
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2023

**Subject: Planning Application 2023/90346 Erection of two detached dwellings
land at, Greenhill Bank Road, New Mill, Holmfirth, HD9 1ER**

APPLICANT

H Bowers

DATE VALID

13-Feb-2023

TARGET DATE

10-Apr-2023

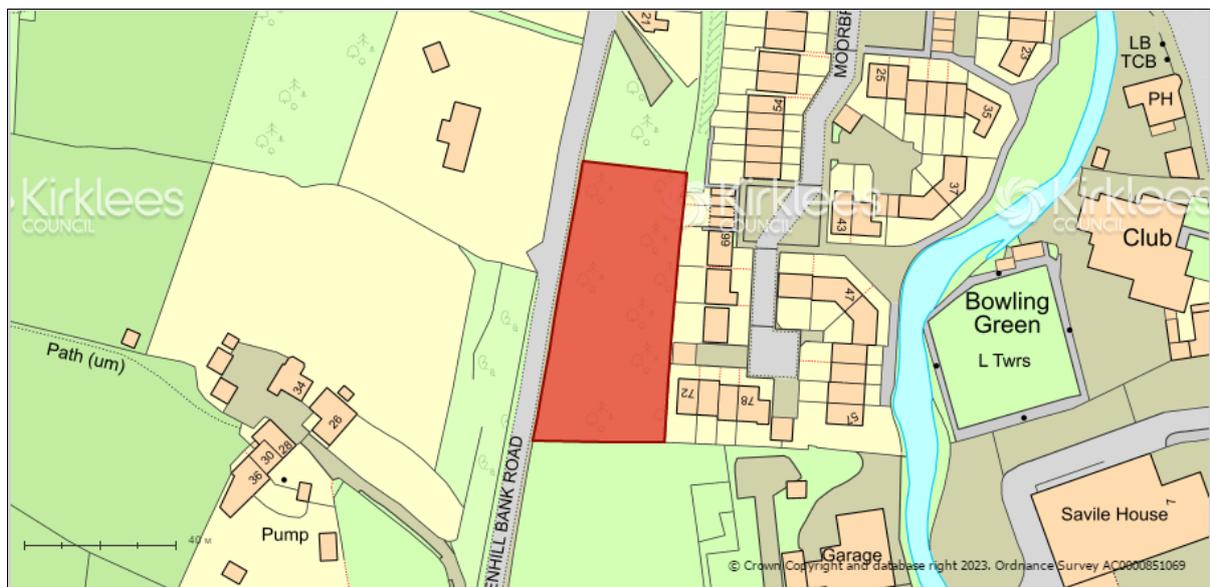
EXTENSION EXPIRY DATE

25-Jul-2023

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 is brought before Huddersfield Planning Sub-Committee for determination under the terms of the Delegation Agreement due to the level and nature of local public objection.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises a very steeply sloping plot of land on the east side of Greenhill Bank Road. The plot comprises approximately 0.2h of land and is overgrown with scrub. At the eastern, or lower end, it is adjacent to a completed housing development on former site of Moorbrook Mills, Moorbrook Mill Drive To the south alongside Greenhill Bank Road is further steeply sloping open scrubland. To the north is a small triangle of open land and beyond this a tarmac shared driveway used for the parking of vehicles. The boundaries are formed by retaining stone walls at the top along Greenhill Bank Road and bottom adjacent to the Moorbrook Mills site.

2.2 The site is on the edge of the built-up part of New Mill, the land to the west being only sparsely developed. The land to the south and west of the site is designated Green Belt.

3.0 PROPOSAL:

3.1 The proposal is for the erection of two detached dwellings.

3.2 The dwellings would be sited near the western or highway boundary of the site, at the top of the slope. The footprint of each dwelling would not have a simple rectangular or geometrical built form but would consist of several overlapping rectangular blocks so that the width and depth of each dwelling, and its distance from site boundaries, would vary according to where the measurement is taken.

3.3 The dwellings, designated Plot 1 and Plot 2, would be handed with respect to each other. Each would have an open-fronted integral carport of approximately 7.7m width, set back approximately 1m from the highway boundary. Living accommodation would include a bathroom and bedroom at ground floor, one bedroom and open-plan kitchen-dining-lounge at first floor, and a further two bedrooms at lower ground floor.

- 3.4 The distance between the facing north and south side walls of the new dwellings would be 5.5m, and Plot 1 would be 9m from the southern plot boundary.
- 3.5 Each dwelling would incorporate a raised terrace garden at upper ground floor and first floor level. The first-floor garden is shown as having steps leading down to the surrounding land, which it appears is not intended to be levelled.
- 3.6 The living area and kitchen, and three lower floor bedrooms, would have their main outlook to the sides; only the first-floor bedroom would have its main outlook to the rear, or east.
- 3.7 The plans indicate that stone is to be the predominant walling material, but the application form states that materials are “to be agreed” so this must be treated as illustrative. The roofs would be flat.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Application site:

2016/92761 – Erection of two detached dwellings. Approved 30th January 2018, not implemented and expired 30th January 2021.

