
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Sep-2018

Subject: Planning Application 2017/94120 Reserved Matters application for erection of 2 dwellings pursuant to outline permission 2015/92993 for erection of residential development land off, Butt Lane, Hepworth, Holmfirth, HD9 1HT

APPLICANT

Acumen

DATE VALID

01-Dec-2017

TARGET DATE

26-Jan-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

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the reserved matters and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 The application is brought to Committee on at the request of Cllr Nigel Patrick who has stated:

I have looked at the attachments and I see no flood evaluation or retaining structures in relation to the Dike. I see proposals for run off from the top of the site, but I see nothing in relation to the rising flood waters and the flood zone. I do see a solid fence line on one of the block layout drawings that runs down to the side of the dike. I would suggest that will create a dam affect when the dike floods.

Given that there is no information about the treatment of the boundary of the site in relation to the flood zone I would ask that this application is determined by committee with a site visit.

- 1.2 The Chair of the sub-committee confirmed that Cllr Patrick's reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a site of approximately 0.31ha which forms part of a larger area allocated for housing on the UDP. The remainder of this housing allocation, which lies to the south west of the application site has already been built out.
- 2.2 The site is predominately open grass land, sloping downwards in an easterly direction towards Rakes Dike, and mature trees which run parallel along the eastern boundary which are protected by way of preservation order. The site is bordered by residential properties along the west boundary with the southern boundary adjoining the gardens of residential properties on Carr View Road. Access to the site is off Butt Lane to the north.

3.0 PROPOSAL:

- 3.1 The application seeks reserved matters consent for the erection of 2 detached dwellings pursuant to outline planning approval 2015/92993. The matters to be considered are access, appearance, layout, scale and landscaping.
- 3.2 The 2 dwellings would be located on the northern two thirds of the site and would be served by a new access road which would lead directly from Butt Lane. The proposed dwellings are large, providing 2no. five bedroom dwellings. Plot 1's living space would be laid out across three floors with a lower ground floor to the rear, with plot 2 being two storey. The dwellings would have stone mullioned windows and water tabling, however a large glazed entrance would be included in all dwellings. Each dwelling would have large rear patio area, with plot 2 set up at a higher level to the outdoor ground area.
- 3.3 Each dwelling would benefit from two parking spaces on a drive as well as an integral garage. The dwellings would be constructed from natural stone and roofs covered in blue slate.
- 3.4 The proposal also includes the provision of a footway along Butt Lane, an internal turning head and visitor parking.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 2015/92993 - Outline application for erection of residential development – Outline Consent Granted
- 2002/92902 – erection of four detached dwellings with integral garages - refused April 2003.

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

- 5.1 Extensive negotiations have taken place between officers and the agent which has led to a reduction in the number of dwellings from 4 to 2, the submission of additional information in respect of trees and flood risk and further amended plans in the interests of highway safety and to protect the amenity of surrounding and future occupiers.

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 48 of the National Planning Policy Framework (2018). 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 (2018), 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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2

- H6 – allocated housing site
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Materials
- BE12 – Space about buildings
- EP11 – Ecological landscaping
- NE9 – Retention of mature trees
- T10 – Highway safety
- T19 – parking provision

Supplementary Planning Guidance / Documents:

6.3

- PLP 11 – Housing Mix and Affordable Housing
- PLP21 – Highway Safety and Access
- PLP22 - Parking
- PLP24 – Design
- PLP27 - Flood Risk
- PLP28 - Drainage
- PLP32 – Landscape
- PLP33 - Trees
- PLP52 – Protection and improvement of environmental quality
- PLP53 – Contaminated and unstable land

National Planning Guidance:

6.4

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conservation and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised on two separate occasions and 19 comments have been received from 6 interested parties. The period of publicity expired on 29th June 2018. Ward Councillors have been notified of the application and Cllr Patrick has made formal comments. The latest amended plans, reducing the scheme to two dwellings, was not re-publicised given that it reduced the quantum of development. However, the representations made in respect of the application as a whole have been taken into account. A summary of the points raised is set out below:

