

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:	2022/62/93819/W
Site Address:	Adjacent to, 5, White Wells Road, Scholes, Holmfirth, HD9 1TB
Description:	Erection of detached dwelling
Recommending Officer:	William Simcock

DECISION – Conditional Full 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: 27th April 2023

Officer Report – 2022/93819

Land adjacent to 5 White Wells Road, Scholes Holmfirth

Site Description

The site consists of a plot of land within a residential area, bordered by White Wells Road to the east and Marsh Road to the west. It measures approximately 30m in length (between the two roads) and 16m in width. The land is elevated about a metre above the highway at the east and rises further to the west where it meets Marsh Road. The land has historically been used as a private garden and appears to be maintained as such at the present time. To the south, and close to the Marsh Road frontage, is Scholes Methodist Chapel, a Grade 2 Listed Building. The area is otherwise residential. No. 5 White Wells Road, a 19th Century semi-detached house, borders the site to the north.

Description of Proposal

The proposal is for the erection of a single detached dwelling (full application). In scale, layout and design details it is in effect a resubmission of 2019/91355.

It is to be positioned close to the White Wells Road frontage and would be two-storey, with additional habitable room in the roof space. Vehicular access would be taken from Marsh Road, with parking spaces formed near the north-western corner of the site and garden, at a lower level, surrounding the house on all sides. The dwelling would have its front elevation facing east. The main outlook would be to the east and west. Windows in the southern elevation would be to a hallway and landing only. It would have up to 4 bedrooms (three rooms are designated bedrooms, and another room designated “study/bed”).

Maximum dimensions would be approximately 12.5m west to east and 8.3m north to south. It would be about 5.55m high to the eaves and 8.4m to the ridge. Materials are to be stone and slate. The plans indicate a reduction in average ground levels.

Relevant Planning History

2010/90386 – Outline application for erection of detached dwelling with detached garage, parking area and related site works. Outline permission granted.

2013/91269 – Extension to time limit for above. Granted.

2016/91311 – Outline application for erection of detached dwelling with detached garage, formation of parking area and related works. Conditional outline permission.

2019/91355 – Erection of detached dwelling (full application). Approved.
Permission expiry date: 23-Oct-2022.

History of negotiations / amendments received.

Representations

Final publicity date expires: 07-Feb-2023. Publicity was by site notice and press advertisement in addition to neighbour notification letters as the development would affect the setting of a Grade II Listed Building.

Holme Valley Parish Council - Oppose. Plans were inadequate. There was a lack of clarity on parking provision. Previously highlighted access issues have still not been resolved. The Parish Council would expect that new-build applications should include a climate mitigation statement.

No representations have been made by other third parties.

Consultation Responses

No consultations were considered necessary on this occasion since the proposal is a resubmission of a previous application.

Past consultation responses (on application 2019/91355)

- Conservation & Design – No objections.
- Highways Development Management – No objection subject to conditions.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021)

The site is without designation on the Local Plan Proposals Map.

There is a Grade II Listed Building on land adjacent to the site (Scholes Methodist Chapel). Listing description:

“Chapel. Dated 1860. Hammer dressed stone. Rusticated quoins. Stone slate roof with gable copings. Three bay gable frontage by 4 bays. Central doorway with architrave and moulded cornice on simple capitals to door surround. Single light to each side with round arch with keystone and impost blocks. Glazing may be of later date. Plaque over doorway reads: PRIMITIVE METHODIST CHAPEL ERECTED MDCCCLX WE PREACH CHRIST CRUCIFIED”

As the proposal is for a single dwelling it is considered it does not raise considerations under the Equality Act.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 11:** Housing mix and affordable housing
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 35:** Historic environment

Neighbourhood Development Plans:

Holme Valley Neighbourhood Development Plan (2020-2031)

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

The following policies of this plan are considered most relevant:-

Policy 1 – Protecting and Enhancing the Landscape Character of the Holme Valley

Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

Policy 6 - Building Homes for the Future

Policy 11 - Improving Transport, Accessibility and Local Infrastructure

Policy 12 – Promoting Sustainability

Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

The site is within Landscape Character Area 8:

Key landscape characteristic of the area are:

- Strong rural setting and agricultural character with pastoral farmland on the rising valley slopes.