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

- 5.1 13-Jun-2023 – Amendments to floorplan to show bin storage area. The plans were not subject to new publicity since the amendments were not considered significant enough to require the opportunity for new public comment.

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

Kirklees Local Plan (2019):

- 6.2 The site is within land without designation within the Local Plan proposals map.
- **LP 1** – Achieving sustainable development
 - **LP 2** – Place shaping
 - **LP 7** – Efficient and effective use of land and buildings
 - **LP 20** – Sustainable travel
 - **LP 21** – Highways and access
 - **LP 22** - Parking
 - **LP 24** – Design
 - **LP 30** – Biodiversity and geodiversity
 - **LP 53** – Contaminated and unstable land.

Holme Valley Neighbourhood Development Plan (HVNDP)

The site is within Landscape Character Area 7 – River Holme Wooded Valley

Key landscape characteristic of the area are:

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

Key built characteristic of the area are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

The following policies are considered to be relevant:

Policy 1: Protecting and Enhancing the Landscape Character of 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 12: Promoting Sustainability

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

Supplementary Planning Guidance / Documents:

6.3 The following Supplementary Planning Documents are deemed relevant:

- Highways Design Guide 2019
- Housebuilders Design Guide Supplementary Planning Document 2021
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications
- Waste Management Design Guide for New Developments

National Planning Guidance:

6.4 National Planning Policy Framework

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Planning for climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the historic environment.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Publicity period expired 13-Mar-2023. Publicity was undertaken by neighbour notification letter only thereby fulfilling the requirements of the Development Management Procedure Order.

7.2 Representations were made by a total of 15 third parties, all objecting to the application.

Summary of concerns raised:

- Design is out of character
- Garage doors are bland
- Many trees and other vegetation have already been removed resulting in loss of biodiversity.
- Further loss of biodiversity and especially bat foraging and commuting
- Loss of allotments which are in short supply in Kirklees
- Overlooking of houses below
- Blocking of natural light / sunlight
- The road is narrow, with only just enough passing space for two cars, and it is not clear how visibility splays will be provided or retained.
- Obstruction to highway resulting from parked cars
- There would be insufficient space to turn within the site.
- Impact on stability of land and wall. The road surface is already showing signs of cracking and may collapse.
- Overloading of sewers. How will water run-off be managed, this may put pressure on the retaining wall;
- Doctors' surgeries and schools will be overstretched
- Noise pollution
- Has knotweed been removed?
- The access for build traffic is through private land and there is not enough parking available for contractors' vehicles;
- The address and postcode used on the applicant documents do not make the site easy to find
- There have been no site notices posted.
- Kirklees officers should check whether it is just a re-application or whether there have been changes. There are additional, and larger, panes of glass
- There is brownfield land available so developers should not be building on greenfield.

Holme Valley Parish Council – Oppose:

- Not in keeping with neighbouring properties and local vernacular. See HVNDP pp72-74 Policy 2.
- Issues of overlooking.
- Access concerns regarding Highway visibility.
- There was no climate mitigation statement which the Parish Council expects for all new builds.
- Members also felt that consideration needed to be given to visitor car parking additional to that of householder parking.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

There were no statutory consultees.

8.2 Non-statutory:

KC Highways Development Management – No objection subject to conditions

KC Highways Structures – No objection subject to conditions

KC Ecology – No objection subject to condition.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (NPPF) which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay unless material considerations indicate otherwise. This also applies to HVNDP which is part of the adopted development plan.
- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply. The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to

calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local Authorities 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.

- 10.3 The provision of housing needs however to be balanced against all policies and material planning considerations considered below. The site lies within land without designation on the Local Plan proposals map. As such there is no presumption against new build housing, which may in principle be an appropriate use of the land.
- 10.4 It is noted that there is a recent permission, reference 2016/92761 – Erection of two detached dwellings. This expired in January 2021. The scale and design of each dwelling would have been very similar to those now applied for, and the means of access would have been essentially the same, as they would have taken direct access to Greenhill Bank Road. The only substantial differences between the historic and current schemes are positioning of the dwellings within the site, the southernmost and northernmost dwellings (Plots 1 and 2) having been moved 20m and 18m to the south respectively and moved approximately 1m closer to the highway boundary. Implementation of permission 2016/92761 never commenced and it has therefore now expired. The application was assessed under the now-superseded Unitary Development Plan, and there have been several changes in the policy context since that time, including the adoption of both the Local Plan and HVNDP, revisions to the NPPF and the adoption of various SPDs by Kirklees Council. It is considered therefore that only limited weight should be placed on this historic permission, at least in so far as the assessment of design and visual amenity is concerned.
- 10.5 Policy LP7 states that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. It also identifies that proposals should encourage the use of previously developed land in sustainable locations and give priority to despoiled, degraded, derelict and contaminated land that is not of high environmental value. The site is not classed as “previously developed” within the meaning of the NPPF. This does not mean there is a presumption against development, but it also does not imply that a development making “efficient use” of land will necessarily be acceptable – this will be assessed having regard to its compatibility with local character (see part 2 below).
- 10.6 Whilst the achievement of a mix of size and tenure in a multi-unit scheme is desirable, Policy LP11 specifies that schemes of more than 10 units or those covering an area of greater than 0.4ha should provide a mix reflecting the proportions of households that require housing and achieve a mix of house size and tenure. For a small minor scheme, consisting of only two units, it would be unreasonable to treat this requirement as being mandatory.

