
Report of the Head of Planning and Development**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 05-Aug-2021**

Subject: Planning Application 2020/91186 Reserved matters application for erection of 20 dwellings pursuant to outline permission no. 2018/91198 for residential development land at, Westcroft, Honley, Holmfirth, HD9 3UL

APPLICANT

Worth Homes Ltd, M H
Mitchell, R H Mitchell, J S
Mitchell

DATE VALID

21-Apr-2020

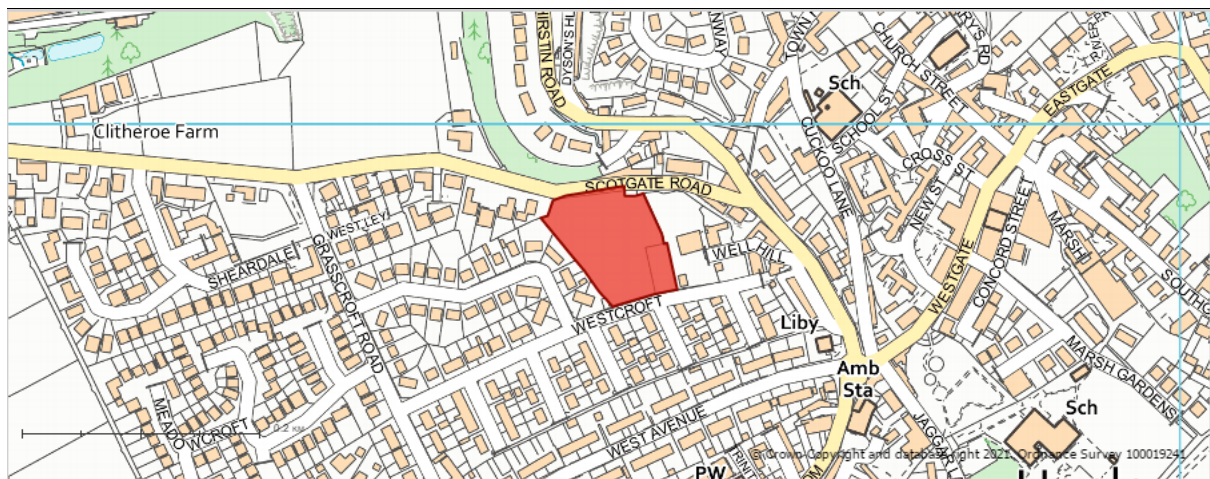
TARGET DATE

21-Jul-2020

EXTENSION EXPIRY DATE

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

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION: Approve the Reserved Matters

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report, and to secure a S106 agreement to cover the matter set out below:

1. Contribution towards sustainable travel measures (Metro Cards) (£10,180)

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 application is brought forward to the Huddersfield Sub-Committee in accordance with the resolution of the Sub-Committee when the Outline permission was approved.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises an area of 0.72 hectares, located off Westcroft in Honley. The land is undeveloped and is currently overgrown and bound by a stone wall along its frontage, which is in part a retaining structure. There is also a gated access to the site off Westcroft. The site gradually slopes upwards from Westcroft towards the north.
- 2.2 The site is flanked to the west by dwellings along with a small substation to part of the boundary. A substantial detached property borders the site to the east, with a line of trees along a proportion of the boundary. There are dwellings to the south on the opposite side of the road. The site extends northwards to Scotgate Road, which is located at a significantly lower level to the majority of the site, with a tree covered embankment adjacent to the road. Some of these trees in the northern part of the site are protected.
- 2.3 The south eastern corner of the site lies within the Honley Conservation Area, with the Conservation Area extending to the east and north of the site.

- 2.4 The vast majority of the site is allocated for housing in the Local Plan (HS171).

3.0 PROPOSAL:

- 3.1 The site has outline planning permission, which approved the principle of residential development only. This application is now seeking approval of the reserved matters, namely the scale, layout, appearance, access and the landscaping of the site.
- 3.2 The proposal is for 20 dwellings, which comprise of a mixture of detached, semi-detached and terraced dwellings. All of the dwellings are two storeys in height, with the exception of plots 11 and 12 which include accommodation within their roof space. The dwellings would be faced in natural stone and slate.
- 3.3 A simple priority junction would be formed off Westcroft and this would serve nineteen of the dwellings. One of the dwellings would have its own individual driveway onto Westcroft (plot 20).
- 3.4 A small area of landscaped amenity space is provided to the south western corner adjacent to the access; this area would include a new oak tree. A drystone wall would be formed to the site frontage and a new hedgerow to the western boundary would provide a buffer to the adjacent houses. Trees are to be retained to the northern part of the site and supplemented with new planting.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2018/91198 Outline application for erection of residential development – Approved by Huddersfield Sub-Committee 21/06/18
- 4.2 2018/91229 Works to TPO – Granted 10/05/18
- 4.3 2020/91698 Tree Notification - Dead or Dangerous Tree within a Conservation Area – Noted
- 4.4 2015/91391 Outline application for erection of detached dwelling with integral garage – Approved
- 4.5 2012/91139 Extension to time limit to previous permission 2009/91432 for outline application for erection of one dwelling with integral garage
- 4.6 2009/91432 Outline application for erection of one dwelling with integral garage – Approved
- 4.7 2006/95398. Outline application for 17 no dwellings. Refused as a greenfield site, when other brownfield sites were available and a 5 year supply of deliverable housing sites was deemed to be available. This was in accordance with guidance within PPG3 (Housing 2006). This has been superseded by the NPPF.
- 4.8 93/0082 Outline application for residential – Refused, and subsequent appeal dismissed.

