
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Oct-2022

Subject: Planning Application 2021/94569 Demolition of existing outbuildings and erection of three detached dwellings adj, Cranborne, Clifton Avenue, Wooldale, Holmfirth, HD9 1AL

APPLICANT

Mr & Mrs M England

DATE VALID

07-Dec-2021

TARGET DATE

01-Feb-2022

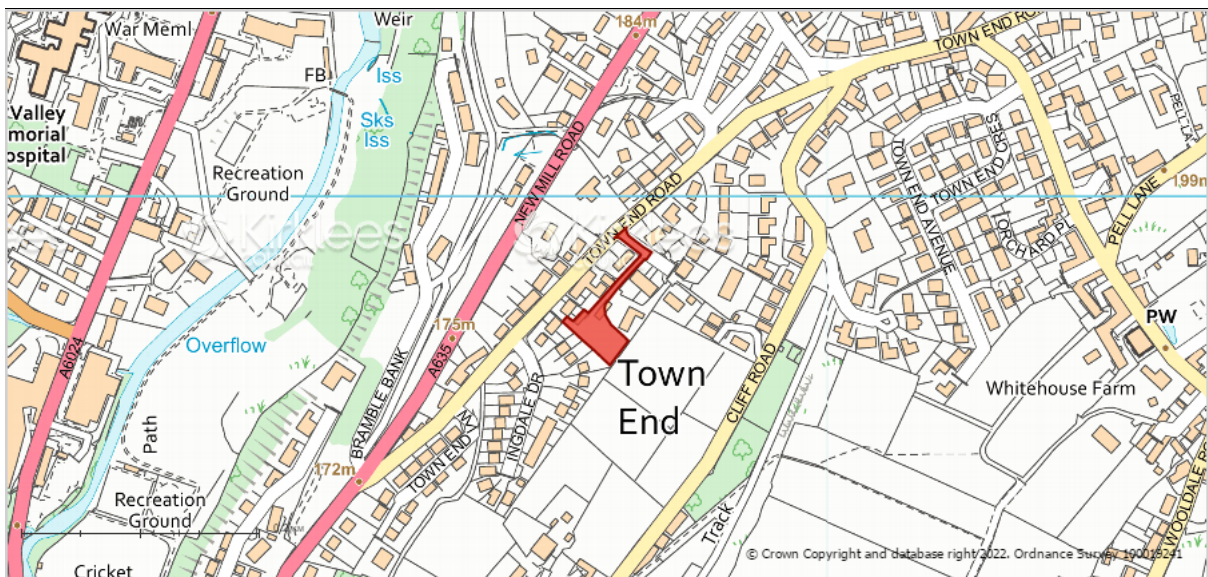
EXTENSION EXPIRY DATE

24-Oct-2022

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 This application seeks full planning permission for the demolition of existing outbuildings and the erection of three detached dwellings.

1.2 The application is brought to Huddersfield Planning Sub Committee due to the significant number of representations received, contrary to the Officer's recommendation and at the request of Cllr Donald Firth who has provided the following reason:

"Clifton Avenue is a private unadopted road which has more than its fair share of cars and vans parking on the avenue, which also causes vehicles parking down Town End Road. Town End Road is a very narrow road and can cause problems with the mini bus which is routed on that road as part of its Wooldale bus route. There is also a flooding problem which is in the vicinity of the new build, which again doesn't bode well. I have to say that particular area is already overbuilt and any more properties would be making an already parking problem much worse."

1.3 The Chair of Huddersfield Sub-Committee has accepted the reason for making this request, having regard for the Councillor's Protocol for Planning Committees and also notes the number of representations received.

2.0 SITE AND SURROUNDINGS:

2.1 The site relates to a parcel of land to the South West of Cranborne, Clifton Avenue, Wooldale. The site comprises of two outbuildings, situated to the north west and north east, which will be demolished as part of the proposal. The remainder of the site consists of open grassland which slightly slopes upwards from the north west to south east. Access can be taken from the existing track, onto Clifton Avenue, an unadopted road to the north east of the site. Boundary treatment consists of dry-stone walling and hedging.

- 2.2 The locality is predominantly residential in character, and includes the properties along Town End Road, Ingdale Drive, along with Cranborne itself. These consists of 1, 2 and 3 storey dwellings due to the change in levels, however, the common construction material appears to be stone. Directly adjacent to the eastern/south eastern boundary of the site, is safeguarded land, as allocated within the Kirklees Local Plan.
- 2.3 The site itself unallocated on the Kirklees Local Plan and is not within a Conservation Area nor is it within close proximity to any listed buildings. The site does not contain any significant or protected trees.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the demolition of existing outbuildings and the erection of three detached dwellings. The layout shows all three dwellings to face towards the existing access and Cranborne. The access is to remain as existing and would be used for the site only. An alternative, existing access will be used by the occupants of Cranborne and has been displayed in the blue line boundary on the proposed site plan.
- 3.2 The dwellings are to be two storey in height and would benefit from both hip and gable roofs.
- Plot 1 would be ~12.5m in width, ~13m in overall depth with an overall height of ~7.3m.
 - Plot 2 would be ~11.3m in width, ~9.5m in depth with an overall height of ~7.3m.
 - Plot 3 would be ~9.6m in width, ~13m in depth with an overall height of ~7.15m.
- 3.3 Each dwelling would provide 4 bedrooms, along with an attached/integral garage. To the front, a small landscaped area and driveway is proposed, along with private amenity space to the rear. Facing materials are proposed to be natural stone with grey slates to the roofs.
- 3.4 The site plan also shows a number of street trees to be proposed within the dwelling's front/side gardens. Any hedging/conifers would be retained as existing.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 At the application site:

- 2007/94174 – Erection of extension, dormer and conservatory – Granted.
- 97/92742 – Outline application for erection of detached dwelling with integral garage – Refused and appeal dismissed. This was refused on 9th October 1997 for the following reasons by the Local Planning Authority:

“(1) The proposed access in the position indicated would remove some of the parking and turning area previously approved to serve dwellings adjacent. This would not be in the best interests of highway safety, contrary to Policy T10 of the Council's deposit draft Unitary Development Plan.