Urban Design issues

- 10.7 The erection of two dwellings on this site would give rise to a density equivalent to approximately 9 units per hectare, as against Policy LP7 which recommends 35 units per hectare as a target. The density of development thus achieved

would be substantially lower than that of the Moorbrook Mill development to the east. But given the steep gradient and elevated position of the site, and as it would be seen in the context of largely undeveloped land to the west and south, it is considered that a significantly higher density would be difficult to achieve and might not be appropriate to its context.

10.8 It is therefore considered that the development would fulfil the aims of LP7 and Chapter 11 of the NPPF in making efficient use of land.

10.9 The proposal will be considered further having regard to the aims of LP24(a), and also those of the Housebuilders' Design Guide, in particular:

Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.

Principle 8 – Transition to open land to be carefully considered.

Principle 13 – Materials should be appropriate to the site's context.

Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.

Principle 15 – The design of the roofline should relate well to the site context.

10.10 The design policies within Holme Valley NDP (1,2 and 6) will be given significant weight since this forms part of the statutory development plan for the area. Under HVNDP Policy 2, development should respect the key characteristics of the local built environment and of the landscape character area in which they are situated, strengthen local sense of place, make use of existing assets such as trees, internal boundaries and watercourses, respect the scale, mass, height and form of existing buildings in the local area and minimise pollution (including light pollution).

As previously stated, the site is within Landscape Character Area 7 – River Holme Wooded Valley.

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

Key built characteristic of the area are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

10.11 Although the proposed development would give rise to some interruption to views across the valley floor, it is considered that this would only affect views from Greenhill Bank Road and that more generally it would allow views towards the wider landscape and wooded valley floor to be maintained. Within the site,

and on land immediately adjoining it, there are no clear signs of the area's industrial, or mining heritage and it is considered that the development would not result any such assets being diminished. Stone boundary walls are acknowledged as an important feature in the Landscape Character Assessment and can be observed on both sides of the road in the vicinity of the application site. The formation of sight lines would require the demolition of the existing mortared stone boundary wall, but the wall could be rebuilt to the rear of the sight line (at 900mm in height or less to maintain adequate visibility for emerging drivers). The rebuilding is not explicitly shown on the drawings but could be the subject of a condition. It is considered that the land in its existing semi-natural state makes, at most, only a very limited positive contribution to local amenity and that there are not trees on site that are of sufficient quality to merit a preservation order.

- 10.12 HVNDP Policy 6 states that proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character. The site is on the edge of the built-up part of New Mill. The older part of the settlement is characterised by terraced houses in short rows, larger free-standing buildings dating from the late 19th or early 20th Century such as the New Mill Club and former Duke of Leeds Inn, the industrial complex located to the south of the village centre between Sheffield Road and New Mill Dike, and examples of recent, high-density housing developments dating from within the last 20 years (Water Hall Court and the Moorbrook Mill development). Away from the centre of the village, the area is characterised by former estate housing (mostly semi-detached) off Holmfirth Road and, extending north along Huddersfield Road and Cold Hill Lane, individually-designed houses on medium to large plots built incrementally from the 1930s onwards.
- 10.13 Any attempt to mimic the older, high-density development in New Mill would be likely to result in a visually jarring and inappropriate form of development. A style of development that is appropriate in the relatively flat and low-lying land in the central and southern part of the village would seem out of keeping on this steeply sloping site which is also bounded by undeveloped land to the south and north. The two new proposed houses, considered in isolation, would be quite large, but the proposed development would have a relatively small footprint in relation to the large plot size and a large amount of space would be left between their mutually-facing side walls, and between the side walls and site boundaries. The proposed dwellings would be placed on the upper part of a steeply sloping site and would be up to three storeys in height. They would however be seen against a backdrop of rising land to the rear, which would somewhat reduce their visual impact.
- 10.14 The topography of the site, other than those areas required for access and the terraced gardens, would be retained in its natural state, which would avoid giving rise to a strongly engineered appearance over the whole site and allow it to retain some of its natural character. Whilst it is acknowledged that the proposal introduces new built development into an undeveloped semi-rural setting, and would be quite prominent being placed near the top of a slope, it is considered on balance that the site is capable of being modestly developed for housing and that the layout, scale and number of units is an appropriate response to the site context.

