

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/60/93302/W
Site Address:	Stoney Bank House, Stoney Bank Lane, Thongsbridge, Holmfirth, HD9 7LZ
Description:	Outline application for erection of detached dwelling with integral garage
Recommending Officer:	William Simcock

DECISION – CONDITIONAL OUTLINE PERMISSION

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

Julia Steadman

AUTHORISED OFFICER

Date: 29-Jan-2024

Officer Report - 2023/93302
Stoney Bank House, Stoney Bank Lane, Thongsbridge,
Holmfirth

Site Description

The application site is a roughly rectangular plot measuring 39m by 23m at its greatest extent and forming the southern part of the curtilage to Stoney Bank House, a large detached dwelling on the western side of the highway. The existing dwelling is situated close to the northern end of the plot it occupies. Stoney Bank Lane is developed along both frontages but at a very low density and with individually-designed houses. Back from the frontages, the land is undeveloped. The land is elevated above the level of the highway and has a continuous upward slope to the west.

Description of Proposal

The proposal is an outline application for the erection of a detached dwelling with an integral garage.

Access and layout are applied for, other matters are reserved. No indicative elevations or sections are supplied but the Design & Access Statement confirms that the applicant's intention is that the dwelling is to be part three-storey, part two-storey, although the site plan also indicates a single-storey element at the rear.

It would be placed approximately equidistant between the eastern and western boundaries and would maintain approximately 1.9m between its own outer walls and the new northern curtilage boundary with the existing dwelling and the existing southern boundary respectively. It would have an L-shaped plan with the angle of the 'L' facing north-east.

A new access to the highway is to be formed, with a large paved forecourt providing space for parking and turning.

History of negotiations/amendments received

None.

Relevant Planning History

None.

Representations

Final publicity date expires: 19-Dec-2023 (Publicity by neighbour notification letter only, thereby complying with the requirements of the Development Management Procedure Order). Note: The nearest Listed Building is 36m from the site boundary (to the south) and there is an intervening property. Although there would be a line of sight from the new dwelling to the listed property, it is considered that there would not be a close visual relationship and that the development would not affect its setting.

One representation was received as a result of publicity (objection). Summary of concerns raised:

- The proposed dwelling is very close to my boundary. (My property is shown as Whitegates but the name was changed by previous owners 20+ years ago.)
- The short distance to my boundary of a substantial 4 bed house would affect the enjoyment of my property, in particular privacy and noise nuisance.
- The building work itself would also cause a nuisance in terms of noise, dust etc.
- I fear that I might be liable for any damage caused to the house by my trees, including as a result of gales.
- Access to the road via another entrance may cause problems.
- The lane is busier with the erection of new buildings. Traffic will increase once Kirkbridge Lane reopens.

Home Valley Parish Council comments – Support with some concern for proximity to listed building and highways safety.

Consultation Responses

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

- KC Highways Development Management – No objection subject to conditions.
- KC Trees (informal response) – No objections provided that a condition is in place to protect the tree outside the western site boundary.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is within land without designation on Kirklees Local Plan proposals map.

It is considered that the scale and nature of the development does not raise access or other Equality Act considerations.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 21:** Highway safety and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 33:** Trees
- **LP 52:** Protection and improvement of environmental quality.
- **LP 53:** Contaminated and unstable land

Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

The following policies of this plan are considered most relevant:-

- **Policy 1** – Protecting and Enhancing the Landscape Character of the Holme Valley
- **Policy 2** – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- **Policy 6** - Building Homes for the Future
- **Policy 11** - Improving Transport, Accessibility and Local Infrastructure
- **Policy 12** – Promoting Sustainability
- **Policy 13** – Protecting Wildlife and Securing Biodiversity Net Gain

The site is within Landscape Character Area 7: River Holme Wooded Valley

Key landscape characteristic of the area are

- 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 policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making efficient use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change.
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

The site lies within land that is without designation within the Local Plan proposals map.