(2) The access drive as proposed due to its length, is of insufficient width to serve the service and emergency vehicle access and turning provision required. The proposal does not therefore meet relevant safety standards, contrary to Policy T10 of the Council's deposit draft Unitary Development Plan.”

- 96/93037 – Outline application for the erection of detached dwelling with integral garage – Refused and appeal dismissed. This application was refused on 7th February 1997 for the following reason by the Local Planning Authority:

“The proposed development would lead to the intensification and perpetuation of use on the existing substandard vehicular access, Clifton Avenue, creating difficulties to users of that highway, leading to conditions prejudicial to highway safety, contrary to Policy T10 of the Council's deposit draft Unitary Development Plan.”

- 93/00044 – Erection of two storey extension – Granted.

4.2 Surrounding the application site:

- 2008/91784 – Erection of extensions and alterations – Granted (1 Ingdale Drive).
- 90/02921 – Erection of three town houses and garages – Granted (Land adj to 21 Town End Road).
- 86/03193 – Erection of one pair of semi-detached dwelling with garages under – Granted (Land adj to 22 Town End Road).
- 89/04428 – Erection of 4 town houses – Refused (Land adj to 21 Town End Road).

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

- 5.1 Concerns have been raised regarding the size and scale of the dwellings, the amount of hardstanding proposed to the front of the site and the dwellings relationships with third party land/properties. A drainage strategy has also been sought on 10th May 2022, along with final amended plans on 24th August 2022.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
- 6.2 The site is unallocated on the Kirklees Local Plan Proposals Map, but is within the Strategic Green Infrastructure Network, and adjacent to safeguarded land which is to the south east of the site.

6.3 Kirklees Local Plan (2019):

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 3 – Location of New Development
- LP 4 – Providing Infrastructure
- LP 6 – Safeguarded Land
- LP 7 – Efficient and Effective Use of Land and Buildings
- LP 11 – Housing Mix and Affordable Housing
- LP 20 – Sustainable Travel
- LP 21 – Highways and Access
- LP 22 – Parking
- LP 24 – Design
- LP 27 – Flood Risk
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 31 – Strategic Green Infrastructure Network
- LP 33 – Trees
- LP 43 – Waste Management Hierarchy
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and Unstable Land

6.4 National Planning Guidance:

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- 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 Efficient Use of Land
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

6.6 Holme Valley Neighbourhood Development Plan

6.7 The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

6.8 The policies most relevant in the determination of this application are:

- Policy 1 – Protecting and Enhancing the Landscape Character of the Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 6 – Building Homes for the Future
- Policy 11 – Improving Transport, Accessibility and Local Infrastructure
- Policy 12 – Promoting Sustainability
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

6.9 Supplementary Planning Guidance Documents

- Kirklees Housebuilders Design Guide (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Kirklees Highways Design Guide (2019)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 16th September 2022. As a result of the above publicity, 40 representations have been received in objection to the scheme. The comments received are summarised below (full comments are available to view on the Council's Planning Webpage):

Visual amenity concerns:

- The proposal is an overdevelopment of a constrained site.
- The recently approved Neighbourhood Plan seeks to ensure that the quality of design of new developments enhances the valley. The proposed development is no more than a computer-generated vision of a generic pastiche of the local vernacular.
- The dwellings would dominate the site.
- The development would be out of character for the area.
- Suggest smaller properties, including the possibility of properties for first time buyers as highlighted in the Parish Council's planning submission for this development.
- The development would have a negative affect on the character of the area and become a blot in the landscape.
- Single storey/bungalow properties would help alleviate this issue and could provide much needed disabled/affordable homes in the area. Strongly against the construction of such large houses as it will create less light and 'shadow' the houses below the development.
- The orientation is appropriate but the roofscape and massing is still very dominant in relation to adjacent properties.

Highway safety & parking:

- Concerns regarding the use of the land in which adjoins Town End Road, as it might be used for access to the development. This will severely impact on street parking which at the moment is tight. On street parking isn't available from this point up Town End Road because of the constriction in the road.
- The development would have a detrimental increase in traffic volume up a narrow road.
- Slight lines are poor when approaching Town End Road from Clifton Avenue.
- Intensification of Clifton Avenue in which already serves a number of dwellings, therefore the additional properties would exacerbate this issue.
- Cranborne has no street lighting, no pavements and has cars already parked along it by local residents, making turning for larger vehicles including emergency services impossible.
- Impact on pedestrians from the additional traffic especially during the winter months.
- The developer should pay for any damage to Clifton Avenue during construction.
- The applicants, their contractors, and the eventual owners of any buildings should undertake and covenant not to block, obstruct, park or leave unattended at any time any vehicles, plant or machinery on any part of Clifton Avenue.
- Previous Planning Inspectors have dismissed the development of this land from both Town End Road and Clifton Avenue. The Council needs to be satisfied that additional vehicles can be accommodated without detriment to highway safety, when Clifton Avenue lacks adopted status and footways.

Residential amenity:

- Overbearing to neighbouring properties.
- Overlooking neighbouring properties.
- A sun path analysis should be provided to consider the impact on residential amenity.
- Due to the change in land levels and the height of the dwellings, they would overshadow the properties below.
- The removal of some of the boundary treatment, will result in less privacy to neighbours.

Drainage:

- No details to how the drainage would work.
- The hillside between Cranborne/Ingdale Drive and Cliff Road is pockmarked with springs and this already causes run-off problems for the odd numbered properties on Ingdale Drive and the drainage of surface water on Ingdale Drive.
- Run off water from the fields already drains into the gardens and down the centre of Ingdale Drive. This is a concern during winter months, when the water freezes. Therefore, the new building work would only add to these issues.
- The road is already water logged after heavy rain fall and when this freezes it is dangerous.

