

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:	2023/60/93342/W
Site Address:	Moss View, Burnlee Road, Holmfirth, HD9 2LE
Description:	Outline application for demolition of existing dwelling and garage and erection of two detached dwellings with attached garages
Recommending Officer:	William Simcock

DECISION – CONDITIONAL OUTLINE 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.

John Holmes

AUTHORISED OFFICER

Date: 09-Jul-2024

Officer Report - 2023/93342

Moss View, Burnlee Road, Holmfirth

Site Description

Moss View is a detached dwelling and set within a large curtilage, located on the southern side of the highway. It is a hipped-roof bungalow with a flat-roofed extension at the rear, occupies the north-eastern quadrant of the plot; the rest consists of maintained grass. The site has a downward gradient from north to south, which is gentle near the highway but gets steeper in the lower part of the site. Directly opposite the site is a school; the surroundings of the site are otherwise residential, consisting mainly of individually-designed houses of up to three storeys in height, with some examples of higher-density development further west, and to the south-east (Victoria Springs).

Description of Proposal

The proposal is an outline application for demolition of existing dwelling and garage and erection of two detached dwellings with attached garages. The application includes details of access, layout and scale, with appearance and landscaping reserved.

The elevation shows each dwelling to be two storeys in height at their northern aspect, three storeys at the rear, except for the single-storey attached single garage. Each would be provided with a forecourt and turning head and a private means of access to the public highway.

The two dwellings would be placed so that they do not face fully square on to the highway boundary, and would be tilted away from each other, so that the gap between the opposing side walls would be 4.4m at the front and 2.5m at the rear. The dwelling on Plot One would be set back further from the highway than Plot Two, so that the front-facing gable would be approximately 13.5m and 12m respectively from the boundary with the public highway. The distance between the side walls and the outer plot boundaries would average 2.5m.

History of negotiations/amendments received

13-May-2024: Amended plans submitted.

- House type switched so that the garage element (with the lower ridge height) would be to the boundary side.
- In addition, Plot 1 has been set further into the site and has been lowered.
- The culvert has been outlined on the plan, along with the proposed diversion.

The drawings were re-publicised by neighbour notification letter (notification period expires 06-Jun-2024).

15-May-2024: Amended site plan submitted incorporating drainage concerns.

23-May-2024: Bat emergence survey submitted.

The above were not re-publicised as they were not considered to raise significant new planning issues over and above the scheme as publicised and the public were considered to have been adequately alerted to the nature of the development within the initial publicity.

Relevant Planning History

None.

Representations

Final publicity date expires: 06-Jun-2024 (Publicity by neighbour notification letter only, thereby complying with the requirements of the Development Management Procedure Order).

One representation in objection was received as a result of initial publicity. Summary of concerns raised:

- The Kirklees planning portal has the dates in the wrong order and states the date for comments is 2nd January 2023, which is before the application date. This may have led to interested parties not making their comments as it made it seem as though the deadline had already passed. Consider it appropriate to extend the target date by another month and this application being determined by the planning committee.
- The development will affect the water drainage on Burnlee Road where drainage is currently inadequate. Water on Burnlee road can currently go through the existing dry stone wall at Moss View and soak away into the field (the lawn). If the drystone wall was replaced with curbstones or something more watertight, extra surface water would flow along Burnlee road and enter into the driveway at neighbouring properties.
- An underground watercourse crosses the land at Moss View, which is mentioned on the application. Any damage or diversion of the culverted stream could result in flooding across The Dell.
- keeping foul water and surface water draining separate is way better for the environment. The Dell's sewers cross Moss View's land and there is an associated right of access. There will need to be suitable arrangements in place for maintenance.

- The application states that the windows that face from the Dell are secondary and are obscured glazing. In fact, these are 2 bedroom windows and are not obscured.
- The proposed patios will overlook bedroom windows and garden. Suggest they are lower down, screened, or not built.
- The proposed roof heights will obscure the sky from the bedroom windows.
- The creation of a footway is in principle welcomed and would consider doing the same, but the disadvantage is that it might be used as an informal parking place at peak times.
- A reasonable limit on construction hours would be appropriate. And pre-warning of very noisy activities.

