

---

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

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 22-Aug-2019**

**Subject: Planning Application 2019/90085 Erection of 10 dwellings Land at, Lancaster Lane, Brockholes, Holmfirth, HD9 7TL**

**APPLICANT**

Eliston Homes Ltd

**DATE VALID**

14-Jan-2019

**TARGET DATE**

15-Apr-2019

**EXTENSION EXPIRY DATE**

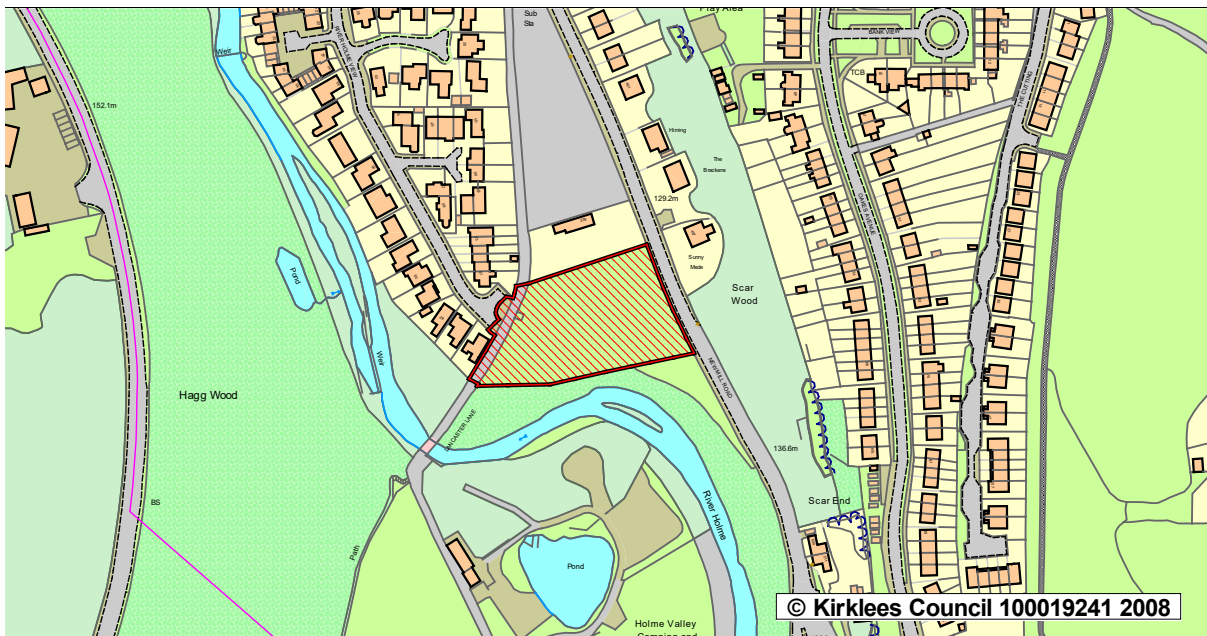
31-Jul-2019

---

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

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

**LOCATION PLAN**



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

---

**Electoral Wards Affected: Holme Valley North**

Yes

Ward Members consulted

---

**RECOMMENDATION:**

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

1. Public open space provisions comprising of an off-site commuted sum (£18,850).
2. Metro Cards (£5,000)
3. Arrangements for the future maintenance and management of surface water drainage infrastructure within the site.

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 Development and Master Planning 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 Development and Master Planning is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

**1.0 INTRODUCTION:**

- 1.1 The application is brought forward to the planning sub-committee for determination in accordance with the delegation agreement because the site area exceeds 0.5 hectares.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises an area of land that lies at the end of River Holme View. The land slopes up steeply towards the east where it meets New Mill Road. Immediately to the west of the site is Lancaster Lane – an unmade track which forms a public right of way.
- 2.2 The site is flanked to the north by 238 New Mill Road which forms a large detached dwelling. To the south of the site lies Holme Valley Camping and Caravan Park and the southern boundary of the application site forms a boundary with the adjacent Green Belt land.
- 2.3 In the recent past the site has been used for keeping pigs but the land is currently unused and vegetation has re-established itself on the site.

