
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 15-Jul-2020

Subject: Planning Application 2019/93826 Outline application for the erection of three dwellings adj, Penlee, Holme Lane, New Mill, Holmfirth, HD9 7NQ

APPLICANT

Sam Hough, Vogue
Homes

DATE VALID

27-Nov-2019

TARGET DATE

22-Jan-2020

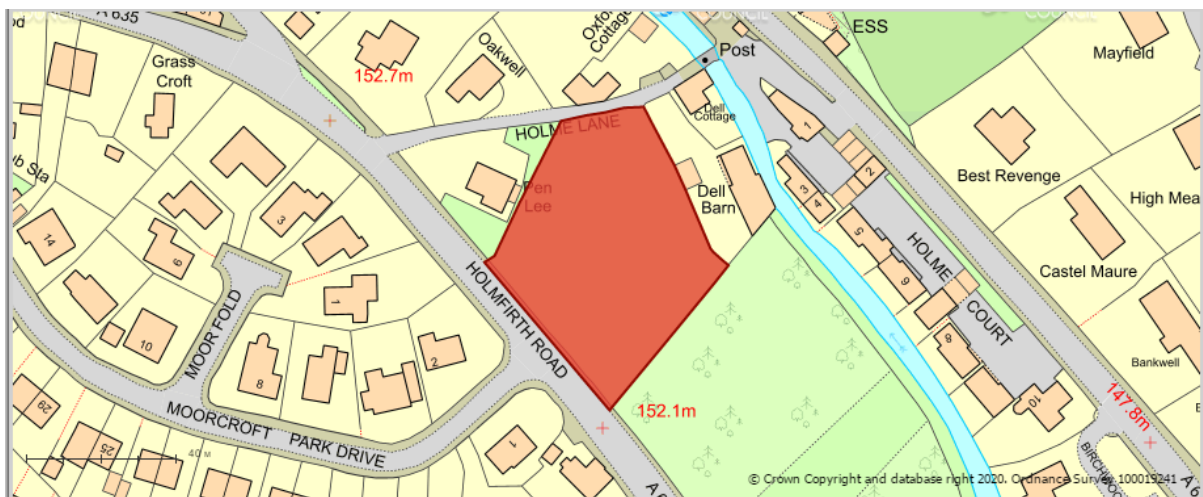
EXTENSION EXPIRY DATE

07-May-2020

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 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 The application seeks outline permission for three dwellings, with access and layout included for consideration at this stage. The site is unallocated within the Kirklees Local Plan.
- 1.2 The application is brought to committee at the request of Cllr Nigel Patrick due to the site being unallocated, when housing allocation sites are available, and the loss of open space within the village setting.
- 1.3 The Chair of Sub-Committee confirmed that Cllr Patrick's reason for making this request is valid, having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

- 2.1 Penlee is a detached bungalow with under-build to the rear. It fronts onto Holmfirth Road but is accessed via the shared private drive Holme Lane which hosts PROW HOL/44/40. Land levels fall steeply from south to north. Penlee is adjacent to a large open field, the subject of this application, which has the same falling topography. The application has a site area of 0.29ha.
- 2.2 Along the site's south-west boundary is Holmfirth Road, with a retaining wall and drystone wall as boundary. Along the east boundary is woodland (council owned). To the north are interspersed detached dwellings which share the access from Penlee. The north-east portion of the site falls within Flood Zone 2.

3.0 PROPOSAL

- 3.1 The proposal seeks outline permission for three dwellings. Access and layout are considerations at this stage. Appearance, scale and landscaping are to be reserved for approval at reserved matters.

- 3.2 The layout sought is three dwellings sited to the site's south-west, fronting onto Holmfirth Road. The indicative plans show projecting attached garages would be sited to the front. Footprints vary between 135 – 150sqm. Land to the north-east of the site in Flood Zone 2 would be an 'ecological enhancement zone', with the land between the dwellings and zone being garden space. Specific details of the enhancement zone, gardens and the site's boundary treatment fall under landscape.
- 3.3 Access would be via a new shared private drive from Holmfirth Road in the adjacent the southern corner of the site. Parking of 3 spaces per dwelling (inc. garage) with on-site turning and one vehicle parking space is shown.
- 3.4 The indicative details of scale and appearance show the dwellings as split level; presenting two storeys to the front and three to the rear. Integral garages would be sited to the front of the properties.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

