
Report of the Head of Strategic Investment**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 17-May-2018****Subject: Planning Application 2017/94319 Erection of 3 dwellings Three Valleys, Cold Hill Lane, New Mill, Holmfirth, HD9 7JX****APPLICANT**

J Milner

DATE VALID

16-Jan-2018

TARGET DATE

13-Mar-2018

EXTENSION EXPIRY DATE

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

No

Ward Members consulted
(Referred to in report)

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment subject to:

- a. awaiting the expiration of the period of publicity and taking into account any representations received during that period If new material planning considerations are raised the application to be brought back to sub-committee for reconsideration
- b. the imposition of all reasonable and necessary conditions including those contained within this report.

1.0 INTRODUCTION

- 1.1 The application seeks Planning Permission for three detached dwellings.
- 1.2 The site is allocated as Provisional Open Land within the Kirklees Unitary Development Plan. The proposal is brought to the Huddersfield Sub-Committee as the proposed residential development, for less than 61 units, represents a departure from Policy D5 (Provisional Open Land). This is in accordance with the delegation agreement.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site comprises Three Valleys, a detached two storey dwelling, and a field to the south-west of the dwelling. The dwelling and field are each accessed from Cold Hill Lane, New Mill.
- 2.2 The field access is to the south-east of Three Valleys, adjacent to the southern edge of Cold Hill Lane's carriageway. An informal parking area is adjacent to the field's access. The area's land levels slope steeply downwards to the south-west. This culminates in a steep cliff face at the bottom of the field, adjacent to Huddersfield Road.
- 2.3 The site is bordered by undeveloped green belt land to the north-west, neighbouring residential properties off Cold Hill Lane to the north-east and south-east and by an area of open land adjacent to Huddersfield Road to the south-west. There are a number of mature trees along the boundaries of the site including two Oak trees protected by Tree Preservation Orders on the south-west boundary. The site is allocated as Provisional Open Land on the Unitary Development Plan Proposals Map.

3.0 PROPOSAL

- 3.1 The proposal seeks 3no. five-bed detached dwellings. Plot 1 is to be two storeys (with habitable rooms in the roof space). Plots 2 and 3 are to be split level; presenting one storey to the front and two and a half to the rear. Plots 2 and 3 include balconies to the rear. Each dwelling has an attached garage and two parking spaces.
- 3.2 The dwellings are to be faced in natural stone, with reproduction stone slate roofing. Window openings are to be aluminium frames, with Rooflights proposed on each dwelling.
- 3.3 The dwellings would be accessed from a new shared driveway from Cold Hill Lane, with the access point being utilising the existing field access. Three Valleys, the existing dwelling, would also be accessed from the new driveway. The field's existing boundary wall is to be dropped and set back, to gain appropriate sightlines. One visitor parking space is to be provided.
- 3.4 To gain level access to the dwellings and to form useable garden spaces retaining structures are proposed in various locations around the sites. The highest of the stone retaining walls is between plot 2 and 3, with a height of 4.9m. Grass banks are to be used elsewhere as retaining structures.

Note: Plot 4 is shown on the block plan and streetscene plans. This does not form part of the proposal, and would be subject to a separate planning application. It is shown for indicative purposes only.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

87/05818: Outline application for residential development – Refused (Appeal Dismissed)

2015/90903: Outline application for the erection of four new dwellings – Conditional Outline Permission (Extant, expires 15th October, 2018)

Note: Access and layout were approved at outline stage.

2016/93409: Erection of two storey side extension and formation of parking spaces to side – Conditional Full Permission

Note: Extension for Three Valleys

2016/94210: Discharge of condition 4 (schedule of means of access) on previous permission 2016/93409 for erection of two storey side extension and formation of parking spaces to side – Discharge of conditions approved

4.2 Surrounding Area

Adj, Best Revenge (accessed via Huddersfield Road)

2014/93719: Outline application for erection of one dwelling– Conditional Outline Permission (Expired)

2015/92907: Erection of detached dwelling – Conditional Full Permission (Extant, unimplemented)

Huddersfield Road, New Mill (to the rear of Mayfield, now named Best Revenge)

91/01615: Erection of detached dwelling with integral double garage – Conditional Full Permission (Implemented)

Adjoining Bankwell (now named Castel Maure)

2003/93190: Erection of detached dwelling – Conditional Full Permission (Implemented)

4.3 Enforcement History

COMP/17/0287: Alleged unauthorised material change of use to store containers – NFA / Resolved

Note: This relates to the site adjacent on Huddersfield Road, however includes the application site within the recorded boundary.

