

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2020/60/93470/W

Site Address: Land Off, Upperthong Lane, Upperthong, Holmfirth,
HD9 3UZ

Description: Outline application for erection of residential
development

Recommending Officer: Katie Chew

DECISION – Grant outline planning permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 19-May-2021

Officer Report

Site Description

Land Off, Upperthong Lane, Upperthong, Holmfirth, HD9 3UZ

The application site relates to a medium sized parcel of land to the south east of Upperthong Lane in Upperthong. The site is currently vacant and measures approximately 0.15ha in size. The site was previously used for grazing purposes with access to the site via a track to the north east. Within the site there is a sloped topography, with the site sloping from north to south. There is a significant change in levels across the site.

To the north, east and west of the site are residential dwellings, to the south is a nursery 'The Learning Tree'. This includes a building serving the nursery close to the southern boundary of the site.

Description of Proposal

The application seeks outline consent for the erection of residential development. The application seeks to agree principle and point of access, with layout, scale, appearance and landscaping to be reserved for future consideration under a reserved matters application.

The indicative plans and additional information provided show that a large, detached dwelling, with access to be utilised off Upperthong Lane to the north east of the site. Whilst it is noted that within the submitted application forms 1 x 4+ bedroom is proposed, no details are shown on the indicative plans of the amount of bedrooms or how many storeys the dwelling is to have. Three car parking spaces are indicated within the application forms but again these details are not provided on the plans submitted.

History of negotiations/amendments received

Amended and additional plans were received in respect to drainage at the site, this was in response to the comments received from the Council's LLFA team. Given the nature of the amendments re-consultation with neighbours was not considered necessary.

Relevant Planning History

There is no recent relevant planning history at the application site.

Representations

Final publicity date expires:

Neighbour Letters – Expired 26th November 2020.

14 representations have been received in objection to the proposals. Comments are summarised below.

- Recent development has increased vehicular traffic to and from Upperthong Lane, an addition of more houses would add to this;

Officer note: The Council's Highways officers have been consulted on the proposals, their comments can be found under the consultation responses section of this report. These comments assess highway safety considerations.

- Concerns for the safety of pedestrians;

Officer note: The Council's Highways officers have been consulted on the proposals, their comments can be found under the consultation responses section of this report. These comments assess highway safety considerations.

- Space is unavailable at the entrance to allow service vehicles to turn around therefore can the development satisfy council waste collection access requirements?

Officer note: The Council's Highways officers have been consulted on the proposals, their comments can be found under the consultation responses section of this report. The indicative layout plan shows schematic arrangements for vehicular turning.

- Single access to the proposed plot will form a four way junction creating a potentially dangerous crossing onto an already busy road, this access is also very tight;

Officer note: The Council's Highways officers have been consulted on the proposals, their comments can be found under the consultation responses section of this report. These comments assess highway safety considerations.

- Residents are already subject to air and noise pollution from the construction of houses;

Officer note: It is acknowledged that significant construction works have been undertaken in the area over the past few years. This is not, however, a reason that could be justified to decline this application.

- Over the last few years there has been a loss of birds and wildlife in the area;

Officer note: Noted. The Ecology Officer was consulted on this application raising no objections to the scheme but recommending that biodiversity net gain will need to be demonstrated in any detailed scheme.

- Upperthong has lost all of its identity as a village, tourists travel far and wide to visit Holmfirth which generates substantial revenue for the businesses in the area, overbuilding will push these tourists to other villages that have maintained their 'old charm';

Officer note: Noted. The visual impact of the development of the site is considered in the assessment.

- The access width does not appear wide enough to comply with 3.5m regulations and there is also concern that the driveway would not satisfy the maximum length required to enable fire appliances access to the entire building? In the event any building caught fire during blustery weather could a fire engine manoeuvre into a position to save TLT children's nursery timber building immediately alongside and below the proposed building(s)? there also appears to be false details on the plans;

Officer note: The Council's Highways officers have been consulted on the proposals and raised no objections. Their comments can be found within the consultation responses section of this report. These comments assess highway safety considerations.

- Potential loss of view and light, with overlooking of neighbours.