- There is a strong connection to the surrounding rural landscape from long distance and panoramic views over the wooded valley floor to the opposing valley sides as well as glimpsed views of the rural backdrop through gaps between the built form, especially within Totties and Scholes.
- Stone walls and hedgerows form field boundaries and line single lane roads.
- Short sections of the Kirklees Way, the Barnsley Boundary Walk and the Holme Valley Circular Walk cross the area. A short section of National Cycle Route no. 627 also crosses the north-east of the area.

Key built characteristic of the area are:

- Older settlements are characterised by their agricultural and industrial past and there are isolated farmsteads on the valley slopes.
- Scholes and Wooldale are the largest of the settlements and contain some services and older and more modern development.
- Vernacular building materials include millstone grit walls with grey slate roofs.

Supplementary Planning Documents:

- KC Highways Design Guide 2019
- Housebuilders Design Guide Supplementary Planning Document,
- Open Space Supplementary Planning Document
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

These documents can also be viewed in [G:\Planning\SPDs & Guidance Notes](#).

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development: Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. LP1 goes on further to stating that:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years’ supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.

The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local 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.

Paragraph 69 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”.

Although the Local Planning Authority can demonstrate a five-year housing land supply, it is noted that the development of this plot would be contribute to the housing supply in the district. However the provision of housing needs to be balanced against all policies and material planning considerations considered below.

The proposal is, in effect, a resubmission of application 2019/91355, in terms of its scale, siting, layout and detailed design. Whilst the existence of a recently expired planning permission is a material consideration, there have been important changes in the policy context since the grant of permission, with the adoption of the Housebuilders’ Design Guide and more recently the Holme Valley Neighbourhood Development Plan. It therefore important to assess whether this proposal will be compatible with policy.

The site is however on land that is without designation within the Local Plan proposals map which means that there is no presumption against housing.

Located just outside the application site is the Grade II Listed Scholes Methodist Church. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, where a development proposal would affect a Listed Building or its setting, have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. This approach is also supported by Chapter 16 of the NPPF and Policy LP35.

The proposal will also be assessed according to the following policies:

- LP7 - encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and appropriate housing densities to ensure that land is used efficiently.
- LP11 – Housing must aim to provide a mix in terms of size and tenure.
- LP21 – that proposals must ensure the safe and efficient flow of traffic and safe access.
- LP22 – appropriate parking to be provided given the type of development and the accessibility of the site.
- LP24 – the form, scale, layout and details of development must respect and enhance the character of the townscape and landscape, provide a high standard of amenity for future and neighbouring occupiers including appropriate distances between buildings and a high level of sustainability.
- LP28 – Sustainable urban drainage systems to be used where possible.

- LP30 – Development to incorporate biodiversity enhancement measures.

The site is not classed as “previously developed” within the meaning of the NPPF. This does not mean there is a presumption against development, but it also does not imply that a development making “efficient use” of land will necessarily be acceptable – this will be assessed having regard to its compatibility with local character (see part 2 below).

Whilst the achievement of a mix of size and tenure in a multi-unit scheme is desirable, Policy LP11 specifies that schemes of more than 10 units or those covering an area of greater than 0.4ha should provide a mix reflecting the proportions of households that require housing and achieve a mix of house size and tenure. For a small minor scheme such as this, consisting of only one unit, it would be unreasonable to treat this requirement as being mandatory.

Under Chapter 11 of the NPPF, planning decisions should support development that makes “efficient use of land” taking into account the need for different types of housing, local market conditions, infrastructure, the prevailing character of the area, the desirability of promoting regeneration or change, and the importance of securing well-designed, attractive and healthy places. The advice in Chapter 12, “Achieving well-designed places”, should also be taken into account, in particular that planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments.

