KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	**2024/44/91632/W**
Site Address:	Land Adjacent, 34, Cliff Road, Holmfirth, HD9 1UY
Description:	Discharge of conditions 15 (micro-generation equipment) and 17 (landscaping and ecological management plan) on previous permission 2022/90886 for erection of two detached dwellings
Recommending Officer:	Lucy Taylor

DECISION – Discharge of Conditions 15 and 17 - Approved

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 15-Aug-2024

Land Adjacent, 34, Cliff Road, Holmfirth, HD9 1UY

The application seeks to discharge conditions 15 (micro-generation equipment) and 17 (landscaping and ecological management plan) on previous permission 2022/90886 for erection of two detached dwellings.

Condition 15 – Micro-Generation Equipment:

Notwithstanding the details in the submitted Statement on Climate Change dated 20th May 2022, an additional statement shall be submitted to and approved in writing by the Local Planning Authority providing details of micro-generation equipment to be installed on the new development, or alternatively provide justification for not providing it (for example, by demonstrating that the development will achieve an emissions rate below the current Target Emissions Rate). The microgeneration equipment, or other measures thus approved shall be installed before the dwelling to which they relate is first occupied and thereafter retained.
Reason: *To ensure that the development contributes to Kirklees Council and Holme Valley Parish Council's aims of reducing carbon emissions, and to accord with the aims of Policy 12 of the Holme Valley Neighbourhood Development Plan, Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.*

Assessment:

The supporting information submitted by the applicant, including:

- Statement to address Salford Planning Policies by John Ashe – E2 Consultants.

The condition was imposed to ensure that the development contributes to Kirklees Council and Holme Valley Parish Council's aims of reducing carbon emissions. The condition makes reference to Policy 12 of the Holme Valley Neighbourhood Plan, Policy LP51 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Within the aforementioned policies, there are no prescriptive calculations. The policies are in regards to development exceeding the minimum requirement of building regulations.

While officers assessing this application are not experts in this field, it is considered that what is required by condition 15 of application 2022/90886 has been fulfilled. The submitted statement sets out that the development would exceed the minimum requirements for energy generation as a result of the building materials and what is to be done internally.

Officers also note that, whilst solar panels could be provided in principle, there could be an adverse impact to the heritage asset. Therefore, in this instance, it is not considered that solar panels would be an appropriate feature of energy efficiency due to the benefits not likely outweighing any harm.

Therefore, based on this assessment, it is considered that the information within the submitted document provides details to satisfy the requirements of condition 15.

<u>Condition 17 – Landscaping and Ecological Management Plan:</u>

Before either dwelling is first occupied, a landscaping and ecological management plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:
a) Purpose and conservation objectives for the proposed ecological works.
b) Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.
c) Details of the design of all new boundary treatments, and any existing ones to be retained, indicating how they relate to finished ground levels within the site and outside it, and demonstrating that any new boundary treatments will not obstruct the movement of hedgehogs.
d) Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
e) Details of maintenance.
f) Details of how and where external lighting will be installed.
The approved details shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. Any tree or shrub dying or becoming diseased within the first five years shall be replaced with another of the same species.
***Reason:** To ensure that the development delivers a degree of biodiversity net gain, to ensure that boundary treatments are appropriate having regard to the aims of protecting the privacy of existing and future residents and conserving the character of the area, and to accord with the aims of Policies LP24 and LP30 of the Kirklees Local Plan, Principles 2, 5 and 9 of the Housebuilders Design Guide SPD, Chapter 12 and 15 of the National Planning Policy Framework and Policies 1, 2 and 13 of the Holme Valley Neighbourhood Development Plan.*

<u>Assessment:</u>

The supporting information submitted by the applicant, including:

- Landscape & Ecological Management Plan by Habitat Works.
- Boundary Details (Dwg No. 24/1058/01)
- Boundary Photographic Record (Dwg No. 24/1058/02)

This condition was imposed to ensure that the development delivers a degree of biodiversity net gain.

As part of this Discharge of Conditions application, an informal consultation was undertaken with KC Ecology, who concluded that the submitted LEMP (Habitat Works, 2024) provides sufficient detail to ensure that provisions for

protected species and ecologically valuable planting are incorporated into the scheme. Therefore, the KC Ecology officer concluded that they support the discharge of condition 17 with regard to the parts of the conditions relating to ecology.

In terms of the design of the boundary treatments, the submitted plans demonstrate the existing and proposed. The plans outline different types of fencing, to be erected around the parameters of the site and between the rear garden amenity spaces of both dwellings. All of the proposed fences would be constructed from timber, a natural material which encourages harmonisation with the external environment within which the fences will be erected. In addition, it is noted that the double-sided vertical timber boarded fences will be set back from the fronting highway at the site and that the timber rail fencing, which meets the highway to the side of No. 32b, would appropriately harmonise with existing forms of fencing in the locality.

With regards to privacy, the boundary fence proposed between the two dwellings would be 2.1 metres in height and would be a vertical timber boarded design. This form of boundary treatment is considered sufficient in maintaining appropriate levels of privacy between the two dwellings.

With regards to the privacy of existing occupiers of neighbouring properties, the 1.7-metre-high close boarded fence is considered to provide sufficient privacy along the shared boundary to the side of No. 32a, with the existing boundary of vegetation and shrubbery to also be retained along this shared boundary. The timber railing fence along the shared boundary to the side of 32b is also considered to have an acceptable impact with regard to privacy, to be erected on top of a high banking, which in itself has a minimum height of approximately 4.3 metres above ground level.

Therefore, it is also considered that officers can support the discharge of Condition 17 in relation to conserving the character of the area and protecting the privacy of existing and future residents.

Decision Notice Text

I refer to the above reference discharge of conditions application and can confirm the following: -

<u>Condition 15 – Micro-Generation Equipment:</u>

- Statement to address Salford Planning Policies by John Ashe – E2 Consultants.

The details submitted are accepted to provide appropriate details that the development will contribute to Kirklees Council and Holme Valley Parish Council's aims of reducing carbon emissions. Therefore, provided the measures be installed before the dwelling to which they relate is first occupied, condition 15 is satisfied.

Condition 17 – Landscaping and Ecological Management Plan:

- Landscape & Ecological Management Plan by Habitat Works.
- Boundary Details (Dwg No. 24/1058/01)
- Boundary Photographic Record (Dwg No. 24/1058/02)

The details submitted are accepted to provide appropriate details that the development delivers a degree of biodiversity net fain and to ensure that boundary treatments are appropriate having regard to the aims of protecting the privacy of existing and future residents and conserving the character of the area. Therefore, provided that the approved details be implemented in accordance with the approved details and all features be retained in that manner thereafter, condition 17 will be satisfied.