

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:	2024/62/91494/W
Site Address:	Land Adj, 325/327, Dunford Road, Hade Edge, Holmfirth, HD9 2RT
Description:	Demolition of outbuildings and erection of detached dwelling
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 15th August 2024

Officer Report.

Reference: 2024/91494

Location: Land Adj, 325/327, Dunford Road, Hade Edge, Holmfirth, HD9 2RT

Proposal: Demolition of outbuildings and erection of detached dwelling

Site Description.

325/327 Dunford Road is a two-storey semi-detached dwelling located within a semi-rural area. The property is constructed from natural stone with a cement wash finish and has a stone slate roof with uPVC openings.

The application refers to the outbuildings located to the south of property No. 325/327 Dunford Road. Two detached stone outbuildings and a detached garage currently sit on the site where development is proposed.

Beyond the curtilage of the site to the south and east are open fields, to the north and west are residential properties.

The majority of the application site is located upon land designated as 'Safeguarded Land' in the Kirklees Local Plan.

Description of Proposal.

Planning permission is sought for the demolition of outbuildings and the erection of a detached dwelling on land adjacent to 325/327 Dunford Road.

The proposed dwelling would have the following dimensions:

- Width (front and rear elevations) – 6.7 metres
- Length (side elevations) – 5.4 metres
- Eaves height – 5 metres
- Ridge height – 6.8 metres

The dwelling will be constructed from natural coursed stone and the roof will be infilled with natural stone slate tiles.

Fenestration detailing will include openings to the west, south and east facing elevations. These openings would be constructed using timber / upvc.

Outdoor amenity space would be provided to the east of the dwelling and northern and southern sides. Parking amenity space would be located to the front of the dwelling, as would bin storage.

The existing dry-stone wall would be retained around the eastern and southern side of the site, with fencing proposed to be installed to the northern boundary of the site (1.8 metres high, dropping down to 0.78 metres high

where projecting in front of property) and also between the parking area and garden to the southern side (0.8 metres high).

An air source heat pump is proposed to the northern facing elevation of the dwelling and solar panels are proposed on the eastern facing elevation.

History of Negotiations / Amendments Received.

No negotiations were undertaken, and no amended plans were sought or submitted.

It is noted that the planning agent provided agreement to the inclusion of the pre-commencement conditions as imposed by KC Environmental Health regarding contaminated land via email.

Relevant Planning History.

- 2023/90893 – Demolition of outbuildings and erection of detached dwelling. *Refused.*

Application 2023/90893 was refused for the following reasons:

1. The majority of the proposed application site is located upon land designated “Safeguarded Land” in the Kirklees Local Plan, which aims to protect land designated as such from development during the Local Plan period. Given that the proposal is for a new dwelling it would fail to comply with LP6 of the Kirklees Local Plan by introducing development onto “Safeguarded Land” that does not constitute any of exceptions listed within the policy.
2. The proposed development, by virtue of its size, scale, massing and appearance on a small plot would present an incongruous and contrived form of development that would fail to sympathetically integrate with existing development in the locality and which would result in the overdevelopment of the site. The proposal would therefore cause detrimental harm to the visual amenities of the locality and character of the area, contrary to Policies LP1, LP2, LP11 and LP24(a) of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan, Principles 2, 5, 6 and 15 of the Council’s adopted Housebuilders Design Guide SPD, and policies within Chapter 12 of the National Planning Policy Framework.
3. The proposed development, by reason of the limited extent of outdoor amenity space, would provide a poor standard of amenity to future occupiers. Therefore, the development would be contrary to the aims of National Planning Policy Framework Chapter 12, Principle 17 of Housebuilders Design Guide SPD and Policy LP24b of the Kirklees Local Plan.

This planning application was subsequently appealed, with the following conclusion made by the Planning Inspectorate:

'I have found that there would be no adverse harm concerning the designation of the site as safeguarded land, and that the proposal would bring benefits of very limited weight. However, these considerations would not be sufficient to outweigh the harm that the proposal would cause to the character and appearance of the area and the living conditions of future occupiers. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed'.

