

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2023/61/92711/W

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

Description: Reserved matters application for erection of one
dwelling pursuant to outline permission 2020/93470
for erection of residential development

Recommending Officer: Katie Chew

DECISION – RESERVED MATTERS APPROVED

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.

John Holmes

AUTHORISED OFFICER

Date: 22-May-2024

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.

The application site is not located within a Conservation Area and there are no Listed Buildings within close proximity to the site.

Description of Proposal

This is a Reserved matters application for the erection of one dwelling pursuant to outline permission 2020/93470 for erection of residential development. The application seeks reserved matters approval for appearance, scale, landscape and layout, with access having been approved under the original outline application.

The proposed plans show the provision of one three storey dwelling, located within the centre of the eastern portion of the application site. The dwelling is to comprise of 5 bedrooms, 2 studies, 4 en-suites, home cinema, plant room/laundry, shower room, games area and gym, utility/pantry, boot room, open plan living/kitchen/dining area, WC, snug, cloak room, dressing room, rear balcony, and double garage, and is to be constructed utilising dyed and tumbled natural stone, grey artstone slate roof tiles, with a oak frame to the entrance.

Parking is to be provided within the integral double garage and within the driveway to the front of the property. Whilst 3 vehicles are shown on plan, given the size of the proposed driveway it is considered reasonable that additional vehicles could be parked at the property safely.

Amenity areas are proposed to the sides and rear with wildflower planting proposed to the front of the property.

Although only indicative under the previous outline planning permission, the proposed layout within this reserved matters is similar to that detailed within plans under the outline application 2020/93470.

History of negotiations/amendments received

Amendments were sought to reduce down the overall scale and size of the dwelling to ensure it did not appear overbearing or overly dominant in the context of the area, and Officers requested a slight redesign to ensure the dwelling was reflective and sympathetic to its location and adjacent neighbouring properties. Further amended plans were also received from the applicant's agent to provide tarmac to the entrance of the drive to match their engineer drawings.

Relevant Planning History

2020/93470 – Outline application for erection of residential development. Approved 20th May 2021.

Representations

Final publicity date expires:

Neighbour Letters – Expired 26th October 2023.

9 representations have been received in objection (although it is noted that 2 of these representations are from the same objector), comments are summarised below.

- Concerns in respect of the proposed size, height and design of the building.

Officer note: Noted. This is discussed in more detail within the visual and residential amenity sections of this report.

- Concerns in respect of overlooking, overshadowing and loss of light.

Officer note: Noted. This is discussed in more detail within the residential amenity section of this report.

- Concerns in regard to noise.

Officer note: Noted. The Council's Environmental Health Team have been consulted; their comments can be found within the consultee responses section of this report. Impact upon noise is taken into account within the assessment section of this report.

- Loss of a spectacular view of the valley.

Officer note: Noted. However, there is no right to a view and therefore this is not considered to be a material planning consideration that can be afforded significant weight in the consideration of this case.

- The land and opening onto Upperthong Lane is too narrow to offer a safe view up and down the lane when exiting the site.

Officer note: Noted. The Council's Highways team have been consulted on the proposals, their comments can be found within the consultee responses and highway sections of this report, with an assessment of the impact of the development, in this regard, undertaken within the highways section of the report.

- The site of the proposed development is on a steep slope with significant history land slippage. No evidence is presented to Kirklees Council to show that a slope stability risk assessment report has been undertaken. The planning application and associated documents do not address how ground stability issues will be managed during construction.

Officer note: Noted. The applicant has submitted plans outlining the differences in ground levels and the location and heights of the proposed retaining walls which are to be erected within the site. However, as stated within the NPPF at paragraph 190, *'where a site is affected by land stability issues, responsibility for securing a safe development rest with the developer and/or land owner'*.

- The drainage plans submitted are not considered to be enough to mitigate the risk of land slippage, the slope has many natural springs and there is no evidence showing how changes in water flow from the springs will be managed to mitigate impacts on residents below the site.

Officer note: Noted. The Council's LLFA team have been consulted on the proposals, their comments on the scheme can be found within the consultation responses section of this report. An assessment of the impact of the development with regard to drainage is undertaken within the assessment section of this report.