None

4.2 Surrounding Area

Three Valleys

2017/94319: Erection of 3 dwellings – Conditional Full Permission

4.3 Planning Enforcement

None on the site or relevant within the area.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 It was noted that the originally submitted location and block plan were missing neighbouring properties (due to being outdated plans). This was corrected on request.
- 5.2 The scheme originally sought outline permission for residential, with access only. No numbers were confirmed, but an indicative scheme for 5 units was shown. This raised concerns over the visual impact and residential impact. There were also highway concerns over the lack of detail. Finally, the north section of the site, now shown as an ecological enhancement zone, was shown as garden space – this area is flood zone, and no flood risk assessment or sequential test had been provided.
- 5.3 Officers negotiated with the applicant. Layout was agreed as a consideration, with the number of units secured at 3. The parts of the garden in the flood zone were removed from domestic land and amended to an ecological area. Further details were provided which addressed highway's concerns and a FRA was provided for review by the LLFA. Based on the amended plans, officers were supportive of the proposal. The amended details were re-advertised to local residents.

6.0 PLANNING POLICY

Kirklees Local Plan (2019)

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

6.2 The site is unallocated on the LP Policies Map.

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental air quality
- **LP53** – Contaminated and unstable land

Supplementary Planning Guidance / Documents

6.3 The following are relevant Supplementary Planning Guidance / Documents published by Kirklees Council or national government.

- MHCLG: National Design Guide
- MHCLG: Technical Housing Standards
- Kirklees Local Plan Supplementary Planning Document – Highways Design Guide

National Planning Guidance

6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, 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 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

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been advertised via site notice and through neighbour letters to addresses bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.

7.2 The application has been amended following negotiations. The second public representation period for the application expired on Monday the 27th of April. In total, across the two public representation periods, eight public representations have been received. The following is a summary of the comments made;

- The site is a valuable open green space, the loss of which will harm the local area's visual amenity value. Holmfirth Road is becoming wholly built up, resulting in a loss of division between villages.
- Loss of attractive views.
- The proposed dwellings are visually unattractive and do not reflect the appearance of development within the area.
- The development will necessitate 'ugly and intrusive' retaining walls and earth works.
- Close boarded timber fencing, 1.8m in height, would not be suitable for the area. Stone boundary treatment should be used, to retain the rural character.
- The proposed access is opposite Moorcroft Park Drive, which is already dangerous due to traffic levels and poor sightlines. Holmfirth Road is busy and often the 30ph limit is broken.
- Concerns over future access onto Holme Lane, despite not being shown on plan. Also concerns over construction traffic accessing Holme Lane.
- The proposal will lead to flooding in the area with a spring being claimed to be on site. The site is currently naturally drained, holding water before discharging into the river. The proposal will break this. Concerns over the content of the Drainage Strategy.
- Drains in the local area are in poor state of repair, the proposal will worsen this.
- Overbearing, overshadowing and overlooking will be caused upon neighbouring residents.
- Neighbour properties layouts are wrong, or in some places are wholly missing from the plans. Local residents were not informed of the application by the applicants.
- Concerns over the public representation and who letters were sent to.
- A neighbouring dwelling has an outbuilding on the shared boundary. Access will be needed for maintenance.
- The site is of use to local ecology, with migratory birds landing within it. Unclear how the Ecological Enhancement Zone will be managed.

Ward member interest

7.4 Cllr Nigel Patrick has expressed concerns that the proposal would be sited on a green field site and would detract from the character of the area. This comment relates to both the original and amended plans.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: No objection subject to condition.

8.2 Non-statutory

K.C. Trees: Have expressed concerns and requested conditions, if officers are minded to approve. This is detailed below.

K.C. Lead Local Flood Authority: Expressed initial objections. Provided feedback and reviewed further details when provided. Based on further detail, no objection subject to condition.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

Sustainable development

- 10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land allocation

- 10.2 The site is without notation on the KLP Policies Map. LP2 states that;

All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...

The site is within the Kirklees Rural sub-area. The listed qualities will be considered where relevant later in this assessment.