- 10.15 It is considered that the development would maintain a close association between built form and landscape which is recognised as being a feature of the area, would reflect settlement character, and would avoid give rise to the impression of overdevelopment of the site. It would thereby accord with the key aims of HVNDP policies 2 and 6.
- 10.16 Paragraph 8.3 of the Housebuilders' Design Guide SPD states that "contemporary and innovative approaches will be welcomed where they are of high quality and complement the existing context." The proposed dwellings would be of modern, contemporary appearance owing to their built form, use of flat roofs, fenestration and design details. Being sited near the top of a particularly steep slope, there is a risk that a more conventional design – with pitched roofs and a simple rectilinear built form – could seem overbearing in this context. The design that has been chosen, so that the dwellings lack a single, clearly definable rear elevation, breaks up some of their mass, this is also assisted by the overhanging flat roofs which help to provide a more horizontal emphasis. It is considered on balance that the design is a thoughtful and appropriate response to the character of the site and its surroundings, and would represent a gentle transition to open land outside the application site. Several design features would be noticeably different from development in other parts of New Mill, but as the new dwellings would appear visually separated from any existing housing and would not extend or sit within an existing built-up row, it is considered that this contemporary approach to design and materials is justified.
- 10.17 The application form states that materials are "to be agreed". The visuals indicate that the new dwellings are to be faced principally in stone with limited use of timber boarding or other lightweight cladding, which in principle is considered appropriate. The palette of materials could be the subject of a condition requiring further details before work commences above foundation level. In conclusion, it is considered that all aspects of building design would support the aims of Policy LP24(a), Policies 1, 2 and 6 of HVNDP and the principles within the HDGSPD listed earlier in the report.
- 10.18 Holme Valley NDP Policy (1)(4) states that a full hard and soft landscaping scheme should be submitted with all applications for new buildings. In practice, the detailed landscaping of a site is usually assessed at the post-decision stage. Taking into account the scale of the proposal it is considered that it would be proportionate to adopt the same approach here. The plans indicate that the majority of the site is to be retained in a semi-natural state, but it is important that any future landscaping scheme offers clarity about how the land close to the proposed dwellings will be restored after development, and any ecological enhancements that will be delivered. This should also include new boundary treatments, which should have regard for Holme Valley NPD policy 1(3) which states that boundary treatments should incorporate new dry-stone walls using natural stone in areas where these are a characteristic feature of the Landscape Character Area.
- 10.19 In conclusion, and on balance, it is considered that form, scale, layout and detail of the development would, on balance, respect the character of the townscape and landscape including the key characteristics set out in the assessment of landscape character area 7, strengthening the sense of place by responding innovatively to local context. Subject to conditions requiring details of materials

and landscaping (including boundary treatments), the development would thereby support the aims of LP24(a) and (c), the principles within the Housebuilders' Design Guide SPD set out in paragraph 10.9 above, Policies 1(1-3) and 2(1, 2, 3, 4 and 8) of the Holme Valley NDP and the relevant parts of NPPF Chapter 12. Given the visual prominence of the site it is also recommended that any approval should be conditioned to remove permitted development rights for extensions and outbuildings allowed under Part 1 Class A, B or E of the General Permitted Development Order so as to ensure that future extensions and buildings do not give rise to a negative visual impact on account of their scale, siting or design.

Residential Amenity

10.20 The following principles within the Housebuilders Design Guide are of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 21 metres between facing windows of habitable rooms at the backs 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; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of 2m distance from the side wall of the new dwelling to a shared boundary.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards (NDSS), which are not adopted but are to be given considerable weight as a guideline for assessing planning applications.

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

10.21 The 21m mutual separation between facing rear windows is a recommended minimum distance, and greater stand-off distances may sometimes be considered appropriate where, for instance, new development is at a much higher elevation than existing development that might be affected. The new dwellings would be considerably elevated above 66-70 Moorbrook Mill Drive, which have their main windows facing east and west, and no. 72, which has its main aspect to the north and south, and presents a gable end and amenity space to the application site. At its closest approach, the dwelling on Plot 2 would be approximately 23.5m from the facing rear elevations of 66-70 Moorbrook Mill Road. The only primary habitable room window in the rear elevation, that of the first-floor bedroom, would however be 30m away from these properties' rear elevations. It is considered that this degree of separation, notwithstanding the elevated position of the new development, would be enough to avoid giving rise to a level of overlooking that would be perceived as intrusive. It is recommended that, in order to avoid giving rise to the perception of mutual overlooking, rear-facing windows, other than the one primary bedroom window, should be fitted with obscure glazing.

- 10.22 There would still be the potential for mutual overlooking between the residential gardens of nos. 66-72 Moorbrook Mill Drive, and the curtilage of the new dwellings. This could however be mitigated to an acceptable degree by the provision of screen fencing.
- 10.23 It is considered that all habitable room windows would enjoy a satisfactory outlook and natural light. Internal floor space would be 225sqm per dwelling which is comfortably in excess of the recommended figure for a 4-bedroom dwelling as set out in the NDSS.
- 10.24 It is considered that the overall amount of amenity space available for future residents within the curtilage of each property would be more than adequate for the future needs of residents. It is noted that the land is steeply sloping and that this might give rise to practical difficulties in future residents seeking to actively maintain or use it as garden. The plans indicate that most of this land would be retained with its existing slope and would not be levelled or terraced, future engineering operations would require planning permission in their own right. This would provide increased opportunities for biodiversity net gain, as noted in paragraph 10.41 below. It is noted however that each property is provided with raised terraced areas which together would amount to roughly 33sqm for Plot 1 and 40sqm for Plot 2. It is considered on balance that the outdoor amenity space available, in terms of size and quantity would be functional and proportionate to the size of each dwelling and would thereby fulfil the aims of Principle 17 of the SPD.
- 10.25 It is therefore considered that the proposed new dwellings would give rise to a good standard of amenity for future occupants whilst not unduly detracting from the amenity of neighbouring residents and would thereby comply with the aims of LP24(b), Policy 2(10) of the HVNDP and the above principles of the HDG SPD.

