

**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:	2024/62/90660/W
Site Address:	land adj, Hillside, Cold Hill Lane, New Mill, Holmfirth, HD9 7JX
Description:	Erection of detached dwelling
Recommending Officer:	Katie Chew

DECISION – Conditional Full Permission

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

Teresa Harlow

AUTHORISED OFFICER

Date: 30th April 2024

Officer Report

Site Description

Adj, Hill Side, Cold Hill Lane, New Mill, Holmfirth, HD9 7JX

The application site relates to a triangular area of land situated between Huddersfield Road and Cold Hill Lane. The land within the site slopes up from the south to the north where there is a detached bungalow beyond the application site. The site is overgrown and bound by a small dry-stone wall to the east and west with the highway enclosing the site.

The site is not located within a Conservation Area or situated in close proximity to any Listed Buildings.

Description of Proposal

The applicant is seeking planning permission for the erection of a detached dwelling.

The proposed dwelling is to be constructed to the south of 'Hillside', located on land in between Huddersfield Road and Cold Hill Lane.

The proposed dwelling is to be two storeys in height with living accommodation provided within the roof space. The dwelling would appear as single storey when viewed from the east. The dwelling is to comprise of an open plan kitchen/dining/living area, utility, lobby, and WC, integral single garage, patio and terrace areas, 4 bedrooms, family bathroom, en-suite and a snug. The dwelling will have a floorspace of approximately 224.91sqm, and a ridge height of 9.1m.

The dwelling is to be constructed from natural walling stone, blue slate roof tiles, with grey windows and dark grey/black framed roof lights.

Amenity spaces are proposed to the front of the dwelling at lower ground floor level, with a raised side terrace area at ground floor level.

The site is to be accessed from Cold Hill Lane to the east, with parking provided within the integral single garage and on the driveway to the front.

History of negotiations/amendments received

No amendments have been requested in this instance.

Relevant Planning History

2023/90958 – Erection of detached dwelling. Withdrawn 29th August 2023.

2019/90619 – Erection of two detached dwellings. Approved 23rd July 2019.

2015/91370 – Discharge condition 11 (finished levels) on previous permission 2012/91403 for extension to time limit to previous permission 2009/91452 for erection of 2 detached dwellings. Withdrawn 1st July 2015.

2012/91404 – Discharge conditions 11, 12, 15 on previous permission 2009/91452 for erection of two detached dwellings. Approved 2nd July 2012.

2012/91403 – Extension to time limit to previous permission 2009/91452 for erection of 2 detached dwellings. Approved 3rd July 2012.

2009/91452 – Erection of two detached dwellings. Approved 13th July 2009.

2009/91056 – Erection of 2 no. detached dwellings. Invalid 20th May 2009.

2003/93590 – Erection of 2 detached dwellings with garage and associated access. Approved 15th January 2004.

2003/91089 – Erection of 2 detached dwellings with detached garages and associated access. Refused 12th June 2003. This application was refused as:

“(1) It is considered that as a result of inadequate visibility splays for vehicles emerging onto Cold Hill Lane, combined with inadequate internal turning facilities, the proposed development would be detrimental to the free and safe use of the highway, contrary to Policies D2 and T10 of the Kirklees Unitary Development Plan.

(2) The proposed development by virtue of its scale, height and layout would relate poorly with:- (i) the topography and shape of the site; and (ii) the character and appearance of surrounding development. The development would consequently appear over-dominant and incongruous in the street scene, to the detriment of visual amenity and contrary to Policy BE2 of the Kirklees Unitary Development Plan”.

2000/92090 – Outline application for erection of detached bungalow. Approved 7th December 2000.

Representations

Final publicity date expires:

Neighbour Letters – Expired 12th April 2024.

1 representation has been received in objection to the application, comments are summarised below.

- Previous planning was for 2 two-storey properties, this now is for one three-storey dwelling, whilst less dominant there are concerns over the height of the new building and the potential impacts it may have.

Officer note: Noted. Following amendments the applicant's agent has provided a revised plan which shows a two-storey property, reduced in overall scale and size.

- Concerns in regards to overdevelopment of the site.

Officer note: Noted. Following amendments the applicant's agent has provided a revised plan which shows a two-storey property, reduced in overall scale and size.

- Dwelling is out of keeping with the surrounding area.

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

- Suspect that a significant drainage system would need to be installed to protect the building from water ingress.

Officer note: Noted. The submitted application forms outline that the proposed dwelling is to be connected to the main sewer, this is deemed to be acceptable.