Officer note: Potential impact on neighbouring properties is discussed within the residential amenity section of this report.

- Details in Section 7 of the submitted application forms are incorrect as the existing farm track is going to be changed into a driveway and therefore alterations are going to take place;

Officer note: Noted. The same access would however serve the dwelling

- Some neighbours do have a right of way over the farm track;

Officer note: Noted. The granting of planning permission would not affect private rights of way over land. These could only be extinguished outside the scope of planning legislation.

- The application to build a very large 2/3 storey property, its scale and height would not be in keeping with surrounding properties;

Officer note: Noted. The application is in outline and no details of scale or appearance have been submitted for formal approval.

- This area of Upperthong has many natural springs, disturbance of any watercourse could result in flooding & water ingress into surrounding homes;

Officer note: The Council's LLFA team have been consulted on the proposals, their comments can be found under the consultation responses section of this report.

- In 1984 an outline planning application (84/60/04670/C3) was declined, why would planning now be granted?;

Officer note: Since 1984 there have been a number of changes within planning policy, and most likely a change in the make-up of the local area. This application will be assessed on its own merits, as the site currently exists, and against any current national and local planning policy.

- Landslip occurred earlier in 2020 on the lower hillside of the proposed site. The contributing factor was earthmoving and heavy machinery moving over the land by development under 2017/90516. This resulted in the boundary wall immediately behind TLT nursery being pushed over and created a dangerous situation. The wall has been pushed back but the hazard still exists. Unless proper earth removal and grading is carried out, further development of the land will likely result in more instances of landslip. Will the Council inspect the hillside and assess the danger? If the development is approved how can we be assured the danger of landslip will be removed? If the development is not approved please take note of the existing landslip issue which is a cause for concern;

Officer note: Noted, details in respect to existing and proposed land levels will be required as part of any detailed scheme for this site. In addition, as set out in the NPPF, it is the responsibility of the landowner/developer to ensure a safe development where there are potential issues connected with the stability of land.

- Will any new building(s) incorporate windows with views which will directly overlook the upper and lower children's playgrounds below as well as neighbours?;

Officer note: As this is for an outline application only seeking a decision on the principle of the proposals and access to the site, details in respect to detailing and design have not been provided. This part of the proposal will be assessed at reserved matters stage.

- The applicant should prepare an acoustic survey as there are concerns in respect to noise;

Officer note: The Council's Environmental Health team have been consulted on the proposals and have not requested that an acoustic survey be provided in this instance.

- Construction materials may blow into the nursery outdoor play areas which is hazardous to children;

Officer note: Noted. It is recommended that a construction management plan is submitted for approval in terms of this development.

- Concerns over air pollution with dust from machinery;

Officer note: The Council's Environmental Health team were consulted on the proposals and raised no objections in respect to dust. It is recommended that a construction management plan is submitted for approval in terms of this development.

- Foul language has been heard from other developments, can this be mitigated against if this application is approved?;

Officer note: Unfortunately, this would fall outside of the planning remit and would need to be dealt with as a civil matter.

- Concerns over the length of time the development would take to build;

Officer note: Noted. However, this is not an issue that could be controlled by planning condition.

Officer note: The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbouring notification letters, details of which are outlined above. The additional details were not re-publicised as these did not raise fundamental new issues.

Consultation Responses

KC Ecology – Comments received 16th November 2020. There are no obvious biodiversity constraints at the application site with limited risk of significant ecological harm therefore Ecology raise no objections to the proposals. However, a biodiversity net gain will need to be demonstrated, this could be secured via a condition for an integral bat box within the new dwelling. A condition will also be required to prevent disturbance to nesting birds during work on the site in accordance with LP30.

