delivery targets of the Local Plan and would meet the aims of Chapter 5 of the NPPF.
- 10.8 Policy LP7 of the KLP requires development to achieve a net density of at least 35 dwellings per ha, where appropriate. The application proposes 1 additional separate dwelling, which would increase the density of development to help meet this requirement. Policy LP11 of the KLP sets out a requirement for suitable housing mix and affordable homes, the application relates to a single additional dwellinghouse and as such is not required to supply affordable housing in this instance.
- 10.9 This quantum of development is acceptable in principle. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 of the NPPF 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.

Green Belt:

- 10.10 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in Paragraphs 149 and 150.
- 10.11 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.

- 10.12 Paragraph 150(b) of the NPPF outlines that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 10.13 Further to this, Policy LP60 of the Kirklees Local Plan states that the re-use and conversion of buildings in the Green Belt will normally be acceptable provided that:
- a. *the building to be re-used or converted is of a permanent and substantial construction;*
 - b. *the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;*
 - c. *the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.*
- 10.14 In essence, the proposal seeks to continue residential use of a property of a permanent and substantial construction to be subdivided into two dwellinghouses, which is acceptable in principle.
- 10.15 The proposal seeks to erect close boarded timber fencing to subdivide the two properties for which there are permitted development rights to undertake such means of enclosure. Such fencing would harmonise with the existing screen fencing in evidence to the rear of the site. If deemed necessary, the fencing within the front garden area could be re-designed by condition to provide a more lightweight boundary between properties, to comply with Policy LP60b and c.
- 10.16 Turning to the design and materials to be employed in the formation of the parking space to the front amenity space, those are outlined to be stone to the retaining wall and tarmac to the driveway surface. This would retain much of the existing soft landscape. Those materials could be conditioned to ensure high quality materials appropriate to the Green Belt setting. There are other existing driveways in evidence in the locality. Whilst the regrading works/engineering operations would be prominent within the terraced row of and interrupt the existing front amenity space, they are limited in scale and retain the majority of the garden area. Seen in the context of the immediate locality, this is considered not to appear as an urbanising and incongruous characteristic in the Green Belt or adversely affect the openness of the Green Belt. This would be compliant with Policy LP60b of the Local Plan.
- 10.17 Given the above, Officers consider that the development meets LP60 of the Local Plan and paragraph 150 of the NPPF and would represent appropriate development in the Green Belt.

Sustainability and climate change

- 10.18 An assessment of the proposal's impact on climate change is limited given that it does not propose any significant alterations to the existing single dwellinghouse. It is appreciated that the re-use of the building to supply two dwellinghouses would be an efficient use of resources without significant additional CO2 emissions.
- 10.19 In terms of access to public transport, the site is limited with pedestrian routes to the closest frequent public transport services at Almondbury approximately 730m walking distance and approximately 1000m to Almondbury Local Centre. The distance and limited nature of footways may hamper pedestrian safety and willingness to travel without a car.
- 10.20 This potential impact on carbon emissions may be considered to be sufficiently balanced by the sub-division of the dwellinghouse and re-use of its existing carbon embodied material envelope for intensified occupancy, in order to meet the aims of net zero, Principle 18 of the Housebuilders SPD, LP24d) of the Kirklees Local Plan and Chapter 14 of the NPPF.

Urban Design issues

- 10.21 The NPPF at 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...”*
- 10.22 Paragraph 130 of the NPPF advises that planning decisions *“should ensure that developments are visually attractive as a result of good architecture, layout...[and] sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.”*
- 10.23 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.
- 10.24 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...”*
- 10.25 Paragraph 129 of the NPPF states that design guides, such as the Council's Housebuilders Design Guide SPD, carries weight in decision-making and is a material planning consideration.
- 10.26 Principle 2 of the Housebuilders Design Guide SPD sets out that new residential development proposals will be expected to respect and enhance the local character of the area.

- 10.27 In terms of visual amenity to the host, the proposed development would reinstate the original pattern of development. There would be no external changes to the host dwellinghouse itself. This would have the positive effect of re-introducing the original net development density within the locality and appear in keeping with the local character of the area. This would comply with the aforementioned Policies.
- 10.28 Turning to the formation of a new vehicular access/parking space, Principle 12 of the Housebuilders Design Guide SPD sets out that new dwellinghouses should have car parking provision that avoids dominating street frontages by having parking arrangements in the front of properties for visual amenity. Measures to minimise impact on the streetscene by careful screening and soft landscaping may be acceptable.
- 10.29 In the assessment of urban design alone, the provision of 1no. parking space to serve no.4 with much soft landscaping retained could strike a finely balanced and pragmatic approach between limiting impact on visual amenity and the parking demands created through the formation of a separate dwelling. The principle and details of development are considered acceptable, for similar reasons as set out in the assessment on Green Belt matters. This matter is further assessed in the Highways issue section.
- 10.30 Subject to impact on highway safety being further assessed, the proposed development with retained soft landscaping could be therefore considered to comply with Chapter 12 of the NPPF, LP24 and LP60 of the Kirklees Local Plan and the Principles within the Housebuilders Design Guide SPD.