- Concerns over the structural integrity of the hillside itself and retaining walls on Cold Hill Lane and the A616.

Officer note: Noted. The Council's Highways Structures team have been consulted; their comments can be found under the consultation responses section 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 have been provided during the course of this planning application, given the nature of the changes which have resulted in a reduction in the overall scale and size of the dwelling proposed, Officers consider the amendments to not detrimentally impact on third parties and therefore it was not considered necessary to reconsult on this occasion.

Consultation Responses

KC Environmental Health – Comments received 3rd April 2024. No objections subject to conditions and informatives relating to noisy construction working times, works to be undertaken in accordance with the submitted Residential Noise Assessment report and a standard condition in relation to the proposed air source heat pump.

KC Highways Development Management – Comments received 24th April 2024. Whilst the proposals are generally acceptable to highways development management, further information is requested in respect of sight lines to be shown on plan from the Cold Hill Lane junction onto Huddersfield Road, a sight line of 2.4m x 43m should be shown.

Officer note: Following receipt of the above comments the applicant's agent sought to submit amended plans which outlines a visibility splay at the Cold Hill Lane junction onto Huddersfield Road of 2.4m x 43m. Whilst Highways Officers did query the location of the sight line stating that this should be measured from the driver's eye position of a vehicle waiting to turn right onto Huddersfield Road and that amendments may need to be provided to lower the existing boundary wall located on the junction of Cold Hill Lane and Huddersfield Road to below 0.9m in height, as this boundary wall falls outside the ownership of the applicant Officers consider it reasonable on this occasion to accept the submitted visibility splay.

KC Highway Structures – Comments received 20th March 2024. No objections subject to conditions relating to the submission of a slope stability/geotechnical risk assessment, details of the design and construction of all temporary and permanent highway retaining structures to be submitted via an Approval in Principle, and finally the submission of a full structural dilapidation survey of the existing highway retaining walls on Cold Hill Lane and A616 Huddersfield Road.

KC Ecology Unit – Comments received 3rd April 2024. No objections subject to a condition requiring the installation of one sparrow house and one bat box in the interests of biodiversity net gain.

Parish/Town Council

Holme Valley Parish Council – No comments received within statutory timescales.

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 Holme Valley Neighbourhood Area and Bat Alert Area.

Kirklees Local Plan (LP):

- LP1 – Achieving sustainable development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient Use of Land
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

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 7, this being the ‘River Holme Wooded Valley’. Key landscape characteristics of the area include:

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

Key built characteristic of the area are:

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

National Policies and Guidance:

National Planning Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th 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 and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

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

1. Principle of Development

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

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 of the NPPF concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is not within a specific allocation on the KLP Policies Map. Policy LP2 of the KLP states that: *“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*

The site is within the Kirklees Rural Sub Area. The listed qualities will be considered where relevant later in this assessment.

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, 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, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer’s assessment.

Further to this, Policy 6 of the Holme Valley Neighbourhood Development Plan (HVNDP) states that housing development will be supported subject to the following considerations being met:

- The proposed development being within existing settlements (and if in the green belt, it must be acceptable with guidance contained within the NPPF).
- Adequate parking.
- Good access to public transport and encourage walking and cycling by enhancing, expanding and linking to existing routes.
- Densities making best and efficient use of land and reflecting settlement character.

The site is within the existing settlement New Mill and is not within the Green Belt. The site also has good access to public transport with frequent bus services on Huddersfield Road and from the centre of the village running to Huddersfield Town Centre and Holmfirth.

In respect of the density of development, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. The text supporting Policy 6 of the HVNDP states that the housing density in Holme Valley will be approximately thirty dwellings per hectare. Principle 4 of the Housebuilders Design Guide SPD seeks to ensure a density of 35 dwellings per hectare or more is achieved. However, Policy LP7 of the Kirklees Local Plan states that lower densities will be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings.

As the application site measures just 485sqm it is deemed that the site could potentially be capable of providing 1 dwelling based on the above figures. However, given the nature of the site and the general context of the area it is considered reasonable that just 1 dwelling is proposed to be constructed at this site. Although Officers acknowledge that planning permission was previously granted under application ref 2019/90619 for the erection of 2

smaller dwellings within this plot and therefore the provision of either 1 or 2 dwellings on this land would be considered to be acceptable.

In terms of parking being adequate this is discussed in the highway's safety section of this report.