7.2 Flood Risk and Drainage

- Water from adjacent sites and land drains to the application site which acts as a soakaway for water. Furthermore water from the adjacent Dike floods into the site. The site is therefore subject to surface water and river water flooding.
- The size and extent of flood zone 3 across the site is disputed and it is considered that an updated flood risk assessment should be provided.
- It is considered that part of the site to be developed would be located within the flood zone 2 and 3.
- The proposal would lead to the raising land of levels across the site to form flood defences which would in turn lead to other flooding issues further downstream.
- The proposed development would lead to additional flooding of the footpath on the opposite side of the Dike to the detriment of users.
- The proposal would lead to an increased flood risk to Riverside Cottage located to the north of the site.
- The building of a retaining wall along the Dike corridor will nullify the existing flood capacity in the area moving it elsewhere.
- No details of surface water attenuation measures have been provided.
- Discharge rates if surface water should be restricted to the greenfield rates and not those set out in the Flood Risk assessment.
- There is a road drain overflow running through the site, how will this be dealt with by the developers.
- The site has been seen to be flooded in 2002 and the majority of the site is within Flood Zone 2 or 3.
- It is unclear at what ground level the proposed dwellings would be constructed at, if at only 150mm above ground level than this would be more in keeping with the local area.

7.3 Design

- The proposal for 4 dwellings is an overdevelopment of the site and sufficient land is not provided for these properties.
- The site would be dominated by hard services with no screening of the site to residents on Carr View Road.
- The proposed dwellings are not considered to be in keeping with the character and appearance of the local area which is dominated by split level bungalows on Carr View Road. The proposed development should be similar in scale to Carr View Road being single storey to the front and two storey to the rear.
- The submitted sections do not provide sufficient detail to assess the impact of the development on adjacent properties, features within the adjacent river or
- The proposal includes the erection of retaining walls which would be out of keeping with the local area and would therefore be contrary to policies BE1 and BE2. There is no detail with respect to what these would be constructed from.
- The proposal would lead to raising the land levels with importing new material into the site changing the site's topography. There is concern that there has been no proper assessment of the sub soil.
- To construct the development would require 100s of tonnes of hardcore/fill to be imported into the site to change the levels.

- A boundary wall should be erected along the boundary of properties on Carr View Road to prevent nuisance from construction and the occupation of the proposed dwellings.
- The building of a retaining wall along the dike corridor and infill the site to raise the site level rather than building at the existing level should be considered a substantial change to the outline consent.

7.4 Residential Amenity

- There is concern that the proposed development would lead to overlooking of habitable room windows adjacent properties on Carr View Road. Levels in the local area vary, and properties on Carr View Road are set at a lower level than the road which further increasing concerns regarding the impact of the proposed dwellings.
- No details of boundary treatments are provided on the submitted plans there is concern that without these treatments there would be an adverse impact on the amenity of adjacent properties.
- The proposed dwellings will be erected at an elevated level and would lead to a detrimental impact to the adjacent properties
- Policy BE12 space standards should apply throughout the development and lesser distances should not be allowed.

7.5 Trees

- The proposal would lead to the loss of some mature trees including a large tree in the south of the site, tree removal should be limited and the large tree should be retained. Tree removal would be contrary to Policy NE9.
- The removal of trees would also have a detrimental impact on control surface water runoff from the site as trees help to limit this.

7.6 Highway Safety

- Comments from Highways are disputed, it is considered that the development would have an adverse impact Butt Lane from a highway safety perspective.
- The submitted plans do not demonstrate the provision of the footway.
- The proposed sight lines cannot be achieved as a telegraph pole in part blocks views along with cars which are often parked on the road.
- There are concerns regarding how construction vehicles will access the site given the narrow nature of the local road network.

7.7 Other Matters

- Period for publicity should be extended to allow sufficient time to comment on the application.
- The development will lead to the re-siting of overhead power lines, a feasibility study should be undertaken to investigate whether this is viable.
- The development should not inhibit the free movement of frogs and newts.

7.8 **Cllr Patrick has made the following comments**

We need some clarification here. The consultation response from the EA relates to the first application (7th Dec 2017) and not the amended application. I suggest that the EA should have been consulted again. Why have they not been consulted again? Is it because they did not object to the first one?

There are some revised drawings dates July 2018 that show 4 dwellings and some drawings that show 3 dwellings. Which are relevant?

Drawings show a retaining wall to the river, and from my recollection at outline there was to be no retaining wall because this will deflect flood waters onto the land opposite and flood other property. So why is there now a retaining wall? I specifically recall officers telling me there would be no retaining wall built.