2.4 The site comprises housing allocation HS173.

### **3.0 PROPOSAL:**

3.1 The application seeks full planning permission for the erection of 10 dwellings.

3.2 There are 7 detached dwellings and 3 terraced dwellings. All of the properties have 3 storey frontages and are 2 storeys at the rear. Facing materials are natural stone and artificial slate.

3.3 There is an access drive off Lancaster Lane serving 5 properties towards the back of the site and the remaining 5 properties at the front of the site take their access directly off Lancaster Lane.

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

2016/90146 Outline application for the erection of residential development – Allowed on appeal following an appeal against non-determination

2014/93579 Outline application for erection of 14 dwellings – Refused on Urban Greenspace and Ecology grounds

2003/94593 Variation of condition 2 on previous outline planning permission for residential development, granted on appeal on 19 January 1999 (ref. 98/60/91665/W3) to allow application for approval of the reserved matters to be made to the Local Planning Authority before the expiration of six years from the date of this permission – Refused (and subsequent appeal invalid)

2002/93722 Erection of 2 detached dwellings with integral garages (plots 4 & 5) – Refused

2001/91485 Erection of 3 detached dwellings with integral garage and associated road (Plots 1 -3) – Refused

1998/91665 Outline application for residential development – Refused & Appeal Upheld

Also relevant to this application are the following applications. These relate to a separate parcel of land just to the north of the application site that would also take access off Lancaster Lane via River Holme View.

2016/90138 Outline application for the erection of residential development – Approved

2018/92589 Reserved matters application pursuant to outline application 2016/90138 for residential development – The Strategic Committee resolved to approve the application but the application is now subject to an appeal against non-determination

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

- 5.1 The scheme has been amended to improve the mix of dwellings on the site. It was initially proposed to have 10 detached dwellings but the scheme now includes 3 terraced properties.
- 5.2 A plot has been removed from the highest risk flood area within the site (Flood Zone 3).
- 5.3 A landscape buffer has been provided to the southern boundary to mitigate the impact on ecology.
- 5.4 Drainage information provided and scheme amended to address Highways Development Management comments.

## **6.0 PLANNING POLICY:**

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

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

LP1 - Presumption in favour of sustainable development  
LP3 - Location of new development  
LP7 - Efficient and effective use of land and buildings  
LP11 – Affordable housing and housing mix  
LP21 – Highway safety and access  
LP22 – Parking standards  
LP24 – Design  
LP27 – Flood risk  
LP28 – Drainage  
LP30 - Biodiversity and geodiversity  
LP51 - Protection and improvement of air quality  
LP52 - Protection and improvement of environmental quality  
LP53 - Contaminated and unstable land

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

Draft Highway Design Guide SPD  
Interim Affordable Housing Policy

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

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

## 7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by site notices, neighbour letters and press advert. 11 objections and 2 letters in support were received in response to this publicity. A summary of the comments received is provided as follows:

### Objections:

- Access to the site crosses Holmfirth Footpath 32. This is not mentioned in the application. There is no information as to how public access and the integrity of the path will be maintained during construction or how the path will be accommodated and kept safe and walkable after development.
- The layout does not conform with the identified constraints of the housing allocation
- Housing density is too high
- Impact of vehicle movements on users of the public footpath
- Impact on the sewer crossing the site
- Where will visitors park? Impact of on-street parking on access
- Larger homes have a greater impact than smaller homes
- Impact on local infrastructure
- Long history of refused applications on the site
- The ecology of the land will have recovered since the pigs were removed
- Multiple accesses off Lancaster Lane (as proposed) is not the same access arrangements that was approved at outline stage
- The local school is already oversubscribed
- Plots 1-4 at risk from surface water run-off
- Development within the south-west corner of the site (Flood zone 3) likely to result in increased flood risk to 66 River Holme View
- Impact on access to adjacent caravan and camping site
- Plot 1 infringes onto Lancaster Lane
- Query ownership of Lancaster Lane
- House type (100% detached) and scale of properties not in keeping with character of the area
- Impact of scale of houses on residential and visual amenity