The planning history and the conclusions drawn by the Inspectorate in the appeal to the recent refusal are material to the consideration of this application. Whether the previous reasons have been overcome is discussed in further detail in this report.

Representations.

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.

Final publicity date expired 9th July 2024.

Holme Valley Parish Council have made supporting comments summarised as follows – Congratulate the applicant on their climate mitigation measures.

Consultation Responses.

Holme Valley Parish Council – Support. We'd like to congratulate the applicant on their climate mitigation measures.

KC Environmental Health (formal) – No objections with the inclusion of conditions and footnotes regarding contaminated land and construction site working times.

KC Environmental Health advise the applicant to future proof the development with the inclusion of a facility to charge an electric vehicle.

KC Highways Development Management (informal) – Stand by previous comments for application 2023/90893 and raise no objection.

KC Waste Planning (informal) – Great that bin store is shown on plan, wondering if this can be made bigger, to accommodate three bins, to future proof the development for when Kirklees Council roll out food waste collection in 2028.

Policy / Legislation.

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

The majority of the application site is located upon land designated as Safeguarded Land within the Kirklees Local Plan.

The site falls within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP6 – Safeguarded Land
- LP7 – Efficient and Effect Use of Land
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated Land

Holme Valley Neighbourhood Plan:

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 – Protecting 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 3 – ‘Hade Edge Upland Pastures’. Key landscape characteristics of this area are:

- the open landscape has long distance views of the settled corridor of the River Holme and Kirklees district beyond as well as local views of open water bodies such as Boshaw Whams and Holme Styes.
- Stone boundary walls are common features creating a strong sense of visual unity.
- A network of Public Rights of Way follows lanes or field boundaries. Minor roads and Public Rights of Way, including sections of the Kirklees Way and the Barnsley Boundary Walk long distance footpaths, connect farmsteads located on the valley sides. National Cycles Route no. 68 also passes through this area.

Key built characteristics of the area include:

- Dispersed settlements characterised by their former domestic textile manufacturing, mill buildings and agricultural heritage along with isolated farmsteads set within an upland agricultural landscape.
- Hade Edge is the largest of the settlements containing some services and modern and older development and lies on a plateau at Dunford Road / Penistone Road.
- Former textile/woollen mills set within the valley of the River Ribble.
- Vernacular building materials include millstone grit in properties and boundary walls.

Supplementary Planning Documents:

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications for new dwellings. The SPDs indicate how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate

in terms of the character of the street scene and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

- Highways Design Guide SPD (adopted 4th November 2019)
- Housebuilders Design Guide SPD (adopted 29th June 2021)

Other Guidance Documents:

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

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- 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

Assessment.

The following matters will be considered as part of the assessment of the proposal:

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

1) Principle of Development

Sustainable Development:

Policy LP1 of the Kirklees 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 Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Policy LP3 of the Local Plan is also of relevance insofar as it required development to deliver homes in a sustainable way. In addition to the above, Kirklees Council has adopted a Housebuilders Design Guide Supplementary Planning Document (SPD). This document sets out what the Council considers to be good residential design, to raise the quality of housing that is delivered in the district, supporting the Local Plan Vision. To help deliver quality places, the SPD consists of 19 Principles relating to both the broader and immediate context of the site with regard to landscape, culture, nature and heritage.

Further to this, Policy 6 of the Holme Valley Neighbourhood Development Plan 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.

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that

this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

The site measures around ~121.05m³. In this instance, given the size of the site it is considered that it would not be feasible for more dwellings to be provided within the red line. Notwithstanding this, even if there were a possibility to provide more dwellings at the site, it would increase the potential for other issues to arise, which could have a harmful impact. Therefore, in this instance, the density of development is considered to be appropriate in this case.