What troubles me about this application is that despite all the correspondence between ward councillors and the EA and ward councillors and your colleagues in relation to the outline application none of our warnings about flooding have been heeded. We might as well have not said anything. Both the EA and the Lead Local Flood Authority are still working on mathematical flood models and ignoring actual flood events. Are we so desperate to build houses that we have to build them where it floods? It is shocking to think this can be allowed when we know this land floods higher than the flood zone shows and when we have experienced serious flooding here and downstream at Jackson Bridge when property and infrastructure was damaged. For the Councils Lead Local Flood Authority to express support for the application is beyond belief.

As I said the EA flood zone is purely based on mathematical modelling and not actual flood events. At the end of the day the EA provides advice, and it is the decision of the Council. In this case the EA advice is very poor, not up to date and quite shocking really. When there is another flood and property is damaged the responsibility for the decision rests with the LPA. Although if I am still alive I will be reminding the EA that they did not listen to local opinion. The warnings have been given and so far the relevant authorities who are employed to protect us have their hands over their ears.

- 7.9 **Holme Valley Parish Council** – Object to the application on the grounds of serious highway/access issues for traffic and pedestrians, flooding, drainage and sewerage issues over-intensification. Members also have concerns regarding surface water created from the proposed development which would cause further issues.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- **The Environment Agency** – after the submission of further information, no objection.
- **KC Highways DM** – No objection

8.2 Non-statutory:

- **KC Arboricultural Officer** – comments made, no objection
- **KC Lead Local Flood Authority** – No objection

9.0 MAIN ISSUES

- Principle of development
- Design
- Trees
- Highways
- Flood Risk and Drainage
- Landscape
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The principle of developing the site for a residential development has been granted by outline application 2015/92993. The outline application approved the principle of development only with all other matters 'reserved' for subsequent approval. The current application has been submitted for approval of all the reserved matters, these being: access, layout, scale, appearance and landscape.

Design

- 10.2 The design of the development will consider the layout, scale and appearance of the dwellings. These elements have been considered in relation to Policies BE1, BE2, BE11 and BE12 of the UDP and Policy PLP24 of the draft Local Plan.
- 10.3 The proposed dwellings would be laid out evenly across the northern part of the site with the access road forward of plots 1 and 2. The layout of the site has been influenced by the site's constraints which include the extent of the flood zone from the adjacent Rakes Dike on the eastern side of the site, the extent of the trees on the eastern boundary which are now covered by a preservation order and distances from adjacent properties. It is noted that levels at the site vary with the land dropping away from west to east. There is a maximum change in levels of approximately 4 metres from the west of the site to the bank with the adjacent Rakes Dike. It is noted that the provision of 2 dwellings on a site of 0.3 hectares would lead to a low density, however given the constraints on the site it is considered that the provision of the two units is appropriate.
- 10.4 The dwellings would be laid out adjacent one another in an east-west configuration with a separation distance of approx. 6.5m between the two dwellings. Plot 1 would be located at right angles to Butt Lane with views of the frontage and gable end from Butt Lane. In terms of the pattern of development in the local area, detached properties are located on Carr View Road, Hill Side Avenue and Kemps Way, and the proposal to provide 2 detached dwellings whilst in larger plots are considered to be in keeping with this local character.

- 10.5 In terms of distances to the closest residential properties, these would be no.s 1-5 Carr View Road to the west and no.14 Hepworth Crescent to the north. Separation distances to these adjacent properties would meet the minimum 21 separation distance set out in Policy BE12 with the rear elevation of the dwellings looking towards to the trees which run along the Dike. It is acknowledged that there would still be a direct relationship between plot 2 and the rear elevations of no.s 3 and 5 Carr View Road, though this relationship is considered to be acceptable given the separation distances achieved. It is also noted that the proposed dwellings would be set at a lower level than those on Carr View Road which further reduces any adverse impact.
- 10.6 Turning to scale, it is noted on the submitted site sections that the proposed dwellings ridge heights would be approximately 3.5 metres lower than those of Carr View Road and ground floor levels approximately 3 metres lower. It is noted that dwellings on Carr View Road to the west are split level properties being single storey to the frontage and two storey to the rear. The proposal to erect 2 storey dwellings are, on balance, considered to be acceptable as the proposed dwellings are sufficiently separated from adjacent dwellings to ensure that they would be read separately from adjacent properties. Furthermore the change in levels helps to ensure that the scale of the properties in terms of height is acceptable when read in conjunction with adjacent sites. With regard to future occupiers, each dwelling is of a large scale and provides ample living accommodation for the future occupiers with both properties benefiting from good sized private amenity space, both formal and informal. The scale of development, two dwellings, is appropriate when taking into account the site constraints.
- 10.7 With regard to appearance and the overall visual scale of the dwellings these would have a modern appearance with traditional elements as set out in proposal description above. The use of natural stone and blue slates is considered appropriate for the site and local area and would assist in ensuring that the development fits in to the local vernacular. A condition requiring these materials is attached to the recommendation. Whilst the dwellings would appear larger than many other properties within Carr View Road there is a variety of house types in this part of Hepworth. For example, properties within Hepworth Crescent, on rising land to the north of the site, are terraced properties in stone and blue slate. The elongated form of the terraces is similar to the elongated scale and appearance of the proposed dwellings under consideration.
- 10.8 In conclusion the design elements of the proposed dwellings in terms of scale, appearance and layout considered to be acceptable and would accord with the requirements of Policies D2, BE1, BE2 and BE12 of the UDP, Policy PLP24 of the draft local Plan and Policies in the NPPF.