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

- 5.1 The original proposal was for 24 dwellings, but this has been reduced to 20 so as to provide a more spacious development. There have been design changes to the dwellings, including a reduction in the number of three storey properties and improving the relationship between plot 1 and Westcroft.
- 5.2 The revised layout has mitigated the impact on existing dwellings whilst also addressing concerns with the dominance of parking within the street scene. Additional separation has also been provided between new dwellings and protected trees to the north. The size of plots 7-10 has been increased so as to comply with Nationally Described Space Standards.
- 5.3 Additional information has been submitted to support the highways, drainage, trees and ecological assessments.
- 5.4 A formal pre-application enquiry was submitted for 24 dwellings and as part of this, advice was provided on matters relating to layout, scale, appearance, access and landscaping as well as heritage issues.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
- 6.2 The site comprises housing allocation HS171 within the Kirklees Local Plan plus a small area of unallocated land that falls within the Honley Conservation Area.

6.3 Kirklees Local Plan (2019):

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP7 – Efficient and effective use of land and buildings
LP11 – Housing Mix and affordable housing
LP20 – Sustainable travel
LP21 – Highway safety and access
LP22 – Parking standards
LP24 – Design
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP35 – Heritage
LP65 – Housing allocations

6.4 Supplementary Planning Guidance / Documents:

Highway Design Guide SPD
Open Space SPD
Housebuilders Design Guide SPD

6.5 Neighbourhood Development Plans

The Holme Valley Neighbourhood Development Plan has reached an advanced stage of preparation and the independent Examiner's Report has been received. Although the plan has yet to be subject to a referendum in the affected area, it is a material planning consideration in decision making and weight has been attributed in accordance with NPPF (July 2021) paragraph 48.

The emerging Policies relevant to this application which are to be put forward to referendum, including key considerations from these Policies, are:

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

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

Policy 6: Building Homes for the Future General Principles.

Includes "Housing should be suitable in terms of design, house size and tenure; adequate parking for residents and visitors; proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character; All major housing development schemes should demonstrate how they address the identified local housing need of the Rural West sub-area in terms of density, size, tenure and type of development."

Policy 12: Promoting Sustainability.

"All new buildings should incorporate technologies which generate or source energy from renewable, low carbon sources"

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain.

Includes "All development proposals should demonstrate how biodiversity will be protected and enhanced".

6.6 National Planning Guidance (NPPF, 2021):

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

6.7 Other material considerations:

Kirklees Interim Affordable Housing Policy (January 2020)
Biodiversity Net Gain Technical Advice Note
Planning Practice Guidance

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been subject to two separate rounds of formal publicity. The first round of publicity was undertaken in 2020 and related to the original 24 dwelling scheme. The second round of publicity was undertaken in March 2021 and publicised the current scheme for 20 dwellings.

7.2 A total of 20 representations have been received – 12 representations in response to the first publicity period and 8 representations in response to the second round of publicity.

7.3 A summary of the comments received to the first round of publicity is provided below:

- 24 dwellings exceeds the site's indicative capacity in the Local Plan and this is more than what was indicated at outline stage
- Houses are too close to the Conservation Area and will be visible from the Conservation Area to the north, especially because some of them are three storey properties
- Development will reduce the green buffer to the Conservation Area to the north. Gardens backing onto Scotgate Road would have a detrimental impact on the Conservation Area as a result of rear boundary treatments, which would be set above Scotgate Road, and the likelihood that the gardens will be developed in the future with decking etc. Rear boundary fencing will also negatively impact on the outlook from properties on the opposite side of Scotgate Road.
- Less green/open space than was indicated at outline stage
- Object to the location of specific parking spaces close to existing property
- Housing on the site will detrimentally affect the character of the area
- Three storey houses not in keeping with the area
- Development is too close to existing houses
- Loss of privacy
- Loss of light/overshadowing