Residential development

- 10.3 In the recently adopted Local Plan the council have demonstrated 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013).
- 10.4 Recent amendments to National Planning Practice Guidance have revised the Housing Delivery Test measurement for local planning authorities and a technical note on the process used in its calculation. Results for 2018 (published 19th February 2019) show that housing delivery in Kirklees over the period 2015-2018 was 75% of the number of homes required by the test. This means that the council must produce an Action Plan within six months of the test results being published and continue to apply a 20% buffer to the five-year housing land supply requirements. In summary the council can currently demonstrate a 5-year supply of deliverable housing sites, with appropriate buffer.
- 10.5 Notwithstanding the above, policy seeks to ensure residential development makes an efficient use of land. LP7 establishes a desired target density of thirty-five dwellings per hectare, 'where appropriate'. This is applied to housing allocations and windfall sites. As the site has an area of 0.265ha (excluding the flood zone, which is deemed a non-developable area (proposed as an ecological improvement zone), this would equate to 9 dwellings. The proposal as amended seeks 3 units which is a notable shortfall. This is following officer negotiations which reduced the scheme from an original indicative 5 units. However, LP7 includes the caveat of 'where appropriate'. In LP7's policy justification, the following is given as an example of where lower densities may be appropriate; '*Site constraints such as gradients may create difficulties achieving the relevant density on sites*'. For this reason, and others expanded upon below (10.7 – 10.17), officers consider 3 dwellings appropriate for this specific site, and is the most effective and appropriate development for the site.
- 10.6 Given the above, the principle of residential development at a density lower than that typically sought by the Local Plan, is deemed appropriate on this site. Consideration of the proposal's local impact is required, outlined below;

Urban Design

- 10.7 Policy LP24 requires 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*'. Layout is a consideration of this application; however, scale, appearance and landscape are reserved. Nonetheless, at outline stage officers must be satisfied that there is a reasonable prospect of appropriate details being brought forward.
- 10.8 First considering the submitted layout details, the site sits between two different patterns of development, with Holmfirth Road being a separating line. To the south of the road are higher density dwellings, leading into Lydgate / New Mill, laid out in a typical urban fashion. Dwellings are typically semi-detached. To the north dwellings are larger in scale, with greater separation between properties. They have an interspersed layout and pattern, with a fading density leading to open countryside.

- 10.9 Sited between these two patterns of development, the proposal needs to appropriately respond to both, although being more visually associated the northern pattern of development due to being on the north of the road.
- 10.10 The proposal initially showed 5 dwellings uniformly arranged on the site, fronting onto Holmfirth Road. The uniformity and density were not considered to respect the layout of development to the north, appearing as an over-urbanisation of the site. This led to officers requesting layout as a consideration and advising the density should be reduced.
- 10.11 The scheme was reduced to 3 larger units, but with greater separation between the units. While the 3 dwellings would remain fronting onto Holmfirth Road, the lower density has allowed for more appropriate and organic spacing between properties. Options for having dwellings, including a mixture of all or some, be accessed from either Holme Lane or another internal driveway (so as not to front onto Holmfirth Road) were discounted due to highway concerns or resulting in unacceptable separation distances.
- 10.12 Officers are satisfied that the proposed development's layout would be an appropriate transition between the higher density development to the south and the lower density north development, appropriate responding to the context of the area, in accordance with LP24.
- 10.13 The other considerations of design (scale, appearance and landscape) are reserved. Nonetheless, an assessment must be made to that ensure there is a reasonable prospect of appropriate details being brought forward.
- 10.14 Considering scale, the layout plans show footprints larger than neighbouring properties, but not unreasonably so. The indicative cross section shows the properties being two storeys to the front, compared to the bungalow Penlee, however through use of the topography the roof heights are shown to gradually step with the land and would not result in towering heights above Penlee. From the rear the properties are indicative to be 3 storeys, with the potential to be 2½ storeys through manipulation of land levels which officers will seek to be explored within the Reserved Matters. The cumulative mass from the rear is shown to be broken up through the dwellings having different levels and projections. This is also aided by (indicatively shown) screened planting. The size difference to Penlee will be more notable to the rear, however Penlee does have its own sizable under build. The separation and stepped arrangement between the properties mitigate concerns over the scale of the properties alongside the existing dwellings from the rear.
- 10.15 Turning to appearance, this relates to the architectural detailing, design and materials. As per the layout considerations, an appropriate design will be needed to transition from the appearance of the dwellings to the south to those of the north, to ensure that the development does not appear incongruous within its setting. The indicative plans do not include architectural detailing but do indicate the form of the dwellings. Each includes a front projecting garage. Given the topography these garages would be largely set below the level of Holmfirth Road and would have limited impact on the character of the area. At this time officers are satisfied that there are no prohibitive reasons which would prevent satisfactory appearance details being provided at reserved matters stage.