Trees

- 10.9 The impact of the development on protected trees has been considered by the Council's Arboricultural Officer and in relation to Policy NE9 of the UDP and Policy PLP33 of the draft local plan. Through the course of the application the trees which run along the eastern boundary of the site adjacent Rakes Dike were protected by a woodland preservation order. The applicant has also provided an Arboricultural Method Statement and plan with tree protection area which have been considered.

- 10.10 With regards to the impact of the development on the adjacent protected trees, the Arboricultural Officer raised concerns with through the course of the application in relation to plots 3 and 4 due to their proximity to the protected trees, however these plots have now been removed. The impact of the proposal for two dwellings is considered to have an acceptable impact on the adjacent protected trees. Whilst it is noted that the rear views from the properties would be dominated by the trees, the properties have two aspects which would ensure that natural light to the dwellings would be varied between the different elevations. It is noted that permitted development rights have been withdrawn for the dwellings under condition 9 of the outline application which would ensure that there is also no inappropriate development within the root protection area of the trees.
- 10.11 The submitted method statement has been assessed by the Arboricultural officer and is considered to be acceptable subject to conditions requiring the works to accord with the statement and the submission of any additional works.
- 10.12 Subject to the above mentioned conditions the proposal is considered to have an acceptable impact on the adjacent trees.

Highways

- 10.13 The proposals impact on highway safety has been considered by the Council's Highways DM Officer and in relation to Policies T10 and T19 of the UDP and Policies PLP21 and 22 of the publication draft local plan.
- 10.14 The Highways Officer raises no objection to the development after the submission of amended plans which shows a 2 metre footway to the site frontage, appropriate visibility splays, acceptable internal road dimensions and an internal turning head. Each dwelling would have appropriate parking with double driveways and internal garages provided along with 1 visitor space for the development. The access would represent a private drive laid out as a shared surface. The point of access would achieve appropriate sight lines for the development and provision of two detached dwellings is not considered to lead to an over intensification of use of Butt Lane. It is considered that the site is of a sufficiently large enough scale to allow construction work to be contained within the site.
- 10.15 The above highway arrangements are considered acceptable subject to a conditions requiring the provision of the visibility splays and footway before occupation and the appropriate surfacing of areas to be used by vehicles.

Flood Risk and Drainage

- 10.16 Part of the site to the east is located within Flood Zone 3 and guidance set out in Chapter 14 of the NPPF and Policies PLP27 and 28 of the publication draft Local Plan have been considered with the development. The Environment Agency (EA) and the Council Flooding and Drainage Officer, as lead local flood authority, have also assessed the proposal. Flooding has also been raised as a key issue for the site by local residents and a local ward Councillor.