- Proposed buildings would be located on a ground which now acts as a sponge and prevents soaking of buildings located on the Eastern side of Ingdale Drive.
- If the Cranborne field is removed and no longer mops up the excess water then it has the potential to create the same issues that Ingdale Drive suffers on Town End Road.
- Despite the Council recently responding by doing some work on the road drain the issue is not resolved and the water still fails to go down the drain.
- Scheme is massively concrete or impermeable with huge drives as a part of this and only a relatively small amount of permeable (garden).
- The planning proposal says it will use the existing water course for surface water and the drainage strategy that was commissioned says it can connect to the existing system from the nearby Cranborne, but the existing system does not stop water flowing onto Ingdale Drive.
- Concerns regarding where the sewer system will be routed to.
- Existing issues with the current drains for sewerage.
- Concerns regarding the findings of the drainage strategy, which should be discussed with Yorkshire Water.
- Although considered a small development that may not meet normal statutory obligations for consultation regards flood risk, with the knowledge of current resident issues and concerns regards new developments on this hillside, it would be appreciated if the Local Planning Authority would consult Yorkshire Water for advice on these risks.
- The plans have not been altered to amend the sewage outlet.
- If approved, the scheme should be drained as per the revised JNP drainage details.
- Concerns regarding the findings of the JNP reports both with regards to surface water and sewerage.

Biodiversity:

- The proposals offer no discernible net gain in relation to the adopted policy on 10% biodiversity net gain, and ecological protection.
- The design and access statement is silent in regard to the 'quality places' SPD documents and design codes. This site bears witness to bats and owls and proposals to reduce the enclosure trees and boundaries would significantly reduce this habitat opportunity.
- Concerns about the potential loss of natural habitat for local wildlife and the impact this development could have on a protected species. It has been observed in spring/summertime bats flying in the vicinity which are a protected species.
- Concerns that a green field site is being used for the development and this will result in the loss of more existing natural habitat through very substantial coverage with hard surface and little, if any landscaping.

General concerns:

- Noise disturbance (suitable working hours should be conditioned)
- The plans show fencing to be replaced, however, there is no fencing as existing.
- Concerns regarding contaminated land.
- There have been previous planning applications for this land in which have been refused.

- Concern regarding the blue line boundary.
- Boundary treatments are plotted in positions which indicate the inclusion of third-party garden land and new fencing on Town End Road and Ingdale Drive.
- The whole plan is inappropriate, it would be a Cul-de-sac, very unhelpful for pedestrian services like the postman.
- Although additional planting of trees adjacent to boundary fences are welcomed to encourage natural habitats, careful consideration should be given to whose responsibility it is for future maintenance and the impact of loss of light from shade to neighbouring properties.
- Permitted development rights should be removed in the case of an approval.
- Do not give permission for fence to be removed or replaced.

Holme Valley Parish Council: Object to the application based on the over-intensification of the site, potential overlooking and loss of light, drainage issues, highways and the provision of parking, fencing to neighbouring boundaries and the lack of information on meeting sustainability outcomes and addressing climate change. The Parish Council are also disappointed that the project does not include any provision for smaller and more affordable housing.
Comment: These concerns have been noted and have been taken into account when requesting amendments to the scheme. These matters are addressed below in the assessment section of the report.

Due to the amendments received, Officers considered it reasonable to re-advertise the application via a 21-day neighbour notification letter.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- Yorkshire Water: No objection subject to a condition being attached to the decision notice to state that the development shall be built in accordance with the submitted drainage strategy.

8.2 Non-statutory:

- KC Lead Local Flood Authority: In support subject to the development being constructed in line with the submitted drainage strategy, which should be conditioned in the case of an approval.
- KC Highways DM: No objection subject to conditions being attached to the decision notice regarding new surfacing being drained within a permeable surfacing and details of the storage of waste.
- KC Environmental Health: No objection subject to conditions being attached to the decision notice with regards to land contamination and electrical charging vehicle points.

8.3 The above is a summary of the responses provided from consultees, with full comments being able to view on the Council's Planning Webpage.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highways safety
- Ecological impacts
- Flooding and drainage
- Other matters
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan (KLP) outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored. The site is not displayed as allocated on the KLP Policies Map. Policy LP2 of the Kirklees Local Plan states that:
- “All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*
- 10.3 The site is within the Kirklees Rural sub area.
- 10.4 As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.17 years supply.
- 10.5 As the Kirklees Local Plan was adopted within the last five years, the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.6 Policy LP11 of the Kirklees Local Plan requires that *“all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need”*.

- 10.7 Kirklees Local Plan Policy generally seeks to support residential development upon unallocated sites. Policy 6 of the Holme Valley Neighbourhood Development Plan (HVNDP) states that housing development will be supported subject to the following considerations being met:
- The proposed development being within existing settlements (and if in the green belt, it must be acceptable with guidance contained within the NPPF).
 - Adequate parking.
 - Good access to public transport and encourage walking and cycling by enhancing, expanding and linking to existing routes.
 - Densities making best and efficient use of land and reflecting settlement character.
- 10.8 The site is within the settlement of Wooldale, is not within the Green Belt, and also has good access to public transport given the close proximity to New Mill Road with frequent bus services.
- 10.9 In respect of the density of development, Policy LP7 of the Kirklees Local Plan and Principle 4 of the Housebuilders Design Guide SPD establish a desired target density of thirty-five dwellings per hectare. The text supporting Policy 6 of the HVNDP states that the housing density in the Holme Valley will be approximately thirty dwellings per hectare. However, Policy LP7 of the KLP states this target should be *'where appropriate' and in the policy justification set out in para 6.40 that the policy allows for lower 'densities where a site would not be compatible with its surroundings'*
- 10.10 Given the above, this site, in theory, is suitable to accommodate 3 dwellings, and 3 dwellings are proposed here which is considered acceptable in respect of the aforementioned policies.
- 10.11 In terms of the adequacy of the parking proposed, this will be discussed below in the highway safety subsection, but in summary it is considered that adequate parking could be provided for three residential dwellings on this site.
- 10.12 Given the above, Officers hold the view that the principle of residential development at the site could be acceptable, but the acceptability of the scheme will also be dependent on other considerations which will be discussed in more detail below.
- 10.13 It is acknowledged that third parties have stated that affordable homes should be provided on the site, however as the scheme is for 3 dwellings there is no policy requirement to provide affordable housing.