Highway issues

- 10.26 Policies LP21 and 22 of the Local Plan state that development should not adversely affect the safe or convenient use of the highway and should provide parking at levels commensurate with the accessibility of the site and type of development. Holme Valley NDP policy 11 states that proposals should follow Kirklees' latest guidance on highway design and parking, that any highway works should protect the key landscape characteristics of that area and provide safe access to local streets (to footpaths, cycle routes and public spaces, where applicable).
- 10.27 Greenhill Bank Road is a two-way single carriageway with a width of approximately 5.1m in the vicinity of the proposed development site. There is a footway along the immediate site frontage which varies in width from 1 metre to 1.2 metres wide. The opposite side has a narrow verge of around 0.3 metres in width. Greenhill Bank Road is subject to a 30mph speed limit. Most of the properties along the route have individual points of access from the major road with many having no internal turning facilities or off-street facilities.

- 10.28 According to the Transport Statement, the proposed dwellings are anticipated to generate approximately 1 to 2 trips each during the morning and evening peak hours. The Highway Officer concurs with these findings. It is concluded that the level of traffic generated by the proposed development can easily be accommodated and will not significantly add to any congestion at the peak times on the local network or materially impact upon its safe operation.
- 10.29 Each dwelling would have its own independent point of access onto the main road via a private driveway with visibility splays of 2.4m x 43m to the east and west. It is considered that the access arrangements would allow safe access to and egress from the public highway to be achieved. Internal turning provision is not considered essential since the development would take access to a non-classified road, which also has good visibility. This arrangement was accepted for the 2016/92761 permission, noting that the dwellings were positioned in a more northerly location at that time and therefore closer to the sharp bend adjacent to 7 Greenhill Bank Road. The amended position may therefore represent a small improvement in highway safety terms.
- 10.30 Each dwelling would be provided with off-street parking provision. The area available for parking would, as previously stated, be approximately 7.7m wide, which would be more than enough for three standard parallel parking spaces. The layout also shows a bin storage area for each dwelling, with two standard-sized bins. It does not however show a clear pathway to drag bins out, which would be obstructed if all three parking spaces were in use. This could easily be remedied by the removal of the projecting 850mm slab of wall in front of the bins (which is presumably intended to conceal them from view for amenity and security reasons) and its replacement with a gate which could be opened to allow them to be dragged out. The architect has agreed in principle that this could be the subject of a condition. The plans also fail to show a collection point, but, again, it would be easy to add this without it interfering with vehicle parking or circulation. These minor changes could be the subject of a condition. It is considered that the aims of Policy LP24(d) and Principle 19 of the SPD, of facilitating waste separation and collection in a way that is convenient and has minimal visual impact, would be fulfilled.
- 10.31 The plans do not explicitly indicate parking for cycles. It would however be possible to store two or more adult-sized bicycles within the entrance lobby without obstructing internal movement, or alternatively within the first-floor boot room or externally in the upper or lower garden. Whilst such arrangements would not be ideal for the convenience of future occupiers, it is considered on balance that they can be accepted and that the aims of LP20 would thereby be fulfilled in encouraging the use of low-impact means of transport.
- 10.32 It is noted that the layout does not make any provision for visitor parking. Key Design Driver 20 of the Highways Design Guide SPD states that "in most circumstances, one visitor space per 4 dwellings is considered appropriate". In cases where the proposal is for two dwellings only, or for an even number that is not a multiple of 4, the decision on whether to round up or down is made in each case based on the circumstances of the site, the nature of the local highway network, and officers' assessment of the possible consequences of additional on-street parking occurring. In this instance, the development would take access to an adopted but unclassified road whose carriageway is just over 5m wide, and benefits from a footway on its eastern side which is

approximately 1m wide. If a visitor's vehicle were to park here, it would have the effect of narrowing the road to the extent that two vehicles would not be able to pass each other at that point, and if parked straddling the footway (whilst acknowledging that an improved, 2m footway, would be provided as a condition of granting planning permission) it would also impede the passage of pedestrians.