- The proposed surface water system drainage system orifice is 79mm rather than the Kirklees LLFA recommended orifice of 100mm.

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

- The Climate Change Statement is incomplete as noted by the Parish Council.

Officer note: Noted. This is discussed in more detail within the Parish/Town Council comments section of this report.

- Concerns in respect of the impact on wildlife such as badgers.

Officer note: Noted. The Council's Ecologist was consulted under the previously approved outline application ref: 2020/93470 whereby they stated

that there were no obviously biodiversity constraints at the application site and therefore limited risk of significant ecological harm. Biodiversity net gain is to be provided through the installation of an integral bat box within the new dwelling.

- The submitted Climate Change Statement notes that flood risk does not apply to this application. This is incorrect.

Officer note: Noted.

- A smaller property with a less intrusive aspect would be more suitable for the surrounding area.

Officer note: Noted. This application is assessed on the basis of its own merits.

- No. 111 Upperthong Lane have the farm track in the deeds as a right of way and this has not been addressed in any of the documentation relating to the planning application.

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

- Concerns that emergency vehicles could not quickly and safely access the site if required.

Officer note: Noted. The Council's Highways team have been consulted on the proposals, their comments can be found within the consultee responses and highway sections of this report.

Officer note: We 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 neighbour notification letters only, details of which are outlined above. Whilst it is acknowledged that amended plans were received during the course of this application, these amendments related to reductions to the overall scale and size of the dwelling and some design tweaks, it was not considered that any third parties would be impacted by these amendments given their nature and therefore re-consultation was not undertaken.

Consultation Responses

KC Environmental Health – Comments received 3rd October 2023. No objections. ENVH previously provided comments under outline application 2020/93470, whereby they accepted the information provided by the applicant in relation to the disposal of foul water. They recommended a condition be applied to secure an Electric Vehicle Charging point and that times of noise generating construction be controlled, these recommendations remain. ENVH

Officers have no additional comments or recommendations to make in this instance.

KC Highway Structures – Comments received 5th October 2023. No comment as the proposed development is completely off the highway with no impact on any existing structures.

KC Lead Local Flood Authority – Comments received 18th October 2023. No objections. Condition 12 of the approved application ref: 2020/93470 requires a drainage design to be submitted with the reserved matters application to ensure space has been made for water. In this respect LLFA can support this ‘reserved matters’ application. For completeness, a plan showing the position of rainwater down pipes and gullies on the property and connection points to the designed surface water system is required for any discharge of condition application.

Officer note: Given that this is a reserved matters application, no discharge of condition application will come forward due to the fact that no drainage condition was proposed on the outline permission, therefore Officers sought to request the required information from the applicant prior to determining the application. The applicant and applicant’s agent provided additional information via email on 23rd April 2024 of which the LLFA Officer concluded that this information was sufficient and thus the application could move to determination.

KC Highways Development Management – Comments received 6th February 2024. No objections subject to conditions and informatives relating to surfacing materials, turning facilities, and works within the highway.

Officer note: As discussed in more detail within the highway safety section of this report, some of the recommended conditions have not been included within the decision notice.

Parish/Town Council

Holme Valley Parish Council – Oppose, the proposed building is too large in relation to the surrounding buildings and overlooks other dwellings, the climate mitigation statement is insufficient and in general the plans are not detailed enough to make an informed decision.

Officer note: Noted. Following receipt of amended plans the dwelling has been reduced in scale and size and a more cohesive design provided. These changes are assessed in more detail within the visual and residential amenity sections of this report. In addition, it is acknowledged that the HVPC consider the submitted climate mitigation statement to be insufficient, however Officers do note that whilst not outlined within the Statement, within the submitted Landscaping Proposal plans there is sufficient detail outlining the installation of bat tubes, bug shelters, and significant planting in the form of new trees and wildflowers. This is considered to aid towards biodiversity net gain at the site, and in addition the dwelling does provide large amounts of glazing to the

south and therefore should benefit from solar gain, reducing the reliance on artificial lighting. Officers therefore consider this to be sufficient given the nature of the proposals for just 1 dwellinghouse.

Local Ward Members

None.