Safeguarded land

- 10.14 As outlined above, the eastern/south eastern boundary is adjacent to land designated as being safeguarded within the Kirklees Local Plan. Therefore, Policy LP6 of the Kirklees Local Plan is necessary which states that *"all proposals must not prejudice the possibility of long term development on safeguarded land sites."* As such, the impact of the development on this land will be assessed in more detail within the report below.

Visual amenity

10.15 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

10.16 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

10.17 Policy LP24 of the KLP states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

10.18 Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

10.19 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

10.20 Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas, and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*

10.21 Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

10.22 Policy 1 of the HVNDP relates to protecting and enhancing the landscape character of Holme Valley, and states that: *“All development proposals should demonstrate how they have been informed by the characteristics of the Landscape Character Area (LCA) in which they are located”*. The Policy goes on to note that proposals should be designed in accordance with the character and management principles in respect of landscape set out for each LCA in order to avoid detrimental impact on the LCA. This Policy also notes that a full hard and soft landscaping scheme is to be submitted with all planning applications for new buildings.

10.23 Policy 2 of the HVNDP relates to protecting and enhancing the built character of the Holme Valley and promoting high quality design. Policy 2 notes that proposals should be designed in accordance with the management principles for each LCA in respect of built character in order to avoid detrimental harm to the LCA.

10.24 In respect of Policies 1 and 2 of the HVNDP, the site is identified as being within LCA 4 (River Holme Settled Valley Floor). In terms of landscape, the HVNDP notes that key character management principles for this LCA are:

- Ensure new development respects framed views from the settled floor to the upper valley sides and views across to opposing valley slopes and views towards the Peak District National Park.
- Retain and restore existing stone field boundaries and use stone walling in new boundary treatments.
- Maintain and enhance the network of PRow to promote access and consider opportunities to create new links to existing routes particularly physical and visual links to the River Holme.
- Consider opportunities through major developments to provide interpretation of the historic industrial role of the river and mill ponds within the local landscape.

10.25 In terms of the built character, the HVNDP states that the key character management principles for this LCA are:

- Regard should be had to the key characteristics that give these areas their distinctive character and should respect, retain, and enhance the character of existing settlements, including vernacular building styles, settlement patterns, alignment of the building line and the streetscene.
- Strengthen local sense of place through design which reflects connections to past industrial heritage related to each settlement including through retaining or restoring mill buildings and chimneys.
- Consider replacing asphalt and concrete with traditional surfacing such as stone setts and cobbles.

- 10.26 Policy 2 of the HVNDP also states that: *“New development should strengthen the local sense of place by designing the site layout to respect the existing grain of development in the surrounding area and through use of local materials and detailing,”* and that: *“Designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting.”* In addition, Policy 2 states that: *“Materials must be chosen to complement the design of the development and add to the quality or character of the surrounding environment.”*
- 10.27 The rectangular shape of the site, its topography (which slopes up from Town End Road) and its relationship with existing residential properties have influenced the layout of the proposal.
- 10.28 In respect of Principle 5 of the Housebuilders Design Guide SPD, whilst the site is set behind other dwellings on Town End Road and Clifton Avenue, it is considered that the principle of residential development in such a location could be acceptable given that Cranborne is already to the rear of properties on both roads and the development would utilise the existing access to Cranborne of Clifton Avenue.
- 10.29 The proposed density of the development is considered to be appropriate for its location by Officers. Officers note that the rear gardens would not be particularly long and the footprint of the dwellings on their plots would be relatively large. However, it is considered that the dwellings would not appear cramped on the site given the variety of garden sizes in the locality, the spacing between the proposed dwellings and the spacing off neighbouring boundaries.
- 10.30 The surrounding area has a mixture of house types including detached, semi-detached and terraces, therefore Officers hold the view that the proposed detached dwellings in this location, would not be out of keeping with the character of the area.
- 10.31 The dwellings would be two storey in height. Officers consider this acceptable in principle, when taking into account the height of other dwellings in the locality, along with the changing topography. The overall heights of the dwellings would not be overly large when compared to those on Ingdale Drive. A similar arrangement to the application site, can be found at no. 1 Ingdale Drive with no's. 10, 12 and 14 Town End Road, to display how the buildings would appear due to the rising topography.
- 10.32 In terms of scale and massing, the dwellings would be relatively large, with plots 1 and 2 benefiting from projecting gables. Whilst the gable elements would increase the overall bulk and massing of the dwellings, they would be set back from the highway and therefore would not be overly prominent within the street scene. Therefore, given the above, the form, scale and massing of the dwellings proposed have been considered acceptable by Officers.
- 10.33 As noted above, the proposed dwellings would be inset from the shared boundaries, whether that be internally or to existing residential properties. This would help prevent the development appearing cramped in the locality. The properties would also benefit from space for parking and a small garden to the front, along with modest rear gardens. Therefore, for these reasons, Officers do not consider the development to constitute an overdevelopment of the site.

- 10.34 The mixture of roof types has been considered acceptable by Officers, as they would be similar to the existing, surrounding built form.
- 10.35 Fenestration includes mullion windows to the principal elevations and a more contemporary approach to the rear. This is to keep in with the character of the nearby properties.
- 10.36 Materials include natural stone with grey roof tiles. Integral solar panels are also proposed to the rear roof slopes (details of which can be conditioned). The use of natural stone for the walls is welcomed so as to reinforce local distinctiveness, as such material is common throughout the Holme Valley.
- 10.37 In terms of landscaping, there would be quite a large hard surfaced area to the front of the dwellings, which is required for internal turning and access. As such, Officers required additional soft landscaping in order to soften this area and therefore front gardens have been proposed. This has been displayed in detail on the boundary plan and will be protected by small metal railings. Furthermore, the existing conifers to the southern elevation would be retained, along with new hedging to the north western elevation, which will aid in providing privacy to existing third party properties.
- 10.38 Given the above, Officers hold the view that the proposal would prevent detrimental harm to the visual amenities of the locality in accordance with Policy LP24 (a) of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD, Policies 1 and 2 of the HVNDP and Chapter 12 of the NPPF.