Residential Amenity

- 10.31 Section B and C of LP24 states that alterations to existing buildings should: *“...maintain appropriate distances between buildings”* and *“...minimise impact on residential amenity of future and neighbouring occupiers.”*
- 10.32 Further to this, Paragraph 130 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.33 Principle 6 of the Kirklees Housebuilders Design Guide SPD states 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 The proposal does not seek to introduce any additional openings or bulk and massing over and above the existing dwellinghouse so privacy, outlook and overlooking would be unaffected. In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development anticipated, this proposal would not unacceptably impact on the amenities of nearby residents.

- 10.35 In terms of the amenities of the proposed occupiers, floorspace of both units would exceed that set out in the Nationally Described Space Standards and comply with Principle 16 of the SPD. The dwellinghouses would still achieve adequate daylighting to the bedrooms and provide reasonable bedroom sizes in order to meet basic lifestyle needs and provide high standards of amenity for future occupiers.
- 10.36 With regard to 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.”*
- 10.37 Considering this, both dwellings would have a private rear garden areas/other amenity space of reasonable size so as to serve a functional and proportionate space to the size of the new dwellings.
- 10.38 The proposed development would provide an adequate standard of internal living standard with access to daylight and internal space and useable, proportionate and private outdoor amenity space to each residence. The proposal is therefore compliant with Policy LP24(b) of the Kirklees Local Plan, Principles 16-17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Highway issues

- 10.39 Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council’s adopted Highway Design Guide and Principle 10 and 12 of the Housebuilders Design Guide SPD seek to ensure sustainable transport modes are supported and acceptable levels of off-street parking are accommodated. The policy background advises that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.40 NPPF Chapter 9 requires the Council to consider the potential impacts of development on transport networks, and encourages walking, cycling and public transport use. Paragraph 111 of the NPPF provides guidance on the matter stating 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.”
- 10.41 This application seeks approval for the subdivision of a current dwellinghouse into two with the formation of vehicular access/parking for No. 4. Access for No. 2 would remain as existing with the use of the driveway. Access for No. 4 would be facilitated by the formation of a single off street parking space within the front amenity space.

- 10.42 In principle, Highways raise no objections to the proposal subject to safe and adequate parking provision provided to each dwelling to serve the parking demands of those three bed properties in accordance with KC Highways Design Guide SPD.
- 10.43 The parking arrangements for no. 2 would replicate the existing situation, and there are no objections to this element of the proposal. The parking arrangements for No. 4 do, however, raise significant issues of highway safety.
- 10.44 The latest proposal was reviewed by the Highway Development Management Group Engineer. The assessment is that there are insurmountable issues regarding the provision of a parking space within the front garden area. This is principally centred on the proximity of the access to the Sharp Lane/Lumb Lane junction and the associated bend in the road. This would result in unacceptable turning incidents between vehicles reversing to/from the access and turning traffic at the junction. In addition, the footway width adjacent to the access is also narrow, which restricts the availability of clear visibility between pedestrians and vehicles using this access. The visibility splays from the access provided on plan do not demonstrate adequate visibility and are further affected by the retaining structures that would be required to form the parking space.
- 10.45 As highlighted in section 5 of the report, Officer's had requested that all parking to serve both dwellings be provided via existing access onto and from Sharp Lane to limit additional impact on Highway Safety. Whilst the existing driveway access from Sharp Lane has limited visibility due to the mature tree on Sharp Lane and the vegetation adjacent to Lumb Lane junction, it would in principle allow vehicles to turn within the application site and enter and leave the site in a forward gear.
- 10.46 A planning statement submitted by the Agent, and summarised in paragraph 5.6 of the report, set out the reasoning as to why this would not be feasible/acceptable. The applicant and agent are unable/willing to provide alternative parking to the rear. The salient points of the planning statement have been carefully assessed by officers but do not overcome the harm that would ensue from the formation of a parking space within the front garden area. The subdivision of the land to the rear of the dwellings could be altered to provide parking spaces, with patio gardens at the rear and greater use of the front/side garden for amenity space. This space could be shared, rather than rigidly separated and could still allow access to the agricultural land beyond.
- 10.47 Siting the parking space to the rear within an existing area of hardstanding would reduce the impact on the pleasant and characterful setting of the Green Belt by avoiding further encroachment of hard standing, rather than detract from the visual amenity of the area as set out in the planning statement. Furthermore, the existing driveway is an expansive, tarmacked area adjacent to the agricultural land so there would be neutral visual impact on amenity from an intensified use. If used for parking, the hard-surfaced area, adjacent to the rear of No. 4, would not appear to increase the level of hard standing within the Green Belt. This area appears to have been previously informally used as a parking area. This would have a neutral visual impact on the amenity of the Green Belt. The existing driveway with the potential use of the hardstanding could supply two off street parking spaces each to each dwelling unit, however an off-street parking space to the rear of No. 2 to partially serve the additional household parking needs of No. 4 within the site could be acceptable.