One letter of comment received after second round of publicity:

- There are other bedroom windows (besides the one marked on the revised plans) and the side and back of the house, that will lose light and potential privacy concerns.
- Sewage pipes go under the proposed houses. These can be moved. And the rights of access for maintenance addressed and there is a surface water drainage pipe along the boundary between the 2 properties.

Home Valley Parish Council comments – Support but with concern for inadequate climate mitigation and plans are unclear on whether there is sufficient parking.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Highways Development Management – No objection subject to 2.0m footway being provided.
- KC Lead Local Flood Authority – No objection based on the latest plans.
- KC Ecology – No objection subject to condition.

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).

The site is within land designated Strategic Green Infrastructure Network on Kirklees Local Plan proposals map. Other constraints:

- A culverted watercourse crosses the site
- Bat alert layer.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 21:** Highway safety and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 31:** Strategic Green Infrastructure Network
- **LP 33:** Trees

Supplementary Planning Documents:

- KC Highways Design Guide 2019
- Housebuilders Design Guide Supplementary Planning Document, (HGD SPD)
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

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 4: River Holme Settled Valley Floor.

Key landscape characteristics of the area are:

- 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 comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the 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 offer recreation facilities.

Key built characteristic of the area are:

- 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 area's 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 with 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) published 5th September 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.

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making efficient 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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development: The site lies within land that is without designation within the Local Plan proposals map.

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. The proposal will be assessed on its own merits having regard to the LP and NPPF policies listed above.

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement for application, where applicable, will be set out in the officers' assessment.

The site falls within land designated as Strategic Green Infrastructure Network, within which development proposals should ensure:

- i. The function and connectivity of the green infrastructure network is retained or replaced;
- ii. New or enhanced green infrastructure is designed and integrated into the development scheme where appropriate;
- iii. The scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;
- iv. The protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.

Whilst the development would lead to a net increase in the footprint of built development on site, it would allow the retention of some of the land as soft landscaping, in what is already a built-up area. It is therefore considered that the development would not affect the function or connectivity of the network. It is considered that in this instance there are no opportunities for the creation or enhancement of green infrastructure or integrating the development into the Core Walking and Cycling Network. Biodiversity will be considered later in the report.

The site is “previously developed” within the meaning of the NPPF (the glossary includes “land which is or was occupied by a permanent structure, including the curtilage of the developed land”). It does not follow that a development making “efficient use” of the land will necessarily be acceptable. This will depend upon a thorough assessment of amenity, highway and other issues.

In addition to the LP policies, the provisions of the Housebuilders’ Design Guide SPD and NPPF guidance listed above relating to design quality, amenity, transport and environmental issues, the policies listed in the Holme Valley NDP will be given due consideration as they form part of the development plan for the area.

2 –Impact on visual amenity: The proposal will be considered having regard to the aims of LP24a, and also those of the House Builders’ Design Guide, in so far as they are relevant to an application of this type (in which layout, scale and access are the only matters applied for). The principles listed below are considered to be particularly relevant:

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

Principle 12 – Frontages should not be dominated by hard landscaping.

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

The following policies of the Holme Valley NDP 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.

The surroundings of the site lack a strongly cohesive character. Development east of the site is generally high-density, with generally larger, individually-designed houses on medium-sized plots with substantial front gardens to the west of the site, as far as 39 Burnlee Road, where densities again become higher. One notable feature of the site is the downward gradient from north to south, which becomes steeper away from the highway frontage. Houses are typically built to accommodate themselves to the ground levels, some being two-storey at the front and three-storey at the rear. Stone is the predominant material in the area although there is also some use of rendering and brick. Opposite the site is a large prefabricated building which hosts a pre-school playgroup.

In this setting, Moss View is unusual in being a true bungalow, in the degree of setback from the highway, and in occupying a wide plot in relation to its size so that the landscaping within the curtilage creates the impression of a gap in the built frontage.