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The proposal will be assessed on its own merits having regard to the LP and NPPF policies listed above.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. Paragraph 76 of the NPPF states that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- a) their adopted plan is less than five years old; and
- b) that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

Since both these criteria are fulfilled (the Local Plan will be five years old on 27th February 2024), the Council's inability to demonstrate a five-year housing land supply is not a material consideration.

The proposal will be assessed according to the following policies:

- LP7 - encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and appropriate housing densities to ensure that land is used efficiently.
- LP24 – the form, scale, layout and details of development must respect and enhance the character of the townscape and landscape, provide a high standard of amenity for future and neighbouring occupiers including appropriate distances between buildings and a high level of sustainability.
- LP21 – that proposals must ensure the safe and efficient flow of traffic and safe access.
- LP22 – appropriate parking to be provided given the type of development and the accessibility of the site.
- LP28 – Sustainable urban drainage systems to be used where possible.

- LP30 – development to incorporate biodiversity enhancement measures.
- LP33 – Trees.

Under Chapter 11 of the NPPF, planning decisions should support development that makes “efficient use of land” taking into account the need for different types of housing, local market conditions, infrastructure, the prevailing character of the area, the desirability of promoting regeneration or change, and the importance of securing well-designed, attractive and healthy places. The advice in Chapter 12, “Achieving well-designed places”, should also be taken into account, in particular that planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments. Also of relevance is Chapter 14 (opportunities to be taken to prevent development contributing to flooding) and 15 (any potential pollution impacts should be assessed at the planning stage, and biodiversity should be enhanced where possible.)

The policies listed in the Holme Valley NDP will be given due consideration as they form part of the development plan for the area.

2 –Impact on visual amenity:

The proposal will be considered having regard to the aims of policy LP24a, and also those of the House Builders’ Design Guide, in so far as they are relevant to an application of this type (layout and access only). Principle 2 of the SPD states that new development should take cues from the character of the natural and built environment and complement the surrounding built form and Principle 8 that the transition to open land must be carefully considered. Principle 12 advises against allowing frontages to be dominated by hard landscaping.

The following policies of the Holme Valley NDP are considered most relevant:-

- Policy 1 – Protecting and Enhancing the Landscape Character of the Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

The site lies occupies land within the fringes of Thongsbridge and which has been developed informally over a long period of time, and at a low density. Somewhat higher densities occur further north, on the stretch of Stoney Bank Road that joins Springwood Road, while a short distance to the south, the low-density residential development gives way to undeveloped land. The dwelling on the neighbouring plot to the north is two-storey; those to the south and east, single-storey.

It is considered that in this context the subdivision of the existing property's curtilage and the erection of a new dwelling on the site would not give rise to the appearance of overdevelopment or result in a density that would be out of keeping with its surroundings. The resultant density (two dwellings on a plot of just under 0.3ha) would be well below the density recommended in Policy LP7 but would represent a more efficient use of land than the present situation. The proposed dwelling would have a greater degree of plot coverage than that of Stoney Bank House or of Stoneyroyd (opposite) and would be quite close to the side boundaries. But given the offset distance from the eastern and western (front and rear) boundaries it is considered that it would not seem cramped within the plot. It is considered that density would be in keeping with local settlement character as required by Policy 6(4) of the Holme Valley NDP.

The depth of the rear garden (approximately 9m) would ensure a suitably gentle transition to open land beyond. It would not affect views of the wider landscape or result in any of the key features listed in Holme Valley Parish Council's landscape character assessment being lost.

Stoney Bank Lane is characterised by stone boundary walls, but these vary greatly in their height and design details. The provision of sight lines as indicated on the drawings and in accordance with Highways Development Management requirements would result in most of the boundary wall being demolished and rebuilt behind the sight lines and at a lesser height, as well as substantial excavation to form a suitable area for parking and to ensure that the driveway could be formed with a gradient meeting current standards. It would not be possible to retain the walls unaltered but they can be rebuilt using the original stone and it is therefore considered that the aims of HVNDP Policy 1(3) would be met. A substantial amount of soft landscaping would be retained at the front providing a visual buffer between the parking area and the highway. In the context of the local area, and in particular Stoneyroyd opposite, which has a very low boundary wall and would have required substantial ground level changes at the time when it was built, it is considered that this would not give rise to a negative impact on amenity or local character.