- 10.48 The Agent states that parking close to the protected tree may increase pressure on the roots and affect the health of the tree. This is a material consideration, but there are specific forms of cellular confinement systems of hard surfacing that provides protection for the roots of mature trees from pedestrian and vehicular traffic. These distribute the weight of the traffic which in turn prevents subsoil compaction around the roots and allow continued water permeation to ensure the protected tree stays healthy. No details have been provided to evidence that such forms of surfacing have been considered or discounted.
- 10.49 The planning statement outlines that continued access to the agricultural land beyond the application site is required via the residential driveway and safe passage for users is proposed to be achieved by limiting use to the occupants of No. 2 for residential and agricultural use. The safety of young children and animals is also cited. Whilst this is noted, at present both No.2 and No.4 and the access are in the control of the applicant and alternative arrangements to accommodate all three could be made within this application. On the balance of probabilities, the driveway may have been historically shared between No. 2 and No. 4 Lumb Lane as there is no other discrete parking space for No. 4 and it is considered that acceptable alternative arrangements could be made within this area of the application site.
- 10.50 In relation to shared parking within the driveway causing occupants to shift parking onto the highway, Kirklees Council Highways Design Guide SPD aims to provide adequate parking provision of 2 off street parking spaces for a 3-bedroom property. There would be two dwellinghouses created within the proposal. As such, subject to this off-street provision being adequately met for both dwellinghouses to achieve adequate highway safety, there would unlikely be a material shift to parking on the highway.
- 10.51 Taking all the points in the preceding paragraphs, it is concluded that the formation of a parking space to serve No. 4 within the front garden area cannot be supported and the points made in the planning statement do not outweigh the harm to highway safety that would accrue from the creation of the parking space. This would leave No. 4 with no off-street parking close to a junction which cannot be supported either. The development would be contrary to Policy LP21 and LP22f of the Kirklees Local Plan and Chapter 9 of the NPPF.
- 10.52 If the application before Members had been considered acceptable, it is noted that the distance of the non-continuous pedestrian pavement may deter occupants from walking to Almondbury Local Centre and to public transport. To overcome this, the provision of cycle storage facilities and an electric vehicle charging point, to support low carbon transport, could be secured via condition in accordance with Policies LP20, LP51 and LP24 of the Local Plan.
- 10.53 Bin storage and access to bin presentation points have been indicated for both dwellings. The arrangements for no. 2 would be as existing. For no. 4 the indicative details are that bins would be stored directly to the rear elevation of the dwelling. They would be taken to the roadside for collection via the rear of nos. 6 and 8 and then through a passageway between the dwellings to the roadside. In principle, these arrangements would be acceptable and in accordance with Policy LP24d of the KLP.

Drainage issues

- 10.54 The site is within a low probability area for flood risk and adequate drainage of the new off-street parking space could be secured by condition to comply with LP28 of the KLP.

Biodiversity

- 10.55 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 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.
- 10.56 Policy LP30 of the Kirklees Local Plan echoes 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.
- 10.57 Principle 9 of the SPD states that proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric.
- 10.58 The application site lies within the Bat Alert layer on the Council's GIS system. Given there would be no alterations to the exterior of the property, it is considered unnecessary for a full assessment of the proposal's impact to be undertaken in this case, given the low likelihood for roosting bats to be disturbed by the intensified occupancy of the dwellinghouse by two households.
- 10.59 Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.
- 10.60 Given the minor modification of the existing dwellinghouse, and limited intervention into the managed front garden area to create the parking space, in this instance, a condition to have a biodiversity net gain would not be proportionate to the scale of development proposed.