- Overlooking/loss of privacy
- Detrimental impact on public footpath users
- Impact on stability of Lancaster Lane
- Impact on drains
- Development will increase surface water run-off and flood risk
- Increased risk of flooding from the River Holme
- Additional traffic – impact on highway network
- The houses are not suitable for affordable housing
- Impact on adjacent woodland and ecology
- Light pollution from new street lighting and noise pollution from use of Lancaster Lane
- Impact on a protected species
- Loss of biodiversity
- Use of soakaways inappropriate and will increase flood risk
- Overshadowing from 4 storey houses
- Limited facilities within Brockholes village
- Some existing dwellings on River Holme View affected by subsidence. Additional development could make this worse.
- Loss of open green space
- Infill development – village ‘creep’

In support:

- New houses are welcomed and needed in this area
- There is a lack of housing in this area
- Objectors are adopting a NIMBY attitude
- Development will have little impact on existing houses and infrastructure
- The houses will improve the look of the site which is a lousy old field with no positive attributes

7.2 Following the changes to the site layout the amended plans were advertised by neighbour notification letters. The publicity of the amended plans expires on 14<sup>th</sup> August 2019.

To date 1 objection has been received. This is summarised as follows:

- Latest proposal still hasn't addressed concerns with the safety of users of Lancaster Lane. There is not a 2m wide footway.
- 4 storey houses not in keeping with current housing and will be very imposing and affect privacy.
- Drainage scheme ties into existing infrastructure. Increased risk of flooding.
- The ecology of the site has recovered and is a valuable resource for ecology.

**Ward Councillor Charles Greaves –**

“Has the applicant submitted any new reports?  
Has the presence of, and impact on, Protected Species been reviewed?  
The submitted flood report from 2016 clearly contradicts the application as building above the flood line does not address all of the identified issues (surface run off and need for river over-flow zone) - a new expert report is essential.”

Councillor Greaves has subsequently provided comments on the amended plans as follows:

“I remain concerned about how much of Plots 1 and 2 will remain in the flood zone, and how the residents will safely leave their properties in bad weather.

It is unclear but there seems to be a high risk to any vehicles parked to the front of the properties. Will Kirklees and the developer be flagging up the flood risk to potential buyers and residents so they are aware of the risk to life and property? Will they be marking off on the ground the extent of the flood risk zone?

Building right up the banking will invade the privacy of the homeowners below, and I am concerned that the sloped banking will be difficult to drive and will result in drivers parking away from their property.

This proposal will generate a lot of traffic and no effective provision has been made for vehicles meeting vehicles, horses, cyclists and pedestrians.

Where is the large vehicle turning head for the existing estate and the new houses? How will refuse and other large vehicles access the higher properties?”

**Home Valley Parish Council -** Object to the application on the grounds of the impact it would have on access to the campsite and concerns of overlooking on neighbouring properties. Plot 1 is the main cause for concern.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

KC Highways Development Management – No objections subject to a Stage 1 Road Safety Audit and subject to conditions.

KC Lead Local Flood Authority – No objections to the proposed drainage scheme.

Environment Agency – Object on the basis of an inadequate flood risk assessment. Most of the site is shown to be in flood zone 1 however the south west area of the site has proposed buildings located in an area identified as flood zone 2 and 3. A sequential approach is recommended for the location of the proposed dwellings within the site so that they are located in the areas of the site within the lower flood risk. If parts of the development remain in flood zone 3 a scheme for compensatory storage should be submitted to mitigate loss of storage in flood zone 3.

Finished floor levels to be no lower than 600mm above the 1 in 100 year modelled flood level plus climate change.