- 10.16 Regarding landscape, which considers the treatment of open spaces, given the scale of the development details will be limited. The majority of the non-built site will be dedicated to residential garden. Subject to appropriate boundary treatment being proposed, including to the frontage, this is not opposed in principle. However, the proposal does include an 'ecological enhancement zone' which formal details will be provided at reserved matters (landscape) stage. This zone will enhance the natural visual aspects of the site and aid in limiting residential amenity impacts, as detailed below. Given this, officers are satisfied that reasonable landscape details may be submitted at reserved matters stage.
- 10.17 Given the above considerations, officers consider the proposal layout to be acceptable. Furthermore, officers are satisfied that there are no probative reasons why the outstanding reserved matters could not be addressed within an appropriate reserved matter submitted. It is concluded that the proposal would not cause harm to visual amenity or conflict with the aims and objectives of LP24 or the KLP or Chapter 12 of the NPPF.

Residential Amenity

- 10.18 LP24 seeks to protect the amenity of residents, stating proposals should '*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings*'. This reflects the guidance of Chapter 12 of the NPPF. The application is at outline stage, however as layout is a consideration the position of the proposed dwellings requires a detailed assessment. Other matters for consideration, such as the height or window placement, fall under the reserved matters.
- 10.19 The dwellings across Holmfirth Road are in excess of 30m from the proposed dwellings and are set on a higher ground level. This prevents concerns over detrimental impacts upon their amenity.
- 10.20 To the rear of the site are Oxford Cottage, Dell Cottage and Dell Barn. The indicative sections plan shows that proposed dwellings would be on ground between 5 – 6m higher than the level of the existing dwellings although this is subject to change as it forms a consideration of scale.
- 10.21 Dell Cottage and Dell Barn are 40m and 30m from the rear of the proposed dwellings. At 40m officers are satisfied that there would not be a detrimental impact upon Dell Cottage's residents. Dell Barn's front elevation faces the proposed rear of Plot 1. While the new dwelling would be prominently visible from Dell Barn's front windows and the level difference is noted, officers are satisfied that at a distance of circa 30m there would be no undue overbearing, overshadowing or overlooking caused. The impact will be further mitigated by the proposed ecological enhancement area, to include planting, and boundary treatment. The boundary treatment and planting details will be assessed to ensure they do not cause detrimental impacts upon Dell Barn's occupiers, or other residents.
- 10.22 Plot 3's rear elevation faces Oxford Cottage's chamfered side elevation. This elevation hosts two windows, however based on their size and location are deemed to be either secondary or serve a non-habitable room. If found to serve a habitable room, given their size, orientation to the site and the separation distance, officers do not consider the relationship harmful. Oxford Cottage's other elevations either face away from the site, or at a suitably

oblique angle to not raise concerns. Adjacent to Oxford Cottage is Oakwell. Oakwell is further removed and at a greater angle compared to Oxford Cottage. Accordingly, officers are satisfied no harm would be caused upon Oakwell's residents.

- 10.23 Notwithstanding the above, as the site is to the south of the above properties on a high ground level, to ensure the height proposed at Reserved Matters (scale) does not cause harmful overshadowing, a shadow plan will be secured via condition.
- 10.24 Officers are satisfied that no other properties are sited to be materially impact upon via the proposal.
- 10.25 Consideration must also be given to the amenity of future occupiers. The scale of the proposed units does not raise concerns, giving consideration to the minimum recommended areas of the Technical Housing Guidance. Garden spaces are large and commensurate to their respective dwellings.
- 10.26 The front elevations would face Holmfirth Road's retaining wall at distances in excess of 15m, which is acceptable. Unit 1 would share a boundary with council owned woodland. The submitted arboricultural shadow plan and impact assessments have satisfactorily demonstrated that the woodland would not, as existing, cause harm to the amenity of future occupiers. K.C. Trees have raised that the trees will continue to grow in height and may in the future cause a nuisance (overshadowing, tree litter etc.). Nonetheless, based on the details at hand, officers are satisfied that occupied would have an acceptable standard of amenity. This is considered in further detail within paragraph 10.44.
- 10.27 Holmfirth Road is a classified A road and therefore a potential pollutant through traffic noise for future occupiers. A noise mitigation strategy will be sought via condition to ensure appropriate protective measures are installed. This is to ensure compliance with LP52.
- 10.28 Summarising the above, subject to the listed conditions, officers are satisfied that the proposed development would not harm the amenity of neighbouring residents. Furthermore, officers consider that future residents would have an acceptable standard of amenity. Accordingly, the proposed layout details are deemed to comply with LP24 and LP52 of the KLP and Chapter 12 of the NPPF, with no prohibitive reason identified why the Reserved Matters of scale, appearance and landscape would conflict with policy.