Coal Legacy

- 10.61 The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. As such it is considered that the proposal is acceptable with regard to ground stability from coal mining legacy in accordance with paragraphs 174 and 183 of the National Planning Policy Framework and Policy LP53 of the Local Plan.

Land Stability

- 10.62 The proposed formation of the parking space to the front garden would require regrading of land adjacent a public highway. At present, this land is retained by a stone-faced wall, which continues beyond the site boundaries. If permission was granted, to ensure a safe development, it would be necessary to impose pre-commencement conditions to secure details of the regrading works and subsequent new retaining structures. This would be in accordance with Policy LP53 of the Local Plan and Policy within Chapter 15 of the NPPF.

Representations

- 10.62 Three representations have been received on this proposal and have been considered within the report.

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 To conclude, weight has been afforded to the supply of one additional housing unit and the minor contribution to the housing delivery targets of the Local Plan. The principle of development is supported.
- 11.3 The off-street parking space within the front amenity space of the proposed No. 4 Lane would fail to provide acceptable standards of highway safety.
- 11.4 The proposal would therefore fail to provide satisfactory highway safety contrary to Policies LP21 and LP22f of the Kirklees Local Plan and paragraph 111 of the NPPF. The proposal is therefore recommended for refusal as it would not constitute sustainable development.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F94118)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F94118>

Certificate of Ownership – Notice served on/ or Certificate A signed:

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2023

Subject: Planning Application 2022/93096 Erection of extension and external staircase 57, Fixby Road, Fixby, Huddersfield, HD2 2JB

APPLICANT

N Uppaland Family

DATE VALID

10-Oct-2022

TARGET DATE

05-Dec-2022

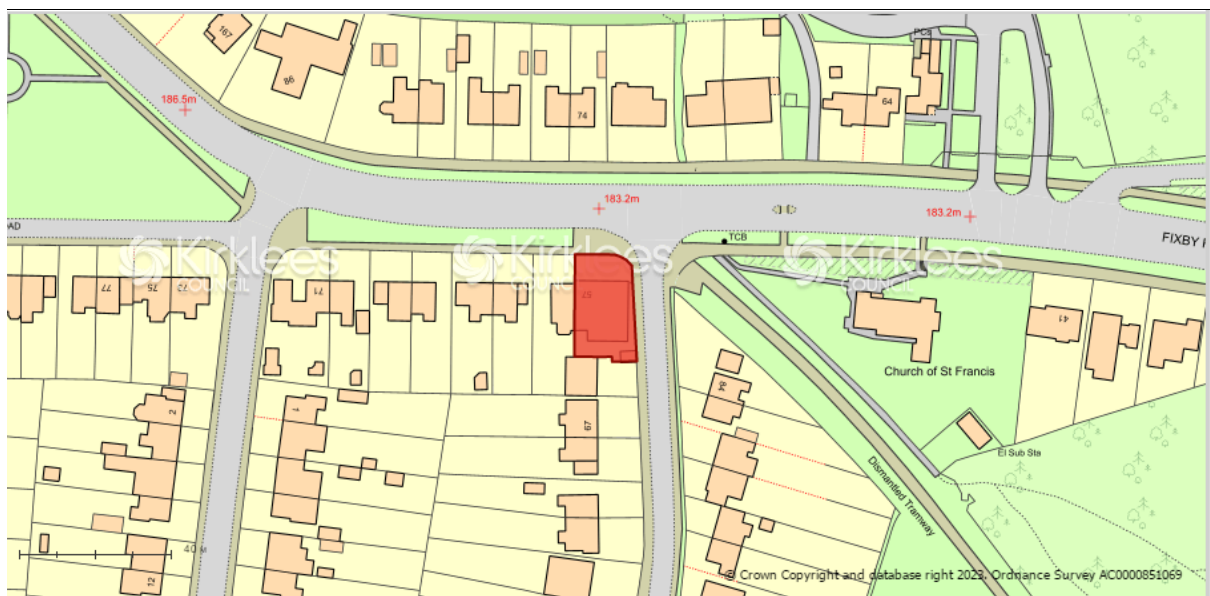
EXTENSION EXPIRY DATE

25-Jul-2023

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Ashbrow

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

That permission be REFUSED for the following reasons: -

1. The proposed extension, by virtue of its scale and appearance and considered cumulatively with existing extensions, would result cramped and incongruous overdevelopment of the site. This would not be subservient to the original property and would fail to harmonise with either the visual amenities and character of the original property or the wider street scene. This would be contrary to Policy LP24 (a and c) of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

2. The proposed extension would have a harmful impact upon the residential amenities of the occupiers of No. 59 Fixby Road as a result of its scale, massing, projection from the rear of the host property and proximity to the shared boundary. This would be contrary to Policy LP24 (b) of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is brought to Planning Committee at the request of Ward Councillor A Pinnock.