It is considered that whilst this gap may have some value in allowing extensive views across the Holme Valley, the erection of two new dwellings on this site (a net increase of one) would still allow glimpsed views of the landscape between buildings. The plans show that the majority of the existing roadside stone walls would be retained (but set back to allow the construction of a public footway).

The percentage of their respective plots the new dwellings would occupy would be no greater than 25-37 to the west of the site and would give rise to a lesser degree of plot coverage than the houses on Victoria Springs to the east. It is therefore considered that they would amount to an efficient use of land without giving rise to a cramped or over-intensive form of development. It would allow the inclusion of a satisfactory amount of soft landscaping close to the site frontage and would not result in the frontage being dominated by hard landscaping. The height and roof style of the proposed dwellings would not result in them standing out from or dominating their surroundings.

It is considered that the layout and scale of the development, including its height, would be compatible with its surroundings. No designated heritage assets would be affected, and there are no buildings in the vicinity of the site that are considered non-designated heritage assets.

In conclusion, it is considered that the scale and layout of the development would give rise to a development that would provide (subject to satisfactory reserved matters, appearance and landscaping), the basis for a scheme that would

conserve visual amenity, local character and sense of place and thereby accord with the aims of Policy LP7, LP24(a), Policies 1, 2 and 6 of the Holme Valley NDP and NPPF Chapter 12.

3 – Impact on residential amenity: Within the Housebuilders' Design Guide SPD, principles 6 (privacy, light and space about buildings), 16 (internal space), 17 (outdoor amenity space) fall to be considered.

The amount of internal floorspace within each dwelling and in the individual rooms is unknown but it is not anticipated there would be any difficulty in complying with the Nationally Described Space Standards. It is considered that each dwelling would have an amount of private outdoor amenity space that would be proportionate to the size of the dwelling and would function well.

The exact position of windows within the proposed new dwellings is unknown at this stage, but it is assumed that their main outlook would be to the north and south.

On the most recent version of the plans, the distance between the western side wall of Plot 1 and the facing wall of The Dell is variable owing to the two being angled in towards the rear of the site. Based on scaled measurements the garage (which would face the opposing wall for a distance of 6m) would be between 4.6m and 3.2m away from the side wall of the Dell.

The relationship as shown on the original plans would not have been a source of concern if both elevations were blank walls or contained only non-habitable or secondary windows. The Dell has its principal outlook to the south or rear. There are however four windows in the eastern side elevation, at least some of which have clear glazing. It is not possible to determine from an external viewing alone which are primary habitable room windows. According to the original floorplan (planning reference 82/3642), the only windows in The Dell that would face directly towards the side wall of the new dwelling would be non-habitable, but it is possible that the present internal arrangement does not fully match the floorplan as approved.

On the arrangement shown on the latest site plan, however, only one upper floor window and one door below would be directly in line with the proposed garage. The function of this window is unknown (on the approved plans for The Dell it is labelled "toilet") but it is in any case set at a higher level than the garage. There would be approximately 8m distance between the main side wall of the proposed building and two larger windows, which may be habitable. This is less than the 12m required as standard between a habitable room window and a blank wall. Based on the position of the windows in the wall, the direct line of sight from the centre point of each window would not, however, intersect the wall of the new building.

To the rear, both dwellings would be at least 20m from the boundary of the site. This, notwithstanding the difference in levels, is considered far enough away to avoid the development giving rise to any material loss of privacy.

Each dwelling would incorporate a patio to the rear. For the dwelling on Plot One, the plans indicate that this could be raised by up to 1m above existing ground level at its western extent, and would be about 4m from the common boundary. Whilst this might be cause for concern if there were already a high screen fence or wall on the boundary, it is noted that the boundary is at present marked only by a low, wide-gauge mesh fence. Any users of Moss View's garden will therefore have an unrestricted view into The Dell's garden and, depending upon where in the garden they were standing, into The Dell's rear-facing habitable rooms. However, the placement of the terrace here would result in the land being more heavily used as a sitting-out area than it is at present and this, in conjunction with the raised ground level, could result in an intrusive or overbearing impact. It is therefore considered advisable that at least the main, southern part of the terrace is screened, and it is recommended that a condition be imposed requiring details of any proposed screening to be submitted as part of the reserved matter "appearance".