Highways

- 10.29 Access and layout have been applied for as considerations. The dwellings are to be served by a new private drive accessed directly from Holmfirth Road, a classified A road. A speed survey has been undertaken and proportionate sightlines in each direction demonstrated on plan. These sightlines are to be secured via condition. The access would be close to the opposite access from Moorcroft Park Drive. There would be suitable visibility between the two accesses onto Holmfirth Road and the level of traffic from these two junctions would not be substantial. Therefore, the arrangement is not opposed by Highways DM.

- 10.30 Regarding parking, a layout consideration, each of the proposed detached houses have double width driveways and integral garages. This results in each of the proposed dwellings having 3 off-street parking spaces, which is acceptable. One visitor parking space is shown and is appropriate for 3 dwellings. On-site turning has been demonstrated on plan and is welcomed. The provision of these facilities can be secured via condition.
- 10.31 The proposal will include modifications to an existing highway burr wall. This is not opposed in principle, however a condition requiring technical details is required to ensure the works are undertaken appropriately. This will need to be a pre-commencement condition, to ensure the integrity of the public highway.
- 10.32 A waste collection point is shown adjacent to the access. This includes a drag distance of 35m from the furthest plot, Plot 3, which is not opposed. Waste storage places per plot are not shown however. Regardless, there are no principle concerns that the units could not accommodate suitable waste storage facilities, given their sizes, although given the levels of the site these would likely be sited at the front of the dwellings and further details (position, screening etc.) are required. As waste storage and collection form a consideration of landscape, a condition is not considered necessary at this time as details would be expected at reserved matters stage. A note confirming these are expected may be placed on the decision notice.
- 10.33 Holme Lane, hosting PROW HOL/44/40 runs along the site's north boundary and connects to Holmfirth Road. Holme Lane is an unadopted private drive; it is not proposed to access the site from Holme Lane. Nonetheless, a condition is to be imposed to prevent future connections to this lane from unit 3. The PROW is a good distance away from the proposed dwellings to prevent concerns that the dwellings would cause overbearing, overshadowing or other harm to PROW users. The garden for Plot 3 would be adjacent to the PROW, as would be the ecological enhancement area. This is not a concern in principle, subject to appropriate details being provided at reserved matters (landscape) stage. The standard PROW note, detailing restrictions on PROWs will be placed on the decision notice, if minded to approve.
- 10.34 Concluding on the above, access and layouts are considerations of this outline permission. Subject to the listed conditions, officers are satisfied that the proposal would not harm the safe and efficient operation of the Highway, in accordance with LP21 of the Kirklees Local Plan.

Other Matters

Air quality

- 10.35 In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of electric vehicle charging points, one per dwelling, on new development that includes car parking. The purpose of this is to promote modes of transport with low impact on air quality.

Climate change

- 10.36 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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.37 The application is made at outline; therefore, full consideration of the sustainability credentials is not possible at this time. This includes the fenestration arrangement, materials and design techniques. Nonetheless, while a greenfield location, the site is within the urban envelope, near to local amenities and on a bus route into New Mill and Holmfirth, each of which have public transport links to the hub of Huddersfield Town Centre. Therefore, the location is considered sustainable. Furthermore, new dwellings are required to be built to modern building regulations standards. Based on the details held at this time, subject to appropriate details at Reserved Matters, officers are satisfied that the proposal would not harm the climate change agenda.

Contaminated land

- 10.38 There is no evidence to suggest that the site has ground based contamination. Given this and the scale of the development officers do not consider ground investigations to be reasonable or necessary. However, a condition is to be imposed detailing the process to be undertaken if unexpected contamination is found during development. This is considered appropriate to comply with the aims of LP53.