1.2 Councillor A Pinnock has confirmed the reason for their request is as follows:

“The extension is necessary for the expansion of the business and will create more opportunities that will benefit the local area such as an increase in the range of goods and produce, selling more localised products and create more employment all around. This is a win-win for our area. In addition, I understand that no objections have been received for the public, highways or environmental health. I request that the sub-committee members do carefully consider the officer’s concerns, however is my view the application should be granted as requested for reasons outlined above.”

1.3 The Chair of the Sub-Committee has confirmed that Cllr A Pinnock’s reasons for the referral to the Committee are valid having regard to the Councillor’s Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 This application relates to no. 57 Fixby Road. This is an extended semi-detached property comprising a retail unit at ground floor with residential accommodation at first floor. Parking for the customers of the shop is to the front of the property with access for servicing located to the rear and taken from Broomfield Road. Within the associated ‘blue edged’ land within the control of the applicant is the attached no. 59 Fixby Road, a residential property.

- 2.2 A large-detached garage/store to the south of no. 57 and accessed from Broomfield Road is also within the blue edged land. This building has an extant permission for its conversion to one dwelling under application number 2019/92709 and more recently 2022/93373.
- 2.3 No. 59 Fixby Road also benefits from a recent approval of planning permission under application number 2022/92971 for the erection of a two storey side extension and single and two storey rear extension.
- 2.4 The host property is not within a defined local, district or town centre but it is within an area identified by the Coal Authority as being at low risk of ground movement due to former mining activity.
- 2.5 Development surrounding the site is mainly residential with semi-detached dwellings constructed from brick and render.

3.0 PROPOSAL:

- 3.1 Permission is sought for the erection of a ground floor extension of the retail unit and external staircase to 57 Fixby Road. The extension would serve the retail area and also provide ancillary storage for the retail use.
- 3.2 It is proposed that the existing internal staircase which provides access to the first-floor residential accommodation would be removed and replaced with an external staircase located on the eastern elevation of the building facing Broomfield Road.
- 3.3 With regards to the proposed extension, the works would be to the rear of the extended building in the form of an L-shaped flat roof single storey rear extension.
- 3.4 The existing staggered extension to the rear of the property is ~3.8m projection where adjacent no. 59. This increases to ~6.8m viewed along the eastern elevation.
- 3.5 The extension would project a further 6.2m viewed along the western elevation, adjacent no. 59. It would project 3.3m from the existing southern elevation of the building. This would result in an 'L' shaped extension which would be set in from the eastern elevation of the property facing Broomfield Road by 4.55 metres to allow for some vehicle access to be retained.
- 3.6 The resulting extension would, cumulatively, project 10m from the original rear elevation of the property at its greatest extent.
- 3.7 It is proposed that the extension would be flat roofed at a total height of 3.45 metres. It would contain a roller shutter door in the eastern elevation to provide access to the store.
- 3.8 The proposed construction material would be red/brown brick to match the existing building work.

3.9 Within an email dated 29th June additional justification and information has been provided by the planning agent for this application which can be summarised as follows:

- The shop serves a locality with few others in the vicinity, primarily providing top up goods & services
- A recently approved housing development nearby would be served by the store
- Increased range of goods would be possible with potential the shop would operate as a 'Morrisons Daily'
- The development would see investment and up to 10 part time jobs created
- The impact to no.59 would be reduced by the construction of the approved extension to that property.
- Both 57 and 59 are in the same ownership
- The proposal is considered to have limited visual impact

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 57-59 Fixby Road

2019/92708 Certificate of lawfulness for proposed change of use of ground floor from residential to retail
Refused

4.2 59 Fixby Road

2022/93971 Erection of two storey side and two and single storey rear extensions with external alterations
Conditional Full Permission

4.3 57 Fixby Road

1989/07343 Erection of 2 storey extension to form enlarged sales area to shop, 2 bedrooms and bathroom
Conditional Full Permission

2000/90473 Erection of extension to shop and living accommodation and store extension to detached garage
Conditional Full Permission

2001/93249 Variation of condition 4 relating to parking, loading and unloading on previous permission 2000/90473 for erection of extension to shop and living accommodation to detached garage
Conditional Full Permission