- 10.33 However, this stretch of Greenhill Bank Road has good alignment and visibility. Moreover, it is noted that visitor parking provision was also absent from the 2016/92761 scheme. This was before the Highway Design Guide SPD was adopted, but parking provision would have been assessed in a similar way. Recommended levels of provision for new dwelling houses (including the recommended one visitor space per 4 dwellings) for Kirklees were the same then as they are now. It is considered that it would be difficult to demonstrate, that on-street visitor parking arising from the development would have a significantly detrimental impact upon highway safety to be contrary to paragraph 111 of the NPPF. The proposal has been assessed against Policy 11 within the Holme Valley NPD, which it is noted does not contain any specific advice on visitor parking in particular.
- 10.34 It is recommended that conditions similar to those attached to the granting of the 2016/92761 permission should be applied to the present proposal, in respect of access and highways. This should include: means of access to the site for construction traffic (so as to eliminate the need for delivery or contractors' vehicles to park on the public highway); the provision of a 2.0m footway within and along the length of the site so as to improve pedestrian safety, for which prior details will be required; laying out and surfacing of parking areas. It is also recommended that the provision of refuse bin storage as shown on the plans, with suitable amendments to ensure that waste containers can be accessed and collected, be the subject of a condition.

Other issues

- 10.35 *Climate change*
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. Since February 2023, the submission of a Climate Change Statement has been mandatory for new applications. In determining this application, the Council will use the relevant Local Plan policies including LP24(d), Principle 18 of the HDG SPD, and Policy 12 (Promoting Sustainability) of the Holme Valley NDP. Policy 12 recommends that sustainable, energy-efficient designs should be used in all new buildings, that they be oriented to optimise passive solar gain, and should generate or source energy from renewable low-carbon sources.
- 10.36 The applicant's Climate Change Statement proposes the following:
- Smart energy metering and energy-efficient heating systems;
 - The use of energy-efficient white goods;
 - Provision of external drying space plus space for home composting;
 - Locally-sourced materials and workforce;

- The use of materials with low U-values;
- The layout maximises natural light, heating and cooling;
- Both dwellings to incorporate high-efficiency double glazing, low-energy lights and efficient boilers.

10.37 The siting of the two dwellings is possibly not ideal from the point of view of allowing passive solar heating since the main lounge in Plot 2 and some bedroom windows would face north. The site is located approximately 150m from village bus stops with a more than hourly service to Holmfirth and a twice-hourly service to Huddersfield Town Centre, 250m from the Post Office and general store, and 400m from the nearest Junior school. It is therefore considered to be an accessible site that would allow future occupants to fulfil many of their daily and weekly needs without the use of a private car. It is considered on balance, considering the applicant's proposals against the aims of Policy 12 of the Holme Valley NDP above, that subject to further details of the energy performance of the building (which must be proven to exceed minimum Building Regulations standards), the development would contribute positively to the above carbon reduction aims. Furthermore, each dwelling would be required to install an electric vehicle recharging point.

10.38 *Land contamination and instability*

Land immediately to the east of the site (the former Moorbrook Mills), although not the site itself, is registered as being potentially contaminated as a result of its former use. This land would presumably have been decontaminated at the time when it was redeveloped for housing (2016/91336). It is considered that the risk of soil contamination on the application site is very low, not least because of the difference in topography, and that in the circumstances it will be sufficient to add the standard precautionary condition on what to do if unexpected contamination is encountered during development.

10.39 Paragraph 174(f) and 183 of the NPPF state that planning policies and decisions should prevent new development from contributing to, or being put at risk from, land instability and that a site is suitable for its proposed use. Paragraph 184, however, states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner, and under Policy LP53 of the Local Plan, the potential for land instability may also be a material consideration.

10.40 The development plots are on steeply sloping land and the proposed development would involve works potentially affecting the stability of the adjacent highway. As well as vehicular access this involves the dwellings themselves and the requirement for a 2m wide footway to be provided within and across the site. It is therefore considered that it would be reasonable and proportionate to require the developer to provide, before development commences, a report signed off by a competent person demonstrating that the site can be developed without endangering the stability of the highway. Subject to inclusion of the recommended conditions the proposal is considered to be acceptable with regard to land quality / stability.

10.41 *Ecological issues.* – Holme Valley NDP Policy 13 requires that new development should create a “measurable net gain in natural capital and biodiversity” in accordance with current national and local guidance”. Under the Biodiversity Net Gain Technical Advice Note, development classed as “minor” is not required to demonstrate a biodiversity net gain using the Biodiversity

Metric 2.0, except those in “sensitive locations”. In this instance the site is neither within nor adjacent to the Kirklees Wildlife Habitat Network. It does however contain semi-natural habitat and is adjacent to further semi-natural land, and therefore provides the opportunity for significant enhancements which could include, but not be limited to, habitat boxes, the planting of native species of tree, shrub and wildflower. This, it is recommended, should be the subject of a condition requiring a detailed scheme to be submitted for approval. This will need to evaluate the existing biodiversity of the site, assess how this could be enhanced as part of the development, and include a timescale for implementation.