Also of relevance is Chapter 14 (opportunities to be taken to prevent development contributing to flooding) and 15 (any potential pollution impacts should be assessed at the planning stage, and biodiversity should be enhanced where possible.)

The following policies within the Holme Valley NDP are of particular relevance:

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

A detailed assessment of the application against amenity, highway safety, environmental and other criteria, having regard to the above policies and guidance, and the relevant parts of the Housebuilders’ Design Guide SPD, will be undertaken in the main part of the Assessment.

2 – Impact on visual amenity: The following principles of the Housebuilders' Design Guide SPD (HDG SPD) are relevant:

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

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

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

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

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

The site lies within an area of mixed house types, ranging from small vernacular terraced houses to large modern houses (often on small plots). The site is close to the settlement boundary but not immediately adjacent to undeveloped, semi-natural or agricultural land.

The development of the plot for a single dwelling would, it is considered, be compatible with existing density and urban grain in the vicinity of the site in this location. Whilst it would amount to a density lower than the 35 per hectare considered as desirable under Policy LP7, it is considered it would make efficient use of land whilst reflecting settlement character as required by LP7 and Holme Valley NDP Policy 6(4).

The immediate surroundings of the site do not have a strongly rural or agricultural character. The erection of a dwelling on this plot would not affect long distance views, including glimpsed views, to the west, as it would be seen in the context of gently rising land and further buildings to the west. Looking east across the site from Marsh Road, there are long-range views of the hills on the opposite side of the Holme Valley, although somewhat limited by the presence of a high stone boundary wall and by buildings on the eastern side of White Wells Road. Whilst the erection of a new dwelling on this plot would interrupt such views, it would take up only just over half the width of the plot, and as such would still allow glimpsed views.

The development would allow the retention of the existing stone walls which are recognised as being a contributor to the character of the built environment. Having regard to the built characteristics of the area it is noted that this part of Scholes contains a mix of old and more recent development. The existing pair of dwellings to the north of the site appear to date from the early 19th Century and have a strongly traditional character, with features such as quoins and kneelers. 7-9 White Wells Road, to the south, are also vernacular terraced houses. Between the two there is a large gap in the frontage formed by a large area of maintained grassland associated with the listed church and which contributes to its setting. Development on the eastern side of White Wells Road is however 20th Century or later. There is more 19th Century development (nos. 1-3 Marsh Road to the west) and the Junior and Infant School which is likely to date from the 1910s or early 1920s.

The proposed dwelling would have a distinctively modern appearance, with its front-facing gable, balcony, and open porch, but would also contain features that would mimic the local vernacular, such as kneelers and mullioned windows. It would be a two-storey dwelling placed among existing two-storey development, and its placement and orientation within the plot would be seen as an approximate continuation of the existing building line formed by the dwellings to the north up to the Marsh Road junction. Finished ground floor level would be similar to no. 5. Whilst having a greater footprint than no. 5, it would also be sited on a bigger plot, and it is considered that it would not appear cramped or give rise to the impression of overdevelopment. It is considered that the distribution of window openings would harmonise with existing development, with most openings being placed in the western and eastern (front and rear) elevations. The roof pitch would also resemble those of existing dwellings close to the site.

It is considered that the site as a whole would maintain a suitable balance of soft and hard landscaping. Paragraph 7.15 of the Housebuilders' Design Guide SPD states that "building frontages that are dominated by hard landscaping and car parking that is within the plot and fronting on to the street should be avoided" The part of the site lying adjacent to Marsh Road would be dominated by car parking. But this is not the principal frontage of the plot and being enclosed by a stone wall on the highway and southern side it would not be very prominent in the street scene.

Policy 1(4) of the Holme Valley NDP states that a full hard and soft landscaping scheme should be submitted with all planning applications for new buildings, which should use a suitable mix of native plant species in tree planting and hedgerows to support and enhance biodiversity. In general, details of landscaping and ecological enhancement can be adequately dealt with by means of a condition which will require the submission and approval of a full landscaping scheme before the dwelling is occupied, and its implementation in the first planting season after the commencement of development or within another agreed timescale.