2005/94734 Alterations to existing garage
Refused

2006/94561 Erection of storage unit
Conditional Full Permission

2011/92679 Installation of ATM and associated works
Conditional Full Permission

2019/92708 Certificate of lawfulness for proposed change of use of ground floor from residential to retail
Refused

4.4 Storage unit to rear of No. 59

2019/92709 Erection of extension and alterations to form one dwelling and widening of vehicular access to Fixby Road
Conditional Full Permission

2022/93373 Erection of extensions and alterations to outbuilding and garage to form one dwelling
Conditional Full Permission

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

5.1 The application before members forms one of three applications submitted at similar times. Following slight amendments to the other proposals (house extensions to No. 59 and a slight amendment to an extant permission to convert and extend the outbuilding/garage on Broomfield Road to one dwelling), these were considered to be acceptable.

5.2 Following a site visit, Officer's raised concerns regarding this application and whilst Officer's note that the shop with flat above, no.59 Fixby Road and the Broomfield Road outbuilding all fall under the same ownership, it was considered that the proposed extension to the store would impact on the amenity of future occupiers of no. 59 by reason of its overall projection (discussed in more detail in the following sections of this report). Amended plans were submitted to modify the proposed site plan.

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

6.2 The site is located within an area which is without notation on the Kirklees Local Plan. The site is also within an area of low risk of ground movement as a result of former mining activity by the Coal Authority.

Kirklees Local Plan (2019):

6.3 The most relevant policies of the Kirklees Local Plan (2019) are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP13 – Town Centre Uses
- LP21 – Highways and access
- LP22 – Parking

- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP48 – Community facilities and Services
- LP52 – Protection of Environmental Quality
- LP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

6.4 Highway Design Guide SPD.

National Planning Guidance:

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 20/7/2021, the National Design Guide published 10/10/2019 and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, together with Circulars, Ministerial Statements and associated technical guidance.

6.6 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining planning applications, the following chapters being considered applicable in this case:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision making
- Chapter 6 – Building a strong, competitive economy
- Chapter 8 – Promoting Healthy and Safe Communities
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal changes
- Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

7.2 The application has been advertised by neighbour letter, the publicity period expired 1st December 2022. No responses have been received.

7.3 The amended plans and additional information provided was not re-publicised as this did not fundamentally alter the scope and scale of the development proposed.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

None

8.2 Non-statutory:

K. C. Highways Development Management – No objection

K.C. Environmental Health – No objection subject to conditions imposed regarding hours of use for deliveries and the reporting on unexpected land contamination should any be encountered.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF.
- 10.2 The scheme will be assessed taking into account local planning policy guidance in Policies LP1, LP2 and LP24 of the Kirklees Local Plan which supports the guidance contained within the NPPF. Policy LP24 is particularly relevant in this instance in relation to design and states that extensions should be subservient to the original building in terms of scale, materials and details and minimise the impact on the residential amenity for future and neighbouring occupiers. Chapter 12 of the NPPF also considers the above, accompanying KLP policies.
- 10.3 The application has been submitted with a Planning Statement (dated September 2022) that identifies that the extension would increase the retail area within the shop but will principally provide covered ancillary storage. Having regard to Policy LP13, and the fact that the proposal seeks to extend the existing store/shop it is considered unnecessary in this case to require submission of a sequential assessment. The proposal is not of a scale that requires a retail impact assessment.
- 10.4 The current storage for the shop is within a detached outbuilding to the south. However, there is an extant permission to convert this outbuilding to one dwelling. This was approved under application 2019/92709, and more recently under application no. 2022/93373.
- 10.5 Section 11 of this assessment sets out the conclusions in relation to the principle of the development in light of all other material considerations.

Urban Design issues

- 10.6 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.

- 10.7 Policy LP24 (design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings.

- 10.8 Paragraph 130 of the NPPF is also of relevance, in particular the following sections:

- *b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing of discouraging appropriate innovation or change *such as increased densities)*

- 10.9 The property is located on the corner of Fixby Road and Broomfield Road. It is within a streetscene where other properties are of a similar design to the original host pair of semi-detached properties.

- 10.10 The attached neighbouring property at No. 59 Fixby Road serves a dwelling. This has been extended via a single storey rear extension and conservatory. More recently permission has been granted for larger two storey side / rear extensions and a single storey rear extension.