- 10.17 Flooding was considered in detail at the outline stage with condition 5 setting out requirements which needed to be adhered to through the development of the site. These requirements included:
- i. No development in flood zone 3
 - ii. Finished floor levels to be set 150mm above ground levels
 - iii. Flood resilience measures to be installed up to 600mm above ground levels
 - iv. No ground level changes as set out in section 8 (8.1- 8.4) of the approved Flood Risk Assessment
 - v. Overland flow routes throughout the site –
- 10.18 Through the course of the application amended plans and further information has been received to demonstrate the extent of the flood zone, site drainage and flooding routing. It is noted that some of this information has been submitted for previously proposed schemes for 4 dwellings and has not been updated for the two dwelling proposal. However the position of the two remaining plots now proposed has remained consistent throughout the proposal and the submitted drainage and flood routing information is therefore considered acceptable. The submitted information has also confirmed that the proposed dwellings and any retaining structures are located outside of the flood zone 3 meeting the first criteria above. The agent has also confirmed that the development does not include retaining structures within the garden space. In addition the submitted information has demonstrated that floor levels would be 150mm above ground floor levels and the criteria in section 8 of the approved flood risk assessment would be met. The Council's Drainage Officer has confirmed that the submitted information is acceptable.
- 10.19 The EA have also reviewed the submitted information and have accepted the detail provided is sufficient to ensure that the development would be acceptable in flood risk terms.
- 10.20 Turning to foul and surface water site drainage, details have been submitted through the course of the reserved matters application to demonstrate how condition 6 of the outline approval could be met. Whilst the submitted details are in principle acceptable to the Drainage Officer these matters are covered by condition 6 of the outline application and this condition would need to be discharged by a formal application.
- 10.21 In conclusion there would be no development within the flood zone and the requirements of the flood risk assessment would be met and the drainage officer has no objection to the proposal. The impact of the reserved matters in terms of flood risk and drainage is considered to be acceptable.

Landscape

- 10.22 In terms of landscape as a reserved matter, it is noted that the proposal for 2 dwellings would provide limited shared open space and therefore details of soft landscaping at the site are limited, with the submitted plans indicating new tree planting adjacent the site frontage. Whilst the submitted detail is limited it is considered that this is sufficient given the nature of the development for two private dwellings with no shared open space. In terms of hard landscape, in this case boundary treatment, the details are limited although works would be required to the stone wall at the frontage of the site to accommodate visibility

splays. Condition 8 of the outline permission prevents any gate, wall or fence being erected within flood zone 3. Notwithstanding this to ensure that all details of boundary treatment are controlled, in the interests of visual amenity and flood risk, it is proposed to include a condition requiring full details prior to the occupation of the dwellings.

10.23 With regards to ecological matters, the site is located adjacent to part of the Wildlife Habitat Network which runs along the dike and protected trees to the east. Ecological matters were in principle addressed in the outline application where there were no objections to developing the site. However as set out in the committee report to the outline application bat and bird boxes should be provided integral to the dwellings and this matter can be secured by condition on this application. To ensure that there is no adverse impact on the adjacent Wildlife habitat network any outside lighting would need to face away from the network. To ensure that this matter is addressed in detail a condition will require the submission of details of outside lighting. This condition will also be in the interests of residential amenity of properties on Carr View Road to ensure that no inappropriate lighting is installed anywhere within the site such as the access.

10.24 Subject to the above conditions the proposal is considered acceptable in terms of 'landscape' matters.

Representations

10.25 In total 19 comments have been received from 6 interested parties. Ward Councillors have been notified of the application and Cllr Patrick has made formal comments. A summary of the points raised is set out below along with a response to the points raised:

10.26 Flood Risk and Drainage

- Water from adjacent sites and land drains to the application site which acts as a soakaway for water. Furthermore water from the adjacent Dike floods into the site. The site is therefore subject to surface water and river water flooding.
- The size and extent of flood zone 3 across the site is disputed and it is considered that an updated flood risk assessment should be provided.
- It is considered that part of the site to be developed would be located within the flood zone 2 and 3.

Response: Matters relating to flooding for the site were principally dealt with at outline stage and approval was granted for residential development on the site. However the current application has been assessed by the Environmental Agency (EA) and the Lead Local Flood Authority, neither of whom raise any objections to the proposed development. The flood zone has been shown the submitted layout plan and its extent has been checked by the EA, no development would occur within this zone and permitted development rights for outbuildings and gates, walls and fences were withdrawn under the outline approval.

- The proposal would lead to the raising land of levels across the site to form flood defences which would in turn lead to other flooding issues further downstream.
- The proposed development would lead to additional flooding of the footpath on the opposite side of the Dike to the detriment of users.
- The proposal would lead to an increased flood risk to Riverside Cottage located to the north of the site.
- The building of a retaining wall along the Dike corridor will nullify the existing flood capacity in the area moving it elsewhere.