5.0 HISTORY OF NEGOTIATIONS

5.1 During the course of the application officers expressed concerns relating to various matters. A meeting, various phone calls and email exchanges have taken place during the course of the application. This resulted in several amendments to the proposal.

5.2 The original plans included the dwellings and retaining walls being larger. Officers expressed objections to this, as the scale of the dwellings were felt to be too large within the highly prominent site. Other design changes include the provision of a grassland buffer and reduction in the size of domestic curtilages, along with further details on boundary treatments.

5.3 In regards to highway arrangements, following negotiations a visitor parking space and improved sightlines, through changes to the boundary wall onto Cold Hill Lane have been provided. On request arboricultural and ecological details were provided for review.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary

from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 On the UDP Proposals Map the site is designated Provisional Open Land.

6.3 The site is Unallocated on the PDLP Proposals Map.

6.4 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D5** – Provisional Open Land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – Building materials
- **BE12** – Space about dwellings
- **T10** – Highways accessibility considerations in new development
- **T19** – Parking Standards
- **H1** – Housing (strategy)
- **NE9** – Protection of Mature Trees

6.5 Kirklees Publication Draft Local Plan

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP21** – Highway safety and access
- **PLP24** – Design
- **PLP28** – Drainage
- **PLP30** – Biodiversity and geodiversity
- **PLP33** – Trees
- **PLP51** – Protection and improvement of local air quality
- **PLP53** – Contaminated and unstable land

6.6 National Planning Policy Framework

- **Paragraph 14** – Presumption in favour of sustainable development
- **Paragraph 17** – Core planning principles
- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11** – Conserving and enhancing the natural environment

6.7 Other material planning consideration documents

- **MHCLG**: Technical housing standards – nationally described space standard

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been publicised including letters to neighbouring properties which border the site and a site notice.

7.2 The end date for the initial period of publicity was the 27th of February, 2018. As the application constitutes a Departure from the UDP it is also necessary for it to be publicised in a local newspaper. The period of publicity for this, and a revised site notice, will not expire until after sub-committee. Any further representations received will be reported to members in the update or considered in accordance with recommendation to members at the start of this report.

7.3 Five public representations were received in response to the initial period of publicity, as were comments from Holme Valley Parish Council. The following is a summary of the concerns raised;

- Holmfirth Public Footpath 44 is within the red line site boundary. The proposed access road would be built over it. The application does not mention the footpath. PROW should be consulted.
- The outline permission was granted 'conditionally'. The proposal is very different to that granted previously. None of the conditions of the outline have been complied with in this proposal.
- There is no buffer zone for grass or the TPO as required by the outline application.
- Plot 1 is too close to the boundary of Mayfield and Sunway: the properties are three storeys, causing harmful overlooking and overbearing upon Mayfield and Sunway.
- The proposal does not provide details on drainage. The properties are below the main road sewer level.
- Plot 1 is closer to the main roadway, and will undermine road stability.
- No details on construction traffic management have been provided.
- Cold Hill Lane is unsuitable for large vehicles, such as construction traffic. Any construction traffic would cause disruption to local residents.
- Cold Hill Lane is heavily used at peak times by speedy vehicles and those looking to bypass Huddersfield road to Almondbury.

7.4 Holme Valley Parish Council: 'Support the application'.

8.0 CONSULTATION RESPONSES

8.1 Statutory

No statutory consultations were required.

8.2 Non-statutory

K.C. Highways: Held initial concerns to the proposal. Following discussions and further details being provided, no objection subject to condition.