The other terrace would face a gable wall to the east.

For the avoidance of doubt, the submission of a scheme of boundary treatments (new or retained) should be incorporated into the reserved matter, "landscaping" by condition.

In conclusion, subject to satisfactory reserved matters and conditions the development would provide an acceptable standard of living for future occupants and would not result in a loss of amenity to any neighbouring property or land. It would thereby accord with the aims of LP24(b) and the relevant parts of the Housebuilders' Design Guide SPD.

4 – Impact on highway safety: The development would take access to an adopted but non-classified road.

It is considered that the layout shown would ensure safe access for future occupants whilst not compromising the safety of other highway users.

Holme Valley NDP Policy 6(3) and 11(7) state that developments should have good access to public transport routes and encourage walking and cycling by enhancing, expanding and linking to existing routes. The site is about 200m from a bus stop on Greenfield Road, near to the junction with Park Head Lane, which offers a frequent service to Holmfirth Town Centre. The creation of a footway would also contribute to this aim as well as promoting pedestrian safety. It is therefore considered that the aims of this policy are met.

The proposal would involve creating a separate access to serve each dwelling, rebuilding the boundary wall at a height of 900mm maximum at a setback of 2m from the carriageway. These are considered adequate measures to ensure adequate visibility and pedestrian safety, given the nature of the road to which they would take access.

Each dwelling would be provided with a garage, which, at 3.3m width, would meet the recommended minimum internal width of 3.0m. The layout would provide sufficient space to park another two cars within the curtilage and allow a third one to turn within the site. The number of bedrooms is, at this stage, unknown, but it is likely that each house will have four bedrooms, in which case a garage will be required in addition to two external spaces. The provision and retention of an internal garage, if deemed necessary, can however be conditioned at the reserved matters stage.

A bin store is shown on the drawings. This provides space for only two bins – a third one should be added for garden waste. As this would be a small change, not affecting the overall layout, it can be conditioned, which the agent has agreed to. Principle 19 of the SPD advises that the visual impact of any bin stores must be minimised. Details of methods of enclosure or screening can be incorporated into a condition along with boundary treatments.

A bin collection point is not explicitly shown, but there would be no difficulty placing the bins within the curvature of the access on collection day so that they would not obstruct the footway.

The footway would need to be constructed to current standards for public footways. The most efficient way of achieving this would be to impose a condition to the effect that the footway must be certified as complete by the local highway authority before any dwelling is brought into use.

Subject to these arrangements all being provided before first occupation and thereafter retained, the development would ensure safe access for future users whilst not affecting the safety or convenience of other highway users, thereby according with the aims of Policies LP21, LP22 and Holme Valley NPD Policy 11.

5 – Other matters:

Climate change:

The submitted Climate Change Statement proposes the following measures:

- The new dwelling will surpass the current Building Regulations in terms of insulation and renewables.
- The dwellings are designed to have a long south-facing elevation for solar panels and solar gain.
- Rubble from demolition to be reused.

These are considered to be positive measures, but more detail is required (e.g. precise standards of insulation, position and number of solar panels, etc) for the sake of certainty and enforceability. As sustainability and climate change do not fall within the remit of reserved matters, it should be conditioned at this stage so as to maintain planning control. Subject to this it

would accord with the aims of NPPF Chapter 14, Policy LP24(d) and Policy 12 of the Holme Valley NDP.

To accord with the aims of policy 24(d(v)) of the Kirklees Local Plan, to facilitate the use of low-impact means of transport, a single electric vehicle charge point should also be installed in the garage or parking space, which would be a requirement of building regulations and therefore it is not considered necessary to include a condition to this effect on any grant of permission.