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

The application site is located within the Strategic Green Infrastructure Network, partially within a Bat Alert Area, and within the Holme Valley Neighbourhood 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
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP33 – Trees
- LP34 – Conserving and Enhancing the Water Environment
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide SPD (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- National Design Guide
- Nationally Described Space Standards

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.

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

“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”

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

“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”.

Policy 6: Buildings Homes for the Future

Sets out certain requirements for building residential development in the Holme Valley

Policy 11: Improving Transport, Accessibility and Local Infrastructure

“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”.

Policy 12: Promoting Sustainability

“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”.

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

“All development proposals should demonstrate how biodiversity will be protected and enhanced”.

It is important to note that the application site is within Landscape Character Area 4, this being the ‘River Holme Settled Valley Floor’. Key characteristics of the area include framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park. Boundary treatments comprise largely of millstone grit. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing. In addition, a network of Public Rights of Way including the Holme Valley Riverside Way which follows River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of

Holmfirth before climbing the opposing valley slopes. Mill ponds reflect industrial heritage and other recreation facilities.

Key built characteristics of the area include mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the areas former textile industry. Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads. Narrow winding streets and stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre. Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage. There are mixed areas of historic and more recent residential and commercial developments.

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 December 2023, 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 2** – Achieving sustainable development
- **Chapter 4** – Decision making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 9** – Promoting sustainable transport
- **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

1 – Principle of Development

The principle of residential development has already been established via the granting of outline permission under application 2020/93470, which this permission is linked to. The reserved matters now under consideration will be assessed against scale, layout, appearance and landscaping, which are examined in detail under the sub-headings below.

The proposal will be further assessed according to the following policies stated as above including the Kirklees Housebuilders Design Guide SPD to guide good design.

In this case, the details of the proposal could potentially be acceptable, subject to the assessment of impacts on visual and residential amenity.

2 – Reserved Matters

Layout, Scale, Appearance and Landscaping

In terms of visual amenity, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable 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.

Policy 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...”

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), River Holme Settled Valley Floor (LCA4).

Policy 2 of the HVNDP states that *“proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”*.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: “New residential development proposals will be expected to respect and enhance the local character of the area by:

- Taking cues from the character of the built and natural environment within the locality.
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a*

sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”

In this instance the proposed dwelling is to be located within a cluster of existing buildings, and whilst stepped back from the public highway, the front of the dwelling will face towards the access point into the site and will be orientated in such a way that reflects the layout of adjacent neighbouring properties. It is therefore considered that the layout of the dwelling would be acceptable and would accord with Principle 5 of the above SPD.

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The proposed dwelling is to comprise of a partially two and three-storey building, with integral double garage and driveway to the front of the property. As requested within the outline application ref: 2020/93470 details of the existing ground levels and proposed finished floor levels have been provided within drawing no. UTL/SECTIONS/01 Rev P2, received 13th March 2024. These show that some excavation works are proposed within the site, to provide a basement level at the property, resulting in a partially three-storey dwelling.

Whilst it is acknowledged that dwellings located to the south and east of the site are a mix of single and two-storey properties, to the west of the site are more modern recently constructed three-storey properties, and to the north, whilst two-storeys in height, given the differences in land levels these properties do sit more prominently in the landscape. Given the above, Officers consider that the proposed dwelling, whilst somewhat large in scale and size, would be set within a large residential curtilage and would be viewed against the existing three-storey properties to the east, and amongst the raised two-storey properties to the north and therefore would not appear entirely alien within the landscape, or overly dominant and overbearing. In addition, Officers consider that the existing ground levels and proposed finished floor levels provided within the submitted plans are acceptable.

The proposed dwelling comprises a mix of pitched and lean-to roof designs. These are considered appropriate as there is a plethora of different styles of roof within the surrounding area however, the majority of dwellings appear to benefit from pitched roof gable style rooflines.