- 10.11 The proposal under consideration consists of two elements (extension and external staircase) which shall be addressed separately within the following section of this report:

- 10.12 *Extension:* This would be attached to an existing extension with a differing roof form. It would cover most of the open space to the rear of the building and result in a cumulative projection of 10m to the original rear of the property. Given the scale of the proposal, and having regard to previous extensions at the site, the proposal would not result in a subservient addition to the property. There are no similar sized additions to the rear of properties in the locality.

- 10.13 The impact of the extension, where there are already significant extensions to both the ground floor retail area and first floor accommodation, would appear incongruous within the streetscene. It would appear cramped and overdeveloped with competing roof forms. This is exacerbated by the prominent location of the unit at the junction of two roads and other development undertaken, and extant permissions to extend property, on other 'blue edged' land adjacent the application site.
- 10.14 The proposed rear extension is considered not to respect the form, scale and layout of the townscape.
- 10.15 The proposed extension would not create a harmonious addition to the building and the continuing piecemeal development would result in a site appearing substantially overdeveloped. Despite the use of appropriate materials to the walls, the design and scale of this element is considered visually unacceptable.
- 10.16 *External staircase:* It is proposed that the internal staircase which provides access to the first floor flat would be removed and replaced by an external staircase, accessed from the Broomfield Road (east) elevation. This part of the development is small in scale and would ensure that the residential flat can be accessed separately to the operation of the retail unit. Whilst no details have been submitted in terms of the construction materials, these could be controlled by condition, and it is recommended such a condition requires the stairs to be metal and of a black colour finish. As such, there are no concerns regarding the visual impact of this element of the scheme.
- 10.17 Taking all the above into account, the proposed extension would cumulatively extend the built form of development to the rear of the building by 10 metres from the original property when considered in conjunction with the existing development. It would cause significant harm to the visual amenity of the host property and the wider street scene. The design and presence of the proposed extension would read as an overdevelopment of the plot. The proposal is therefore concluded to be contrary to Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would not be a subservient addition to the building in keeping with the existing building and the policies within Chapter 12 of the NPPF.

Residential Amenity

- 10.18 Paragraph 130 of the NPPF requires that planning decisions ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Furthermore, Policy LP24 (b) of the Kirklees Local Plan sets out that:

Proposals should promote good design by ensuring:

b. they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary

- 10.19 Part (f) of paragraph 130 of the NPPF is also relevant and sets out that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible which promote health and wellbeing with a high standard of amenity for existing and future users.
- 10.20 In terms of the impact on neighbouring properties, the residential property most affected by the development is No. 59 Fixby Road. There is an existing extension and conservatory to the rear of this property and recent planning approval sought to extend this dwelling to the rear by 4 metres at ground floor and 2 metres at first floor.
- 10.21 The proposed 'L' shaped extension would project off the side (west) elevation of the existing extension adjacent to the boundary line by a further 6.2 metres, resulting in a 10 metre projection elevation close to the shared boundary. This would have a height of 3.45 metres which would be substantially greater in terms of impact than that of a 2-metre high boundary screen which could be constructed in any event.
- 10.22 It is noted that there is no existing boundary screening between the store and No. 59 at present. These properties being within the same ownership at present. However, the impact of the proposal on any future occupier needs to be assessed, irrespective of ownership.
- 10.23 The proposed extension is to the east of No. 59 and therefore there would be some loss of direct sunlight during the morning. Furthermore, the size and scale of the proposed structure would be oppressive and would have an overbearing impact to the occupiers of No. 59 and its rear garden area having a harmful impact upon the outlook from the ground floor windows of this property.
- 10.24 The conversion of the existing store on Broomfield Road to a dwelling would result in the following relationship between the proposed extension and this dwelling. The rear elevation of the proposed extension would sit adjacent to the side elevation of the dwelling's garage. Neither the side elevation of the new dwelling or the rear elevation of the proposed extension would contain openings and therefore there would be no significant impact from overlooking as a result of the works. Due to the orientation of the extension in relation to the amenity space for the new dwelling, there would be limited harm to the occupiers of this new dwelling.
- 10.25 With regards to the impact of the external staircase, the closest property to this feature would be 84 Broomfield Road which faces the side elevation of the property albeit with the dwelling itself being situated further to the south. Due to the overall size and scale of the stairway with no formal platform or terrace which could be used as amenity space for the first floor flat, it is considered that the proposed staircase would not result in an overall loss of amenity to neighbouring properties.
- 10.26 There are no other properties that would be directly impacted because of the proposals. The response of the Environmental Health Team is noted and in the interests of the amenity of neighbouring occupiers, to prevent noise having a harmful impact, it is recommended that should permission be granted, delivery hours associated with the store be restricted to 07.30 to 18.30 hours Mondays to Fridays and 08.00 to 13.00 hours on Saturdays.