Drainage and flood risk

- 10.39 The 'ecological enhancement zone' is within Flood Zone 2. The remainder of the site is within Flood Zone 1. Given that the residential uses are not within the flood zone, with domestic curtilages securable via condition to prevent encroachment, a flood risk assessment or sequential test is not required (although the flood zone has been identified, considered and dismissed within the drainage strategy).
- 10.40 Foul water is to be discharged to a combined sewer, which is acceptable. Surface water is to be attenuated and discharged, via gravity, into New Mill Dike. This is supported by the LLFA and planning officers. However, this is caveated by the applicant that agreement from neighbouring land owners will be necessary. If this is not achieved, a pumped solution into the combined sewer on Holmfirth Road is proposed. This raises concerns from the LLFA as it has not been satisfactorily justified and is to be prevented via condition.

- 10.41 Subject to the development been done in accordance with the submitted FRA, with an exemption regarding a pumped solution, officers consider the proposal to comply with LP27 and LP28 of the KLP and Chapter 14 of the NPPF.

Mineral safeguarding

- 10.42 Mineral resources are finite, and their extraction can only take place where the minerals naturally occur. The site falls within a mineral safeguarded area. LP38 requires all such developments, bar certain exemptions, to demonstrate that:
- a) *the mineral concerned is proven to be of no economic value as a result of the undertaking of a Mineral Resource Assessment; or*
 - b) *the development will not inhibit mineral extraction if required in the future; or*
 - c) *there is an overriding need for the development; or*
 - d) *the mineral can be extracted prior to the development taking place*

- 10.43 Notwithstanding the above, the site is small in scale and largely surrounded by residential development. There is considered limited prospect for the extraction of minerals to take place because of the detrimental impacts such an operation would put upon residential amenity and highway safety. Accordingly, officers are satisfied that the proposal does not conflict with LP38.

Trees and ecology

- 10.44 The site is a grassed field. At present it is considered to be of limited ecological value and therefore Ecological Impact Assessments were not deemed necessary. However, policy seeks for development to provide a net enhancement to local ecology. The proposal includes a dedicated 'ecological enhancement zone', which is welcomed. To ensure a robust and evidenced approach to the site's enhancement, a condition for an Ecological Design Strategy is proposed. This is to comply with the aims of LP30 of the KLP.
- 10.45 Along the site's east boundary is woodland owned by the council. The submitted arboricultural information demonstrates that the proposal would not harm the trees as existing. This is subject to the development being undertaken in accordance with the submitted Method Statement, securable via condition. Conversely, K.C. Trees have raised concerns over future relationships between unit 1 and these trees. As the trees continue to grow in height, they are anticipated to cause nuisance upon residents (i.e. overshadowing, tree litter). This was previously considered in paragraph 10.26. This concern was raised with the applicant who moved plot 1 further from the boundary by 1.3m. To move it further would result in a cramped development, going against the design considerations assessed in paragraph 10.7 – 10.17. they also raised that the two closest trees to plot 1 are poor quality sycamores. Nonetheless, K.C. Trees maintain it as a possible future issue which may put pressure to fell / prune trees on the neighbouring land owner (currently the council). On balance, given that the proposal would not have any immediate detrimental impact upon the woodland, planning officers consider the material benefits of the proposal to outweigh the potential future maintenance implications. Accordingly, officers consider the proposal to comply with LP33.

Representations

- The site is a valuable open green space, the loss of which will harm the local area's visual amenity value. Holmefirth Road is becoming wholly built up, resulting in a loss of division between villages.
- Loss of attractive views.
- The proposed dwellings are visually unattractive and do not reflect the appearance of development within the area.
- The development will necessitate 'ugly and intrusive' retaining walls and earth works.
- Close boarded timber fencing, 1.8m in height, would not be suitable for the area. Stone boundary treatment should be used, to retain the rural character.

Response: The visual impact of the proposal has been considered within paragraph 10.7 – 10.17. As an unallocated land, officers are not opposed to the residential development of the site, subject to suitably designed properties. For the reasons given, officers consider the proposed layout would not be detrimental to visual amenity.

Several of the above points relate to Reserved Matters. It has been acknowledged in paragraph 10.14 and 10.15 that careful design will be needed to ensure the appearance and scale of the units (including retaining walls) do not appear incongruous. However, no prohibitive matters have been noted that would prevent such details being provided.

Boundary treatment forms a consideration of landscaping. Officers are not opposed to either timber or stone in principle and must reserved comments for a detailed scheme.