Moving on to the proposed windows and doors, whilst a large amount of glazing is proposed within the new dwellinghouse, these windows do comprise of a more traditional arrangement and benefit from stone mullions which gives a nod to the more traditional features within the surrounding area. Albeit to the front of the property larger panels of glazing are provided within the entrance to the property, alongside the installation of an oak timber frame,

this does provide a more modern twist to the appearance of the dwelling but due to its location set back from the public highway and orientated to the north, this element of the scheme will not be openly visible from further afield when viewed within the landscape. In addition, it is noted that there are more modern properties constructed within the area to the west and south-east and therefore these more contemporary features are not considered to appear incongruous in this location.

In addition, the materials proposed to construct the dwelling include dyed and tumbled natural stone, grey artstone slate roof tiles, with an oak frame to the entrance. Given the variation of materials within the area, these materials may be considered to be acceptable however, it is considered reasonable to include a condition should planning permission be granted, which requires the submission of samples of the external walling and roofing materials to the Council prior to their installation. This is to ensure a satisfactory appearance of the development on completion.

With regards to boundary treatments and landscaping, several plans have been submitted outlining the proposed landscaping treatments. In particular drawing no. A3/UTL/LAND/1/P3 outlines where hard landscaping, soft landscaping, planting and ecological enhancement features are to be incorporated throughout the site. The use of natural stone paving, gravel and asphalt paving are considered to be visually acceptable in this location. In addition, the provision of planting along the boundaries of the site is welcomed with low-level shrubbery planting to the front of the site, trees to the south and evergreen screening to the west.

In respect of fencing, 6ft high hit and miss timber fencing is proposed along the southern and eastern boundary, with 4ft high hit and miss timber fencing proposed along the entrance to the site and within the south and western boundary of the proposed amenity space to the side of the dwelling. This type of screening is considered to be visually acceptable, with similar types of screening found within the surrounding area. It also important to note that the proposals seek to install several retaining walls throughout the site, these retaining walls are required for support, due to the differences in land levels between Upperthong Lane and Broad Lane and will allow for excavation works within the site to enable a three-storey dwelling. These retaining walls appear to be constructed from materials similar to the external walling materials found within the proposed dwelling, to ensure a satisfactory appearance of the development on completion, a condition requiring samples of these materials to be submitted shall be attached to a decision should planning permission be granted.

Drawing no. A3/UTL/LAND/1/P3 also indicates the provision of one new bat tube within the dwellinghouse and seeks to include 2 bug shelters within the residential curtilage. This satisfies the requirement of condition no.7 of the outline consent.

The above landscaping, boundary treatments and ecological enhancements are considered to be appropriate and in accordance with LP24 and LP30 of

the Kirklees Local Plan, Principles 2 and 9 of the Housebuilders Design Guide SPD and Chapters 12 and 15 of the National Planning Policy Framework.

Impact on Residential Amenity

Sections B and C of LP24 states 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 135 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Policy 2 of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”*

The text supporting this principle also states that:

“For two storey houses typical minimum separation distances are advised:

- 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 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 metre distance from the side wall of the new dwelling to a shared boundary”*

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on nos. 22 & 24 Broad Lane

These neighbouring properties are located to the south of the proposed dwelling approximately 23-24m away. No. 22 comprises of a single storey detached property, whereas no. 24 relates to a two-storey detached dwelling. Given the large separation distances between these properties and their southern location, Officers have no concerns with regards to overshadowing or the loss of light, and whilst several habitable room windows are proposed within the rear elevation of the proposed dwelling, a separation distance of 23-24m accords with the recommendations within the Council’s adopted Housebuilders Design Guide SPD, and although there are no recommendations with regard to separation distances/overlooking into

adjacent neighbouring properties amenity spaces, Officers consider that a separation distance of +5.8m, proposed boundary fencing, orientation of the proposed dwelling to these properties, and the differences in ground levels which will result in the future occupiers being able to look out and across rather than directly into these garden spaces, is considered to be sufficient on this occasion. Whilst it is noted that these views are not currently had at property nos. 22 & 24, this relationship is not uncommon in the area between neighbouring properties.

Impact on no. 26 Broad Lane/The Learning Tree

This building is located to the south-west of the proposed dwelling, approximately 19.7m away. As well as a converted dwelling fronting Broad Lane there is an outdoor play area and a 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". The proposed dwelling is considered to look over, rather than look into 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 15m from the application boundary. In addition, 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. 10 Uppercroft

This neighbouring property is located to the west of the application site, approximately 28m away from the western elevation of the proposed dwelling. Given this large separation distance, Officers have no concerns in respect of overshadowing, overlooking, or the proposals appearing overbearing in nature.