The design and access statement says that a dry stone-faced retaining wall will provide separation to the garden of Stoney Bank House. Paragraph 5.13 of the Housebuilders' Design Guide SPD states that on steep sites, standard house types separated by high retaining walls should be avoided. It is considered unlikely that the scale of any retaining walls required would be detrimental to the street scene or local character, and it might also be possible to soften their impact through planting or detailed design.

No indicative elevational drawings or sections have been supplied. The new dwelling would have to accommodate itself to the site's steep topography. According to the design and access statement, "the dwelling will appear as a 3-storey property when viewed from Stoney Bank Lane, and 2 storeys from the rear, this fits in with the sloping site, and is also a common feature of many surrounding properties". As previously stated, most development in the

vicinity of the site is a maximum of two-storey, exceptions being found within new development on Old Mill Lane. Ground levels would however have to be reduced very substantially, at least at the front, or else the parking and access arrangements would be unworkable. It is therefore anticipated that only the front projection of the dwelling would be three-storey and that its height relative to existing ground levels would be similar to that of Stoney Bank House. Furthermore, the new dwelling would not necessarily have to be built with its walls a full three storeys in height – it might be possible to design it so that part of the accommodation is in the roof space. It is considered on balance that the architect's proposal for a dwelling presenting a three-storey aspect to the highway provides, in principle, the basis for a scheme that would be acceptable having regard to the aims of the applicable Local Plan and HVNDP policies.

Subject to satisfactory reserved matters it would therefore conserve visual amenity, local character and sense of place and thereby accord with the aims of Policy LP7, LP24(a), Policies 1, 2 and 6 of the Holme Valley NDP and NPPF Chapters 11&12.

3 – Impact on residential amenity:

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

It is likely, given the positioning of the dwelling in relation to site boundaries, that all primary habitable room windows would face east and west, and would therefore be far enough away from any established development or its residential curtilages to avoid giving rise to an adverse impact on privacy. The rear windows would fall short of the recommended 10.5m distance from the rear boundary but would face land designated as Urban Green Space on the Local Plan proposals map, and which is therefore unlikely to have any development potential. Whilst it is noted it would potentially be a three-storey dwelling, it is considered that distances from boundaries would also be sufficient to avoid giving rise to an overbearing impact. The closest neighbouring dwelling, known as Whitegates, has its main outlook to the east, and in any case would not be able to experience an open outlook or receive much light from the north because of the dense planting on the boundary.

It is considered that the amount of outdoor amenity space provided for future residents would be reasonably proportionate to the size of the dwelling, and whilst it would be somewhat overshadowed by the trees on the southern side of the boundary, would be able to receive a sufficient amount of sunlight to be functional and provide a good level of amenity to future occupants.

The amount of internal floorspace in the dwelling as a whole and in the individual rooms is unknown but it is not anticipated there would be any difficulty in complying with the Nationally Described Space Standards.

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

4 – Impact on highway safety:

This site plan shows a driveway leading to a parking/turning area to the front of the proposed dwelling together with a bin presentation point at the site access and sight lines onto Stoney Bank Lane. It is likely that the development would have four or more bedrooms, in which case provision should normally be made for three cars to park. The indicative parking layout shows two cars but it is considered that there would be room for a third vehicle of standard size whilst still allowing space for cars to turn. It is however quite likely that the new dwelling would be designed with an integral garage.