- Impact of development on residential amenity is exacerbated by some of the properties being three storeys. Properties with a lower roof line would be more acceptable.
- Impact on wildlife, including bats
- Concerns with the loss of trees on the site and impact of proposal on viability of trees to be retained
- A number of trees on the site require attention and need to be removed carefully and should be replaced
- All tree works should be undertaken by a qualified professional
- Impact on local infrastructure and services such as schools and doctors
- Impact of additional traffic on road network
- Unclear what the proposed facing materials are. Natural stone is appropriate given proximity to Honley Conservation Area
- Noise and disturbance from this number of houses
- Concern with impact on drainage (previous problems with sewer disposal on Westcroft when new housing was built)
- Development should include a surfaced pedestrian/cycle link to Scotgate Road. This is important because Scotgate Road is a route to school which is unsafe and unattractive. It is narrow, with on-street parking, without a continuous footway, and used as a rat-run. Its footway ends at the point where it would be met by a link from the development. The provision of this link would create a safe route to school via Westcroft.
- Start and finish times for building must include contractor start up and close down and not extend beyond the times stated for the benefit of surrounding residents
- Boundary treatments to existing property should be retained

7.4 A summary of the comments received to the second round of publicity is provided below:

- The total number of dwellings as amended still exceeds the site's indicative capacity in the Local Plan
- Welcome the reduction in the number of dwellings from 24 to 20
- The removal of three storey dwellings backing onto the existing houses to the west and the orientation of these dwellings addresses previous concerns with overlooking and loss of privacy
- Welcome the reduction in the number of houses but the amended layout increases overlooking

- Concern that the amended layout provides scope for additional development in the future, such as the landscaped area adjacent to plot 19
- The development, including garden areas and potential boundary fencing, will be visible from Scotgate Road to the north and will have a detrimental impact on the appearance of the Honley Conservation Area
- A foot and cycle link should be provided through the site from Westcroft to Scotgate Road; this would improve opportunities for active travel, access to the nearby woods and countryside as well as improving road safety
- Concern that the condition of one of the existing trees adjacent to Scotgate Road is such that it will fall and threaten adjacent property. This tree gets caught by high vehicles which leaves debris in the road and there are concerns that the development will weaken it, thus potentially increasing the likelihood of it falling. Request that the developer applies to remove this tree.
- A number of trees on the site have already been removed
- Concern that the tree within plot 20 will be retained because it overhangs the road
- Loss of outlook
- Loss of privacy
- Development will increase traffic within the village and prejudice highway safety, especially when considered with other developments that have been built/are being built in Honley
- Impact on local infrastructure and services such as schools and medical providers
- Loss of green space
- Loss of habitat for wildlife
- The road infrastructure of Honley cannot cope with the additional houses
- Garden fences should allow for the free movement of hedgehogs
- Properties should be provided with a compost bin
- Start and finish times for building must include contractor start up and closedown and not extend beyond the times stated for the benefit of surrounding residents
- What assurances are there that the drainage tanks being put in will be adequate and how do they work?
- Unclear what the facing materials will be

- 7.5 Holme Valley Parish Council – Support in principle but query whether the density of the development is appropriate; expect that there is a proportionate mix of affordable housing, - five of twenty, - and that ongoing plans include arrangements for renewable energy sources (solar panels, district heating &c) as described in the Holme Valley Parish Council draft Neighbourhood Development Plan.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management - No objection subject to conditions

KC Lead Local Flood Authority - No objection

8.2 Non-statutory:

KC Conservation and Design – The development would cause slight harm to the setting of the Conservation Area although the layout, facing materials, retention of mature trees, topography and boundary treatment all help to mitigate the impact. The slight harm that has been identified and the public benefits to outweigh this harm should be demonstrated by the applicant.

KC Trees – No objection

KC Ecology Unit - No objection

Yorkshire Water – No objection

Police Architectural Liaison Officer – No objection

9.0 MAIN ISSUES

- Background
- Layout
- Scale
- Appearance
- Access
- Landscaping
- Heritage
- Drainage
- Trees
- Ecology
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Background

- 10.1 The application site comprises housing allocation HS171 in the Kirklees Local Plan plus an additional piece of land to the south east that has previously had outline planning permissions for the erection of one dwelling – most recently in 2015.
- 10.2 The application site has outline permission for residential development and the applicant is now seeking approval of the layout, scale, appearance, access and landscaping of the site (the 'reserved matters').