Materials are described as stone and slate on the application form. These are considered to be the most suitable materials, since stone is the predominant material in the vicinity.

It is concluded that paying due regard to the landscape character assessment that forms part of HVNDP, the erection of a dwelling of the siting and dimensions shown would not result in the loss of or damage to any of the features that contribute to the character of the landscape or built environment and that its scale, layout, height, built form and details would respect the character of its surroundings, including that of the Listed chapel. It would thereby comply with the aims of: LP24(a); Policies 1-2 and 6(4) of the HVNDP; the parts of the HDG SPD concerned with visual amenity and local character highlighted above; Chapter 12, paragraph 130(a-d) and Chapter 16 of the NPPF; and the Council's obligations under Planning (Listed Buildings and Conservation Areas) Act 1990.

3 – Impact on residential amenity: Policy LP24(b) and Chapter 12, paragraph 130(f) of the NPPF require that planning decisions deliver a high standard of amenity for future and neighbouring occupiers. The following principles within the Housebuilder Design Guide are of particular importance:

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

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards. The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers. These are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design). The dwelling comfortably exceeds the minimum space standards set out in the NDSS.

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

The closest existing dwelling to the application site is 5 White Wells Road. This has two side-facing windows, one at first floor and one at ground floor. Whilst difficult to verify from an external viewing, they appear to be non-habitable. There are no habitable room windows in the north elevation of the proposed dwelling. To the west, the dwelling would not be in a position to cause overlooking of other properties as the land rises steeply. To the east, the closest mutual overlooking distance with existing windows on the opposite side of the road would be over 18m, which is judged acceptable, taking into account the existing relationship between dwellings in the streetscene and that the relationship would be oblique as the bulk of the new dwelling looks onto the driveway to the north of Whitecroft and open green amenity space. The only windows in the south side elevation are secondary or non-habitable.

The upper floor windows should be conditioned to be non-opening or top-opening and fitted with obscure glazing as they would face third-party land (which appears to be used as a shared garden area) at close quarters. The ground floor window would have its view blocked by the existing high stone wall.

There is a 4m+ distance from the side wall of the dwelling to the southern boundary of the site and around 1.8m to the northern boundary with no. 5. As the new dwelling would not form part of a regular street pattern, these separation distances from side walls to boundaries are considered acceptable.

The proposed balcony would not allow a view out to the north and to the east, across the street, but not to the south. To the north it would overlook, primarily, 5 White Wells Road. To the east it would look towards a public landscaped area at the Wickleden Gate junction and the driveway and parking area belonging to the bungalow opposite (Whitecroft). Ground levels would be reduced substantially before construction commences and it is considered it would not have an overbearing impact on its surroundings or result in an undue loss of privacy to surrounding residents.

Ground, floor and ridge levels can be conditioned to those shown on the proposed site plan for the avoidance of doubt and to ensure that no overbearing impact occurs.

There is a high stone wall to the southern boundary. This is to be retained, and being a Listed structure (since it forms part of the church boundary wall) it could not be lowered or demolished without Listed Building consent. It is unlikely that any new boundary treatments will be needed to the other boundaries. To the north there is an existing retaining wall which could be reinstated as a boundary wall if required; privacy issues are not a significant cause for concern and boundary treatments do not need to be conditioned.

The amount of garden space, taking into account Principle 17 of the SPD, is considered adequate in terms of size and layout for a dwelling of this size. The existing dwelling would be left with somewhat limited private amenity space, but the same observation could be made of the two neighbouring dwellings to the north, and it is considered that the reduction in available garden space would not have an unacceptable adverse impact upon the quality of life of any present or future occupants of this property.