KC Trees – Comments received 13th November 2020. The application for one, large residential property would be served by access down a narrow track to the site. There were no trees of significance in relation to the access for the site. The boundaries of the site contained a number of small or establishing amenity or garden trees which would be unaffected by the proposals. There was one large mature Ash on the site's northern boundary, approx. 10m from the western extent of the site. Concerns have been raised previously about this tree when the adjacent development site (now completed) was being built. Upon inspection the Ash tree, though large and prominent in the landscape, would not warrant protection by a Tree Preservation Order due to a number of defects present meaning that the Council would not be able to resist an application to remove it if it were

protected. The tree however is not within the site and therefore damage to its rooting system should be avoided by any approved development. The indicative layout provided demonstrates there is sufficient room for this within the site. A tree protection plan showing a protective fence line and exclusion zone around the tree's canopy extent should be sufficient to ensure no significant damage occurs. A tree protection plan should be provided with any reserved matters application to give assurance the tree can be protected during any future development. The proposals meet with policy LP33 as there is sufficient space to enable the retention of this and other trees around the site.

KC Highways Development Management – Comments received 15th December 2020 (comments amended due to a typo 8th March 2021). Highways comments are based on the indicated single 4 bed dwelling. Highways officers have no objections to the proposals subject to conditions relating to the surfacing and draining of parking areas, appropriate turning facilities being provided prior to a dwelling being occupied, and details of bin storage and collection points shown on plan.

Officer note: It is important to note that amended comments were received from Highways due to an error within the original comments. The width of the access at Upperthong Lane is 3.5m and not 5.5m as stated within the original comments. This was brought to the attention of officers and has been re-measured on site at 3.5m, the amended comments reflect this change.

KC Environmental Health – Comments received 3rd December 2020. The Environmental Health officer raises no objections but does request further information in respect to the adequate provision for foul drainage. A number of conditions and informatives are also recommended which relate to electric vehicle car charging points and construction site working times.

Officer note: The applicant's agent confirmed that the Foul Drainage is to be pumped to the main sewer on Upperthong Lane, in which case a septic tank will not be required. Environmental Health find this to be acceptable.

LLFA – Comments received 23rd February 2021. Flood Management & Drainage objections to the application on the grounds of an inadequate drainage strategy.

Officer note: Following receipt of an indicative drainage scheme and additional information from the applicant's agent the LLFA can now support the application subject to a condition.

Town/Parish Council

Holme Valley Parish Council – Support subject to Highways approval.

Local Ward Members

Councillor Nigel Patrick – Raised concerns to the LLFA in respect to surface water flooding in the general area surrounding Upperthong Lane/Broad Lane. It was requested that LLFA be consulted on this application to get their assessment of drainage within this scheme.

Planning Policy Background

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).

The application site is unallocated in the Kirklees Local Plan but is located within the Strategic Green Infrastructure Network, Holme Valley Neighbourhood Plan Area and part of the site is located within a Bat Alert Area.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP11 – Housing Mix and Affordable Housing**
- **LP21 – Highways and Access**
- **LP22 - Parking**
- **LP24 – Design**
- **LP28 – Drainage**
- **LP32 - Protection of the water environment**
- **LP30 – Biodiversity & Geodiversity**
- **LP31 – Strategic Green Infrastructure Network**
- **LP33 - Trees**
- **LP34 - water environment**
- **LP52 – Protection and Improvement of Environmental Quality**
- **LP53 – Contaminated and Unstable Land**

The Council have a number of forthcoming Supplementary Planning Documents (SPDs) 'Quality Places' SPDs. The Draft Biodiversity Net Gain Technical Advice Note and Draft Housebuilding Design Guide SPD will be of direct relevance to any forthcoming detailed application at this site.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Other guidance documents:

- National Design Guide
- Kirklees Highways Design Guide
- Nationally Described Space Standards

Neighbourhood Development Plans

Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Highway safety
- 4) Other matters
- 5) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

NPPF paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout this proposal.

The site is without notation on the KLP Policies Map. Policy LP2 states that:

'All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement'.

As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).

As the Kirklees Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy generally seeks to support residential development upon unallocated sites. However, LP7 establishes a desired target density of 35 dwellings per hectare. As the application site measures just 0.15 hectares and therefore would be capable of providing approximately 4/5 dwellings on this portion of land. However, given the nature of the area which consists of a number of large, detached dwellings set within a large residential curtilage, the challenging topography, the layout of surrounding development, access and shape of this site, the provision of just 1 or potential two modest dwellings in this location is deemed to be acceptable.