If there are to be changes to the existing flood routes through the site as a result of altering land levels this must not increase flood risk off-site.

Flood resilience measures should be provided within the dwellings.

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

KC Ecology Unit – Additional on-site compensation required for the loss of lowland dry acid grassland. Concerns raised with the separation between plots 1, 9 and 10 and the adjacent woodland that functions as part of a larger Wildlife Habitat Network. The layout has been amended and so there should be a reassessment on the impact of the development on a protected species. Conditions required for Construction Environment Management Plan, Landscape and Ecological Management Plan, lighting scheme and invasive species management protocol.

KC Environmental Services – No objection subject to a condition regarding the reporting of any unexpected contamination and the provision of electric vehicle charging points.

Yorkshire Water – No objection subject to conditions

Police Architectural Liaison Officer – Concerns raised with plot 1 with it being directly adjacent a PROW. Limited natural surveillance of the frontage of plot 9 due to it being set back from plot 10.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Highway issues
- Flood risk and drainage issues
- Ecology
- Planning obligations
- Representations
- Other matters



## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site is allocated for housing in the Local Plan (HS173) and therefore the principle of the development is accepted in accordance with the allocation.
- 10.2 Additionally, there is an extant outline consent for residential development on the site (2016/90146) which has previously established the principle of housing on the site.

### Urban Design issues

- 10.3 The proposal would effectively form an extension of the River Holme View estate by infilling a wedge of land between River Holme View and New Mill Road, albeit the proposed development would be set higher up than the existing residential estate which occupies the flatter valley floor.
- 10.4 The layout of the site has been influenced by its topography, the south west corner of the site falling within a high risk flood zone and the presence of important ecological habitats.
- 10.5 The allocation comprises an area of 0.47ha but the developable area is identified as being 0.31ha as a result of the identified flood risk and ecological constraints.
- 10.6 The indicative capacity of the allocation is 14 dwellings which directly reflects the quantum of development as shown for indicative purposes under the extant outline permission (2016/90146). However, based on the net site area the capacity of the allocation would be 11 dwellings when applying the council's minimum target density of 35 dwellings per hectare as set out under Policy LP7 of the Local Plan.
- 10.7 The proposal is for 10 dwellings which equates to a density of 32 dwellings per hectare on the developable area. When looking at the allocation in its entirety the density equates to 21 dwellings per hectare.
- 10.8 Officers have calculated that the existing density of River Holme View is approximately 26 dwellings per hectare.
- 10.9 Under the previous application (2016/90146) the appeal inspector considered that 14 dwellings on the site would be reflective of the existing character and urban grain of River Holme View. 14 dwellings equates to just under 30 dwellings per hectare on the entirety of the allocation.
- 10.10 Taking into account the site's constraints, which have resulted in areas of undeveloped land to the east and west, and having regard to the character of River Holme View, it is considered that the proposed density of development is acceptable.

- 10.11 The layout provides a row of 3 terraced houses and 7 detached houses. The surrounding area has a mixture of house types including detached, semi-detached and terraced properties and in this context the proposals would be in keeping with the surrounding area.
- 10.12 The dwellings are all split level, being three storeys to the front and two at the rear, which reflects the topography of the site. Additional accommodation is provided in the roof space of each dwelling.
- 10.13 Adjacent development on River Holme View consists of traditional two storey dwellings and bungalows.
- 10.14 The new dwellings are generally set back within the site and from River Holme View they would be viewed against the backdrop of the valley side. From New Mill Road views of the development would principally be down onto the roofs of the new dwellings. As such officers are satisfied that the scale of the proposals would not be incongruous. Furthermore, it is worth noting that late last year the Strategic Planning Committee resolved to approve a similar scale of development for 9 dwellings on a separate piece of land off Lancaster Lane that lies a short distance to the north of the application site (2018/92589).
- 10.15 The general design approach is considered to be acceptable and is comparable to the appearance of the 9 dwellings as proposed on the separate piece of land to the north. The 3 terraced houses include a front balcony above the garage and whilst such balconies are not characteristic of the area their presence would not result in any significant harm to the visual amenity of the area in officers' opinion.
- 10.16 Facing materials are natural stone and artificial slate. These materials are considered acceptable subject to approval of samples.
- 10.17 In summary the development is considered to comply with Policy LP24 of the Local Plan and guidance in the National Planning Policy Framework with respect to design and appearance.