Subject to the conditions on levels and windows as set out above, it is considered that the development would ensure satisfactory living conditions for existing and future occupiers and accord with the aims of Policy LP24(b) of the Local Plan, Principles 6, 16 and 17 of the SPD and Policy 2 of the HVNDP.

4 – Impact on highway safety: The arrangements for access and parking are the same as on the previous approval, reference 2019/91355. The Highway

Officer at the time did not object to the principle of the development but, in his initial comments asked for the further details to be shown on a plan, including visibility splays of 2.4m x 43m demonstrated on a plan. Further details were supplied by the applicant, following which the Highway Officer concluded that conditional full permission could be granted.

Access would be taken, as before, from Marsh Road, which is narrow but has good alignment and a continuous footway along its western edge. As noted on the previous application, the plans are incomplete in that the sight line to the south does not continue to the full distance of 43m, but that in practice the sight line would be achievable using only highway land, without affecting any third-party land or requiring any works to the boundary wall. The position of the means of access is unchanged and it is considered that these observations are still valid.

Kirklees Highways Design Guide recommends that, as a starting point, a four-bedroom dwelling should be provided with at least three parking spaces. A reduction should only be allowed if locational or other factors (e.g. good public transport accessibility) indicate that it would be able to function safely with fewer. In this instance, three spaces is considered an appropriate number given the moderate public transport accessibility of the site and the overall amount of living accommodation provided. The site plan shows a substantial area to be made available for the parking and turning of vehicles. It is not marked out into bays, but it is apparent that it would contain sufficient space to park three cars of normal dimensions. It is just over 10m wide at its greatest extent. It is noted that it has not been marked out into bays and does not show vehicle swept paths. It is considered, notwithstanding this, that the layout of the site would allow three vehicles to park and also to turn within the site, although since it would take access to a non-classified road, the provision of internal turning is not deemed to be essential in this instance.

As before, pedestrian access would be taken to White Wells Road which it is considered would be a safe and convenient means of access for residents.

Space for the storage of refuse containers is shown within the curtilage. A bin collection point is not shown. In the assessment of the last application, however, officers took the view that this was not necessary in the circumstances since bins would presumably be placed on the existing verge for collection, as is the case with other neighbouring properties, where they would not obstruct the carriageway.

The proposal is therefore considered acceptable subject to conditions – the provision of sight lines to Marsh Road, and the vehicle parking areas to be surfaced and drained. Subject to this it would not adversely affect the safe or convenient use of the highway and would comply with the aims of LP21-22, Policy 6(2) and 11(4) of the Holme Valley NDP, and Principles 12 and 19 of the HDG SPD.

5 – Other matters:

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. At the time when this application was made, the Kirklees local validation requirement of a Climate Change Mitigation Statement was not yet in force, but it was already standard practice for planning officers to ask applicants (in the case of new build housing) what measures would be put in place to limit the development's contribution to climate change, and for these to be the subject of a condition, either prescriptive or requiring further information. This would also comply with Principle 18 of the HDG SPD.

The site is in a moderately sustainable location being within 200m walk of a bus stop with a twice-hourly daytime service to Huddersfield Town Centre. It is also approximately 400m to the Post Office and small general store on St Georges Road Scholes. It is considered that future occupants would be able to fulfil many of their daily and weekly needs without being reliant on the use of a private car.

The applicant has confirmed that details of methods to limit greenhouse gas emissions can be the subject of a pre-commencement condition. To promote sustainable means of transport in accordance with government guidance on air quality mitigation and reducing greenhouse gas emissions, it should also be conditioned that one new electric vehicle charging point be installed before the dwelling is occupied. Thus conditioned it would comply with the aims outlined within Policy LP20 and LP24(d) of the Local Plan, Policy 13 of the Holme Valley NDP, Principle 18 of the HDG SPD and Chapter 15 of the National Planning Policy Framework.