10.42 The following condition was imposed on the 2016 permission:

13. Before development commences (including any vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Himalayan balsam and Cotoneaster (alspecies list on Schedule 9, Part II of the Wildlife and Countryside Act 1981, as amended) on site outlined in red on the submitted location plan Dwg. No. OS R B. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: In the interest of visual amenity and ensure the eradication of invasive non-native species at the site to maintain and enhance ecological interest within the site, in accordance with the guidance contained within the National Planning Policy Framework and Policy EP11 of the Kirklees Unitary Development Plan. This is a pre commencement condition as non-native species need to be dealt with before construction work commences to stop additional spreading

10.43 It has not been possible to ascertain whether or not the aforementioned invasive species are still present on site. The architect has provided no information on this. It is therefore recommended that as a precautionary measure, the same condition should be reimposed.

10.44 *Drainage*. The application proposes that disposal of surface water be by means of a sustainable urban drainage system (SUDS). To ensure that a SUDS is installed that is suitable for the site and the intended development, details should be sought by means of a pre-commencement condition. This is in accordance with Policy LP28 of the Local Plan.

Representations

10.45 The comments made are summarised here with officer responses.

- Design is out of character.
Response: This has been thoroughly assessed in paragraphs 10.7-10.19 above
- Garage doors are bland.
Response: The plans indicate that the garages or carports would be open-fronted. It is recommended it be conditioned that garage doors should not be added unless these are designed to slide or otherwise open within the footprint of the development. This is to avoid a detrimental impact on highway safety.

- Many trees and other vegetation have already been removed resulting in loss of biodiversity.
Response: The felling of trees can be undertaken without the need to seek the consent of the Council unless they are covered by Tree Preservation Order or are within a Conservation Area. Neither applies in this instance.
- Further loss of biodiversity and especially bat foraging and commuting
Response: There are no features within the site that are likely to provide bat roosts. The Ecology Officer has examined the proposal and has no objection. As previously stated, the opportunity exists to enhance the biodiversity of the site, which can include, but not be restricted to, the installation of artificial bat roost features.
- Loss of allotments which are in short supply in Kirklees
Response: The area shows no sign of having been used as allotments in the recent past. It has not been possible to determine when the allotment use ceased. Since the site is not designated as Urban Green Space, but is unallocated, it would not be possible to formulate a defensible reason for refusal on the basis of past allotment use.
- Overlooking of houses below
Response: This issue has been examined and it is considered that no undue loss of privacy would occur.
- Blocking of natural light / sunlight
Response: It is considered that given the separation distances it would not be possible to substantiate this as a reason for refusal.
- The road is narrow, with only just enough passing space for two cars, and it is not clear how visibility splays will be provided or retained.
Response: It has been noted that the width of the carriageway will allow two vehicles to pass. Condition requires the provision of visibility splays.
- Obstruction to highway resulting from parked cars.
Response: This has been examined in paragraph 10.32-10.33 of the report and it is considered that any additional on-street parking arising from the development would only result in a minor inconvenience to other road users and would not justify refusing permission.
- There would be insufficient space to turn within the site.
Response: The provision of internal turning space, whilst desirable, is not treated as a mandatory requirement for small minor developments taking access to unclassified roads. It is considered that there are no specific highway safety concerns associated with this stretch of Greenhill Bank Road that would justify the inclusion of such provision as a condition of granting permission.
- Impact on stability of land and wall. The road surface is already showing signs of cracking and may collapse.
Response: Land stability issues are material to the assessment of this application. Pre-Commencement conditions are recommended to ensure that the impact of development on highway retaining structures is thoroughly addressed as part of the development.

- Overloading of sewers. How will water run-off be managed, this may put pressure on the retaining wall;
Response: The applicant proposes that a Sustainable Urban Drainage System be installed as a means of surface water disposal. Subject to details being supplied, this would ensure that water can be safely disposed of without overloading sewers or causing issues for neighbouring land. Any permission would also be subject to pre-commencement conditions regarding the impact of development on highway retaining structures.
- Doctors' surgeries and schools will be overstretched.
Response: The impact upon schools arising from just two dwellings would not amount to a defensible or policy-based reason to refuse permission. The requirement for additional doctor's surgeries is not material to the assessment of the application.
- Noise pollution
Response: The proposed use is residential and is therefore unlikely to give rise to levels of noise that are not typical in a residential area. If the construction process gives rise to levels of noise sufficient to cause disturbance to local residents, it can be dealt with under other legislation. It is considered that owing to the scale of development, it would not be reasonable in the circumstances to require the applicant to submit details of how the construction process would be managed, other than from the point of view of access and parking.
- Has knotweed been removed?
Response: There is no indication that Japanese Knotweed was found on site at the time when the 2016 application was being determined although it appears that two other invasive species were. In the circumstances, it is considered it would be appropriate to impose a precautionary condition (see 10.42 above).
- The access for build traffic is through private land and there is not enough parking available for contractors' vehicles
Response: Since there is no existing vehicular access to the site within the red line boundary, the submission of a construction management plan is a reasonable requirement in the interests of highway safety. If the developer's intended means of construction access would mean taking access over land not in their ownership, this would not amount to a reason for refusal since the grant of planning permission (or subsequent approval of details reserved by condition) does not override legal land ownership constraints.
- The address and postcode used on the applicant documents do not make the site easy to find.
Response: It is not mandatory for application documents to describe the location of a proposed development beyond giving a street address and postcode. The submission of a location plan showing the site within the wider road network is however a requirement and it is considered that this is clear enough to allow the site to be identified.

