

Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

Ward Councillors consulted: Yes

Public or private: Public

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

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

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

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

2.0 SITE AND SURROUNDINGS:

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

3.0 PROPOSAL:

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

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

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

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

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

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

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

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

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

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

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

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

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

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

- An appropriate landscape scheme should be employed, including boundary treatment.
- To protect residential amenity, suitable separation distances should be proposed between new dwellings as well as with 1c New Mill Road and Glen View.
- The proposed highway design should be designed to adoptable standards in accordance with the guidelines of the Highway Design Guide Supplementary Planning Document.
- Depending on the scale of development, planning obligations may be sought in relation to affordable housing, education, public open space and modes of sustainable travel.
- Advice provided regarding noise (in relation to New Mill Road), air quality, land contamination, minerals safeguarding and drainage.
- Consideration of the ecological constraints as the site falls within a bat alert area, swift nesting area, adjacent to and surrounded by several Habitat Networks, with Pentlands having a recorded bat roost within it.
- Development will facilitate the removal of trees but are not worthy of a Trees Preservation Order and there is no objection to their removal. However, suitable mitigation through replacement planting should be proposed within a landscape strategy.

- 5.2 In email dated 11th August 2020, officers raised concerns regarding the initial planning application proposal for 25 dwellings. Officers believed that the advice provided within the pre application enquiry letter had been overlooked and that the proposal for 25 dwellings was 'overdevelopment' and could therefore, not be supported.
- 5.3 In response to the above officer concerns, the applicant submitted a number of sketch plans showing 23 dwellings. Officers from Development Management held discussions with the applicant team and provided a number of comments in an email dated 25th August 2020, expressing concerns in relation to density, design, amenity, character and masterplanning.
- 5.4 Further initial sketches were provided showing 21 dwelling houses and a number of phone discussions and emails have been exchanged between officers and the applicant team (the main ones dated 8th September 2020, 9th September 2020, 17th September 2020, 18th September 2020, 5th October 2020, 7th October 2020). Concerns were raised regarding design, masterplanning and amenity. Officers also considered the proposed highway layout had not been designed to an adoptable standard and that there were issues regarding bin storage and collection; refuse vehicle manoeuvring; visitor car parking spaces and forward visibility.
- 5.5 Therefore, after extensive negotiations, the proposal now shows 15 dwellings, reduced from 25 dwellings. The site layout plan has been amended to have a more positive relationship with New Mill Road, the surrounding existing residential properties and to ensure that the whole of the site allocation can be implemented. The proposed highway design has been amended to a more appropriate adoptable standard. The number of different house typologies have been reduced, and the design amended with the use of stone instead of render. Space has also been provided for protection of neighbouring trees and to allow for planting throughout the development. Amended plans and supporting information have been provided to justify such changes.

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

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

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

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

- 6.3 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP4 – Providing infrastructure
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP9 – Supporting skilled and flexible communities and workforce
LP11 – Housing mix and affordable housing
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP 31 – Strategic Green Infrastructure Network
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP47 – Healthy, active and safe lifestyles
LP48 – Community facilities and services
LP49 – Educational and health care needs
LP50 – Sport and physical activity
LP51 – Protection and improvement of local air quality

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

Supplementary Planning Guidance / Documents:

6.4 Relevant guidance and documents are:

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

Holme Valley Neighbourhood Plan

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

Relevant policies include:

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

Climate change

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

National Planning Policy and Guidance:

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

7.0 PUBLIC/LOCAL RESPONSE:

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

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

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

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

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

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

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

Cllr Patrick:

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

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

Cllr Davies:

Informed officers of resident's concerns with the proposal.

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

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

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

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

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

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

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Coal Authority: No objection.

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

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

Health and Safety Executive: No objection.

The Environment Agency: No comment.

8.2 Non-statutory:

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

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

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

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

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

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

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

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

Northern Gas: No objection.

West Yorkshire Archaeology Advisory Service: No objection.

West Yorkshire Police Designing Out Crime Officer: No objection.

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

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

9.0 MAIN ISSUES:

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

Land use and principle of development

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

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

Climate change and sustainability

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

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

Design

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

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

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

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

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

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

Residential amenity and quality

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

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

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

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

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

Affordable housing

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

Highway and transportation

- 10.40 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.41 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

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

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

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

Flood risk and drainage

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

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

Trees, landscaping and ecological considerations

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

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

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

Environmental and public health

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

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

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

Ground conditions

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

contamination. However, measures that ensure the protection from bulk ground gasses (CO₂) will be required with respect to the intended end use as a residential development. Environmental Health officers have reviewed the documentation and are satisfied with their findings and recommendations. Officers do not have any significant environmental health concerns in relation to Local Plan policy LP53, subject to the imposition of planning conditions requiring the implementation of the remediation strategy and submission of a validation report in accordance with the Phase 3 Remediation Report.

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

Representations

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

Design

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

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

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

Residential amenity and Quality

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

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

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

Highways and Transportation

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

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

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

Flood risk and drainage

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

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

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

Trees, landscaping and ecology

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

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

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

Planning obligations

10.74 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

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

Other matters

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

11.0 CONCLUSION

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

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

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

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

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

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

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

Background Papers:

Application and history files.

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

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