Response: The land levels would only be raised to form the access road and driveway, there would be no forms of flood defences at the site. It is considered that this would not have a detrimental impact to flooding issues downstream. The EA have no objection to the proposal and have not raised any issues regarding additional flooding of the footpath or properties downstream if the site is developed as shown.

- No details of surface water attenuation measures have been provided.
- Discharge rates if surface water should be restricted to the greenfield rates and not those set out in the Flood Risk assessment.

Reason: Detail of surface water drainage are secured by condition 6 on the outline consent which needs to be discharge separately. In principle an acceptable scheme is considered to be achievable at the site.

- There is a road drain overflow running through the site, how will this be dealt with by the developers.

Response: This would be for the developer to deal with through the construction process and via discharging condition 6.

- The site has been seen to be flooded in 2002 and the majority of the site is within Flood Zone 2 or 3.

Response: Comments noted but the extent of the flood zones is set by the EA and the development would be outside of this zone.

- It is unclear at what ground level the proposed dwellings would be constructed at, if at only 150mm above ground level than this would be more in keeping with the local area.

Response: Plot 1 would be 150mm above the ground level with plot 2 higher due to the rear patio area these heights are set out on the site sections.

10.27 Design

- The proposal for 4 dwellings is an overdevelopment of the site and sufficient land is not provided for these properties.

Response: The scheme has been reduced to 2 dwellings.

- The site would be dominated by hard services with no screening of the site to residents on Carr View Road.

Response: The scheme as amended has reduce the level of hard surfacing with large sections of open areas now included in the development. Boundary treatment would be secured by condition.

- The proposed dwellings are not considered to be in keeping with the character and appearance of the local area which is dominated by split level bungalows on Carr View Road. The proposed development should be similar in scale to Carr View Road being single storey to the front and two storey to the rear.

Response: As assessed in the design section above the scale of the dwellings are considered to be acceptable.

- The submitted sections do not provide sufficient detail to assess the impact of the development on adjacent properties, features within the adjacent river or retaining structures which are proposed to be erected.

Response: The submitted detail is considered sufficient to be able to assess the reserved matters.

- The proposal includes the erection of retaining walls which would be out of keeping with the local area and would therefore be contrary to policies BE1 and BE2. There is no detail with respect to what these would be constructed from.
- The proposal would lead to raising the land levels with importing new material into the site changing the sites topography. There is concern that there has been no proper assessment of the sub soil.
- To construct the development would require 100s of tonnes of hardcore/fill to be imported into the site to change the levels.
- A boundary wall should be erected along the boundary of properties on Carr View Road to prevent nuisances from construction and the occupation of the proposed dwellings.
- The building of a retaining wall along the dike corridor and infill the site to raise the site level rather than building at the existing level should be considered a substantial change to the outline consent.

Response: Retaining walls would only be erected for the dwelling and road, details of boundary treatments will be secured by planning condition. It is considered that the reserved matters application is still valid with its allied outline application. It is not considered that the proposal would lead to significant importation of material. The site is not identified as being contaminated, therefore there is no concern in relation to the sub soil.

10.28 Residential Amenity

- There is concern that the proposed development would lead to overlooking of habitable room windows adjacent properties on Carr View Road. Levels in the local area vary, and properties on Carr View Road are set at a lower level than the road which further increasing concerns regarding the impact of the proposed dwellings.
- No details of boundary treatments are provided on the submitted plans there is concern that without these treatments there would be an adverse impact on the amenity of adjacent properties.
- The proposed dwellings will be erected at an elevated level and would lead to a detrimental impact to the adjacent properties
- Policy BE12 space standards should apply throughout the development and lesser distances should not be allowed.

Response: Space about dwelling distances in accordance with Policy BE12 would be adhered to with the development and the development has been assessed taking into account the need to provide a good standard of amenity for existing and future occupiers of buildings and land. Details of boundary treatment would be secured by planning conditions.

10.29 Trees

- The proposal would lead to the loss of some mature trees including a large tree in the south of the site, tree removal should be limited and the large tree should be retained. Tree removal would be contrary to Policy NE9.
- The removal of trees would also have a detrimental impact on control surface water runoff from the site as trees help to limit this.

Response: Trees at the site have now been protected by preservation order and the mature tree which was to be removed has now been retained as part of the development.

10.30 Highway Safety

- Comments from Highways are disputed, it is considered that the development would have an adverse impact Butt Lane from a highway safety perspective.

Response: The proposal for 2 residential dwellings is not considered to have an unacceptable impact on highway safety.