Residential Amenity

- 10.39 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”*.
- 10.40 In addition to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.41 Principle 6 of the Kirklees Housebuilders Design Guide SPD states that residential layout must ensure adequate privacy and maintain high standards of residential amenity to avoid negative impacts on light, outlook and avoid overlooking. For two storey houses, this SPD recommends minimum separation distances of:
- 21 metres between facing windows of habitable rooms at the back of dwellings.
 - 12 metres between windows of habitable rooms that face onto windows of a non-habitable room.
 - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
- 10.42 Policy 2 of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

16, 18 and 20 Town End Road

10.43 The layout of the site is such that it is only likely that the proposed dwelling at plot 3 would impact upon these neighbours' amenity. It has been noted that there is a change in levels within the area, resulting in the aforementioned properties being situated on a lower level than the application site. Nonetheless, there would be a separation distance of ~17.3m from the two storey element of the dwelling at plot 3 to the nearest rear elevation at these neighbours. There would also be a separation distance of ~13.5m from the single storey attached garage at plot 3 to the rear wall of these neighbouring dwellings. As no windows are proposed within the north west facing elevation of the dwelling at plot 3, it is considered that the separation distances in respect of these neighbouring properties are broadly in line with Principle 6 of the Housebuilders Design Guide SPD (i.e. minimum 12m between habitable and non-habitable elevations). Whilst it is noted that there are ground floor windows facing towards these neighbouring properties, views into these neighbours will be adequately screened by boundary treatment. Any future first floor side openings would also need to be obscurely glazed in order to comply with the General Permitted Development Order. It is therefore considered there would be no undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or loss of outlook.

10.44 In terms of overshadowing and overbearing the garden, whilst the site is on higher land, this dwelling at plot 3 would be set off from the shared boundary with these neighbours by ~5.3 metres. When taking this into account with the orientation of the dwelling to these neighbours it is considered that the impact upon these properties would be acceptable with the shading mostly occurring in the afternoon.

1, 3 and 5 Ingdale Drive

10.45 All three plots would back onto the properties at 1, 3 and 5 Ingdale Drive. The plans show appropriate separation distances to be achieved in excess of the guidance as set out within Principle 6 of the SPD. This includes separation distances of at least 22m between the proposed dwelling at plot 3 and no. 1 Ingdale. The plans also show the existing conifers to be retained in which would help create a buffer zone between these neighbours ground floor openings. In addition, the dwellings would be set off from the shared rear boundary by a minimum of ~6 metres at ground floor level and ~7.5 metres at first floor level. Therefore, Officers hold the view that the development is unlikely to have any material overbearing, overshadowing or overlooking impact upon these neighbour's amenity and their outdoor amenity space.

14 Town End Road

10.46 The plans show the blue line boundary to extend to the side of these neighbours. However, this would be free from any built form, along with the nearest dwelling at plot 3, being located at an oblique angle. As such, Officers are satisfied that there would be no undue impact upon their amenity as a result of the development proposed.

Cranborne

- 10.47 It is likely that there would be some impact upon the amenity of the property under the applicant's ownership as a result of the development proposed. However, the plans show at least ~8m to be retained between the nearest elevation at plot 2, to their outdoor amenity space. Therefore, any overbearing, overshadowing and overlooking would not be undue, as the plans show the existing hedging to be retained, which is at least 3m in height.
- 10.48 Given the oblique angle of the dwelling at plot 2 to the dwelling at Cranborne, it is considered that it would not unduly harm to this neighbour in terms of loss of light, loss of privacy or loss of outlook.
- 10.49 In terms of the impact upon Cranborne's existing south west facing side openings, Officers have noted that these would not have a direct relationship with the principal openings proposed within plot 1. This is due to the plans showing additional boundary treatment to be erected along this elevation, including a timber fence and hedging at a height of at least 2.1m. Therefore, given that these openings serve non-habitable and secondary openings, Officers are satisfied that any impact on future amenity would not be undue. This would also protect the amenity of the future occupants of plot 1.
- 10.50 In terms of overbearing and overshadowing, it has been noted that a separation distance of ~11m would be retained from the nearest gable at Cranborne to the two storey front elevation at plot 1. A ~6.5m separation distance would also be retained from Cranborne, to the projecting gable to serve the garage. Therefore, on balance, Officers do not consider any impact to unduly harm these neighbour's amenity.
- 10.51 There would be no significant loss of privacy to the rear garden at Cranborne, as the single storey projecting gable at plot 1, is not proposed to have any openings within its north eastern elevation, with the existing high hedge along Cranborne's southern boundary shown to be retained. Any impact from the first floor openings within Plot 1, would also be limited, as they would be at an oblique angle with Cranborne's rear amenity space. The single storey height and hedge on the boundary would also help prevent this element overbearing the rear garden of Cranborne

Safeguarded Land

- 10.52 As outlined above, the land to the south east of plot 1 is designated as safeguarded land. This means that proposals should not prejudice the possibility of long term development of safeguarded land sites, in accordance with Policy 6 of the Kirklees Local Plan.
- 10.53 In this case, as part of the amendments sought, a greater separation distance has been achieved, from the nearest side elevation of plot 1 to the boundary with the safeguarded land. The plans show three ground floor openings to be inserted into the south eastern elevation of plot 1, all of which would serve non-habitable rooms. Therefore, in order to protect the long term use of this land, Officers are recommending two conditions, one being that all three ground floor openings are fitted with obscure glazing, at a minimum of Grade 4 and the other being to remove permitted development rights for ground floor openings within this elevation. Future first floor side openings would need to be fitted with obscure glazing in order to comply with the GPDO.

10.54 Therefore, in light of the conditions above, Officers consider these reasonable and necessary in order to safeguard the land.

Nuisance

10.55 It has been noted that there would be some impact upon the properties at no's. 2, 4 Clifton Avenue and no's. 22, 24 30, 32 Town End Road, from a noise perspective, due to the intensification of the access land to serve the new dwellings. However, any noise disturbance is unlikely to be material, due to the limited number of dwellings proposed and that this already serves as an access. The proposal is therefore considered to accord with Policy LP52 of the Kirklees Local Plan.