Paragraph 68 of the NPPF recognises that *"small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes"*.

The application site comprises of a medium sized plot surrounded by residential dwellings to the north, east and west, and although the Local Planning Authority can demonstrate a five-year land supply, it is noted that the development of this plot would contribute to the housing supply in the district. In this case, the principle of development is considered to be acceptable and the proposal shall now be assessed against all other material considerations, including design, visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

2 - Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 124 provides a principal consideration concerning design which states:

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

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

LP24 states that proposals should promote good design by ensuring:

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

The application is submitted in outline with point of access included for consideration. The indicative site layout plan shows a detached dwelling within a large plot of land, whilst it is not clear on the plans as to how many bedrooms are proposed, the submitted application forms do highlight that should just 1 dwelling be provided, it would consist of 4+ bedrooms. This can only be deemed indicative as details of scale are not known at this time. The application forms also state that 3 car parking spaces will be proposed however, these spaces are not shown on plan. A garden area appears to be provided to the side of the dwelling (to the west), with access provided around the outside of the house. This is all schematic as the layout does not provide any details related to how this scheme could be accommodated within the existing topography of the site.

It is important to note that whilst no in-depth details have been provided in respect to the topography of the site, land within the site does fall significantly from north to south. There is banking above the site to the north and to the south of the site where levels fall more sharply. Therefore, in order for an officer to assess the internal layout (including parking and turning of vehicles), and scale of the proposals, a topographical survey and details of existing and proposed land and finished floor levels would be required to accompany any reserved matters submission. It is likely that excavation will need to be undertaken, with the installation of retaining walls to allow for a level development on this site. This would all be required to be shown as part of the ‘appearance’ of any reserved matters proposal.

In this instance the application site is within an established residential area surrounded by other houses of various types and design. Whilst all matters (other than access) are reserved, the size and shape of the plot could be divided to provide space for 2 detached dwellings that would have a similar

pattern of development to the existing area. However, this is unlikely to be achievable given the shape and topography of the site as discussed earlier.

As no details have been submitted in respect of the proposed design or materials, it is acknowledged that care would need to be taken at reserved matters stage to reflect the local vernacular and use materials what currently exist within the local area.

In conclusion, it is considered that subject to the details provided within the reserved matters application, the plot may be able to accommodate one or, potentially, 2 small dwellings which could be designed so as to contribute positively to the local character of the area. As scale, layout and landscaping are reserved matters, care would need to be taken to ensure that any future dwelling does not appear overbearing in nature in relation to neighbouring residential dwellings, nursery complex or to constitute overdevelopment of the site. Appropriate landscaping should also be provided to enhance the area and not detract from its character and appearance. As such, it is considered that the development would meet the aims of Chapter 12 of the NPPF by contributing positively to the surrounding area and would be in accordance with Kirklees Local Plan Policy LP24.

3 – Impact on Residential Amenity:

Sections B and C of LP24 state that alterations to existing buildings should: *“maintain appropriate distances between buildings’ and ‘minimise impact on residential amenity of future and neighbouring occupiers”*.

Further to this, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The current submission is an outline application with all matters reserved (other than access), therefore the impact the proposed development would have on the amenities of the occupants of the neighbouring properties cannot be fully assessed at this stage. However, an indicative layout has been provided and this layout is considered to provide a reasonable indication as to how the site might be developed should it be proposed that just 1 dwelling is provided on the site (notwithstanding issues related to topography discussed earlier). Although it is possible that something of a different design or smaller in scale may be required to minimise impact of residential amenities of neighbouring occupiers and the nursery business. In addition to this, and as mentioned previously, given the nature of the site and its sloped topography any excavation, levelling or retaining walls required may also have an impact on neighbouring amenity, this would need to be assessed in more detail at reserved matters stage.

Impact on nos. 22, 24 Broad Lane

These neighbouring properties are located to the south of the application site. No. 22 comprises of single storey detached property, whereas no. 24 is a two-

storey detached dwelling. Given the location and orientation of these dwellings in relation to the application site, there are no concerns in respect to overshadowing in this instance. Future details in respect to scale, layout would take into account whether a scheme can be designed to avoid overlooking and appearing overbearing. This would need to be carefully assessed through the reserved matters application.