Drainage:

The site is not known to be at risk of flooding. The application form says that drainage of surface water is to be by the main sewer. At the time when this application was submitted, the submission of information to demonstrate compliance with LP28 (including drainage solutions explored as part of the surface water hierarchy) was not part of the local validation requirements. Notwithstanding the wording of Policy LP28, the drainage hierarchy principle will not be applied in this instance since the installation of a sustainable urban drainage system could be deemed disproportionate for a single dwelling and a soakaway would probably not be appropriate given the limited space within the lower garden. The condition on the provision of parking areas will however specify permeable hardstanding so as to minimise run-off and contribution to flood risk, in accordance with the aims of NPPF Chapter 14 and LP28.

Biodiversity:

The site is in the bat alert layer but it is considered that the existing structures on site would not realistically provide any bat roost potential, nor would the

proposed development result in the loss of any land with significant wildlife habitat value. Opportunities to enhance the biodiversity of the site and the wider area should be taken in accordance with the aims of LP30, Policies 1(4) and 13 of the HVNDP and Principle 9 of the HDG SPD. This may include, but not necessarily be restricted to, the provision of bat or other habitat boxes, and planting of native species.

Withdrawal of permitted development rights:

So as to avoid overdevelopment of the site, and in particular to ensure that inappropriate extensions or outbuildings do not harm the setting of the Listed chapel, it is recommended that permitted development rights for extensions and roof extensions should be removed (Class A and B). It is not considered necessary to apply this to outbuildings for the entire site because there is only limited space to build these in the lower garden. But removal of class E permitted development rights should apply to the upper part of the curtilage as here there would be room to build garages and it would be close to the Listed church.

6 – Representations: The only representation made is by Holme Valley Parish Council, who object to the proposal. Concerns relating to highway safety and access are highlighted below with other issues raised and officer responses.

- Plans were inadequate. There was a lack of clarity on parking provision.

Response: It is considered that the plans contain a sufficient level of detail to allow a fair assessment to be made. The amount of parking available on the proposed layout is judged to be adequate for a development of this scale, as stated in section (4) above. Whilst a detailed internal layout has not been shown, this is not considered essential in the circumstances.

- Previously highlighted access issues have still not been resolved.

Response: Since the last approval, the Highway Design Guide has been adopted but the underlying principles and standards (including visibility) are unchanged. The access arrangements are identical to the previous application and are considered safe and satisfactory.

- The Parish Council would expect that new-build applications should include a climate mitigation statement.

Response: At the time when this application was made, the Kirklees local validation requirement of a Climate Change Mitigation Statement was not yet in force, but it was already standard practice for planning officers to ask applicants what measures would be put in place to limit the development's contribution to climate change. This will therefore be the subject of a pre-commencement condition.

7 – Conclusion: The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole

constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2022/93819

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions and reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence. **Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, 22, 24, 30 and 35 of the Kirklees Local Plan, Policies 1, 2, 6, 11 and 13 of the Holme Valley Neighbourhood Development Plan (NDP), Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders' Design Guide SPD (HDG SPD) and Chapters 11, 12, 15 and 16 of the National Planning Policy Framework.

3. All new external walling (including any new retaining walls within the site) shall be faced in coursed natural stone, and all window openings in the new dwelling shall have natural stone heads and cills. Samples of all walling and the proposed 'slate' roofing materials shall be submitted to or inspected on site by, and approved in writing by, the Local Planning Authority, before work on the superstructure of the dwelling commences and the development shall be implemented using the approved materials.

Reason: In the interests of visual amenity, to ensure that the new dwelling conserves the setting of the adjacent Grade II Listed Building, and to accord with the aims of Policy LP24(a) and LP35 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley NDP, Principles 2 and 13 of the HDG SPD and Chapters 12 and 16 of the National Planning Policy Framework.

4. Finished ground floor level (FFL), ground levels and ridge levels shall be no higher than that specified on the hereby approved plan, reference WW.001.

Reason: In the interests of visual and residential amenity, to ensure that the dwelling is in harmony with its surroundings and to avoid overbearing impact, and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley NDP, Principle 2 of the HDG SPD and Chapter 12 of the National Planning Policy Framework.