In this case, the principle of development could potentially be considered to be acceptable, but this is subject to an assessment of the proposal against all other relevant material planning considerations, including design, visual and residential amenity, as well as highway safety (amongst other matters).

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

1. Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful 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”.

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -

‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change’.

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 LP11 of the KLP sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Policy LP24 of the KLP states that proposals should promote good design by ensuring:

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

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposals should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), River Holme Wooded Valley (LCA7).

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.”*

The application site is surrounded by residential dwellings in all directions (albeit separated to the east and west by Huddersfield Road and Cold Hill Lane). Dwellings in this location typically comprise of medium/large detached two-storey properties. Materials of construction including a mix of stone, brick and render. Materials used within the roof vary but are typically grey/dark in colour.

Regarding the layout and siting of the proposed dwelling, Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

Principle 15 of the Housebuilders Design Guide sets out that the design of the roofline should relate well to the site context, including topography, views and heights of buildings and the roof types.

Principle 14 of the Housebuilders design guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

In relation to scale, massing and appearance of the dwelling, the plans indicate that the property is to be visually two-storeys in height with living accommodation within the roof and is to be built into the landscape. Whilst the dwelling would appear as a single storey property on the eastern elevation facing Cold Hill Lane, on the western elevation facing towards Huddersfield Road the property would appear as two-storeys in height and would be openly visible on this prominent piece of land adjacent to the junction of Cold Hill Lane and Huddersfield Road which leads directly into the centre of New Mill.

Nevertheless, the proposed dwelling would be viewed amongst other two-storey structures located on Cold Hill Lane which also front onto Huddersfield Road and have a similar level of prominence. Officers therefore do not consider the proposed dwelling to be alien in this location, or incongruous with regard to its scale, size and appearance.

Whilst Officers previously raised concerns in respect of overdevelopment of the site, since the previous withdrawal (2023/90958), the overall footprint and height of the dwelling has been reduced to enable more space around the building, whilst also providing additional amenity space for the future occupiers. This ensures that the property is more in keeping with the adjacent built form within the area.

The windows proposed within the new dwelling comprise of a more traditional and coherent arrangement than what was originally submitted within the previously withdrawn application (2023/90958), with the windows benefitting from heads and cills. Whilst it is acknowledged that there is some larger elements of glazing within the southern elevation of the building, this is of a lesser scale than previously and is not considered to appear incongruous in this location, given that these types of contemporary features can be found within the immediate area. The proposals are therefore considered to accord with Principle 14 of the above SPD.

Looking at the proposed roof design, the new dwelling is to benefit from a pitched roof which is reflective of properties within the area. The roof design as a whole has been significantly amended since the previous withdrawn application (2023/90958) which has allowed for a more simplified design which streamlines the different elements on the property providing a more coherent and sympathetic arrangement in this prominent location. The proposals are therefore considered to accord with Principle 15 of the above SPD.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

In respect of the proposed materials, the dwelling is to be constructed from natural walling stone, blue slate roof tiles, with grey windows and dark grey/black framed rooflights. The use of natural walling stone and blue slate roof tiles are considered to reflect materials found within directly adjacent neighbouring properties and are therefore deemed to be acceptable in this location. However, it is considered reasonable to request samples of the proposed external walling and roofing materials to be submitted prior to their use, this will be secured via condition.

Furthermore, minimal information has been provided in respect of hard and soft landscaping, it is therefore considered reasonable that a condition be imposed should planning permission be granted which requires the submission of this information prior to occupation of the dwellinghouse.

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), 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, create residential amenity issues to adjacent neighbouring properties, or would result in overdevelopment of the site can be undertaken, without first being assessed by the Local Planning Authority.

In conclusion, subject to conditions, the proposals are considered to be appropriate in size and scale in this location, and that they would not appear out of character or overly dominant in the general context of this site. on this basis, the proposals are considered to accord with the requirements of Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 5, 13, 14 and 15 of the Housebuilders Design Guide SPD.

2. Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 National Planning Policy Framework 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.”*

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

Impact on Hillside

This neighbouring property is located to the north of the application site, approximately 6.6m away. Given the differences in ground levels and that no habitable room windows are proposed within the northern elevation of the

dwelling, Officers have no concerns in respect of overlooking or the loss of privacy, and whilst it is acknowledged that a small patio area is proposed to the north of the dwellinghouse, adjacent to Hillside, given the differences in land levels any views towards the southern elevation of this neighbouring property would be oblique and therefore it is not considered that this element of the scheme would result in a detrimental impact on the privacy of the occupiers of Hillside. In terms of overshadowing, it is acknowledged that there may be some overshadowing in the late morning/early afternoon across amenity space belonging to Hillside however, this would not be for a prolonged period of the day, and they would still have access to other amenity spaces within their property which would be free from overshadowing at this time. Finally, whilst it is noted that the proposed dwelling is to be two-storeys in height with residential accommodation proposed within the roof space, the dwelling is to be built into the land, at a lower ground level than Hill Side, and therefore it is not considered that the proposals would appear overbearing on this neighbouring property on this occasion.

Impact on no. 4 Birchwood Park

This neighbouring property is located to the west of the application site, approximately 30m away. Given this large separation distance and the differences in land levels, Officers have no concerns in regard to overshadowing, overlooking, or the proposals appearing overbearing on this adjacent neighbouring property.

Impact on Hawthorne House

This neighbouring property is located to the east of the application site, approximately 28m away. Given this large separation distance and the differences in land levels, Officers have no concerns in regard to overshadowing, overlooking, or the proposals appearing overbearing on this adjacent neighbouring property.

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Taking into account noise pollution at the site, the Council's Environmental Health Officers were consulted and note that the applicant has submitted a Residential Noise Assessment authored by Nova Acoustics dated 31 May 2023 Ref NP-009394. Environmental Health Officers concluded that the

findings of the report are accepted but a condition is recommended to ensure the works within the submitted report are implemented. It is also noted that there is to be an Air Source Heat Pump installed to the lower ground floor as shown in drawing no. (0-) 03 from Bamford Architectural Ltd dated March 2024. This hasn't been considered in the noise assessment and isn't expected to be an issue, but a standard compliance condition is recommended to ensure it does not exceed existing background noise levels.

In addition, Environmental Health Officers noted that the hours of construction works will need to be controlled in order to prevent a loss of amenity to the occupiers of neighbouring properties and whilst a condition was recommended to control these hours, Officers consider an informative note to be sufficient as noise pollution would be covered under separate legislation should it be a problem moving forward.

The above recommended conditions are considered to be sufficient mitigation in respect of noise pollution at the site. subject to these conditions, the proposals therefore accord with Chapter 15 of the NPPF, Policy 2 of the HVNDP and Policy LP52 of the Kirklees Local Plan.

Amenity of future occupiers of the proposed dwelling

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

Internally the proposed dwelling would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), therefore officers are content that the proposed dwelling would provide an adequate standard of amenity for future occupiers. In addition to this, all habitable rooms have access to at least 1 window and whilst it is acknowledged that the master bedroom would benefit from solely having rooflights which is not a preferred choice, it is noted that the future occupiers of this dwelling would have access to several other habitable rooms which all benefit from several windows and therefore on balance, the proposed dwelling would provide an adequate standard of amenity for future occupiers and that outlook and natural light are considered to be acceptable.

In terms of external amenity space planting areas are shown to be provided along the eastern, western and south boundaries, alongside 2 patio areas, one larger area at lower ground floor level to the west of the dwelling, and one

small, raised patio area to the north. Between all these spaces they provide areas of privacy and space to undertake the activities such as playing, drying washing etc. Whilst these areas are to be compounded on both sides by the adjacent highways Huddersfield Road and Cold Hill Lane, whilst not ideal, this arrangement is not uncommon on this stretch of road and therefore the proposals are therefore considered on balance, to accord with Principle 17 of the Housebuilders Design Guide SPD.

For the aforementioned reasons, it is considered that subject to conditions, the proposals are not considered to result in any 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 Policy 2 of the Holme Valley Neighbourhood Development Plan and Principles 6, 16 and 17 of the Housebuilders Design Guide SPD.

3. Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy 11 of the HVNDP states that 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.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear. In this instance parking is shown on the driveway and within the attached single garage to the front of the dwellinghouse. However, given the restricted nature of the site, this would be located to the south. Whilst not to the side or rear of the property, given the dwellings orientation within the site and its relationship with the adjacent highways, Officers consider this to be in line with Principle 12 on this occasion.

Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development. In this instance bin storage points are shown within the driveway area and appear to be acceptable in this location.

The application relates to the erection of a 4 bedroomed detached dwelling with single integral garage on land located between Huddersfield Road and Cold Hill Lane. The information provided shows the location of an integral single garage and driveway area to the front of the property.