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

K.C. Trees: No objection subject to condition for Arboricultural Method Statement.

9.0 MAIN ISSUES

- Principle of development
- Urban Design issues
- Residential Amenity
- Highway issues
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Within the Unitary Development Plan the site is allocated as Provision Open Land. Therefore D5 is relevant. D5 states;

On sites designated as provisional open land planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surrounding the possibility of development in the longer term.

The proposal does not accord with the above, and therefore seeks a departure from Policy D5.

- 10.2 Notwithstanding the above the application site benefits from an extant outline planning permission for four dwellings, ref 2015/90903. The previous application has therefore established the principle for residential development on site.

- 10.3 In summary, 2015/90903 deemed the departure to be acceptable giving due weight to the provisions of the NPPF. The Council was unable to demonstrate a five-year housing supply, and POL applications were considered a policy of housing restraint. This activated the Framework's presumption in favour of sustainable development. The proposal was assessed on its planning merits. As a result the proposal was determined to be sustainable development, and was therefore supported by officers.

- 10.4 When determining planning applications, other applications and permissions are a material consideration. National Planning Practice Guidance gives the following as an example of unreasonable behaviour by a LPA;

failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances

- 10.5 There have been no changes in material circumstances on site. In terms of policy, since 2015/90903 the Kirklees Publication Draft Local Plan (PDLP) is afforded weight as a material consideration. Nonetheless within the PDLP the site is unallocated.

- 10.6 In terms of policy interpretation, following subsequent appeal decisions the LPA's stance on Provision Open Land in relation to paragraph 49 and 14 of the NPPF has changed. Policy D5 is now deemed not a policy for the supply of housing in respect of the way in which it relates to paragraph 49 of the NPPF. Therefore, policy D5 is considered to be up to date and given full weight. Nonetheless this is not deemed to impact upon the weight given to the extant permission on site.
- 10.7 The principle of residential development has been previously established on this Provision Open Land allocation. The proposal is similar to that previously approved and there has been no changes in local context or planning policy that would change the previous assessment. Therefore the principle of development as proposed is deemed acceptable.

Urban Design issues

- 10.8 Dwellings along Cold Hill Lane are detached and well-spaced, each having sizable curtilages. They are typically large, with split levelled dwellings being common due to the area's topography, however smaller bungalows are evident. The scale of the proposed dwellings are considered acceptable in this context. Furthermore their layout is considered appropriate, achieving an efficient use of the site when taking into account the steep topography. While the dwellings would have a higher density than other dwellings on Cold Hill Lane, the proposal is not considered so dense as to be considered harmful to the established character.
- 10.9 The proposed dwellings are considered to have good architectural designs, each being visually attractive and harmonising as a grouping. In terms of the streetscene, dwellings along Cold Hill Lane have varied designs. This includes those with more traditional designs, such as Briery Brow and Mayfield, but also more modern dwellings, such as Best Revenge and Castel Maure. In this context the proposed dwellings are anticipated to respect the established built environment and would not appear incongruous within their setting.
- 10.10 Officers are aware that the rear elevations of Plots 2 and 3 will be visible from substantial distances on rising land to the south. Nonetheless, following negotiations with officers which reduced the height, mass and scale of the dwellings and retaining walls, officers are satisfied that they will appear visually attractive and harmonise with the character of the other hillside dwellings.
- 10.11 Turning to materials, the dwellings are to be faced in natural stone which is acceptable in principle. To ensure an appropriate end product is used, if minded to approve, a condition is to be imposed requiring samples. Reproduction stone slates are proposed for the roofs. Roofing materials in the area vary, including red tiles, blue slate, stone slate and artificial stone slates. Given the mixture of materials in the area, which leads to a varied roof scape, the proposed use of reproduction stone slates is not opposed in principle, although officers would look to ensure a suitably high quality material is used. This can be secured via condition, requiring samples to be provided.