10.27 To conclude. The scale and massing of the extension, in conjunction with its close proximity to the attached neighbouring property, would result in a development that would be significantly oppressive, causing an unacceptable loss of amenity to the occupiers of No. 59 Fixby Road. This element of the proposal would fail to comply with Policy LP24 (b) of the Kirklees Local Plan in terms of amenity for neighbouring properties and paragraph 130 (f) of the National Planning Policy Framework.

Highway issues

10.28 Policies LP21 and LP22 of the Kirklees Local Plan and the Council's adopted Highways Design Guide relate to access and highway safety as well as parking standards and are considered to be relevant to the consideration of this application.

10.29 The proposal is primarily for storage with a slight increase to the floor area of the shop. As demonstrated on the submitted plans, parking for delivery to the storage area would be accessed off Broomfield Road. Highways Officers have raised no issues relating to the existing or proposed parking areas or servicing arrangement and therefore there are no objections on highway grounds.

10.30 The proposal incorporates waste storage within the site, it is noted that waste storage for the recently approved dwelling (Broomfield Road) would be separate from the site the subject of this application and it is considered that waste storage can be suitably provided for.

Other Matters

10.31 *Carbon Budget* – 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.

10.32 The proposal is within a sustainable location. As such, no special measures were considered to be required in terms of the planning application with regards to carbon emissions particularly as there are controls in terms of Building Regulations which would need to be adhered to as part of the construction process. Indeed, the expansion of the retail offer at the site could reduce short car journeys for retail provisions elsewhere.

10.33 *Land Quality & Coal mining legacy* – LP53 of the Kirklees Local Plan and paragraphs 174 and 183 of the NPPF are relevant which seek to ensure that a site is suitable for the new use taking account of ground conditions and land stability, including from natural hazards of former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

- 10.34 The Council's Environmental Health Team recommend the inclusion of a condition requiring the submission of a scheme of investigation, remediation and verification in regard to land quality, should unexpected contamination be encountered during the construction phase of the development. Subject to inclusion of this condition the proposal is considered acceptable in terms of land quality.
- 10.35 The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided within any decision notice. As such it is considered that the proposal is acceptable with regard to ground quality / stability in accordance with policy LP53 and paragraphs 174 and 183 of the National Planning Policy Framework.
- 10.36 *Biodiversity* – 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.
- 10.37 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 10.38 The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from the Council's Ecology & Biodiversity Team it is considered that a Bat Survey was not required in this instance. This conclusion is drawn on the basis the existing property, in this case, appears to be well sealed and maintained with little opportunity for bats. Furthermore, the extension would have no impact on the existing roof structure of the host property as the proposal is single storey.
- 10.39 *Community Facilities and Services* – Policy LP48 of the Local Plan and Chapter 8 of the NPPF both encourage proposals that retain and enhance the provision and quality of existing community facilities and services that meet the needs of all members of the community. This can include 'local' and 'established' shops. Paragraph 93d of the NPPF states that planning decisions "should ensure that established shops... are able to develop and modernise and are retained for the benefit of the community".
- 10.40 The Agent has set out how the development would comply with the above Policies, as summarised in paragraph 3.9 of this report. Significant weight is afforded to the community benefits the extension/ reconfiguration of the shop would bring. This could also encourage a national supermarket to provide facilities at the site, as set out in the supporting statement. This must be balanced against the permanent harm the development would cause to both the visual and residential amenities of the area. Taking all factors into account, it is concluded that the harm cause would outweigh the benefits in this specific instance.

11.0 CONCLUSION

- 11.1 This application has been assessed against relevant policies in the development plan the National Planning Policy Framework and other material considerations.
- 11.2 The proposed development is considered to cause unacceptable harm to residential amenity and the visual amenity of both the host property and wider street scene. It is concluded that the development would be contrary to policies within the local plan and national planning policy as discussed within the 'visual amenity' and 'residential amenity' sections of this report.
- 11.3 The proposal would provide a small-scale extension to the existing retail unit and contribute to the operation of the existing business. In addition, there is potential for the development to lead to an increase in employment opportunities. However, whilst these factors weigh in favour of the development, in this case the identified harm is considered not be outweighed by any other material considerations.
- 11.4 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. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF. It is considered that therefore the proposed development would not constitute sustainable development and is therefore recommended for refusal.

12.0 RECOMMENDATION: That permission be refused for the reasons set out at the beginning of this report.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership – Certificate A signed

This page is intentionally left blank