There have been several planning permissions on this site the latest being in 2019 for the erection of 2 three bedroomed detached dwellings - application number 2019/90619. Both proposed dwellings were shown to have a single garage with driveway and access directly onto Cold Hill Lane. As with the previous approval access to the proposed dwelling is directly from Cold Hill Lane at approximately the same location of plot 2 of the previous permission.

Given the nature of the proposals the Council's Highways Development Management team were consulted, they note that the proposals are generally acceptable but did request the submission of amended plans which outlines sight lines of 2.4m x 43m from the Cold Hill Lane junction onto Huddersfield Road. Amended plans were provided by the applicant's agent and these were considered to be acceptable from a highway's safety perspective.

Swept paths are also provided to demonstrate that a vehicle can enter and exit the proposed driveway in a forward gear.

A bin collection point is shown adjacent to the proposed access from Cold Hill Lane.

Taking the above into account, and subject to conditions, the proposals are considered to comply with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide, Chapter 9 of the NPPF and Policy 11 of the Holme Valley Neighbourhood Development Plan.

4. Other Matters

Biodiversity

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Holme Valley Neighbourhood Development Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 9 of the Housebuilders Design Guide SPD is also relevant.

In accordance with Local Planning Policy LP30 and Principle 9 of the Housebuilders Design Guide, 1 integral bat roosting feature is shown to be incorporated into the dwelling on the western elevation of the property around 6.8m above ground level, and 1 sparrow terrace be incorporated into the new dwelling on the northern elevation around 8.2 metres above ground level.

These details are to be secured via condition to ensure a net gain for biodiversity can be provided at the site.

Climate change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals. Policy 12 of the HVNDP endorses this general thrust.

It is also noted that a Climate Change Statement has been submitted to support the application, this statement outlines that materials used in the construction of the dwelling are to be sourced locally, alongside local contractors, with the building being installed with mechanical heat recovery ventilation and air source heat pump is to be used for the heating. The dwelling is also to be built into the ground and will be well insulated, with a permeable paving and driveway to be installed. Furthermore, it is acknowledged that as a minimum the proposed dwelling would be constructed to the latest building control standards which would include efficient heating and thermal elements within the building. Given the above it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's climate change agenda in this instance.

There are no other matters for consideration.

5. 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 materials considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve with conditions.

Decision Authorisation - Delegated Powers

Application Number – 2024/90660

Officer Recommendation – Approve.

Conditions and Reasons:

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

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

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, LP30, LP51 and LP52 of the Kirklees Local Plan, Policies 1, 2, 6, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan, Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD and Chapters 2, 4, 5, 9, 12, 14 and 15 of the National Planning Policy Framework.

2. Prior to the commencement of development, a slope stability/geotechnical risk assessment examining the structural adequacy of the embankment located adjacent to A616 Huddersfield Road to support the new development and proposed remedial measures (including timetable for remediation) shall be submitted to and approved in writing by the Local Planning Authority. The details shall incorporate a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works, removal of any bulk excavations together with slope stability calculations (where required). Subject to the results and the outcome of the ground investigation undertaken at this site, the analysis shall also identify any remedial measures required to deal with instability issues. The development shall thereafter be undertaken in accordance with the approved risk assessment and remedial measures and so maintained throughout the life of the development.

Reason: In the interests of highway safety, to ensure that the development would not impact upon the structural stability of the local highway network in accordance with Policies LP21 and LP53 of the

Kirklees Local Plan and Chapters 8 and 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that issues of highway safety and land stability are addressed at an appropriate stage of the development process.

3. Prior to development commencing, design and construction details of all temporary and permanent highway retaining structures including any modifications to the existing embankment shall be 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 thereafter retained during the life of the development.

Reason: In the interests of highway safety, to ensure that the development would not impact upon the structural stability of the local highway network in accordance with Policies LP21 and LP53 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that issues of highway safety and land stability are addressed at an appropriate stage of the development process.

4. Before the development commences, a full structural dilapidation survey of the existing highway retaining walls adjacent to A616 Huddersfield Road and Cold Hill Lane which adjoin the application site shall be undertaken by a suitably qualified and experienced structural engineer 'competent person' and a copy of the report submitted to the Local Planning Authority for record purposes.