#### Residential Amenity

- 10.18 The proposed dwellings are generally well separated from the nearest residential properties. The nearest existing dwellings are 66 River Holme View, 81 River Holme View and 238 New Mill Road.
- 10.19 Plot 2 is 28m from the side wall of no.66 River Holme View which represents a generous separation distance to this existing property. Plot 1 is 34m away.
- 10.20 The balcony to plot 5, which projects forward from the main dwelling, is approximately 26m from the conservatory at the rear of 81 River Holme View. The balcony is off-set from the rear elevation of no.81. There is a distance of 15m from the balcony to the boundary of this neighbour's main private amenity space. The relationship is considered to be acceptable.
- 10.21 The side wall of plot 6 is 21m from the front of 238 New Mill Road and is around 2.5m from the boundary of this adjacent dwelling, which has an extensive curtilage. The separation distances are considered acceptable.

- 10.22 The separation distances involved combined with the orientation of the new dwellings are such that there would not be any significant harm caused to existing occupiers and a good standard of amenity would be provided for future occupiers of the proposed houses.
- 10.23 The application is considered to comply with LP24 of the Local Plan and guidance in the NPPF.

#### Landscape issues

- 10.24 Some small areas of landscaping are provided within the layout. These are in the south west corner of the site and along the eastern boundary with New Mill Road. There is also an undeveloped strip of land that provides a narrow buffer along the southern boundary. The presence of these areas helps to soften the visual impact of the development and provides scope for biodiversity mitigation and enhancement.
- 10.25 Details of the internal and external boundary treatment, including the gabion wall to the east of the site, can be secured by condition.

#### Highway issues

- 10.26 Access to the site is via River Holme View - a residential cul-de-sac with a 5.5m carriageway and footways and street lighting to both sides. There is a turning head at its southern end which abuts Lancaster Lane which provides access to a single dwelling to the north and leads on to the A616 New Mill Road and a camping / caravan park to the south before joining the A6024 Woodhead Road to the west.
- 10.27 At its northern end River Holme View forms a priority junction with Rockmill Road. The latter is about 7m wide with footways and lighting to both sides. Rockmill Road provides the main access to a small commercial estate known as Brockholes Business Park. Rockmill Road forms a priority junction with the A616 New Mill Road.
- 10.28 The site falls steeply from New Mill Road down to Lancaster Lane and structural engineering measures will be required to ensure that the public highway above is not compromised.
- 10.29 Ten large 4/5 bed roomed houses are proposed. The plots have substantial integral garages with additional parking on private driveways to their frontage.
- 10.30 The proposals include the extension of River Holme View with the provision of a new larger turning head to replace the existing turning head.
- 10.31 Plots 1 and 2 are served off a shared driveway directly off Lancaster Lane. Plots 3-5 have individual driveways off Lancaster Lane. Plots 5 to 10 have access via a steep shared private driveway with a maximum gradient of 1 in 8.
- 10.32 A bin collection point together with a dry riser inlet cabinet are shown adjacent to plot 5. Internal turning for a refuse or emergency vehicle is not therefore considered necessary for the proposed shared private driveway serving plots 5-10.