Layout:

Density and housing mix

- 10.3 Housing allocation HS171 has a gross site area of 0.64 hectares and a net developable area of 0.44 hectares when protected trees are removed from the developable area. The indicative capacity of the allocation is 15 dwellings.
- 10.4 The application site comprises an area of 0.72 hectares with the inclusion of the unallocated parcel of land to the south eastern corner.
- 10.5 The proposal is for a total of 20 dwellings. There are effectively 19 dwellings on the housing allocation and a single dwelling on the unallocated portion of the site. The density of development equates to 38.5 dwellings per hectare based on the developable area of the housing allocation plus the additional piece of land to the south east.
- 10.6 The number of dwellings has been reduced from 24 during the application process. Officers sought to decrease the quantum of development because it was considered that the original scheme was overly cramped and resulted in unacceptable relationships with neighbouring properties, gave rise to an overdominance of vehicular parking within the street scene and would have been likely to prejudice protected trees through additional pressure to fell or prune because of the proximity of dwellings to trees.
- 10.7 The proposed density of development exceeds the indicative capacity of the housing allocation. Officers have no objection to this in principle, provided that the development satisfies all relevant planning considerations, particularly with regards to the impact on protected trees, which the Local Plan identifies as the principal constraint to developing the land. Furthermore, the provision of additional housing over and above the site's indicative capacity represents an efficient use of housing land which would boost the supply of housing in the District. Optimising the potential of a site to accommodate new housing is supported by Policy LP7 of the Local Plan and guidance in the NPPF. It would also be consistent with Policy 6 of the emerging Holme Valley Neighbourhood Plan.
- 10.8 The proposed layout provides a mixture of house types and sizes. There is a combination of terraced (4no.), semi-detached (8no.) and detached (8no.) house types providing between 2 and 5 bedroom properties. This housing mix is considered to be acceptable and as such the application is deemed to be in compliance with Policy LP11.

Residential Amenity

- 10.9 There are existing dwellings to the west, which back onto the application site, and comprise two storey properties and dormer bungalows. The new dwellings that back onto the western boundary are all two storeys in height and the submitted plans show that the new houses would be set at a lower level to these existing properties. Separation distances between new and existing dwellings would be at least 21m and the orientation of the dwellings further helps to mitigate any potential for direct overlooking. The rear elevations of the new houses would be at least 10.5m from the existing gardens to the west and a new hedgerow along the western boundary would provide a landscaped buffer. The amended layout has significantly improved the relationship with the existing houses to the west of the site and as such officers are now satisfied that the development would provide an acceptably high standard of amenity for existing and future residents.
- 10.10 There is a substantial detached property to the east of the site (No.9 Well Hill), which is set at a lower level to the development. The closest new dwelling is plot 20, which is offset from 9 Well Hill and has its side elevation facing onto the shared boundary. There are also a small number of new dwellings that would back onto this existing property at distances of 23m-27m. Some screening would be provided along the boundary by an existing hedgerow and trees, which would be supplemented with some new planting and timber fencing. Officers consider that the relationship with the property to the east to be acceptable.
- 10.11 There are also existing dwellings opposite the site on Westcroft. The nearest dwellings on Westcroft are side-on to the site and include an attached garage to their side elevation. New dwellings are separated by approximately 19m and 28m from the attached garages, which ensures ample separation.
- 10.12 To the rear of the site is Scotgate Road and there are a handful of dwellings that lie opposite the site and front directly onto the highway. These properties are set at a much lower level to the application site. The existing houses would be separated by an undeveloped green buffer, with the gardens of the new dwellings then providing physical separation between the buildings. Separation distances between habitable windows would be in the order of 21m to 27m. Existing trees within the northern part of the site, some of which are protected, along with new tree planting in this location would also help to screen the new dwellings from the nearest houses on Scotgate Road. Officers consider that these factors are such that the development would not unduly the amenity of neighbouring properties to the north.
- 10.13 It is recommended that permitted development rights are withdrawn for extensions and additions to the dwellings so as to protect the amenity of neighbouring occupiers.

Visual amenity

- 10.14 The proposed layout provides pockets of open space which would help to enhance the overall quality of the development. The south western corner of the site would form an area of amenity space immediately adjacent to the main access off Westcroft, which would provide a degree of openness to the

development. A newly planted oak tree is proposed within this area and would provide an attractive feature within the street scene. The northernmost part of the site would be undeveloped and would form a grassland/wildflower area with trees. This would help to soften the edge of the development as viewed from Scotgate Road and the Honley Conservation Area.

- 10.15 The reduction in the number of dwellings has allowed for a somewhat more spacious form of development and has enabled the amount of parking to the front of dwellings to be reduced and broken up with landscaping. Parking spaces have been provided to the sides of some of the dwellings and other spaces provided in tandem form to mitigate the prominence of parking within the development. This has improved the design of the scheme.
- 10.16 In conclusion, officers consider the proposed layout to be acceptable and in this regard the application accords with Policies LP7, LP11 and LP24 of the Kirklees Local Plan as well as guidance in the NPPF. It would also be consistent with Policy 2 of the emerging Holme Valley Neighbourhood Plan.