- The proposed access is opposite Moorcroft Park Drive, with is already dangerous due to traffic levels and poor sightlines. Holmefirth Road is busy and often the 30ph limit is broken.
- Concerns over future access onto Holme Lane, despite not being shown on plan. Also concerns over construction traffic accessing Holme Lane.

Response: A condition is imposed to prevent future connections onto Holme Lane and a Construction Management Plan will be sought.

- The proposal will lead to flooding in the area with a spring being claimed to be on site. The site is currently naturally drained, holding water before discharging into the river. The proposal will break this. Concerns over the content of the Drainage Strategy.
- Drains in the local area are in poor state of repair, the proposal will worsen this.

Response: The Drainage Strategy has gone through several iterations following feedback from the LLFA. The final version has addressed all their concerns and is considered acceptable, as detailed within paragraph 10.39. The claimed state of local drains is noted, but does not form a material consideration for this application. It is the responsibility of the appropriate authority to keep these maintained.

- Overbearing, overshadowing and overlooking will be caused upon neighbouring residents.

Response: The impact upon neighbouring residents has been considered within paragraphs 10.18 – 10.28. In summary, officers are satisfied that harmful overbearing, overshadowing and overlooking would not be caused due to the layout details. Appearance and scale, which will be factors of overbearing, overshadowing and overlooking, will be considered at Reserved Matters stage. Subject to appropriate details, officers do not consider there to be any prohibitive issues with these considerations.

- Neighbour properties layouts are wrong, or in some places are wholly missing from the plans. Local residents were not informed of the application by the applicants.

Response: The inaccuracies of the original plans were raised with the applicant. The amended plans were corrected. As a minor development, there is no requirement of pre-application consultation with local residents.

- Concerns over the public representation and who letters were sent to.

Response: Neighbour Notification Letters were sent to all residents adjoining the applications redline. Furthermore, the proposal was advertised via Site Notice and in a local paper (due to being adjacent to a PROW). The advertisements for the application are considered consist with the requirements of the Development Management Procedure Order 2015 (as amended) and Kirklees Council – Development Management Charter.

- A neighbouring dwelling has an outbuilding on the shared boundary. Access will be needed for maintenance.

Response: This forms a private legal matter between land owners.

- The site is of use to local ecology, with migratory birds landing within it. Unclear how the Ecological Enhancement Zone will be managed.

Response: The site is grassland lacking any ecological features of value in itself. An Ecological Design Strategy is to be sought, via condition, for the Ecological Enhancement Zone. As a result, officers are satisfied that the proposal will result in a net enhancement to local ecology.

11.0 CONCLUSION

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

11.2 The proposal seeks residential development on unallocated land. Policy supports residential development on windfall sites. While the density of the development is notably below that expected by LP7, such a density would not be appropriate on this site. Accordingly, the principle of residential development on the site is considered acceptable.

11.3 The application is at outline with layout and access. The proposal's layout and access impacts on relevant material planning considerations have been assessed and found to be acceptable. Regarding the reserved matters, officers do not consider there to be any prohibitive reasons which would prevent acceptable details coming forward at reserved matters application stage.

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.

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

1. Standard OL condition 1 (submission of reserved matters)
2. Standard OL condition 2 (implementation of reserved matters)
3. Standard OL condition 3 (reserved matters submission time limit)
4. Standard OL condition 4 (reserved matters implementation time limit)
5. Noise mitigation strategy, due to fronting Holmfirth Road
6. Reserved Matters of scale to include shadow plan
7. Sightlines onto Holmfirth Road provided, secured and retained
8. Parking / turning to be surfaced and provided
9. Details on works / alterations to Holmfirth Road retaining wall (Pre-commencement)
10. Restrict future accesses being formed onto Holme Lane
11. Submission and compliance with Construction Management Plan (Pre-commencement)
12. Secure domestic curtilages, to prevent flood zone encroachment
13. Ecological design strategy, for Ecological Enhancement Zone
14. Development to be done in accordance with Drainage Strategy
15. Notwithstanding the above condition, approval does not authorise a pumped surface water drainage solution
16. Development to be done in accordance with Arboricultural Method Statement
17. Procedure in case of unexpected contamination
18. Electric Vehicle charging points (1 per dwelling)

Note: Landscape to include details of waste storage

Note: Standard PROW informative

Note: Highway work informative

Background Papers

Application and history files

May be found at;

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2F93826>

Certificate of Ownership

Certificate B signed. Notice served on Mr Turner.