- 10.33 The applicant has shown 3 no. visitor parking spaces within the existing adopted turning head. This is considered acceptable because a replacement turning head will effectively be formed on Lancaster Lane.
- 10.34 Highways Development Management consider the revised site layout to be acceptable.
- 10.35 The PROW officer has raised concerns that pedestrian provision on the public footpath (Lancaster Lane) is secondary to the requirements of vehicles where there is to be a new turning head and various points of access for the new dwellings.
- 10.36 It is acknowledged that there will be an intensification of vehicular activity on the public footpath. However, on balance, the amount of vehicular activity generated by this development is unlikely to significantly prejudice the safety and amenity of footpath users. This remains the case when taking into account any development on the separate parcel of land to the north of the application site that will share the same point of access from River Holme View. It is considered that the proposals provide an acceptable shared surface arrangement and it is noted that the layout plan shows a footway to much of the site frontage that would provide some refuge for footpath users if necessary. It is also to be noted that outline permission for 14 dwellings has previously been approved on the site and so the proposal is for a less intensive quantum of development.

#### Flood risk and drainage issues

- 10.37 The western part of the site contains land that falls within higher risk flood areas on the Environment Agency's Flood Risk Map. The south west corner of the site is at the highest risk of flooding (Flood Zone 3) and there is an area of land surrounding this that is at a lower risk of flooding (Flood Zone 2). The remainder of the site is in Flood Zone 1.
- 10.38 The applicant has amended the scheme to remove a dwelling that fell entirely within Flood Zone 3 and so there is no residential development within the part of the site that is at the highest risk of flooding.
- 10.39 Plot 1 and most of plot 2 fall within Flood Zone 2. A small proportion of plot 3 also falls within this Flood Zone along with some of the driveways to plots 4 and 5. The remainder of the development (plots 5-10) is within Flood Zone 1.
- 10.40 Comments have been sought from the Environment Agency on the revised site plan and further information on flood risk will be provided to Members within the written update. Flood risk mitigation can nevertheless be provided for by ensuring the finished floor levels are in line with the advice already given by the Environment Agency. In addition, the lower ground floors of the properties within Flood Zone 2 only contain non-habitable accommodation (garage, utility, WC) which provides some flood resilience. Further measures could be provided within the construction, such as having raised electrical sockets.
- 10.41 Some re-profiling of the ground within Flood Zone 3 is proposed and advice from the Environment Agency has been sought in terms of the potential impact on flood routes. An update will be provided on this matter.

- 10.42 Additional information has been provided in relation to drainage. It is proposed to discharge surface water to public combined sewer. A connection will be made to the sewer that crosses the south-west corner of the site. Attenuation is to be provided within the site to restrict the rate of discharge (to 3 litres per second). Surface water run-off from the adoptable turning head will be directed to road gullies in River Holme View.
- 10.43 Kirklees Lead Local Flood Authority has assessed the drainage proposals and consider them to be acceptable. A condition relating to detailed drainage design is recommended. It has been indicated that the new drainage infrastructure will be in private ownership and arrangements for the future maintenance and management of the system are to be secured under a s106 Agreement.
- 10.44 Yorkshire Water have not raised any objections to the application. They have commented that there are two public sewers crossing the site, these are in the south west corner. The dwellings provide acceptable stand-off distances to the sewers although the detailed soft landscaping scheme (to be required by condition) will need to take the sewers into account to ensure no trees are located over or adjacent to the sewers.

### Ecology

- 10.45 The site forms part of a designated Wildlife Habitat Network.
- 10.46 The main ecology concerns relate to the loss of lowland acid grassland which is a habitat of principal importance. This requires mitigation to avoid significant ecological harm. The recreation of an area within the site layout to compensate for the loss of this habitat can be provided for within the undeveloped south west corner of the site and the layout has also been amended to include a 1-1.5m buffer along the southern boundary which is shown as lowland dry acidic grassland. The southern boundary is particularly sensitive because it is adjacent to an area of trees which will act as a foraging network and a connective feature for the movement of wildlife and so the buffer is an important feature. There is also a landscape buffer to the eastern boundary which provides additional ecological mitigation. Details of the landscaping of the site are to be secured by condition.
- 10.47 The Ecology Unit has raised concerns with the proximity of plots 1, 9 and 10 to the woodland to the south of the site and the potential impact on the use of the woodland by wildlife. The trees are not protected and on balance it is considered that an acceptable separation distance is provided such that the long term viability of the trees are unlikely to be unduly prejudiced. Furthermore, the separation between the dwellings and the woodland now includes an undeveloped strip of land immediately adjacent to the trees that falls outside of the residential curtilage of the plots. Further mitigation on the woodland can be provided through a lighting design strategy.
- 10.48 A condition for a Construction Environmental Management Plan is recommended. This will help to mitigate the impact of construction on the River Holme which is a habitat of principal importance and local Biodiversity Action Plan habitat. In particular mitigation is required in relation to water run-off.