5. The areas indicated to be used for the parking of vehicles and for the storage of wastes within the curtilage as shown on the approved plans shall be formed and laid out with a hardened and drained surface in accordance

with the Communities and Local Government, and Environment Agency's, 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded, before the new dwelling is first brought into use. These shall thereafter be retained as such, kept clear of obstructions and available for the uses specified on the plans at all times.

Reason: To achieve a satisfactory layout in the interests of highway safety, to ensure that the development does not contribute to flood risk arising from increased water run-off, and to accord with the aims of Policies LP21-22, LP24(d)(vi) and Policy LP28 of the Kirklees Local Plan, Policy 11.10 of the Holme Valley NDP and Chapter 14 of the National Planning Policy Framework.

6. A minimum of one electric vehicle recharging point shall be installed within the dedicated parking area of the hereby approved dwelling before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In accordance with the aims of Policy LP24(d & v) of the Kirklees Local Plan and government guidance on air quality mitigation, Policy 12 of the Holme Valley NDP, Principle 18 of the HDG SPD and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

7. Before the dwelling hereby approved is first occupied or brought into use, full details shall be submitted to and approved in writing by the Local Planning Authority for the landscaping of the site and measures to enhance the biodiversity of the site. The landscaping and ecological enhancements thus approved shall be implemented within the first planting, sowing or landscape management season following the commencement of development or as specified within the approved landscaping plan, and shall be retained as such.

Reason: In the interests of visual amenity, to ensure appropriate ecological enhancement is delivered in accordance with the aims of Policies LP24(h) and LP30 of the Kirklees Local Plan, Policy 1(4) and 13 of the Holme Valley NDP, Principle 9 of the HDG SPD and Chapter 15 of the National Planning Policy Framework.

8. All windows above ground floor level in the south side elevation of the new dwelling shall be non-opening or top-opening only and shall be fitted with obscure glazing to give at least a grade 4 degree of obscurity before the development is first brought into use. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows of this type shall be retained at all times.

Reason: So as to safeguard privacy for existing and future occupiers of the new dwelling and adjacent land and to accord with the aims of Policy LP24(c) of the Local Plan and Principle 6 of the HDG SPD.

9. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), no development falling within Part 1, Class A or B of the above Order shall be carried out within the site at any time, and no development falling within Part 1 Class E (including the erection of garages) shall be carried out within the upper part of the curtilage (i.e. the area designated as parking and bin storage as shown on the proposed site plan).

Reason: So as to avoid overdevelopment of the site in the interests of visual amenity, to ensure that inappropriate extensions do not harm the setting of the adjacent Listed building, and to accord with the aims of Policies LP24(a) and LP35 of the Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

10. Before development commences, details of the measures of how the dwelling/site will be designed to contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the measures so approved shall be incorporated into the fabric of the dwelling during construction and installed within the site before the dwelling is first occupied. The approved measures shall thereafter be retained.

Reason: To ensure that the development contributes to reducing carbon emissions and thereby combats climate change, and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan, Policy 12 of the Holme Valley Neighbourhood Development Plan, Principle 18 of the HDG SPD and Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that measures to reduce carbon emissions can be incorporated into the development during construction.

11. The dwelling shall not be first occupied until visibility splays of 2.4m x 43m have been provided from the access point onto Marsh Road. Thereafter, no obstruction above 900mm shall be formed within the visibility splays from the access point onto Marsh Road.

Reason: To achieve a satisfactory layout in the interests of highway safety and to comply with Policy LP21 of the Kirklees Local Plan, Policy 2 of the Holme Valley NDP and Chapter 9 of the National Planning Policy Framework.

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Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			23-Nov-2022
Plans and elevations as	WW.001		19-Dec-2022

Plan Type	Reference	Version	Date Received
proposed			

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 pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The applicant was not approached regarding amended or additional plans since none were considered necessary. The wording of the pre-commencement condition was agreed with the agent.

Report dated:

27-Apr-2023