Impact on no. 111 Uppershong Lane

This neighbouring property is located to the east of the application site, approximately 22m away from the eastern elevation of the proposed dwelling. Given the large separation distances between these properties, Officers have no concerns with regard to overshadowing, or the proposals appearing overbearing or overly dominant. In addition, as no windows are proposed within the eastern elevation of the dwelling (other than the void windows within the entrance) Officers have no concerns in respect of overlooking or the loss of privacy.

Impact on nos. 113 and 115 Uppershong Lane

These neighbouring properties are located to the north of the application site, approximately 18.8-19.5m away from the front elevation of the proposed dwelling. Given the differences in land levels and the large separation distances Officers have no concerns in respect of the proposals appearing overbearing in nature. Whilst there may be some slight overshadowing of the rear gardens of these adjacent neighbours at midday, this would not be for a prolonged period and would not encompass their whole rear amenity spaces. In terms of overlooking, whilst there are numerous windows located within the front elevation of the proposed dwelling, several of these relate to non-habitable rooms and therefore the separation distances as outlined above are considered to be acceptable. However, Officers do acknowledge that windows are proposed at ground floor level within the open plan kitchen/dining/living area and within bedroom 3 at first floor level. Nevertheless, when measuring from these habitable room windows to the rear elevations of nos. 113 and 115 there is a separation distance of between 21-22 metres and therefore the proposals are in accordance with Principle 6 of the above SPD. Officers therefore have no concerns with regard to overlooking or the loss of privacy on this occasion.

Impact on nos. 117 & 119 Upperthong Lane and 121b Upperthong Lane

These neighbouring properties are located to the north of the application site, approximately 30-60m away from the proposed dwelling. Given these large separation distances and differences in ground levels, Officers have no concerns with regard to overlooking, overshadowing, or the proposals appearing overbearing in nature.

Amenity of future occupiers of the proposed dwellings

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015). Internally, the proposed dwellings would have a GIA that would comfortably exceed the minimal space standards set out in the Nationally Described Space Standards (NDSS), with all habitable rooms having access to at least 1 window. Officers therefore consider that the proposed dwellings would provide an adequate standard of amenity for future occupiers.

Moving on to the amenity areas, Principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. The proposed dwelling would benefit from garden/amenity areas to the sides and rear with wildflower planting proposed to the front of the property. These spaces are considered to be of an acceptable size given the scale and massing of the dwelling proposed and will receive sunlight throughout the day, at all times of the year and therefore it is considered that the proposed amenity space would meet the requirements of Principle 17 of the above SPD.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted house builders design guide SPD and Policy 2 of the Holme Valley Neighbourhood Development Plan.

Highway Safety, accessibility and inclusivity in relation to landscape, layout and appearance

Access formed part of the consideration of the outline consent and cannot be revisited as part of this submission. Nevertheless, access to the site is to be taken from Upperthong Lane to the north-east of the application site via an existing access track.

The Council's Highways Officers were consulted and provided comments in relation to layout and landscaping noting that the access driveway is to be finished in gravel with a section of asphalt paving at the junction with the adopted highway. Highways Officers did have some initial concerns in respect of the proposed length of this section of asphalt paving noting that a depth of 4m from the public highway would be lower than required and that this should extend back at least 5m from the junction with the adopted highway to stop gravel from being dragged on to the highway for road safety reasons. Following receipt of amended plans this asphalt paving now extends away from the highway by around 9.7m and is therefore deemed to be acceptable. This does also now encompass the proposed bin collection area so that the bins are placed on a solid hard standing with a solid route between this and the adopted highway for safe collection purposes. Highway Officers also wish to highlight that the gravel driveway may make dragging the bins to the collection point quite difficult for future occupiers and may become an issue if Kirklees is requested to carry out an assisted collection. Officers recommend that this section of asphalt paving is conditioned, should planning permission be granted.