- 10.49 Japanese knotweed and Himalayan balsam have been recorded on site. A protocol to ensure eradication within the site and prevent the spread outside of the site can be secured through condition.
- 10.50 A condition is also recommended to ensure vegetation clearance takes place outside of the bird breeding season.
- 10.51 The impact on a protected species has been assessed and is accepted by the Ecology Unit. The assessment is however based on the original iteration of the scheme and so further information has been sought on the basis of the scheme as amended. An update on this will be provided to Members.
- 10.52 Subject to the provision of the compensatory grassland habitat as described and the aforementioned conditions the application is considered to comply with LP30 of the Local Plan and guidance in the NPPF.

### Representations

- 10.53 A response to the objections is provided below:

- Access to the site crosses Holmfirth Footpath 32. This is not mentioned in the application. There is no information as to how public access and the integrity of the path will be maintained during construction or how the path will be accommodated and kept safe and walkable after development.

- Detrimental impact on public footpath users

**Officer response:** A condition regarding the construction of the access/turning head is recommended. The impact on users of the footpath has been assessed within this report.

- The layout does not conform with the identified constraints of the housing allocation

**Officer response:** The scheme has been amended to remove development in Flood Zone 3 and to provide ecological mitigation. The layout is now considered to comply with the constraints identified in the allocation, subject to comments from the Environment Agency in relation to development in Flood Zone 2.

- Housing density is too high

**Officer response:** Housing density has been discussed earlier in this report.

- Impact of vehicle movements on users of the public footpath

**Officer response:** Discussed earlier in this report.

- Impact on the sewer crossing the site

**Officer response:** Discussed earlier in this report.

- Where will visitors park? Impact of on-street parking on access

**Officer response:** Discussed earlier in this report. Scheme amended to provide visitor parking within the existing turning head.

- Larger homes have a greater impact than smaller homes

**Officer response:** The size of the houses is considered acceptable.

- Impact on local infrastructure
- The local school is already oversubscribed

**Officer response:** The scale of the development does not warrant contributions towards local services.

- Long history of refused applications on the site

**Officer response:** There is an outline permission on the site and the land is allocated for housing.

- The ecology of the land will have recovered since the pigs were removed

**Officer response:** Agreed. Ecology issues discussed within this report.

- Multiple accesses off Lancaster Lane (as proposed) is not the same access arrangements that was approved at outline stage

**Officer response:** This is a stand-alone application for full planning permission. The access arrangements are considered acceptable to officers as discussed in this report.

- Plots 1-4 at risk from surface water run-off
- Development within the south-west corner of the site (Flood zone 3) likely to result in increased flood risk to 66 River Holme View

**Officer response:** The dwelling in this part of the site has been removed. Advice sought from the Environment Agency on re-grading of the land in relation to increased flood risk off-site.

- Impact on drains
- Development will increase surface water run-off and flood risk
- Increased risk of flooding from the River Holme
- **Officer response:** Discussed earlier in this report.

- Impact on access to adjacent caravan and camping site
- Plot 1 infringes onto Lancaster Lane

**Officer response:** Plot 1 was encroaching onto Lancaster Lane but this has been removed. The development would not obstruct access.