Scale

- 10.17 All of the proposed dwellings are two storeys in height, except for plots 11 and 12 which include an additional floor of accommodation within their roof space. Plots 11 and 12 are located towards the back (north) of the site and lie at the head of the estate road cul-de-sac.
- 10.18 The surrounding area is predominantly characterised by traditional two storey dwellings along with dormer bungalows. The proposed two storey dwellings are therefore in keeping with the character of the area. The three storey properties have been designed to minimise the additional height through the inclusion of an asymmetrical roof. As a result, the dwellings appear as two storey houses at the front. The eaves height is raised at the rear of these plots although the additional bulk and mass is not significantly different to a two-storey dwelling. In officers' opinion, the design and location of the three storey dwellings is such that plots 11 and 12 would not appear unduly prominent.
- 10.19 Turning to the size of the dwellings, the government's Nationally Described Space Standards (NDSS) deals with internal space within new dwellings. Although not adopted policy in Kirklees, the Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers – as set out within the Housebuilders Design Guide SPD.
- 10.20 All of the proposed dwellings comply with Nationally Described Space Standards.
- 10.21 In addition, all the dwellings would have a suitable amount of private outdoor amenity space.
- 10.22 In summary, officers consider that the scale of the proposed development is acceptable and satisfies policy LP24 of the Kirklees Local Plan and guidance in the NPPF. It would also be consistent with Policy 2 of the emerging Holme Valley Neighbourhood Plan.

Appearance

- 10.23 The proposed dwellings have a consistent design theme but with some variation provided across the different house types. The topography of the site also helps to introduce some variety to the appearance of the dwellings, with the houses stepping up in height from front to back. This includes, for example, plots 1 and 2 which comprise a pair of semi-detached dwellings that are set at different levels to one another. Certain dwellings, for example plot 6, help to provide breaks within the building line and other dwellings incorporate recessed elements to the side which provides some depth to these properties.
- 10.24 Plot 1 occupies a prominent corner position at the entrance to the development and immediately adjacent to Westcroft. This dwelling is side-on to Westcroft and officers have secured an amendment to the design of this dwelling to improve the interface with the street scene. This has been achieved by having a series of windows, including main habitable, secondary and non-habitable windows, in the side elevation to give this dwelling an active elevation and provide visual interest.
- 10.25 The proposed facing materials are natural stone and slate, which is considered appropriate given that a small part of the site falls within the Honley Conservation Area and much of the remainder of the site is immediately adjacent to the Conservation Area.
- 10.26 In conclusion, the appearance of the development is considered acceptable and in accordance with Policies LP24 and LP35, as well as guidance in the NPPF. It would also be consistent with Policy 2 of the emerging Holme Valley Neighbourhood Plan.

Access

- 10.27 Two points of access are proposed off Westcroft. There would be a main access in the form of a simple priority junction that would serve 19 of the dwellings and a private drive serving plot 20. Appropriate visibility is provided from the access points and Highways Development Management consider the proposed points of access to be acceptable.
- 10.28 Within the site, there would be an adoptable estate road that culminates in a turning head with two shared private drives spurring off. The applicant has demonstrated that there is sufficient space for vehicles to manoeuvre, including a refuse vehicle. A condition requiring detailed design of the adoptable estate road is recommended.
- 10.29 Bin collection points are indicated at the start of each of the shared private drives. A condition requiring details of the bin storage and collection points for all the dwellings is recommended and temporary refuse collection arrangements during the construction phase.
- 10.30 Each of the dwellings has an acceptable level of private parking and visitor parking spaces are also provided.

- 10.31 Based on the above, the application is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan. It would also be consistent with Policy 6 of the emerging Holme Valley Neighbourhood Plan.

Landscaping

- 10.32 To the southern site boundary, a drystone wall would be provided to the site's frontage which would tie the development in with the existing drystone retaining wall that runs to the east of the site down Westcroft. Part of this wall would provide a retaining function. The new wall would also extend around the return to the main access, enhancing the appearance of the site entrance. The provision of this wall can be conditioned. A drystone wall to the site frontage would be consistent with Policy 2 of the emerging Holme Valley Neighbourhood Plan.
- 10.33 To the west of the site, there is an existing wall to the boundary with the houses on Westcroft. This wall would remain in situ and a new hedgerow planted alongside it that would extend almost to Scotgate Road. This hedgerow would help to provide a green buffer between new and existing houses.
- 10.34 To the north of the site is an 'ecological enhancement zone'. This area occupies the north western corner of the site and a circa 2m wide strip of to the rear of plots 10-13. It would form an area of a grassland and wildflowers and contain numerous existing trees supplemented with new tree planting. This feature of the development is within an existing vegetated embankment and it would therefore help to retain some of the existing character of Scotgate Road.
- 10.35 The gardens of plots 10-13 would extend up to the ecological enhancement zone and would be enclosed by a 1.8m hit and miss timber fence. This section of fencing would be parallel to Scotgate Road and would extend for approximately 35m. The fencing would be set up from Scotgate Road, although it would be set in from the roadside by around 2m which would mitigate its prominence. The same type of fencing would also enclose the rear boundaries of plots 7-9 but here the fencing would be set back from Scotgate Road by around 6-7m. The fencing lies within the crown spread of several protected trees and so in terms of construction it represents a low impact form of boundary treatment in this part of the site, in comparison to a wall for example. Officers do not consider that the proposed fencing in this location would unduly harm the appearance of the Conservation Area.
- 10.36 An existing hedgerow would be retained to the east of the site which would form the boundary with plot 20. Timber fencing would be provided to the boundaries of plots 6 and 7 where they adjoin the eastern boundary.
- 10.37 Within the site, rear gardens would be separated by 1.8m fencing. Some plot boundaries would include a low retaining wall in response to the topography of the site. A condition requiring retaining walls within the site to be faced in stone to match the dwellings is recommended.
- 10.38 As discussed earlier within this appraisal, an area of amenity space is to be provided to the south western corner of the site and an oak tree would be planted in this area. Other tree planting would be provided within front and rear gardens as well as adjacent to the visitor parking spaces.