Impact on no. 26 Broad Lane/Carousel Nursery and Pre-School

This neighbouring complex is located directly south of the site. As well as a converted dwelling fronting Broad Lane there is an outdoor play area and an further detached educational building to the north of the nursery site complex. This latter building shares a close relationship with the application site but is set at a lower level with banking to the north, rear. This building has two openings facing toward the application site but these are indicated to higher level with indicative air source condenser unit and 2no. "passivent intake grill for classroom ventilation system". This building is around 2.50m lower than spot heights taken from the application details to land north. Any development would likely look over, rather than overlook this building. The main play area for the nursery complex does not share a boundary with the application site and the original nursery building is set much further south, at least 17m from the application boundary. The development of no. 32 Broad Lane and 10 Uppercroft (to the west and north of the nursery respectively) share a similar relationship as the development of this site would create. Taking into account the layout and function of the nursery it is concluded that the development of this site would not result in undue harm to its users.

Impact on no. 111 Upperthong Lane

This neighbouring property is located to the east of the application site and comprises of a two-storey detached dwelling. Whilst there are some existing trees and planting, this is not significant and therefore this neighbouring property is somewhat open to view. Care would therefore need to be taken to ensure that a dwelling, or dwellings are not constructed which would dominate the site and detract from this existing neighbouring property, appearing overbearing in nature. However, this can be assessed in more detail within the reserved matters application. As discussed above the layout, scale and design of the proposed dwelling(s) will be a large factor in whether or not development at this site would be appropriate in respect to residential amenity. Care needs to be taken to ensure that no. 111 will not be overshadowed or be subject to loss of privacy.

Impact on nos. 113 and 115 Upperthong Lane

These neighbouring properties are located to the north of the application site. No. 113 comprises of a detached dormer bungalow, with no. 115 being a two-storey detached dwelling. Given the differences in land levels at the application site and the above dwellings, it is considered that subject to details

submitted within the reserved matters application, a dwelling(s) could be provided on the site without being overbearing in nature. However, given their location and orientation there may be some concerns in regard to overshadowing and overlooking, therefore care will need to be taken to ensure there is a sufficient separation distance and screening between the new and existing dwellings, and ensure that there is no direct overlooking from the placement of habitable room windows.

Impact on dwellings located to the west built under application 2015/91726, now known as Upper Croft and in particular no. 10

As highlighted above these newly constructed dwellings are located to the west of the application site and comprise of detached three storey properties. Given the scale and size of these dwellings it is unlikely that a dwelling of similar or smaller scale and massing would appear overbearing to these properties. Whilst no details have been provided in respect to layout or design, care should be taken to ensure that the dwellings have a sufficient separation distance to avoid overshadowing and habitable room windows should not be placed into the western elevations if a sufficient separation distance cannot be provided, to ensure that the privacy of the occupiers of the above dwellings are retained.

The proposal in outline form, does not give rise to any undue adverse impacts upon neighbouring residential amenity or the nursery complex and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework.

3 – Highway Safety:

Turning to highway safety Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal seeks to utilise the existing access from Upperthong Lane to the north east of the site, and whilst the submitted application forms suggest that 3 car parking spaces are to be provided at the site, as scale is a reserved matter the amount of car parking required will be dependent on the number of bedrooms proposed at the dwelling(s). This will need to be discussed further within the subsequent reserved matters application if outline permission is granted.

The Council's Highways officers were consulted on the proposals and raised no objections to the proposals subject to conditions relating to the surfacing and draining of parking areas, appropriate turning facilities being provided prior to a dwelling being occupied, and details of bin storage and collection points

shown on plan. Thus Highways raise no objection to the point of access to serve the dwelling along the existing track from Upperthong Lane, noting it's width of 3.5m. These comments are based on the acceptability of a single dwelling on the site. If more dwellings were proposed at reserved matters stage it is likely the existing access arrangements would not be suitable to serve the scheme.