- 10.12 The steep topography of the site has necessitated the use of retaining walls to gain a suitably level access, and then other, smaller retaining structures to form usable garden areas. The tallest section of retaining wall is 4.9m in height, with a 1.0m safety rail above. The prominence of the retaining wall is mitigated by being between Plots 2 and 3, set back from these dwellings by more than 5.7m. Other retaining walls on site will be less prominently visible. Retaining walls at other sites are evident within the area, which is not unexpected given the topography and overall the proposed retaining walls are not considered visually out of keeping.
- 10.13 Officers have worked with the applicant to ensure the boundary treatment is designed sympathetically, taking into account the open aspect of surrounding dwellings and the site's topography. 1.8m high fencing is limited to between side elevations of Plot 2 and 3, and between Plot 1 and 2. The 1.8m high fencing will ensure privacy of garden users. The rear boundary walls, those which will be most prominently visible from outside the site, are to be drystone walls at a height of 0.5m. This mimics the walling already evident on site. The boundary treatment as shown is to be secured via condition, as more substantial boundary treatments would raise visual amenity concerns.
- 10.14 The above assessment is based on the plans provided. Post development the dwellings would benefit from permitted development rights. Further development of the dwellings, such as extensions, outbuildings could cause significant harm to visual amenity of the dwellings, and the wider area, because of the topography of the site and the prominence of the rear elevations and gardens of Plots 2 and 3. In regards to Plot 1, as the rear backs onto Cold Hill Lane, rear extensions / outbuildings would have a similar impact. It is therefore considered necessary, and reasonable, to remove Permitted Development rights for extensions and outbuildings.
- 10.15 In summary officers considered dwellings to be visually attractive and would harmonise with the character of the surrounding built environment. The proposed development would therefore not harm visual amenity, in accordance with Policies BE1, BE2, BE11, PLP24 and Chapter 7 of the NPPF.

Residential Amenity

- 10.16 Planning policy requires consideration of a development's impact on neighbouring residents. This includes Policy BE12, which sets out recommended minimum separation distances between windows. Neighbouring dwellings include Wayside and Sunways to the north-east, across Cold Hill Lane and Mayfield and Best Revenge, which share a boundary with the site to the south-east. Consideration must also be given to the impact upon residents of Three Valleys, although it is noted to be the applicant's dwelling. To the south-west of the site, fronting onto Huddersfield Road, is a site with a recent planning permission for a new dwelling.
- 10.17 Plot 1 is the closest of the proposed dwellings to Wayside and Sunways. The nearest point between Plot 1 and these dwellings, specifically Sunways, is 22.3m. In between these dwellings is Cold Hill Lane and each dwellings respective boundary treatment. Furthermore plot 1 sits approx. 2.8m below Cold Hill Lane with Sunways being approx. 2.0, higher. These factors lead to the conclusion that the proposal would not cause harmful overbearing, overshadowing or overlooking upon the residents of either dwelling.