Drainage

The site is not known to be at risk of flooding. A culvert, however, runs underneath the site in an approximately north-east to south-west line. The latest proposals show the culvert redirected so that neither of the two new dwellings would be placed directly above it. The culvert would be close to the new buildings in places but would be re-laid along a shallow line, allowing for hand dig repairs when/where necessary. It is considered that in this instance the stand-off distance is sufficient.

The Lead Local Flood Authority (LLFA) have advised they have no objection to the proposal, on the basis of the re routed culvert as shown on drawing 02RevA.

Approval should be subject to the condition that the culvert be redirected in full accordance with the approved details, and that notwithstanding the provisions of the General Permitted Development Order no building shall thereafter be built over it so as to ensure no obstacles to its future maintenance and to prevent flooding in accordance with the aims of LP27.

In accordance with current practice, the submission of a full scheme for the drainage of the site will not be conditioned as this considered disproportionate for a two-unit scheme, notwithstanding the provisions of Policy LP28.

Contaminated or unstable land:

There are no known contamination or stability issues on site. The site does not lie within a Coal Referral Area.

Trees:

There are no mature trees within the site.

Biodiversity:

At the time when this application was submitted, the requirement for developers to formally demonstrate a 10% biodiversity net gain was not in force for minor developments. To meet the aims of Policy LP30, however, enhancements to biodiversity should be incorporated into new developments where reasonably practicable.

A bat survey report has been submitted. The report determined that the buildings at the site were of low (but not negligible) value for roosting bats and

as such, a nocturnal survey was undertaken at the building, which recorded no bats emerging from the building.

The emergence survey report advises that outdoor lighting should be kept to a minimum with passive infrared sensors and/or timers used to ensure lights are only on when needed and that where new outside lighting is required, it should be low level, relatively dim, and a warm white colour (ILP, 2023). Domestic outdoor lighting is however generally treated as being outside planning control and it is considered that such a condition would be disproportionate and difficult to enforce.

The report also recommends that non-standard roofing felt should be used as standard roofing felt is unsafe for bats. Since the survey found no evidence that bats were present in the building, and that an artificial bat roost feature will in any case be provided, it is considered that this condition would not serve a legitimate planning purpose.

The Council Ecologist has recommended a condition seeking further details of bat roost features. In the case of a single dwelling, a simpler prescriptive condition would be adequate, but since the proposal is for two dwellings, it would be advisable to ensure that the two bat roost features are on different elevations (for example, one on the northern and one on the southern elevation) so as to maximise the likelihood that bats will make use of them. This, and other details, can be incorporated into a condition.

Subject to this it would accord with the aims of LP30 and Policy 13 of the Holme Valley NDP.

6 – Representations: Concerns relating to amenity have been examined in the main body of the Assessment but are highlighted here with other issues raised and officer responses.

- The Kirklees planning portal has the dates in the wrong order and states the

date for comments is 2nd January 2023, which is before the application date. This may have led to interested parties not making their comments as it made it seem as though the deadline had already passed. I propose extending the target date by another month and taking it to planning committee.

Response: This was a clerical error; the year was incorrectly stated as 2023 instead of 2024. However, the application was publicised according to the correct procedures and was subject to a further round of publicity later in the process. It is therefore considered that interested parties have had the opportunity to comment.

- I believe the development will affect the water drainage on Burnlee Road where drainage is currently inadequate. Water on Burnlee road can currently go through the existing dry stone wall at Moss View and soak away into the field (the lawn). If the drystone wall was replaced with curbstones or something more watertight, significant extra surface

water would flow along Burnlee road and enter into my driveway at The Dell.

Response: The proposed access arrangements will not stop water from draining off the highway and on to the site.

- An underground watercourse crosses the land at Moss View, which is mentioned on the application but I think it is more significant than mentioned. Any damage or diversion of the culverted stream could result in flooding across The Dell.

Response: The Lead Local Flood Authority is satisfied that the culverted stream can be safely diverted.

- Also to acknowledge that keeping foul water and surface water draining separate is way better for the environment. The Dell's sewers do cross Moss View's land. I have right of access over them and I think my responsibility to maintain them. They may join with the sewer from Moss View. There will need to be suitable arrangements in place for maintenance.