10.56 In terms of construction, Environmental Health Officers have requested a condition regarding construction hours. In this case, due to the small-scale of the proposed development, Officers do not consider this condition necessary or reasonable, with working practices being covered by other legislation. However, an informative would be attached regarding construction practices should permission be granted.

Amenities of Future Occupiers

10.57 In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

10.58 All the dwellings would comfortably exceed the minimum recommended internal floor space standards as specified in the Nationally Described Space Standards, and would provide an appropriate amount of external amenity space for dwellings of the size proposed. As such, Officers consider the proposed dwellings would have a good standard of amenity for future occupants.

10.59 The proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), Policy 2(10) of the HVNDP, Principles 6, 16 and 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Highway safety

10.60 Paragraph 111 of the NPPF states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* The guidance in Chapter 9 of the NPPF is echoed in Policy LP21 of the Kirklees Local Plan and Policy 11 of the HVNDP

- 10.61 Principle 12 of the Housebuilders Design Guide SPD states that at the outset of the development, applicants should identify the need for car parking. Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.
- 10.62 Kirklees Council Highways Development Management (KC HDM) have been formally consulted as part of the application, whereby the HDM Officer has noted that each dwelling would contain four bedrooms, along with a garage. The garages would be suitable for the parking of one vehicle and would exceed the internal measurements required at 3m in width by 6m in depth as advised within the Kirklees Highways Design Guide SPD. The site plan, whilst amended to include additional soft landscaping in light of Principle 12 of the SPD, would provide sufficient space for the parking of two additional spaces on the driveways. As homes of four or more bedrooms, three off street parking spaces should be provided to accord with the Council's Highways Design Guide SPD and therefore this arrangement is considered acceptable.
- 10.63 Access is to be taken from an unadopted track off of Clifton Avenue, by using the existing driveway for the dwelling at Cranborne, which is presently gated.
- 10.64 Clifton Avenue is ~6.3m in width, allowing for two cars to pass safely, whilst the driveway is approximately ~4.4m in width at the narrowest point. Usually, an access serving two or more dwellings should be a minimum of 4.5m in width so that two vehicles can pass comfortably. However, in this case, drivers will be able to see each other from either side of the section slightly narrower at this point and the existing access is off the main carriageway of Clifton Avenue making it safer for drivers to momentarily wait to enter the site.
- 10.65 Principle 19 of the Housebuilders Design Guide SPD sets out that: *“Provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.”*
- 10.66 No details of bin storage and collection have been provided, but it is considered that this could be achieved without resulting in any detriment to highway safety. It is noted that residents would likely have to drag bins some distance in terms of collection, and whilst inconvenient, Officers do not consider that this is a sufficient reason to recommend the application for refusal. Nonetheless, a pre-commencement condition to this effect would be required to ensure that suitable arrangements are achieved and retained. This is to comply with Policy LP24 d(vi) of the Kirklees Local Plan and Principle 19 of the Housebuilders Design Guide SPD.
- 10.67 Furthermore, to provide appropriate space within the site during construction, a condition is proposed to request that the outbuildings are demolished before construction begins.

10.68 In summary, KC HDM do not wish to raise objection to the scheme, however, have requested that in the case of an approval, a condition is added to ensure that the driveway and new areas of hardstanding are finished within a permeable surface. Subject to conditions outlined above, Officers consider that the proposal would not cause detrimental harm to highways safety and would accord with Policies LP21, LP22, LP24 d(vi), LP28 and LP43 of the Kirklees Local Plan, Policy 11 of the HVNDP, Principles 12 and 19 of the Housebuilders Design Guide SPD, the aims of the Highways Design Guide and Chapters 9 and 14 of the NPPF.

Ecology

10.69 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

10.70 Policy LP30 of the Kirklees Local Plan and Policy 13 of the HVNDP echo the NPPF in respect of biodiversity. Policy LP30 of the KLP outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

10.71 Policy LP31 of the KLP sets out that development proposals within the Strategic Green Infrastructure Network should ensure the function and connectivity of green infrastructure networks and assets are retained or replaced.

10.72 The site lies in an area identified as a Bat Alert area on the Council's geographical information system. The site comprises of a well-maintained field which is unlikely to have high ecological potential therefore it is considered harm to protected species is unlikely and that the proposal would not compromise the function and connectivity of the Strategic Green Infrastructure Network.

10.73 However, Policy LP30 of the Kirklees Local Plan, Policy 13 of the HVNDP and Principle 9 of the Kirklees Housebuilders Design Guide SPD set out that proposals should provide net gains in biodiversity. As a consequence, and because the site is identified as being within a bat alert layer, it is considered necessary to condition the provision of a bat and bird box on each dwelling should permission be granted. An advisory note for the removal of hedgerow/trees or shrubs to be carried out between a certain period of the year will also be attached if permission is to be granted.

Flooding and Drainage

10.74 Paragraphs 159-162 of the NPPF and Policy LP27 of the Kirklees Local Plan state inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a sequential test.

- 10.75 In this case, the site is within Flood Zone 1, with the lowest probability of fluvial flooding (less 0.1% chance of flooding any year). However, given the concerns regarding surface water run-off and existing sewage issues within the locality, both KC Lead Local Flood Authority (LLFA) and Yorkshire Water have been formally consulted. Initially, concerns were raised regarding the information provided as the connection could be into a very small diameter pipe serving existing properties. Therefore, a full drainage strategy has been provided by JNP Group Consulting Engineers.
- 10.76 Having reviewed the Drainage Strategy, KC LLFA and Yorkshire Water are in full support of the scheme as it has been designed to limit surface water discharge to 3.5 litres/second as the greenfield run off rates calculated are too low and would cause an increased flood risk associated with blockage due to the size of the orifice within the flow control. The drainage strategy also identifies that the nearest water course to the site is a culverted watercourse at the junction of Town End Road and New Mill Road. The Yorkshire Water sewer within Town End Road appears to discharge into this watercourse. It was also discussed that as the surface water sewer discharges to the watercourse, a connection could be made to the sewer with a restricted rate of 3.5l/s.
- 10.77 With regards to foul sewerage the strategy states that foul sewage from the existing dwelling, Cranborne is conveyed through a network of underground drains towards the 150 mm public combined sewer along Town End Road. Therefore, the existing drainage for Cranborne may have to be diverted due to the development of the three dwellings, which will connect into the foul drain at a suitable location.
- 10.78 If this proves to be a difficult, a new connection to the 150mm combined sewer in Town End Road should be carried out, subject to Section 106 approval, utilising the strip of land to the northwest, leading to Town End Road. However, this would be outside the remit of the current planning application.