- 10.18 The side elevations of Plot 1 and Plot 2 face the shared boundaries with Mayfield and Best Revenge. Plot 1 is aligned with Mayfield, which has a conservatory on its side elevation. The distance between plot 1 and the conservatory is 15.0m. This separation is considered sufficient to prevent concerns of overbearing or overshadowing upon users of the conservatory. Turning to overlooking, Plot 1 has a single habitable room window on its side elevation, within the gable, serving a bedroom. 15.0m between habitable room windows is a cause for concern: to prevent harmful overlooking from the side window to Mayfield's conservatory it is proposed to condition the window be obscurely glazed. The bedroom is also served by a Rooflight, ensuring that occupiers have suitable outlook and light. Plot 2 is set well forward and back from Mayfield and Best Revenge, with separation distances in excess of 29.0m. Therefore there are no concerns relating to overbearing, overshadowing or overlooking from the Plot 2 either Mayfield or Best Revenge's dwellinghouses or garden spaces.
- 10.19 Three Valleys is 22.8m away from the side elevation of Plot 1's garage, 28.7m from the side elevation of the two storey section of the dwelling. Plot 3 is not directly aligned to Three Valleys, with the closest point being 23.4m away, at an oblique angle. Furthermore Three Valleys is on a higher ground level to both these dwellings, being particularly higher than Plot 3. Considering the circumstances, there are no concerns regarding the proposed development's impact upon the amenity of Three Valley's occupiers. Turning to the site with an extant permission for a new dwelling, currently referred to as 'adj Best Revenge', the new dwelling sits at the foot of the site backing onto a stone cliff edge. The topography difference, including the cliff face, and the separation distance from Plots 2 and 3 in excess of 35.0m negates concerns regarding impact upon future occupiers.
- 10.20 No other dwellings are located as to be materially impacted upon by the proposal. In summary, officers are satisfied that the development would not harm the amenity of neighbouring residents.
- 10.21 Consideration must also be given to the amenity of future occupiers. Each dwelling is in excess of the minimum recommended sizes outlined within the Technical Housing Standards document and benefits from a suitably sized garden space. In regards to internal space standards between dwellings, there are two shortfalls to BE12s standards. The first is between Plot 1 and Plot 2. The separation distances between these dwellings is 18.5m. However the windows facing each other include a non-habitable room (the hall of plot 1), therefore not raising concerns. The separation distance between habitable rooms increases to 20.2m and is at an oblique angle. While a shortfall from 21.0m, given the minimal shortfall and obliqueness of the angle, the arrangement is not considered harmful to the amenity of future occupiers.
- 10.22 The second shortfall is between Plot 2 and Plot 3. Each of these dwellings have a bedroom served by a single side facing window. The windows face each other at a distance of 5.0m, which is significantly below the 21.0m distance of BE12. The boundary treatment between the dwellings, a 1.8m high boundary fence, will prevent overlooking between occupiers but further reduce the outlook of each window to 2.5m. The result is that neither bedroom would have a good standard of outlook and natural light. Nonetheless each is a smaller bedroom of the respective five-bed dwellings, which are noted to be

respectively large for their number of bedrooms. Each dwelling has large communal facilities, balconies and garden spaces with all other rooms being served by windows that provide satisfactory outlook and light. As there are no concerns of overlooking, by virtue of the boundary fence, the shortfall would not harm the amenity of a neighbouring residents. The boundary fence's implementation and retention can be secured via condition. Furthermore, as new build properties, there will be no impact upon 3rd party residents and any purchaser will be aware of the arrangement. Weighing the above considerations, on the planning balance, it is not considered that the limited amenity of one room per dwelling would cause material harm to the amenity of future residents.

- 10.23 The proposal has been assessed as not being harmful to the amenity of neighbouring residents. Furthermore the future occupiers are anticipated to have an acceptable level of amenity. As such the proposal is deemed to comply with Policy PLP24 of the PDLP and Paragraph 17 of the NPPF.

Highway issues

- 10.24 The proposed access would replace the existing field access. It would take the form of a T-junction onto Cold Hill Lane, serving Three Valleys and the proposed three dwellings.
- 10.25 The proposal indicates visibility splays of 2.4m x 38.6m and 2.4m x 32.0m left and right of the site access respectively. This is to be achieved through setting the existing boundary wall back. The estimated driven speed at Cold Hill Lane, considering the steepness, road alignment and narrow width, is approximately 20mph. The proposed visibility splays are considered acceptable. In terms of the access's width, it is noted to be 3.8m at its narrowest. This is below the desired 4.5m. Nonetheless the access is short, with the shortfall being modest, and therefore does not raise substantive concerns of highway safety or efficiency.
- 10.26 In terms of traffic generation, the previous outline application on site (ref. 2015/90903) was supported by a Highway Statement. 2015/90903 granted outline permission for four dwellings, with the Highways Statement indicating that the four dwelling development was forecast to generate 4 two-way vehicle trips in the morning peak and evening peak. At the time officers considered that level of traffic could be accommodated on the local highway network. The current proposal seeks three dwellings, as opposed to the approved four: officers maintain that the local highway network can accommodate the previously anticipated level of traffic generation.
- 10.27 Each dwelling would benefit from two external parking spaces, plus a minimum of one within their respective garage. This is considered acceptable for four/five bed dwellings. The provision of parking facilities, to be appropriately surfaced, is to be secured via condition. This includes removing PD rights for garage conversions, to retain a sufficient level of parking. One visitor parking space is proposed, which is considered a benefit.