Response: It is agreed that keeping foul and surface water drainage separate is preferable and this is often imposed as a condition on large housing applications. In the case of small minor applications, details of how a new development will connect to a public sewer are generally treated as purely a Building Regulations matter.

- The application states that the windows that face from the Dell are secondary

and are obscured glazing. In fact, we have two bedroom windows that face Moss and which are not obscured.

Response: The position of the windows has been noted on site – see section (3) of this assessment.

- The proposed patios will overlook my bedroom window and garden. Suggest they are lower down, screened, or not built.

Response: This possibility has been considered (see section 3 of the Assessment) and this effect can be prevented or mitigated by a suitable condition.

- The proposed roof heights will obscure the sky from the bedroom windows.

Response: Impact on light or outlook has been carefully considered and amended plans submitted as a result of negotiation which are now considered satisfactory.

- The creation of a footway is in principle welcomed and I, the neighbouring landowner, would consider doing the same, but the disadvantage is that it might be used as an informal parking place at peak times.

Response: This is noted, but it will not be possible to prevent this without a road traffic regulation order (double yellow lines or similar). This would be outside the remit of planning and would not usually be enacted without clear

evidence of serious highway safety issues. The footway is on balance considered a net benefit.

- We have a reasonable limit on construction hours would be appropriate. And pre-warning of very noisy activities.

Response: Hours of construction are not normally conditioned for minor developments. In the unlikely event that excessive noise, or noise at unsocial hours, occurs, it can be challenged and remedied under non-planning legislation as a statutory nuisance.

- There are other bedroom windows (besides the one marked on the revised plans) and the side and back of the house, that will lose light and potential privacy concerns.

Response: Potential impact on bedroom windows has been carefully considered in section (3) of the Assessment.

- My sewage pipes go right under the proposed houses. These can be moved. There is a surface water drainage pipe along the boundary

Response: The re-siting of existing drainage infrastructure (other than the culverted watercourse already referred to) is, for developments of this scale, treated as a private civil matter.

Home Valley Parish Council comments:

- Support but with concern for inadequate climate mitigation and plans are unclear on whether there is sufficient parking.

Response: Further details on climate mitigation are to be conditioned. The plans do not explicitly show the amount of parking provision, in as far as demarcating individual spaces, but based on scaled measurements it is considered that there would be enough room to park up to three vehicles if the garages are provided and retained (which would only be necessary if the reserved matters show the dwelling as having four or more bedrooms).

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 that conditional outline approval can be granted.

Recommendation – CONDITIONAL OUTLINE PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2023/93342

Officer Recommendation: CONDITIONAL OUTLINE PERMISSION

Conditions and Reasons

1. Approval of the details of the appearance and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. The reserved matters "appearance" and "landscaping" referred to within condition no.2 shall include full details of all new or retained boundary treatments for the site, methods of preventing mutual overlooking between the terrace to Plot One and the adjacent residential property to the west, and the design of any bin enclosures which shall meet the requirements of condition no.6. The approved boundary treatments, bin enclosures and privacy measures shall be erected or constructed before the dwelling to which they relate is first occupied, and thereafter retained as such.

Reason: To ensure that existing and future occupants have their privacy adequately safeguarded, in the interests of visual amenity and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan and Principles 6 and 19 of the Housebuilders' Design Guide Supplementary Planning Document (SPD).

6. Notwithstanding the details on the approved site plan, the development hereby approved shall not be brought into use until a scheme has been submitted to, and approved in writing by, the Local Planning Authority detailing a bin storage area for each dwelling. The submitted scheme shall detail an area suitable for three standard refuse containers. The area(s) thus approved shall be laid out with a hardened and drained surface before the dwelling to which it relates is first occupied and thereafter retained as such.

Reason: To ensure that each dwelling has suitable facilities for the separation, storage and collection of wastes, including garden waste, and to accord with the aims of Policy LP24(d)(vi) of the Kirklees Local Plan and Principle 19 of the Housebuilders' Design Guide SPD.