- 10.39 Overall, the scheme provides a good amount of soft landscaping that would soften the appearance of the development and help assimilate it within the surrounding area. The drystone wall to the site frontage would also help in this regard. As such, the application is considered to satisfy Policy LP24.

Heritage

- 10.40 The Honley Conservation Area extends to the north and east of the site and takes in the south eastern corner of the site where plot 20 is proposed as well as a narrow strip of land along the northern edge of the housing allocation adjacent to Scotgate Road. At the eastern end of Westcroft is a short terrace of four Grade II listed weaver's cottages dating to the early-mid 19th century. In addition, one of the identified constraints of the housing allocation is that it is within an area that affects the setting of Castle Hill scheduled monument and the Grade II Listed Victoria Tower, which is roughly 2.5km to the north east.
- 10.41 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states "with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." While most of the site does not fall within the Honley Conservation Area, the proximity of the site to the Conservation Area means that it would directly impact its setting. Section 66(1) of the Act requires local planning authorities to have special regard to the desirability of preserve the setting of listed buildings.
- 10.42 Chapter 16 of the NPPF provides guidance in relation to conserving and enhancing the historic environment and Policy LP35 of the Local Plan relates to the historic environment. Policy LP35 underlines the specific need to preserve the setting of Castle Hill.
- 10.43 The Council's Conservation and Design team have assessed the application. It is considered that the visibility of the site from the north would be limited by the fact that the new dwellings would be set back from Scotgate Road and obscured by trees. Harm to the setting of this part of the Conservation Area would therefore be slight, and this would be mitigated somewhat by the proposed facing materials which would reflect the local characteristics.
- 10.44 The site is bound by 9 Well Hill to the east, with the site boundary forming the boundary with the Conservation Area. Vistas from within the Conservation Area to the east of the site are restricted. When viewed from Cuckoo Lane on the opposite hillside within the Conservation Area, the proposal site is hidden behind mature trees and other developments, and from Thirstin Road the view is similarly limited.
- 10.45 Plot 20 is located directly within the Conservation Area and the principle of development in this location has already been accepted through previous applications.
- 10.46 The retention of existing trees and planting of new trees along with the construction of a drystone boundary wall on the southern boundary will soften the view of the development and minimise its impact on the setting of the Honley Conservation Area.

- 10.47 Officers consider that the impact of the development on the Conservation Area would be slight, and this harm would be outweighed by the wider public benefits of delivering new development on this housing allocation.
- 10.48 Turning to the nearby listed buildings to the east of the site, the protected mature trees along with the garden of 6 Well Hill, provide a visual buffer between the development and the listed buildings. A detached dwelling to the south of 8 Well Hill, approved in 2019 (2019/93994), would provide a further physical buffer if constructed. As such it is considered that the development would have no discernible impact on the setting of these listed buildings.
- 10.49 With respect to the impact on the setting on Castle Hill, it is considered that the development's position within an already built-up area and the site's topography, which is lower than neighbouring development to the west, would serve to significantly limit any potential harm.
- 10.50 Based on the above it is considered that the application complies with Policy LP35 of the Local Plan and guidance in the NPPF.

Drainage

- 10.51 Detailed drainage design is covered by a condition on the outline consent. However, given that layout is one of the matters under consideration, it is necessary to consider whether the proposal has made sufficient space for surface water drainage. The applicant has provided a drainage design which shows that surface water would be attenuated on-site within a tank below the amenity space in the south west corner of the site. Kirklees Lead Local Flood Authority (LLFA) raise no objections to the proposed layout.
- 10.52 The applicant has also submitted a temporary drainage scheme for the construction phase as part of the reserved matters application. The LLFA has confirmed that this is acceptable. A condition is recommended requiring the development to be carried out in accordance with the proposed temporary drainage scheme.