- 10.28 Turning to waste storage and collection, on request of officers the plans were updated to show these areas. The waste storage and collection as shown are considered acceptable, and their provision can be secured via condition. A waste collection point by the access will prevent the need for refuse vehicles to access the site. On-site turning for ambulances achievable, while the development is within the range of a fire tenders acceptable distance from Cold Hill Lane.
- 10.29 Highways Officers raises no objections to the proposal subject to the inclusion of a number of conditions, further to those outlined above. These include details of construction of the proposed access and retaining walls adjacent to the Highway and a schedule of construction traffic.
- 10.30 In summary, subject to the above detailed conditions, officers are satisfied that the proposal would not harm the safe and efficient operation of the Highway, in accordance with Policy T10 of the UDP and PLP21 of the PDLP.

Other Matters

Drainage issues

- 10.31 Foul sewage is to be disposed of via mains sewer, which is acceptable. It is also proposed to dispose of surface water via mains sewer. Given the site is below the level of Cold Hill Lane this could necessitate the use of a pump, with a pumping station indicatively shown on the original plans. The use of a pump to remove surface water, without appropriate justification, is a cause for concern. Following discussions with the applicant the reference to a pumping station has been removed.
- 10.32 Given the small scale of the proposal, seeking three dwellings, it is not considered necessary for drainage details to be formally resolved at this time. Typically for non-major development drainage would be considered at building control stage. However, given the specific difficulties of the site it is considered reasonable to impose conditions requiring appropriate drainage details be provided at the relevant stage. This is considered sufficient to comply with the requirements of Policy PLP28 of the PDLP and Chapter 10 of the NPPF

Impact on Tree

- 10.33 Two TPO'd trees are situated on the south-west boundary. Other trees are present on site that do not benefit from TPOs. Policies NE9 and PLP33 seek to protect mature trees.
- 10.34 An Arboricultural Impact Assessment has been provided and reviewed by K.C. Trees. A single unprotected tree is to be removed along the frontage with Cold Hill Lane. It is not mature, and is considered of limited public amenity. No other trees, notably the two TPOs, are to be materially impacted upon via the development. However K.C. Trees requested that an Arboricultural Method Statement be provided, to ensure the protection of the trees during construction works. This is considered reasonable. Subject to the condition the proposal is deemed to comply with NE9 and PLP33.

Ecology

- 10.35 The site is open grassland, within a bat alert layer and between two habitat networks. The previous outline on site, ref. 2015/90903, was supported by a Preliminary Ecological Appraisal. In summary the site was deemed to be of limited ecological and botanical value, however that a buffer zone of grassland be retained with the boundary hedges and managed to enhance its biodiversity interest. Furthermore a condition was imposed that a Biodiversity Mitigation and Enhancement Plan be provided.
- 10.36 As a full application the proposal is not allied with the previous outline application. Nonetheless the applicant has provided a Biodiversity Mitigation and Enhancement Plan. The proposal retains the grassland buffer, proposes bat boxes and includes methods of site management.
- 10.37 The document has been reviewed by K.C. Ecology, who consider the methodology and findings acceptable. The implementation of the report's findings are to be secured via a condition. Subject to the condition, the proposal is deemed to comply with PLP30 and Chapter 11 of the NPPF in regards to ecological mitigation and enhancement.

Charging points

- 10.38 In accordance with Chapter 11 of the NPPF and Policies PLP21, PLP24 and PLP51, if minded to approve, a condition is to be imposed requiring the provision of an appropriate number of electric vehicle charging points. This is in the interest of mitigating the impact of the development on air quality and supporting the use of low carbon forms of transport. This would also accord with the West Yorkshire Low Emissions Strategy.

Ground contamination

- 10.39 As an agricultural field, with no other known past use, the site does not raise concerns of contamination. Nonetheless it is considered good practise to impose a condition requiring works to stop, should unexpected contaminants be found during development, to be followed by appropriate investigation works. This is given the sensitivity of end users, as a residential site. This is to comply with Policy PLP53 if the PLDP.