- There have been no site notices posted.
Response: Under the Development Management Procedure Order, it is not mandatory for the local planning authority to publicise most applications by means of site notices, provided that individual neighbouring properties have been notified by letter. This application does not fall within any of the categories for which a site notice is mandatory and the application has been publicised in accordance with Table 1 of the Kirklees Development Management Charter, as specified on the Council's website.
- Kirklees officers should check whether it is just a re-application or whether there have been changes. There are additional, and larger, panes of glass
Response: The case officer has noted that the proposal is not a mere re-submission of the previous one and that there have been changes, especially in the layout of buildings within the site. The position of windows within the new development has also been noted and assessed.
- There is brownfield land available so developers should not be building on greenfield land.
Response: Neither national guidance nor local planning policy contains a presumption against development on greenfield land.

10.46 Holme Valley Parish Council comments:

- Not in keeping with neighbouring properties and local vernacular. See HVNDP pp72-74 Policy 2.
Response: It is considered by officers that the development would respect local character and strengthen sense of place. This is examined in more detail in paragraphs 10.7-10.19 above.
- Issues of overlooking.
Response: This issue has been examined in 10.20-25 above and it is considered that development, subject to conditions, would not give rise to a material loss of privacy.
- Access concerns regarding Highway visibility.
Response: The plans indicate that satisfactory visibility can be achieved. This can also be controlled by condition.
- There was no climate mitigation statement which the Parish Council expects for all new builds.
Response: The applicant's Climate Change Statement, submitted subsequent to the main application documents, proposes measures to limit carbon emissions associated with the development. It is recommended that further details (of insulation, and of possible on-site renewable generation) be conditioned.
- Members also felt that consideration needed to be given to visitor car parking additional to that of householder parking.
Response: The 2016 scheme did not contain visitor parking provision. Since that time, recommended levels of private and visitor parking (as currently set out in the Highway Design Guide) have not changed. It is generally recommended that visitor parking be provided at the rate of one space per 4 dwellings, but it is not standard practice to round it up to one space if the

development proposed is only two dwellings. The Highway Officer has raised no concerns about this aspect of the proposal and for the reasons set out in paragraph 10.32-10.33 above, the inclusion of visitor parking is not considered essential.

11.0 CONCLUSION

- 11.1 It is considered that the site is suitable for new housing development and that the amount, scale, layout, and detailed design of the proposed dwellings would respect and harmonise with the character of their surroundings whilst ensuring a satisfactory level of residential amenity both for future and for neighbouring residents. It is also considered that a safe and convenient means of access to the highway would be achieved and that the development, subject to conditions, would support the aims of carbon reduction and the promotion of biodiversity in line with local and national policy.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and it 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 to commence within 3 years.
2. Development to be in full accordance with plans and specifications, except where conditions indicate otherwise.
3. Materials to be submitted and inspected prior to the construction of the superstructure of the dwellings
4. Full details of the height, materials, and position of all boundary treatments to be erected, including the use of dry-stone walling as a boundary treatment.
5. Landscaping and ecological enhancement scheme, to include future maintenance responsibilities.
6. Schedule for the means of access to the site for construction traffic, parking and unloading. (Construction Management Plan).
7. A scheme detailing the provision of a 2.0m wide footway to the Greenhill Bank Road frontage, within the application site, with sight lines and visibility splays together with highway works. This is a pre-commencement condition as the requirement for the footway would impact on the wall retaining the highway.

8. Design and construction details of all highway retaining structures including any modifications to the existing (and a dilapidation survey thereof pre- and post-development). This is a pre-commencement condition (design and construction and dilapidation survey) as these works could have a material impact on land stability which needs to be thoroughly addressed before development commences.
9. Areas indicated to be used for parking on the approved drawing no. 1169-101C to be laid out with a hardened and drained surface and so retained.
10. Details of storage and access for collection of wastes (notwithstanding the submitted details)
11. Further details of measures to limit carbon emissions/energy performance
12. Permitted development rights withdrawn for new extensions or outbuildings.
13. An electric vehicle recharging point for each of the approved dwellings.
14. Scheme for the containment, control and removal of invasive species, including Himalayan balsam and Cotoneaster to be submitted. This is a pre-commencement condition to ensure that appropriate measures to remove invasive species are undertaken before other development commences.
15. Measures to be undertaken if unexpected contamination is found during development.
16. Privacy – rear windows other than the bedroom window to be obscurely-glazed and no additional windows formed.
17. Surface water drainage scheme, to demonstrate sustainable urban drainage. This is a pre-commencement condition to ensure that a suitable scheme is approved at an appropriate stage of the construction process.
18. No garage doors to be installed on the car ports, unless these are designed to slide or otherwise open within the footprint of the development.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90346)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90346>

Certificate of Ownership – Certificate A signed