Furthermore, the site is considered to be located within a sustainable location, within an established area of residential development, where public transport routes have already been established, with a bus stop located in very close proximity to the site.

Land Allocation (Safeguarded Land):

The majority of the application site is within land designated 'Safeguarded Land' within the Kirklees Local Plan.

Policy LP6 of the Kirklees Local Plan states: *"Areas identified as safeguarded land will be protected from development other than that which is necessary in relation to the operation of existing uses, change of use to alternative open land uses or temporary uses. All proposals must not prejudice the possibility of long-term development on safeguarded land sites."*

The justification of Policy LP6 as set out in the Kirklees Local Plan document goes on to explain: *"The consideration of the permanent development of safeguarded land, such as for housing or employment, will only occur through a change to the allocation through a review of the Local Plan."*

Whilst officer's note that the proposed development would not fall within any of these use categories, the Planning Inspectorate's assessment of the proposal on safeguarded land for previously appealed application 2023/90893 has to be taken into consideration in assessing this current application.

The Planning Inspectorate and appeal decision for application 2023/90893 sets out that the site forms a very minor part of this land designation and is a considerable distance away from the boundaries of the Green Belt, directly fronting Dunford Road. It is also uncontested that it forms a part of the curtilage to No. 325/327 and is already occupied by permanent development that is in residential use, with an extant permission for extensions and a detached garage (ref: 2022/92067).

The Planning Inspectorate's assessment of the appeal decision for application 2023/90893 goes on to state that, the rear elevation and rear habitable windows of No. 325/327, along with its back garden area, are set further back from Dunford Road than the rear boundary of the appeal site. As such, the

appeal decision concludes that it is unlikely that the proposed house would present any undue constraints in respect of the siting, layout and privacy levels of future housing on the remainder of the safeguarded land.

The appeal decision goes on to state that, it is unlikely that the proposed development would present any undue constraints in respect of the siting, layout and privacy levels of future housing on the remainder of the safeguarded land. Given the amount of open space along Dunford Road and Greave Road there are also alternative access points available for potential future development on this land.

The Planning Inspectorate's assessment of safeguarded land concludes that, in light of the above factors, they are not convinced that the proposed development would prejudice the possibility of long-term development of the safeguarded land. Whilst there would be some conflict with Local Plan Policy LP6, they are unable to find, in this instance, that the site could not be brought forward for the proposed development having regard to its size, location and designation. Accordingly, the Planning Inspectorate was satisfied that the proposal would not cause any harm in respect of the main issue.

As such, in light of the appeal decision for previous application 2023/90893, officers are satisfied that the proposal is acceptable having regard to Policy LP6 of the Kirklees Local Plan and its designation as 'Safeguarded Land', as well as the factors outlined by the planning inspectorate and the conclusion of the inspectorates decision it is considered material considerations are present in this case which lead to the conclusion that the development is acceptable in principle.

Conclusion:

Therefore, for the reasons set out above, it is considered that the principle of development sought under this planning application could be considered to be acceptable, subject to more detailed assessment of the proposal's design and its impacts on visual and residential amenity, highway safety and other relevant considerations, which is undertaken below.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2) Impact on Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP24 states that all proposals should promote good design by ensuring the following: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

Policy LP11 of the Kirklees Local Plan requires 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 in line with the latest evidence of housing need.

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), Hade Edge Upland Pastures (LCA3).

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...”*

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 set within a semi-rural location, with dwellings located directly north of the site and adjacent to the highway eastwards and open fields beyond the curtilage of the site to the south and west.

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.

The proposed dwelling is to be situated on land to the south of 325/327 Dunford Road, which is currently occupied by outbuildings. The proposed dwelling would be set back from the highway of Dunford Road by approximately 2.5 metres and would be set back from the principal elevation of the neighbouring properties by approximately 1.5 metres. In addition, the principal elevation of the proposed dwelling would front onto Dunford Road as do the properties located northwards. In addition, the gable ends of the pitched roof above the proposed dwelling would be orientated the same as the design of the pitched roofs above the neighbouring dwellings, to be of a harmonising ridge height. Therefore, for these reasons, it is considered that

the proposal would appropriately comply with Principle 5 of the Housebuilders Design Guide SPD.