Officer note: It is acknowledged that Highways Officers did request a condition which referred to that part of the access extending from the highway boundary for a minimum distance of 5m in to the site is to be appropriately paved in tarmac, concrete, block paviours or other approved materials, to prevent loose surface material from being carried onto the public highway. However, new access related conditions cannot be included now as they were not in place on the previously approved outline consent and therefore this condition will not be included on this occasion.

The proposed dwelling is to have 5 bedrooms (increased from 4-beds from the outline stage) and local standards say that three off-road parking spaces are required for a development of this type and size. The submitted plans indicate that the proposals are to have a double garage and sufficient

driveway/turning space to accommodate additional vehicle parking and allow cars to turn so they can enter and exit the site in forward gear. The garages scale to 6.2m deep by 6.2m wide with a 600mm workbench along the rear wall. This would be suitable for two parking spaces.

The turning area to the front of the garage is approximately 9.7m deep and this would give sufficient headway for a vehicle to turn on site. The turning head is to be finished in asphalt with ACO drainage at its lowest point. This is acceptable as runoff is not expected to discharge to the adopted highway. This is considered to satisfy the requirement of condition 9 of the outline consent and therefore the condition recommended by Highways Officers in respect of turning facilities is not required.

In respect of bin storage and collection points, these have been identified and these are deemed to be acceptable. Finally, no landscaping concerns have been identified with no proposed planting expected to obscure highway visibility.

KC Highways Development Management have also outlined previous conditions requested under the outline application regarding surfacing and drainage, bin storage and collection points and turning facilities: these are already imposed on the outline planning permission and therefore there is no reason to repeat them.

Taking the above into consideration, the scheme is not deemed to represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Policy 11 of the Holme Valley Neighbourhood Development Plan, Chapter 9 of the NPPF and Principles 12 and 19 of the Housebuilders Design Guide SPD.

Drainage

Condition no.12 of the outline consent requires that the development be undertaken with separate foul and surface water drainage systems and that details of this, including levels, calculated discharge rates, balancing works, and off-site works be submitted as part of this application.

Such details have been submitted and have been assessed by the Lead Local Flood Authority (LLFA), who confirmed that they can support this 'reserved matters' application but for completeness requested a plan showing the position of rainwater down pipes and gullies on the property and connection points to the designed surface water system be submitted. Following receipt of the above comments the applicant and applicant's agent provided additional information via emails on the 23rd and 24th April 2024 of which the LLFA Officer concluded that this information was sufficient and therefore had no objections to the proposals.

Permitted Development Rights

Taking the above assessment into account, Officers consider it reasonable and necessary on this occasion to remove permitted development rights for Classes A (extensions), AA (additional storeys), B (additions to the roof e.g. dormer windows) and E (buildings incidental to the dwellinghouse) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. This is to ensure that no large, overly dominant extensions or outbuildings which would have an adverse harmful impact on the character and appearance of the area, given the sites prominent location within the landscape, or would create residential amenity issues to adjacent neighbouring properties can be undertaken without first being assessed by the Local Planning Authority. This is more so required in this instance given the detailed discussions that have taken place between Officers and the applicant's agent in respect of the scale and size of the proposed dwelling and its design.

In this case it is considered exceptional circumstances exist, which include the size and scale of the development as well as the relationship between the site and neighbouring properties, and visual impact which is such that there is considered to be suitable justification for the removal of pd rights in this case.

3 – 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. Policy LP2 of the Kirklees Local Plan sets out that all proposals should address challenges identified in the Local Plan, with Policy LP24 of the Plan stating that good design should be at the core of all proposals in the district.

The details of the reserved matters have been assessed and found to be acceptable.

Recommendation:

Approve with conditions.

Decision Authorisation - Delegated Powers

Application Number: 2023/92711

Officer Recommendation: Approve with conditions.

Conditions and Reasons:

The below conditions are to be taken in addition to the conditions set out in the prior outline permission under application 2020/93470.

1. 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 LP1, LP2, LP3, LP11, LP21, LP22, LP24, LP28, LP30, LP31, LP33, LP34, LP52 and LP53 of the Kirklees Local Plan, Policies 1, 2, 6, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan, Chapters 2, 4, 5, 9, 12, 14 and 15 of the National Planning Policy Framework and Principles 2, 5, 6, 12, 13, 14, 15 and 19 of the Housebuilders Design Guide SPD.