Representations

10.40 *Object*

- Holmfirth Public Footpath 44 is within the red line site boundary. The proposed access road would be built over it. The application does not mention the footpath. PROW should be consulted.

Response: On review of the Definitive Map, Holmfirth Public Footpath 44 does not cross the site and is not within the red line boundary. The footpath, while in the area, is removed from the site and will not be impacted upon via the development.

- The outline permission was granted 'conditionally'. The proposal is very different to that granted previously. None of the conditions of the outline have been complied with in this proposal.
- There is no buffer zone for grass or the TPO as required by the outline application.

Response: The proposal is a full planning application, as opposed to a reserved matters proposal, and therefore separate from the previous outline permission.

Notwithstanding this officers noted the similarities and inconsistencies between the outline and current submission. Following amendments to the proposal the TPO and grassland buffer have been included, along with other aspects included via conditions on the previous proposal. Other conditions are to be repeated.

- Plot 1 is too close to the boundary of Mayfield and Sunway: the properties are three storeys, causing harmful overlooking and overbearing upon Mayfield and Sunway.

Response: The impact on residential amenity, specifically Mayfield and Sunway, is considered within Paragraphs 10.17 to 10.19. In summary the proposed dwellings are not anticipated to harm the amenity of occupiers of these dwellings and others.

- The proposal does not provide details on drainage. The properties are below the main road sewer level.

Response: Drainage is considered within Paragraphs 10.31 to 10.32. In summary, given the scale of the development, there are no substantive concerns relating to drainage and typically it would be an issued for building control. However, given the topography of the site, officers seek details to be provided via condition.

- Plot 1 is closer to the main roadway, and will undermine road stability.

Response: Detailed construction information for the access and retaining walls are to be required via condition.

- No details on construction traffic management have been provided.
- Cold Hill Lane is unsuitable for large vehicles, such as construction traffic. Any construction traffic would cause disruption to local residents.
- Cold Hill Lane is heavily used at peak times by speedy vehicles and those looking to bypass Huddersfield road to Almondbury.

Response: Details of how construction traffic will be managed are to be secured via condition, given the stated difficulties of Cold Hill Lane. A level of short term disruption is inevitable during construction works, however this will be managed by the construction management plan.

10.41 *Support*

No public comments in support were received.

10.42 *Parish Council*

Holme Valley Parish Council: Support the application.

Response: Comments in support are noted

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The application site lies on an area of land allocated as Provisional Open Land on the UDP. The Council are unable to demonstrate a five year housing land supply and the NPPF seeks to boost significantly the provision of housing. However in the emerging Local Plan the site is unallocated, and the site benefits from an extant outline planning permission for residential development. Therefore, on balance, the principle of development is considered acceptable.
- 11.3 The dwellings are considered well designed and would not harm visual amenity, residential amenity or Highway Safety. Consideration has been given to other material planning considerations, and subject to the relevant planning considerations officers consider the impacts of the proposal to be acceptable.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to the provisos set out in the recommendation at the beginning of this report.

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

1. 3 year Time Limit
2. In accordance with plans
3. Material samples to be provided
4. Visibility splays kept clear (Highways)
5. Parking areas to be surfaced, drained and implemented (Highways)
6. Bin storage area to be provided prior to occupation (Highways)
7. Construction details for access (Highways)
8. Construction details for retaining walls next to HW (Highways)
9. Details on access for construction traffic (Highways)
10. Remove PD for garage conversions (Highways)
11. Charging Points (Environmental Health)
12. Boundary fence to be implemented and retained
13. Plot 1 gable side window obscure glazed.
14. Arboricultural Method Statement to be provided and done in accordance with (Trees)
15. Remove PD for extensions and outbuildings
16. Works to be done in accordance with Biodiversity Mitigation and Enhancement Plan
17. Reporting of unexpected contamination
18. Drainage details

Background Papers

Application and history files;

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017/94319>

Certificate of Ownership – Certificate A signed