Whilst the above comments from Highways are noted, until further details regarding the land levels (existing and proposed) of the site are received during the reserved matters stage, it may not be possible to provide the proposed turning head in the location shown on the indicative layout plan due to the challenging topography of the site. This will need to be assessed in more detail should a subsequent application be submitted to the Council and taken as part of the wider considerations as to the acceptability of a detailed scheme. At this stage all that is considered in detail is that the point of access is acceptable.

It is therefore considered that subject to conditions, and the amount of parking proposed at reserved matters stage, the proposed development would not cause detrimental harm to highways safety and that the proposed development is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

4 – Other Matters:

Land Stability

Policy LP53 of the Kirklees Local Plan relates to contaminated and unstable land. It highlights that for developments identified as being at risk of instability, measures should be incorporated to remediate the land or incorporate other measures to ensure that the instability does not have the potential to cause harm to people or the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which protect the well-being of residents or protect the environment will not be permitted.

Given the sloped topography of the application site, and concerns raised by adjacent neighbouring properties, it is important to highlight that should a subsequent reserved matters application be submitted to the Council, the application should provide clear details of existing and proposed ground levels, proposed finished floor levels and visual details of any retaining structures for the development. This should include an initial topographical survey which clearly surveys not just the application site but immediately adjoining boundaries so that the relationship between the application site and surrounding land can be fully assessed. As stated within paragraph 179 of the NPPF *'where a site is affected by contamination of land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'*. The information required as part of a detailed scheme will provide details, the ultimate responsibility for any development permitted will lie with the developer.

Biodiversity

Whilst it is acknowledged that the site falls within a bat alert area, the Council's Ecologist deems there to be no obvious biodiversity constraints at the site and therefore raise no objections to the proposals in principle. However, should planning permission be granted at the site it was recommended that biodiversity net gain will need to be demonstrated to be in accordance with LP30 of the Kirklees Local Plan. A condition regarding this is attached to the recommendation.

Air Quality

In line with guidance set out in the West Yorkshire Low Emissions Strategy and to support the provision of low carbon infrastructure in accordance with Policy LP24 of the Local Plan there is an opportunity to provide an electric vehicle charging point for this dwelling. A condition has been recommended for this.

Trees

The Council's tree officer notes that within the site there are no concerns in respect to the loss of damage to any existing trees. There is however one large mature Ash on the site's northern boundary, approx. 10m from the western extent of the site. Although whilst this tree is large and prominent in the landscape, it would not warrant protection by a Tree Preservation Order due to a number of defects present. The tree however is not within the site and therefore damage to its rooting system should be avoided by any approved development. The Trees officer requests that a tree protection plan should be provided with any reserved matters application to give assurance the tree can be protected during any future development. Subject to this the development would accord with Policy LP33.

Drainage

An indicative drainage layout has been submitted, following objections to the scheme from the Lead Local Flood Authority (LLFA). The initial objections were based on information on the application form suggesting that surface water would discharge via a sustainable drainage system but it was not explained how this could be incorporated into the design. The LLFA would object to the use of infiltration techniques and surface water pumping station in this area (should this ultimately be seen as a solution) as this could introduce a risk of flooding to property at lower levels should it fail. Unlike foul water, the volumes dealt with from rainfall mean that the risk cannot be adequately mitigated and therefore fails a test of the NPPF.

The indicative drainage layout suggests that a gravity connection can be achieved. The LLFA has no objection to a connection to the surface water sewer as shown on this indicative plan. It is noted that no levels have been submitted and therefore not proven that a gravity connection can be achieved. This would need to be proven by a detailed drainage strategy to be secured

by condition. It is also recommended that a drainage rate of 3l/s limitation may be adequate to have to avoid attenuation for a single dwelling

Subject to condition, and the submission of appropriate details of drainage through the reserved matters stage, it is possible for the development to provide a suitable scheme of foul and surface water drainage that would accord with Policies LP28 and LP34 of the Local Plan.

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. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

With regard to climate change the site is located within a sustainable village location where there is access to shops in nearby Holmfirth and public transport. The development would also be constructed to modern building standards which would aid in the properties thermal efficiency.

There are no other matters for consideration.