Other Matters

Contamination:

- 10.79 KC Environmental Health have been formally consulted as part of this application identifying that the site is considered as being potentially contaminated due to its proximity with an old quarry. Therefore, they have requested that in the case of an approval, full staged land contamination conditions are necessary, to include the initial submission of a Phase 1 report, before development commencements. This is in accord with Policy LP53 of the KLP and Chapter 15 of the NPPF. This could be conditioned should permission be granted.

Climate change:

- 10.80 Principle 18 of the Housebuilders Design Guide SPD sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

- 10.81 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.82 Given the above, and in accordance with the West Yorkshire Low Emissions Strategy, officers would like to see an electric vehicle recharging point installed within the dedicated parking area/garage of each of the dwellings. In this instance, a charging point has been demonstrated on the proposed floor plans for each dwelling. However, the note does not state that the cable and circuitry ratings would ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Therefore, an appropriate condition is proposed should permission be granted to ensure that the charging points are suitable for the development and are installed before the dwellings are first brought into use.
- 10.83 Policy 12 of the HVNDP states that all development is expected to be designed to contribute a number of elements of sustainability, including promoting renewable energy and energy efficient. In this case, integral solar panels are proposed within the rear facing roof slope in order to provide renewable energy for the property. A condition could be attached requesting full details of these and that they are installed prior to the first occupation of the dwellings so that there is compliance with Policy 12 of the HVNDP whilst providing a high-quality finish.

Representations

As a result of the above publicity, 40 representations have been received in objection to the scheme. The comments raised, along with Officer correspondence can be found below.

Visual amenity concerns:

- The proposal is an overdevelopment of a constrained site.
- The recently approved Neighbourhood Plan seeks to ensure that the quality of design of new developments enhances the valley. The proposed development is no more than a computer-generated vision of a generic pastiche of the local vernacular.
- The dwellings would dominate the site.
- The development would be out of character for the area.
- Suggest smaller properties, including the possibility of properties for first time buyers as highlighted in the Parish Council's planning submission for this development.
- The development would have a negative effect on the character of the area and would become a blot in the landscape.

- Single storey/bungalow properties would help alleviate this issue and could provide much needed disabled/affordable homes in the area. Strongly against the construction of such large houses as it will create less light and 'shadow' the houses below the development.
- The orientation is appropriate but the roofscape and massing is still very dominant in relation to adjacent properties.

Officer Comment: These concerns have been noted with amendments were sought to reduce the size and scale of the dwellings, from the application's original submission. A full assessment is set out within the visual amenity section of the committee report.

Highway safety & parking:

- Concerns regarding the use of the land in which adjoins Town End Road, as it might be used for access to the development. This will severely impact on street parking which at the moment is tight. On street parking isn't available from this point up Town End Road because of the constriction in the road.
- The development would have a detrimental increase in traffic volume up a narrow road.
- Slight lines are poor when approaching Town End Road from Clifton Avenue.
- Intensification of Clifton Avenue in which already serves a number of dwellings, therefore the additional properties would exacerbate this issue.
- Cranborne has no street lighting, no pavements and has cars already parked along it by local residents, making turning for larger vehicles including emergency services impossible.
- Impact on pedestrians from the additional traffic especially during the winter months.
- The developer should pay for any damage to Clifton Avenue during construction.
- The applicants, their contractors, and the eventual owners of any buildings should undertake and covenant not to block, obstruct, park or leave unattended at any time any vehicles, plant or machinery on any part of Clifton Avenue.
- Previous Planning Inspectors have dismissed the development of this land from both Town End Road and Clifton Avenue. The council needs to be satisfied that additional vehicles can be accommodated without detriment to highway safety, when Clifton Avenue lacks adopted status and footways.

Officer Comment: The application has been assessed by KC Highways DM, who are in support of the access, internal turning and the level of on-site parking proposed. A swept path analysis has also been displayed to demonstrate that an emergency vehicle (i.e. fire engine) can enter and manoeuvre within the site. To allow with construction, a condition can be attached in the case of an approval to require the demolition of the existing outbuildings in order to create sufficient access and egress into the site.

Residential amenity:

- Overbearing to neighbouring properties.
- Overlooking neighbouring properties.
- A sun path analysis should be provided to consider the impact on residential amenity.
- Due to the change in land levels and the height of the dwellings, they would overshadow the properties below.
- The removal of some of the boundary treatment, will result in less privacy to neighbours.

Officer Comment: These concerns have been noted and a full assessment upon the impact on residential amenity can be found within the above committee report. The proposed boundary treatment plan also displays appropriate boundary treatment, in order to protect future and existing amenity.

Drainage:

- No details to how the drainage would work.
- The hillside between Cranborne/Ingdale Drive and Cliff Road is pockmarked with springs and this already causes run-off problems for the odd numbered properties on Ingdale Drive and the drainage of surface water on Ingdale Drive.
- Run off water from the fields already drains into the gardens and down the centre of Ingdale Drive. This is a concern during winter months, when the water freezes. Therefore, the new building work would only add to these issues.
- The road is already water logged after heavy rain fall and when this freezes it is lethal.
- Proposed buildings would be located on a ground which now acts as a sponge and prevents soaking of buildings located on the Eastern side of Ingdale Drive.
- If Cranborne field is removed and no longer mops up the excess water then it has the potential to create the same issues that Ingdale Drive suffers on Town End Road.
- Despite the Council recently responding by doing some work on the road drain the issue is not resolved and the water still fails to go down the drain.
- Development is massively concrete or impermeable with huge drives as a part of this and only a relatively small amount of permeable (garden).
- The planning proposal says it will use the existing water course for surface water and the drainage strategy that was commissioned says it can connect to the existing system from the nearby Cranborne but the existing system does not stop water flowing onto Ingdale Drive.
- Concerns regarding where the sewer system will be routed to.
- Existing issues with the current drains for sewerage.
- Concerns regarding the findings of the drainage strategy, which should be discussed with Yorkshire Water.
- Although considered a small development that may not meet normal statutory obligations for consultation regards flood risk, with the knowledge of current resident issues and concerns regards new developments on this hillside, it would be appreciated if the LPA would consult YW for advice on these risks.