7. Before any new dwelling is first brought into use, the access shall be constructed and the areas within the site indicated to be used for the parking and turning of vehicles for that dwelling shall be laid out with a hardened and drained surface. New hard surfacing shall be formed 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, unless satisfactory arrangements have been made to direct surface water to a soakaway or sustainable urban drainage system within the curtilage. These shall thereafter be retained as such, kept clear of obstructions and available for the uses shown on the site plan.

Reason: To ensure a satisfactory layout in the interests of highway safety and to accord with the aims of Policies LP21-22 of the Kirklees Local Plan and Policy 11 of the Holme Valley Neighbourhood Development Plan (NDP).

8. Before any new dwelling is first occupied, the footway along the highway boundary shown on the approved site plan shall be provided, evidence submitted to the Local Planning Authority that it has certified as complete by the Council acting as Highway Authority, and sight lines of 2m x site frontage cleared of all obstructions to visibility exceeding 900mm in height. The footway and sight lines shall be retained as such, free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with the aims of Policy LP21 of the Kirklees Local Plan and Policy 11 of the Holme Valley NDP.

9. Before development commences, full details shall be submitted to and approved in writing by the Local Planning Authority of measures to reduce carbon emissions associated with the development, which may include, but not be limited to, on-site microgeneration and insulation beyond current minimum standards. The approved measures shall be incorporated into the development before it is first occupied, and thereafter retained.

Reason: To ensure that the proposed development contributes to the Council's target of achieving 'net zero' carbon emissions by 2038 thereby reducing the causes of climate change, and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan, Principle 18 of the Kirklees Housebuilders Design Guide SPD, and Policy 12 of the Holme Valley NDP. This information

is required pre-commencement to ensure that suitable measures are incorporated into the development during construction.

10. The culverted watercourse that crosses the site shall be diverted and re-laid in full accordance with the details shown on the approved plan 02 Revision A before any new dwelling is occupied, and thereafter retained as such. 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) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), no substantial or permanent building or extension shall be erected or constructed directly above the diverted culvert at any time.

Reason: In the interests of the safe and satisfactory drainage of the site and the prevention of flood risk, and to accord with the aims of Policies LP27 and 28 of the Kirklees Local Plan.

12. Before work commences on the superstructure of any dwelling, details shall be submitted to and approved in writing by the Local Planning Authority of a minimum of two artificial bat roost features to be provided as part of the development. Each shall be installed before the dwelling to which it relates is first occupied, and shall thereafter be retained as such.

Reason: To provide an enhancement to biodiversity in line with LP30, Principle 9 of the Housebuilders' Design Guide SPD, Policy 13 of the Holme Valley NDP and the requirements of Chapter 15 of the National Planning Policy Framework.

13. Development shall not commence until a scheme detailing the location and cross-sectional information together with a method statement for the demolition of existing walls or other structures supporting the adopted highway on Burnlee Road, and which provides design and construction details for all new retaining walls and building(s) walls or other retaining structures adjacent to the existing highway, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and completed prior to the development being brought into use. The approved scheme shall be thereafter retained.

Reason: In the interest of the protection of the structural stability of the adjacent public highway in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

Footnote – Works within the highway

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. 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. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991

(Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Construction Site Working Times – Footnote

It is recommended that noisy construction-related activities should not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays.

Construction Sites working times – Footnote

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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			10-Nov-2023
Location plan	2315		10-Nov-2023
Existing site plan	01		10-Nov-2023
Proposed site plan	02	A	15-May-2024
Proposed street elevations and section	03	B	15-May-2024
Design & access statement			10-Nov-2023
Climate change statement			10-Nov-2023
Bat survey report	MBE/BAT/2023/110/01		14-Nov-2023
Bat emergence survey	MBE/BAT/2023/110/02		23-May-2024

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 case officer did not undertook negotiations to secure amended plans in the interests of ensuring that residential amenity would be safeguarded and to ensure the future maintenance of the culverted watercourse.

Report Dated: 01-Jul-2024