- Query ownership of Lancaster Lane

**Officer response:** There is nothing to indicate that the incorrect ownership certificates have been supplied.

- House type (100% detached) and scale of properties not in keeping with character of the area

**Officer response:** Scheme amended to include some terraced houses. Scale discussed within this report.

- Impact of scale of houses on residential and visual amenity
- Overlooking/loss of privacy
- Overshadowing from 4 storey houses

**Officer response:** Residential amenity issues discussed earlier in this report.

- Additional traffic – impact on highway network

**Officer response:** 14 dwellings has previously been found to be acceptable on the site and the land is now allocated for housing. The traffic impacts have therefore been assessed as acceptable.

- The houses are not suitable for affordable housing

**Officer response:** The development does not trigger a contribution towards affordable housing.

- Impact on stability of Lancaster Lane
- Light pollution from new street lighting and noise pollution from use of Lancaster Lane

**Officer response:** As the site is accessed directly from the existing turning head at River Holme View the impact on the stability of Lancaster Lane and the impact of new street lighting and vehicle movements is not considered to be significant. These impacts have previously found to be acceptable (subject to conditions) under the application for housing slightly further to the north that involves vehicles driving up Lancaster Lane behind existing houses.

- Impact on adjacent woodland and ecology
- Impact on a protected species
- Loss of biodiversity

**Officer response:** Ecology issues addressed within this report.

- Use of soakaways inappropriate and will increase flood risk

**Officer response:** Accepted that soakaways inappropriate. Drainage to connect to main sewer.

- Limited facilities within Brockholes village

**Officer response:** The site is considered to be a sustainable location.

- Some existing dwellings on River Holme View affected by subsidence. Additional development could make this worse.

**Officer response:** The dwellings are well separated from existing development and subsidence is not considered likely.

- Loss of open green space
- Infill development – village ‘creep’

**Officer response:** The site is allocated for housing.

#### Planning obligations

10.54 The development does not meet the trigger for affordable housing or education contributions.

10.55 The site meets the 10 dwelling threshold for the provision of open space provision under Policy LP63 of the Local Plan. There is no realistic scope for this to be provided on-site and therefore an off-site commuted sum is sought (£18,850). Planning contributions must be directly related to a development and therefore the contribution is to be targeted within the local area.

10.56 A contribution is sought for Metro Cards to promote sustainable travel (£5,000).

#### Other Matters

10.57 The application is supported by an intrusive site investigation report that has been reviewed by Environmental Services. The report is satisfactory and no objections are raised subject to a condition regarding the reporting of unexpected contamination.



10.58 To mitigate the impact on air quality it is recommended that an electric vehicle recharging point is installed within the garage of each dwelling. This is to accord with LP24 of the Local Plan, guidance in the NPPF and the West Yorkshire Low Emissions Strategy.

## **11.0 CONCLUSION**

11.1 The principle of development is established in accordance with the land's allocation.

11.2 The development is considered to be in keeping with the character of the area and the residential amenity and highway safety impacts have been assessed as being acceptable. Drainage and ecological matters have been satisfactorily resolved.

11.3 Comments from the Environment Agency are awaited on the revised layout and subject to flood risk matters being resolved the application is considered to be acceptable.

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

1. Time limit (3 years)
2. Development in accordance with approved plans
3. Approval of samples of facing materials
4. Reporting of unexpected contamination
5. Detailed design of the access/turning head
6. Surfacing of parking spaces
7. Details of the internal and external boundary treatment, including the gabion wall to the east of the site
8. Details of soft landscaping scheme (to take account ecology matters and presence of sewers within the site)
9. Detailed drainage design
10. Construction Environment Management Plan
11. Landscape and Ecological Management Plan
12. Lighting design strategy
13. Invasive species management protocol
14. Electric vehicle charging points
15. Vegetation clearance outside of bird breeding season
16. Construction management plan
17. Finished floor levels set to satisfaction of Environment Agency
18. Scheme to ensure stability of New Mill Road

### **Background Papers:**

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90085>

Certificate of Ownership – Certificate A signed.