It is considered that the reorientation of the pitched roof, to match the orientation of the roofing forms above the properties located northwards, is sufficient in overcoming reason 2 for refusing previous application 2023/90893 relating to the appearance. This alteration to the roof would encourage the proposed dwelling to sympathetically integrate with existing development in the locality.

Principle 6 of the Housebuilders Design Guide SPD highlights that *'the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'*.

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

In this instance, the new dwelling would retain a minimum separation distance of approximately 0.75 metres from the shared boundary with No.'s 325/327 Dunford Road and an even greater minimum separation distance of approximately 1.7 metres from the side elevation of 325/327 Dunford Road. Given the adjoined style of the neighbouring properties to the north of the site, in the instance of this application and the character of the street scene, this separation distance is considered to be sufficient, in accordance with Principle 6 of the above SPD.

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

Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

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, heights of buildings and the roof types.

The proposed dwelling would be faced in natural reclaimed stone, with stone heads, cills and corbels. The roof above the dwelling would be infilled with natural stone slate tiles. These materials are considered to be in keeping with the established vernacular of surrounding properties within the street scene.

The proposed openings are considered to be of an in-keeping design with the appearance of other properties within the streetscene, limited to access doors and windows.

Therefore, for the reasons as set out above, it is considered that the new dwelling under this application would appropriately reflect what currently exists within the surrounding area, thus according with Principles 13, 14 and 15 of the above SPD.

With regard to the extent of built form proposed, for reasons of visual amenity, upon any grant of approval, a condition shall be imposed to remove permitted development rights. This condition will be imposed as a result of the overall size of the land, to avoid any undue impacts of incongruous and / or contrived development and to prevent the overdevelopment of the site.

One off-street parking space is provided to a driveway to the front of the site. This area of hard standing would be located between the proposed dwelling and Dunford Road. Given the sitting of the proposed driveway, it is considered to have a relatively low impact visually, to be read in context with the highway, which is laid in hard standing. Upon any grant of approval, it is reasonable to impose a condition regarding the surfacing to be undertaken.

Outdoor amenity space would be provided to rear and sides of the dwelling, consisting of a grassed area and patio area. With regards to boundary treatments, the submitted site plan shows the retention of the existing dry-stone wall to the eastern and southern sides of the site. Fencing is proposed to be installed to the northern boundary of the site (1.8 metres high, dropping down to 0.78 high where projecting in front of property) and also between the parking area and garden to the south side (0.8 metres high), with low level planting to the front of this fence. The submitted site plan and 'Design and Access Statement + Planning Supporting Statement' sets out that the fences will be timber. This design is considered to be an appropriate form of boundary treatment at the site.

A condition requiring the finished floor levels will be added, to ensure excessive build up of land is undertaken as part of the construction which could have a visually detrimental effect.

In summary, with the inclusion of conditions regarding materials and driveway surfacing, it is concluded that the proposed development would have an acceptable impact on visual amenity.

3) 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 occupiers.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable rooms;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- For a new dwelling in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of the new dwelling to a shared boundary.

Impact on Neighbouring Properties:

No. 325/327 Dunford Road

As no openings are proposed to the northern elevation of the new dwelling, there are no concerns with regards to overlooking or loss of privacy.

Given the dwelling's siting within the plot and its proposed size/scale/footprint, there are no significant concerns of overshadowing, with the only window in the southern elevation of 325-327 Dunford Road considered unlikely to serve a habitable room internally. Therefore, there are no significant concerns in respect to overshadowing or loss of light.