- The submitted plans do not demonstrate the provision of the footway.

Response: This has now been secured on amended plans and its provision will be secured by condition before occupation of the dwellings.

- The proposed sight lines cannot be achieved as a telegraph pole in part blocks views along with cars which are often parked on the road.

Response: Any obstructions to the sightlines would need to be removed gaining appropriate consent from relevant bodies.

- There are concerns regarding how construction vehicles will access the site given the narrow nature of the local road network.

Response: The local road network is considered to be of a sufficient standard to access the site for 2 dwellings.

10.31 Other Matters

- Period for publicity should be extended to allow sufficient time to comment on the application.

Response: The period for publicity was extended through the course of the application and amended plans were re-advertised.

- The development will lead to the resiting of overhead power lines, a feasibility study should be undertaken to investigate whether this is viable.

Response: This would be a matter for the applicant to address with the relevant bodies. There is no planning objection to the resiting of the powerlines.

- The development should not inhibit the free movement of frogs and newts.

Response: Principal matters of ecology were addressed in the outline application, as set out in the landscaping section it is not considered that the development would be detrimental to local ecology.

10.32 Cllr Patrick has made the following comments

We need some clarification here. The consultation response from the EA relates to the first application (7th Dec 2017) and not the amended application. I suggest that the EA should have been consulted again. Why have they not been consulted again? Is it because they did not object to the first one?

There are some revised drawings dates July 2018 that show 4 dwellings and some drawings that show 3 dwellings. Which are relevant?

Drawings show a retaining wall to the river, and from my recollection at outline there was to be no retaining wall because this will deflect flood waters onto the land opposite and flood other property. So why is there now a retaining wall? I specifically recall officers telling me there would be no retaining wall built.

What troubles me about this application is that despite all the correspondence between ward councillors and the EA and ward councillors and your colleagues in relation to the outline application none of our warnings about flooding have been heeded. We might as well have not said anything. Both the EA and the Lead Local Flood Authority are still working on mathematical flood models and ignoring actual flood events. Are we so desperate to build houses that we have to build them where it floods? It is shocking to think this can be allowed when we know this land floods higher than the flood zone shows and when we have experienced serious flooding here and downstream at Jackson Bridge when property and infrastructure was damaged. For the Councils Lead Local Flood Authority to express support for the application is beyond belief.

As I said the EA flood zone is purely based on mathematical modelling and not actual flood events. At the end of the day the EA provides advice, and it is the decision of the Council. In this case the EA advice is very poor, not up to date and quite shocking really. When there is another flood and property is damaged the responsibility for the decision rests with the LPA. Although if I am still alive I will be reminding the EA that they did not listen to local opinion. The warnings have been given and so far the relevant authorities who are employed to protect us have their hands over their ears.

Response: The EA have been re-consulted on the application and raise no objection. The plans showing retaining structures have now been withdrawn and the agent has confirmed that there would be no retaining structures in the erected in the site. The Flood Zones are considered to be appropriately show the extent of flood risk at the site and the development would be outside of these areas.

10.33 *Holme Valley Parish Council* – Object to the application on the grounds of serious highway/access issues for traffic and pedestrians, flooding, drainage and sewerage issues over-intensification. Members also have concerns regarding surface water created from the proposed development which would cause further issues.

Response: As set out in the above report the proposal is considered to have an acceptable impact on highway safety, flooding and drainage.

11.0 CONCLUSION

11.1 The reserved matters have been assessed against relevant policies in the development plan and other material considerations. It is considered that these matters have been suitably addressed through the submission of amended and additional information. As such it is considered that the scheme would constitute sustainable development and is therefore recommended for approval

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

1. In accordance with the submitted plans.
2. Submission of samples of natural stone for wall and natural blue slate for roof
3. Submission of details of all boundary treatment
4. Provision of sightlines before occupation
5. Provision of footway to Butt Lane before occupation.
5. Surfacing of areas to be used by vehicles
6. Submission of details of bat and bird boxes at the site before occupation.
7. Submission external lighting before installation.
8. No retaining walls other than those indicated on site layout plan Dwg. No. 2397-03G and site sections
9. Development to be undertaken in accordance with the Arboricultural Method Statement
10. Removal of Permitted Development Rights for extensions and outbuildings.

Notes

Hours of construction

Works in the highway

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f94120>

Certificate of Ownership – Not required for reserved matters submission.