A supporting technical statement has been submitted, which shows how the design has been informed by a speed survey. It is considered that it demonstrates that access visibility would be satisfactory for this location. Stoney Bank Road is considered to be capable of taking on the additional traffic generated by the new development. The implementation of the development as shown, with the sight lines and rebuilding of the wall, would ensure safe access for future occupants whilst not compromising the safety of other highway users.

Holme Valley NDP Policy 6(3) and 11(7) state that developments should have good access to public transport routes and encourage walking and cycling by enhancing, expanding and linking to existing routes. The site is about 450m from a bus stop with a twice-hourly service (until 3pm) and 650m from bus stops on New Mill Road which offer a greater choice. It is therefore considered that the aims of this policy are met.

A bin store and a collection point are shown on the drawings, which are considered suitable in terms of scale and layout.

The Highway Officer has recommended the following conditions:

1. Sightlines to be provided and boundary wall rebuilt to a height of 600mm to the rear of the sightlines;
2. The relevant areas being laid out and surfaced before the dwelling is occupied and thereafter retained (which should make use of permeable hardstanding unless arrangements are made to drain to a soakaway or sustainable drainage system in the interests of minimising the site's contribution to flood risk);
3. Gates or barriers, if required, to be set back at least 6m and hung so as only to open inwards.

The Highway Officer has subsequently confirmed that the 600mm height for the boundary wall (taken from the Sanderson's highway statement) is only a standard requirement for developments close to a school, and that 900mm will suffice. The development will be conditioned accordingly.

Subject to the above, it would thereby accord with the aims of Policies LP21, LP22 of the KLP and Holme Valley NPD 11.

5 – Other matters:

Climate change:

It is noted that no Climate Change Statement has been submitted with this application. The site is however considered to lie in a moderately sustainable location and as it is for outline permission, measures to limit carbon emissions associated with the development could be decided upon at a later stage, when the developer has a clear idea of the scale and external appearance of the development. As sustainability and climate change do not fall within the remit of reserved matters, it should however be conditioned at this stage so as to maintain planning control. Subject to this it would accord with the aims of NPPF Chapter 14, Policy LP24(d) and Policy 12 of the Holme Valley NDP.

Contaminated or unstable land:

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

Trees:

There are no mature trees within the site. There are trees just south of the southern side boundary but these are not considered valuable to public amenity. There is however one large deciduous mature tree on open land outside the western boundary which appears to overhang the site. This is not covered by a Tree Preservation Order but is considered to have sufficient amenity value that its retention should be secured if possible.

Based on the Arboricultural Officer's advice, it is recommended that a pre-commencement condition be imposed requiring a tree method statement so as to ensure that development can proceed without causing damage to its long-term viability (for example, as a result of the storage of materials or plant within its root zone). Subject to this the aims of LP33 would be supported.

Biodiversity:

The site is in the Bat Alert Layer but the site does not appear to contain any high-value habitat. The Kirklees Biodiversity Net Gain Technical Advice note advises that developers should not normally be asked to formally demonstrate a 10% BNG for minor developments, but enhancements to biodiversity should be incorporated into all new developments where reasonably practicable. It is considered that this issue should be resolved at the Reserved Matters stage along with scale, external appearance and landscaping. Subject to this it would accord with the aims of LP30 and Policy 13 of the Holme Valley NDP.

Drainage:

The site is not within an area known to be at risk from flooding. It is proposed that surface water will be disposed of by a soakaway. This is in principle supported as being one of the more sustainable methods. In applications for single dwellings, applicants are however not usually required to demonstrate adherence to the drainage hierarchy, notwithstanding the wording of LP28, as this is not considered proportionate, and it will therefore not be conditioned. The application form states that methods of foul drainage are unknown at this stage. Any use of non-mains drainage should be assessed by officers before being permitted. For the avoidance of doubt, to avoid the possibility of harm to amenity and the environment, details should therefore be conditioned.

Electric vehicle charging:

To accord with the aims of policy 24(d(v)) of the Kirklees Local Plan, to facilitate the use of low-impact means of transport, a single electric vehicle charge point should be installed in the garage or parking space.