Therefore, whilst it is acknowledged that the proposals will change the character and nature of this adjacent site by adding bulk and massing, as the only window located within the southern side elevation of No. 325-327 is concluded to serve a non-habitable room internally and that the new dwelling would not extend beyond the front or rear elevation of this neighbouring property, the proposal is not considered, in this instance, to appear overbearing or overly dominant on this adjacent property.

It is also noted that, the proposed fencing along the shared boundary between the new dwelling and this neighbouring site, will drop down to a height of 0.78 metres where it is projecting in front of 325/327 Dunford Road. As such, given the conclusion regarding glazing to the adjacent side elevation of No. 325/327, and the proposed drop in height of the fencing, it is considered that the proposed forms of boundary treatment would not result in undue impacts of overbearing or overshadowing.

Amenity of future occupiers of the proposed dwelling:

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015).

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), with all habitable rooms having access to at least one window. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers in this regard.

In this case, the dwelling would have one bedroom. It is considered that the amount of outdoor amenity space provided for the proposed dwelling would be sufficient. The amount of outdoor amenity space shown to be provided under this current application shows an increase of approximately 10m³ compared to the extent of outdoor amenity space shown for application 2023/90893. Therefore, this increase in the provision of outdoor amenity space is considered to overcome reason 3 of the previous refusal of application 2023/90893.

It is also considered that the outdoor amenity space would receive sufficient levels of sunlight. Therefore, it is considered that the proposed amenity space would meet the requirements of Principle 17 of the SPD.

In conclusion, it is considered that the proposals would not result in significant impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to accord with Principles 6, 16 and 17 of the Council's Housebuilders Design Guide SPD.

4) 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 111 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. Principle 12 of the SPD refers to on-site parking.

Principle 19 of the SPD 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.

Policy 11 of the Holme Valley Neighbourhood Development Plan 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.

The proposals seek to construct a one-bedroomed dwelling with a driveway fronting onto Dunford Road. Bin storage is also shown to the site frontage.

An informal consultation response was received from KC Highways Development Management for previous application 2023/90893, with the Highways Officer informally responding to this current application by setting out that they stand by previous comments for application 2023/90893 and raise no objection.

The Highways Officers comments for application 2023/90893 were as follows: *'looking at the site pragmatically, there appears to be sufficient unrestricted 'on-street' parking provision to accommodate parking for the adjacent dwelling of No.325-327 Dunford Road and that the proposed unit is such a size that the one off-street road space would be considered sufficient. In addition, on site observations indicate that currently there is a level of on street parking present, which would be of a similar situation to the original arrangements for the existing dwelling'.*

It should also be noted that the submitted plans show bin storage to the front elevation of the dwellinghouse. This bin storage is considered to be in a suitable location, within the boundaries of the site itself and off the highway of Dunford Road.

Whilst the informal comments received from KC Waste Planning have been taken into consideration, in this instance, officers do not consider that it would be reasonable to request a third bin to be shown on plan, or for a condition to be imposed regarding the provision of a third bin. However, it is considered that, there would be sufficient space within the wider curtilage of the site to store a third bin if necessary, away from the highway.

To conclude, the proposals are concluded to provide adequate parking provisions, with acceptable on-street parking also available. Therefore, the proposals are concluded to comply with LP21 and LP22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Principles 12 and 19 of the Housebuilders Design Guide SPD.

5) Other Matters

Contaminated Land:

With regard to land quality, paragraphs 180, 189 and 190 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The site is identified on the Councils GIS mapping system as being situated on potentially contaminated land due to its proximity to an historic quarry/landfill (site ref: 1/26). The garages themselves may have become contaminated during their previous use, for these reasons KC Environmental Health recommend, as a minimum, a Phase I contaminated land report to ensure potential risks to site receptors have been identified and assessed.

The implementation of these conditions is deemed to be sufficient to comply with the requirements of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

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.

This is echoed by Policy 12 of the Holme Valley Neighbourhood Development Plan which states that 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.