Reason: In the interests of securing a safe development by incorporating measures to ensure that instability does not have the potential to cause harm to people or the environment, in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that issues of highway safety and land stability are addressed at an appropriate stage of the development process

5. Following the substantial completion of the development hereby approved, and before the dwelling is first brought into use a post-construction structural dilapidation survey of the existing highway retaining walls adjacent to A616 Huddersfield Road and Cold Hill Lane which adjoin the application site shall be undertaken by a suitably qualified and experienced structural engineer 'competent person' and submitted to the Local Planning Authority for its approval in writing. The survey shall identify defects arising in the highway retaining walls due to works associated with the approved development, the methods by which these defects shall be made good by the applicant at their expense and the timescale for the programme of works. Thereafter any identified defects shall be made good in accordance with the details so approved and within the timescale agreed for this programme of works.

Reason: In the interests of securing a safe development by incorporating measures to ensure that instability does not have the

potential to cause harm to people or the environment, in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

NOTE: The Highway Authority will require any masonry units removed from the existing drystone highway wall on Cold Hill Lane to facilitate the construction of the proposed development to be carefully taken down and transferred to the Council's depot.

6. The dwellinghouse hereby approved shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the surfacing for all areas to be hard landscaped. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme 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 its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Reason: To ensure that there is a well laid out scheme of hard and soft landscape is secured in the interests of visual amenity and to accord with Chapters 12 and 15 of the National Planning Policy Framework, Policy LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and Policy 1 of the Holme Valley Neighbourhood Development Plan.

7. Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in the Residential Noise Assessment authored by Nova Acoustics dated 31 May 2023 Ref NP-009394 shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority before the dwelling is first brought into use and shall then form part of the revised sound attenuation scheme to be completed before the development is first brought into use. The approved sound attenuation measures shall therefore be retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

8. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development, including air source heat pump, does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.
9. No development above foundation levels shall take place until samples of the proposed external walling stone and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved.
Reason: To ensure the satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policies LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 2 and 13 of the Housebuilders Design Guide SPD, as well as Chapter 12 of the National Planning Policy Framework.
10. Before the development is first brought into use, the wall to the Cold Hill Lane site frontage shall be reduced to a height not exceeding 0.8m above the level of the adjoining highway. Once installed it shall be retained as such thereafter.
Reason: To ensure adequate visibility is provided at an appropriate stage of the development process in the interests of highway safety and to accord with Chapter 9 of the National Planning Policy Framework and LP21 of the Kirklees Local Plan.
11. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoked or re-enacting that Order) no development included within Classes A, AA, B and E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved 'Site Plan/Location Plan/Section/CGI's' drawing no. (0-) 04, received 5th March 2024, without the prior written consent of the Local Planning Authority.
Reason: 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, create residential amenity issues to adjacent neighbouring properties, or would result in overdevelopment of the site can be undertaken, to accord with Policies LP1, LP2, LP11 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.

12. Prior to the development being brought into use, areas to be used by vehicles/pedestrians shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Council's Housebuilders Design Guide SPD, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapters 9 and 14 of the National Planning Policy Framework.

13. Notwithstanding the approved plans and information, one Schwegler 1SP sparrow terrace, or similar shall be installed integral to the new dwelling during the period of construction on the northern elevation at least 8 metres above ground level and not directly above any doors or windows. One Schwegler 3FE Bat Box or similar shall also be installed integral to the dwelling during the period of construction on the western elevation of the property at least 6 metres above ground level and not directly above any doors or windows. One installed the bat box and sparrow terrace shall be retained thereafter.

Reason: To enhance opportunities for biodiversity at the site and to accord with national guidance set out in Chapter 15 of the National Planning Policy Framework, Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Policy 13 of the Holme Valley Neighbourhood Development Plan.

NOTE: With regard to condition 4, it is advised that the developer secures Approval in Principle (AIP) from the Highway Authority, prior to seeking to discharge this condition. Further information on this matter can be seen at the link below: <https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-structuralprocedures.pdf>

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

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

With no construction related noise audible beyond the site boundary 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.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
New Dwelling – Plans and Elevations	(0-) 03	-	5 th March 2024
Site Plan/Location Plan/Section & CGI's	(0-) 04	A	25 th April 2024
Site Plan	BA_09_Cold Hill Lane	-	5 th March 2024
Design and Access Statement – Supporting Information	225	-	5 th March 2024
Climate Change Statement – Supporting Information	-	-	5 th March 2024
Residential Noise Assessment – Supporting Information	NP-009394	002	5 th March 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments have been sought in this instance as the proposals are deemed to be acceptable as submitted. Pre-Commencement conditions were agreed with the agent in writing.

Report Dated:

30th April 2024.