- The plans have not been altered to amend the sewage outlet.
- If approved, the scheme should be drained as per the revised JNP drainage details.
- Concerns regarding the findings of the JNP reports both with regards to surface water and sewerage.

Officer Comment: These concerns have been noted and therefore a Drainage Strategy has been requested. This was submitted by JNP group. Having reviewed this document both the Council's Lead Local Flood Authority and Yorkshire Water are in support of the scheme, subject to the development being constructed in accordance with the aforementioned document.

Biodiversity:

- The proposals offer no discernible net gain in relation to the adopted policy on 10% biodiversity net gain, and ecological protection.
- The design and access statement is also silent with regard to the 'quality places' SPD documents and design codes. This site bears witness to bats and owls and proposals to reduce the enclosure trees and boundaries would significantly reduce this habitat opportunity.
- Concerns about the potential loss of natural habitat for local wildlife and the impact this development could have on a protected species. It has been observed in spring/summertime bats flying in the vicinity which are a protected species.
- Concerns that a green field site is being used for the development and this will result in the loss of more existing natural habitat through very substantial coverage with hard surface and little, if any landscaping.

Officer Comment: These comments have been noted and a full assessment upon the impact on ecology can be found within the above report, whereby Officers are requesting bat and bird boxes for each dwelling in order to provide a biodiversity net gain. There is currently not a mandatory requirement to demonstrate at least 10% biodiversity net gains for such development at the time of writing.

General concerns:

- Noise disturbance (suitable working hours should be conditioned).
Officer Comment: It is not considered necessary to condition the appropriate working hours nor request a construction and environmental management plan, given the limited number of dwellings proposed. However, a note would be attached to the decision notice to outline the appropriate hours of construction. Should this be ignored and result in a statutory nuisance, then the Council's Environmental Health department should be contacted.
- The plans show fencing to be replaced, however, there is no fencing as existing.
Officer Comment: This has been noted and therefore in this case, a new fence would be erected on the land identified in red within the application form.

- Concerns regarding contaminated land.
Officer Comment: This has been noted, with Environmental Health Officers requesting land contamination conditions in which will need to be discharged before development can commence. This is to protect future and existing residential amenity.
- There have been previous planning applications for this land in which have been refused.
Officer Comment: This has been noted, but each case should be assessed on its own merits and these applications were assessed under a different policy context.
- Concern regarding the blue line boundary.
Officer Comment: The blue line boundary shows land in which the applicant owns, which they do not wish to develop as part of this application.
- Boundary treatments are plotted in positions which indicate the inclusion of third-party garden land and new fencing on Town End Road and Ingdale Drive.
Officer Comment: Planning permission does not override any private legal matters in terms of land ownership.
- The whole plan is inappropriate, it would be a cul-de-sac, very unhelpful for pedestrian services like the postman.
Officer Comment: This has been noted, however, is not material planning consideration.
- Although additional planting of trees adjacent to boundary fences is welcome to encourage natural habitats, careful consideration should be given to whose responsibility it is for future maintenance and the impact of loss of light from shade to neighbouring properties.
Officer Comment: This would be a private legal matter outside of the realms of planning. It should be noted that the planting proposed would appear to be within the curtilage of the proposed properties.
- Permitted development rights should be removed in the case of an approval.
Comment: This has been noted, but Officers consider that removing permitted development rights in this instance would not meet the six tests for imposing planning conditions as set out in the NPPF
- Do not give permission for a fence to be removed or replaced which is on own property.
Comment: Planning permission does not override any private legal matters in terms of land ownership.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

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

1. Development shall be begun within three years of the date of the permission.
2. Development to be in complete accordance with plans and specifications (unless specified otherwise).
3. Notwithstanding details provided, samples of stone for the external walls of the dwellings to be approved prior to the construction of dwellings above slab level.
4. Notwithstanding the details submitted, samples of the grey roof tiles of the dwelling to be approved prior to the construction of the dwellings above slab level.
5. Hard and soft surfacing of the site, including boundary treatments, in accordance with the Proposed Boundary Treatment Plan (064-21-PL08 Rev C) prior to the first occupation of the dwellings.
6. Notwithstanding the details submitted, full design details of the solar panels to be approved prior to the construction of the roof of any of the dwellings and provided in accordance with approved details prior to the first occupation of the dwellings.
7. Prior to construction of the dwellings above slab level, the existing outbuildings shall be demolished.
8. Ground works shall not commence until a Phase 1 report has been submitted to and approved in writing by the LPA.
9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the LPA.
10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report, groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the LPA.
11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy.
12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority.
13. Development to be in accordance with the Drainage Strategy B24698-JNP-92-XX-RP-C-1000 (P02) prepared by JNP Group, dated 06/05/2022", unless otherwise approved in writing with the Local Planning Authority.

14. The electric vehicle recharging points shall be installed within the dedicated parking area of each of the approved dwellings prior to the first occupation of these dwellings and shall be a minimum output of 16A/3.5kW).
15. All external vehicle parking areas and hardstanding shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' before the dwellings to which they relate are first occupied.
16. Prior to development commencing above slab level, details of bin storage and collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided in accordance with approved details prior to the first occupation of the dwellings.
17. One bat box and one bird box shall be incorporated into each dwelling hereby approved; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light, at least 5 metres above ground.
18. Removal of permitted development rights for future ground floor openings within the south eastern facing side elevation of plot 1.

Background Papers:

[Link to application details](#)

Website link - <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/94569>

Certificate of Ownership –Certificate B has been signed