In this instance, it is considered that the proposed development would have an acceptable impact on climate change as the new dwelling would be constructed to modern building standards and would include the provision of an air source heat pump and solar panels. Furthermore, as part of this application, the applicant submitted a Climate Change Statement, which set out various mitigation measures.

The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

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 NPPF 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 of relevance.

In accordance with Local Planning Policy LP30 and Policy 13 of the Holme Valley Neighbourhood Development Plan, a condition is recommended should planning permission be granted, requesting that 1 integral bat roosting feature is incorporated into the new dwelling on the northern elevation at least 4 metres above ground and not directly above doors or windows. This bat roosting feature shall be installed during the period of construction and retained thereafter in the interests of creating a level of ecological enhancement of the site.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the self build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

6) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. Policy LP2 of the Kirklees Local Plan sets out that all proposals should address challenges identified in the Local Plan, with Policy LP24 of the Plan stating that good design should be at the core of all proposals in the district.

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

Decision Authorisation – Delegated Powers

Application Number: 2024/91494

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.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specification 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, LP6, LP7, LP11, LP21, LP22, LP24, LP28, LP30, LP51, LP52 & LP53 of the Kirklees Local Plan, Principles 2, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19 of the Housebuilders Design Guide Supplementary Planning Document, Policies 1, 2, 3, 11, 12 & 13 of the Holme Valley Neighbourhood Development Plan and Chapters 2, 4, 5, 11, 12, 14 & 15 of the National Planning Policy Framework.

3. The external walls of the dwelling hereby approved shall be faced in natural reclaimed stone. The roof above the dwelling shall be infilled with natural stone slate tiles. The materials of construction approved by this condition shall be thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 13 of the Housebuilders Design Guide Supplementary Planning Document.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, C, D or E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Location Plan without the prior written consent of the Local Planning Authority.

Reason: In the interests of the Green Belt to accord with the requirement for very special circumstances to be demonstrated in this case to comply with policies within Chapter 13 of the National Planning Policy Framework.

5. The dwelling hereby approved shall not be occupied until all areas indicated to be used for vehicles and pedestrians within the curtilage of the dwelling have been laid out with a hardened, sealed and drained surface. Provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. Should permeable or porous surfacing be intended to be used, no dwelling house shall be occupied until a scheme detailing the intended surfacing to areas for vehicles and pedestrians for that dwelling house has been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall thereafter be retained and maintained.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. Prior to occupation of the dwelling hereby approved, one integral bat box shall be incorporated on the northern elevation of the dwelling; the box shall be long-lasting Schwegler 'woodcrete' type or similar, be at least 4 metres above ground and not be directly above doors or windows. Once installed, the bat box shall thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Policy 13 of the Holme Valley Neighbourhood Development Plan.

7. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. **Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.
10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.
11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.
12. The finished floor levels of the development hereby approved shall be in accordance with those shown on submitted drawing 22/781/05revd. The development shall not be brought into use until the finished floor levels approved by this condition have been completed. The approved

finished floor levels shall be so retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan policies within Chapter 12 of the National Planning Policy Framework and Principle 15 of the Housebuilders Design Guide Supplementary Planning Document.

NOTE: Contaminated Land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021.

Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Construction Site Working Times

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.

NOTE: Electric Vehicle Charing Points

- Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.
- To futureproof the development, we would encourage the applicant to provide these in accordance with the current *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy (WYLES) Group.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	22/781/01	-	31.05.24
Existing Site Plan	22/781/03	-	31.05.24
Proposed Site Plan	22/781/04c	-	31.05.24
Existing Block Plan	22/781/02	-	31.05.24
Proposed Plans and Elevations	22/781/05d	-	31.05.24
Climate Change Statement	-	-	31.05.24
Design and Access Statement + Planning Supporting Statement	-	-	31.05.24

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 Planning 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. No negotiations were undertaken, and no amended plans were sought or submitted.

Report Dated: 06.08.24