5 - Conclusion:

Paragraph 11 of the NPPF advises that Local Planning Authorities should be approving development proposals that accord with an up-to-date development plan without delay. On balance, it is considered that there are no adverse impacts arising from the application that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore planning permission should be granted.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2020/93470

Officer Recommendation: Approved.

Conditions and Reasons

1. Approval of the details of layout, scale, appearance and landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.
Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
1. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to layout, scale, appearance and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
2. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
4. Plans and particulars of the Reserved Matters related to 'scale' 'layout' and 'appearance' submitted pursuant to condition 2 shall include details of existing grounds levels on a topographical survey, both within the application site and at the boundaries with adjoining land, proposed ground levels, proposed finished floor levels and details of all proposed retaining structures.
Reason: In the interests of visual and residential amenity and to accord with Policies LP24 and LP53 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework.
5. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.
Reason: To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with policy LP30 of the Kirklees Local Plan and the requirements of Section 15 of the National Planning Policy Framework.

6. Plans and particulars of the Reserved Matters related to 'appearance' shall include details of the provision of bat roost features to be installed integral to the building(s) during the construction phase. The details shall provide the numbers, location and types of tubes/boxes to be installed. Thereafter the development shall be undertaken in accordance with the details so approved before any development is first occupied and retained.
Reason: To provide ecological enhancement in accordance with the requirements of Local Plan Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
7. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environmental Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policies LP24 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.
8. Notwithstanding the details shown on the indicative site layout plan, which are not approved, plans and particulars of the Reserved Matters related to 'layout' submitted pursuant to condition 2 shall include vehicle turning facilities within the site that allow vehicles to enter and leave the site in a forward gear. The turning facilities so approved shall be provided before the development is first occupied and shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.
Reason: In the interests of highway safety and to achieve a satisfactory layout and accordance with Policy LP21 of the Kirklees Local Plan.
9. Before development commences, details of suitable bin storage, bin presentation points and access for collection of waste from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.
Reason: In the interests of amenity and highway safety and to meet the requirements set out in Kirklees Local Plan Policy LP24 part d (vi).
10. An electrical vehicle recharging point(s) shall be installed on site to serve the development. The recharging point(s) shall be provided prior to the first occupation of the dwelling(s). Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging point(s) so installed shall thereafter be retained.
Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

11. The development hereby approved shall be constructed with separate systems of drainage for foul and surface water on and off site. Plans and particulars of the Reserved Matters related to 'layout' submitted pursuant to condition 2 shall include details of drainage for foul and surface water on and off site, including levels, calculated discharge rates, balancing works required and off-site works. There shall be no pumped discharge of surface water from the site. The approved drainage works shall be completed in accordance with the approved details prior to the dwelling(s) being first occupied.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental wellbeing, in accordance with Policies LP34 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.

Standard charging points for single residential properties that meet the requirements specified in the latest version of "*Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)*" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (2.5kW) and have Type 2 socket outlet would be acceptable.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.

The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: Noisy construction related activities shall not take place outside the hours of:

- 07:30 to 18.30 hours Monday to Fridays
- 08:00 to 13:00 hours, Saturdays
- With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Given the sloped topography of the site, it is important to note that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

NOTE: Specialist advice should be sought for the design and installation of a small sewage treatment system which should meet the relevant standards. These are currently:

- BS EN 12566:2016 – Small wastewater treatment systems for up to 50 PT.
- BS 6297:2007 +A1:2008 – Code of practice for design and installation of drainage fields for use in wastewater treatment.

Any discharge from a waste-water treatment system is likely to require a consent from the Environment Agency who may need to be consulted on the application.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location Plan	LOC	-	14 th October 2020
Indicative Site Layout	01	A	30 th March 2021
Design & Access Statement – Supporting Information	2677	-	14 th October 2020
Highways Statement – Supporting Information	1895	-	12 th November 2020
Yorkshire Water Enquiry – Supporting Information	-	-	30 th March 2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amended and additional plans were received in respect to drainage at the site, this was in response to the comments received from the Council's LLFA team. Given the nature of the amendments re-consultation with neighbours was not considered necessary.

Report Dated:

19/05/2021