Trees

- 10.53 Amendments to the proposed site layout have addressed the tree officer's initial concerns regarding the proximity of dwellings to protected trees. The potential for pressure to arise to prune or fell trees in the future has therefore been mitigated to an acceptable extent.
- 10.54 The applicant has also provided an acceptable Arboricultural Method Statement that details how the development will be carried out without prejudicing protected trees.
- 10.55 New tree planting is to take place within the site which will help to compensate for the loss of existing trees, including a tree within the middle of the site that was planted relatively recently and replaced a protected sycamore that had been legitimately removed under a tree work application.

- 10.56 An oak tree would be provided to the site frontage within an area of amenity space and structured tree planting is proposed within the undeveloped area of land to the north of the site. New trees are also shown within private curtilage. Full details of the proposed tree planting, including the number, size, species and when they are to be planted can be secured by condition. It will also be necessary to ensure that the replacement trees are retained in the future; initially this can be controlled by a standard planning condition, but it is likely that formal protection through an amendment to the existing Tree Preservation Order will be required to achieve this.
- 10.57 The tree officer has recommended that further compensatory tree planting be provided within the amenity space in the south western corner of the site. This area would include the attenuation tank which constrains the potential of this area to accommodate further trees because of the need to avoid planting over the tank to protect it from potential damage from tree roots. As such, it is not considered that there is any scope to provide further planting, especially because any additional trees would need to be set away from the oak tree to provide light and space to grow.
- 10.58 In summary, it is considered that the development satisfies Policy LP33 of the Local Plan.

Ecology

- 10.59 The application is supported by a Landscape and Ecological Management Plan (LEMP), which details a series of measures to deliver biodiversity mitigation and enhancement. It is also supported by a Construction Environmental Management Plan (CEMP), which details how the construction will be carried out whilst minimising the impact on biodiversity.
- 10.60 The scheme includes several features to enhance biodiversity. These include a hedgerow along the full length of the western boundary that will provide a connective corridor for wildlife and will link to the proposed 'ecological enhancement zone' to the north. This enhancement zone would provide grassland and wildflower habitat and new tree planting (details of the planting to be secured by condition). Boundary fencing would allow for hedgehog movement.
- 10.61 Within the amenity space to the front of the site, a new oak tree and hedgehog hibernaculum would provide enhancement and bat and bird boxes are to be provided on a number of the proposed dwellings.
- 10.62 The Council's Ecologist has not raised any objection to the submitted details and the application is considered to comply with Policy LP30 of the Kirklees Local Plan as well as being consistent with Policy 13 of the emerging Holme Valley Neighbourhood Plan. Conditions are recommended requiring the development to be carried out in accordance with the LEMP and CEMP as well as a condition requiring the retention of the hedgerow to the western boundary.

Planning obligations

- 10.63 Affordable housing, open space and education requirements are all secured through conditions on the outline permission. The applicant is required to discharge these conditions through a separate application and this will also require a Section 106 agreement.

- 10.64 Based on the layout that has come forward, the development will be required to provide four affordable dwellings (representing 20% of the total number of units). The applicant has indicated that the four terraced dwellings would be offered as the affordable units. These are two bed dwellings and would help to meet the identified need for smaller affordable properties in Holme Valley North; this would be consistent with Policy 6 of the emerging Holme Valley Neighbourhood Plan.
- 10.65 A small amount of on-site open space is provided within the proposed layout however the development will be required to provide an off-site sum to fully meet its obligations in terms of Policy LP63 of the Local Plan. Based on the proposed layout, the off-site contribution would be in the region of £30,000.
- 10.66 The quantum of development as proposed falls below the threshold for an education contribution.
- 10.67 Measures to promote sustainable travel were not secured at outline stage and as such it is considered necessary for this to be addressed through the current reserved matters application. A contribution of £10,180 towards Metro Cards, to promote the use of public transport by occupiers of the development, is to be secured via a Section 106 agreement.

Representations

- 10.68 A total of 20 representations have been received – 12 representations in response to the plans for 24 dwellings and 8 representations in response to the amended plans for 20 dwellings. The concerns raised have been summarised at section 7 of this report.
- 10.69 Issues raised in relation to the principle of development on the land and the loss of green space are not germane to this application. The principle of development has already been established by the outline consent and most of the site is now allocated for housing in the Local Plan.
- 10.70 Similarly, it has already been accepted that the site would generate a certain level of traffic movements. The proposed quantum of development is consistent with that indicated at outline stage and it is considered that the level of traffic can be safely accommodated on the local highway network. It is not considered that the scale of development requires any off-site highway mitigation measures.
- 10.71 Matters relating to the density of development, heritage impacts, residential amenity, urban design, trees, ecology and drainage have all been addressed within this appraisal.
- 10.72 Of those matters that have not been addressed, an officer response is provided as follows:

- Impact on local infrastructure and services such as schools and doctors

Officer response: The application is solely seeking approval of the reserved matters (layout, scale, appearance, landscaping and access) and consideration of the impact on local infrastructure does not fall to be considered.