2. The external materials used in the construction of the retaining walls hereby approved shall consist of natural stone and shall match external materials used within the dwelling hereby approved. The external materials used in the construction of the dwelling shall consist of natural stone and grey natural stone slate roof tiles. Samples of the proposed walling stone and roof tiles shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the retaining walls and/or building above slab level. The development hereby approved shall not be brought into use until it is completed in accordance with the approved materials which shall be retained thereafter.

Reason: To ensure a satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, Principles 2 and 13 of the Housebuilders Design Guide SPD and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, and E, of Part of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential and visual amenity, to accord with Policies LP2 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Principles 2 and 6 of the Housebuilders Design Guide SPD.

4. The approved Landscape Proposals (Sheet 1 of 3) ref: A3/UTL/LAND/1/P2 Rev P3, received 13th March 2024, Landscaping – Sheet 2 of 3 Plant Types and Pot Size ref: A3/UTL/LAND/2, received 12th September 2023 and Landscaping – Sheet 3 of 3 Specification Notes & Maintenance Schedule ref: A3/UTL/LAND/3, received 12th September 2023, shall from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of

similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and to accord with Chapter 15 of the National Planning Policy Framework and Circular 06/2005 – Biodiversity and Geological Conservation – Statutory obligation and their impact within the planning system.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway and any changes to the access within the adopted highway fronting the property will need to be constructed under the correct legal agreement within the 1980 Highways Act. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

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 rest with the developer and/or landowner.

Plan Type	Reference	Web ID	Date Received
Location Plan	01	-	12 th September 2023
Floor Plans and Site Plan as Proposed	2858_ACU02	B	14 th March 2024
Elevations and Site Section as Proposed	2858_ACU03	C	14 th March 2024
Site Sections Showing Retaining Walls	2858_ACU04	B	14 th March 2024

Drainage Details 1 of 1	A1-UTL-DDG-XX-DR-D-101	2	13 th March 2024
Drainage Details 2 of 2	UTL-DDG-DR-D-102	3	13 th March 2024
Drainage and Levels Sheet 1 of 2	UTL-DDG-DR-D-501	3	13 th March 2024
Drainage and Levels Sheet 2 of 2	UTL-DDG-DR-D-502	3	13 th March 2024
Drainage Catchment and Flood Routing	UTL-DDG-DR-D-503	4	13 th March 2024
Paving and Kerbing Sheet 1 of 2	UTL-DDG-DR-P-701	3	13 th March 2024
Paving and Kerbing Sheet 2 of 2	UTL-DDG-DR-P-702	3	13 th March 2024
Swept Paths: Kirklees Fire Appliance and Private Car	UTL-DDG-DR-V-301	2	13 th March 2024
Landscaping Proposals (Sheet 1 of 3) – Supporting Information	A3/UTL/LAND/1/P2	P3	13 th March 2024
Landscaping – Sheet 2 of 3 Plant Types and Pot Size – Supporting Information	A3/UTL/LAND/2	-	12 th September 2023
Landscaping – Sheet 3 of 3 Specification Notes & Maintenance Schedule	A3/UTL/LAND/3	-	12 th September 2023
Drawing UTL/Sections/01	-	2	13 th March 2024
Drainage Report by IDRN – Supporting Information	-	-	13 th March 2024
Drainage Principles – Supporting Information	UTL/SZ/DP/1	P2	24 th April 2024

Emails from Agent and Applicant in response to LLFA comments – Supporting Information	-	-	23 rd & 24 th April 2024
Climate Change Statement – Supporting Information	-	-	20 th September 2023

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 has, 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. Amendments were sought to reduce down the overall scale and size of the dwelling to ensure it did not appear overbearing or overly dominant in the context of the area, and Officers requested a slight redesign to ensure the dwelling was reflective and sympathetic to its location and adjacent neighbouring properties. Further amended plans were also received from the applicant's agent to provide tarmac to the entrance of the drive to match their engineer drawings.

Report dated: 17th May 2024.