- Noise and disturbance from this number of houses

Officer response: The proposal is for housing within an established residential area and so the proposed use of the site is compatible with its surroundings.

- Development should include a surfaced pedestrian/cycle link to Scotgate Road. This is important because Scotgate Road is a route to school which is unsafe and unattractive. It is narrow, with on-street parking, without a continuous footway, and used as a rat-run. Its footway ends at the point where it would be met by a link from the development. The provision of this link would create a safe route to school via Westcroft.

Officer response: This issue was also raised at outline stage. The applicant has commented as to why such a link would be unsuitable:

“The gradient of the site means the footpath would be steep and would have to traverse the full width of the site. The construction of any footpath would require major engineering works, which would be challenging within the root protection area of the trees. The main concern is that there is no footway adjacent to the Scotgate Road, so a footpath down the bank would end abruptly in the carriageway, which would impact on highway safety. The sloping nature of the site would add to this safety issue. Furthermore, a public footpath through the site would be contrary to Secure by Design Principles, where public access in egress into a site should be restricted to areas with good natural surveillance. It should also be noted that currently there is no access through the site so the development will not be closing off any formal or informal routes.”

Officers have accepted the applicant's justification for not providing a link to Scotgate Road.

- Start and finish times for building must include contractor start up and close down and not extend beyond the times stated for the benefit of surrounding residents

Officer response: A condition requiring a construction management plan (CMP) to mitigate the impact of construction activities on local residents is recommended. The applicant has sought to provide such a plan as part of the reserved matters but the CMP in its current form is unacceptable for residential amenity purposes.

- Concern that the amended layout provides scope for additional development in the future, such as the landscaped area adjacent to plot 19

Officer response: The area of public open space within the site would be designated as such and therefore benefit from protection. Planning permission would be required for any additional houses and is likely to be resisted.

- Concern that the condition of one of the existing trees adjacent to Scotgate Road is such that it will fall and threaten adjacent property. This tree gets caught by high vehicles which leaves debris in the road and there are concerns that the development will weaken it, thus potentially increasing the likelihood of it falling. Request that the developer applies to remove this tree.

Officer response: this is outside the scope of matters assessed by this application.

Other matters

- 10.73 The Police Architectural Liaison Officer has not raised any objections to the proposals.
- 10.74 Electric vehicle recharging points are required for the development – as stipulated by condition 7 of the outline permission. The applicant has indicated recharging points on the site layout plan, but the information provided to date is insufficient for the details to be approved as part of this application. The applicant will need to submit amended details – either as part of this application or through a separate discharge of condition application.
- 10.75 Condition 13 on the outline permission requires a construction management plan for traffic. The applicant has provided an acceptable construction traffic management plan for traffic as part of this application, which can be approved and will fulfil the requirements of the condition.

Climate change

- 10.76 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.
- 10.77 As part of this application, a contribution to promote sustainable travel measures is to be secured. The development is required to be provided with electric vehicle recharging points. These measures will help to mitigate the impact of this development on climate change.
- 10.78 Policy 12 of the emerging Holme Valley Neighbour Hood Plan promotes sustainability and seeks for all new buildings to incorporate technologies which generate or source energy from renewable, low carbon sources. Holme Valley Parish Council has made similar comments in their representation. To address this matter a condition is recommended requiring details of a scheme for such measures to be incorporated into the development. This would help to mitigate the impact of the development on climate change.

11.0 CONCLUSION

- 11.1 The proposal delivers an efficient use of this land whilst protecting the viability of protected trees and ensuring an acceptability high standard of amenity for existing and future residents. The proposed layout and access arrangements would not harm highway safety and the applicant has demonstrated that the layout provides sufficient space for the proposed drainage arrangements. The development incorporates a range of measures that would deliver a net biodiversity gain.
- 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.
- 11.8 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Development in accordance with approved plans
2. Approval of samples of natural stone and slate to be used for facing materials
3. Submission and approval of a construction plan for residential amenity is this already on the outline
4. Development in accordance with the highway measures set out in the submitted Construction Management Plan
5. Development in accordance with the submitted temporary drainage arrangements
6. Development in accordance with the submitted Arboricultural Method Statement
7. Development in accordance with the submitted Landscape and Ecological Management Plan
8. Development in accordance with the submitted Construction Environmental Management Plan
9. Detailed design of the adoptable estate road
10. Details of bin storage and presentation points
11. Details of temporary refuse bin collection arrangements during the period of construction
12. Private vehicle parking areas surfaced and drained
13. Detailed specification of all new tree and hedgerow planting
14. Retention of the new tree and hedgerow planting and details of future maintenance arrangements
15. Front boundary wall constructed of natural stone
16. Retaining walls faced in material to match the dwellings

17. Removal of permitted development rights for extensions and outbuildings
18. Scheme for low carbon energy technologies to be incorporated into the development

Background Papers:

Application and history files.

Link to application details:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91186>