6 – Representations:

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

1. The proposed dwelling is very close to my boundary. (My property is shown as Whitegates but the name was changed by previous owners 20+ years ago.) The short distance to my boundary of a substantial 4 bed house would affect the enjoyment of my property, in particular privacy and noise nuisance.

Response: The dwelling would be positioned 2m from the common boundary, which is considered acceptable for the reasons set out in sections 2 and 3 of the Assessment. The proposed dwelling is unlikely to give rise to levels of noise that would be atypical in a residential area. It is unlikely that any of the principal windows would overlook the southern boundary; if any windows face this neighbouring property then measures such as obscure glazing, high-level windows or additional screening can be implemented (and controlled by condition) if deemed appropriate.

2. The building work itself would also cause a nuisance in terms of noise, dust etc.

Response: In the event of unreasonable levels of noise, dust or other environmental issues occurring, these can be addressed as a statutory nuisance. The standard advisory note about construction hours will however be placed on the decision notice.

3. I fear that I might be liable for any damage caused to the house by my trees, including resulting from gales.

Response: This is judged to be a private civil matter and outside the scope of the planning system. As the trees in question are not deemed to be of high public amenity value, it would not be possible to substantiate a refusal on such grounds. Future occupants of the new property would, if they considered the boundary planting to affect their enjoyment of the property, be entitled to seek redress under High Hedge regulations.

4. Access to the road via another entrance may cause problems.

Response: The applicant has supplied a statement which, it is considered, demonstrates that the visibility is adequate. The provision of the access and sight lines, and their subsequent retention, will be conditioned.

5. The lane is busier with the erection of new buildings. Traffic will increase once Kirkbridge Lane reopens.

Response: The level of traffic carried by Stoney Bank Lane, which is adopted but non-classified, may vary from one year to another and increase with time, but given the lack of objection by the Highway Officer, and the case officer's own observations having carried out other site visits on Stoney Bank Lane over many years, it is considered that it would not be possible to justify refusal on such grounds.

Home Valley Parish Council comments – Support with some concern for proximity to listed building and highways safety.

Response: Noted. The nearest Listed Building, known as Stoney Bank Cottage and Barn, is 36m from the site boundary at its closest point. Whilst there might be a mutual line of sight between this and the proposed dwelling, it would be interrupted by hedges and trees, and it is considered that the two would not be seen in the same context. It is therefore considered that there would be no impact upon its setting. Highway safety issues have been examined above.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended that conditional outline approval can be granted.

Recommendation – CONDITIONAL OUTLINE PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2023/93302

Officer Recommendation: CONDITIONAL OUTLINE PERMISSION

Conditions and Reasons

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

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

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

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

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

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

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

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

5. Before any new dwelling is first brought into use, the areas within the site indicated to be used for the parking and turning of vehicles on the approved site plan, and for the storage and collection of wastes, shall be laid out with a hardened and drained surface. New hard surfacing shall be formed in accordance with the Communities and Local Government, and Environment Agency's, 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded, unless satisfactory arrangements have been made to direct surface water to a soakaway or sustainable urban drainage system within the curtilage. These shall thereafter be retained as such, kept clear of obstructions and available for the uses shown on the site plan.

Reason: To achieve a satisfactory layout in the interests of highway safety, to ensure that the development does not contribute to flood risk arising from

increased water run-off, and to accord with the aims of Policies LP21-22 and Policy LP28 of the Kirklees Local Plan, Policy 11 of the Holme Valley NDP and Chapter 14 of the National Planning Policy Framework.

6. Before the construction of the new dwelling commences, the sightlines of 2.4m x 27m north and 2.4 x site frontage south as shown on Sandersons plan number 156273-001 shall be cleared of all obstructions to visibility above the height of the carriageway and the boundary wall rebuilt to the rear of the sight lines to a maximum height of 900mm above the height of the carriageway. The sight lines shall be retained as such, free of any such obstruction.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order with or without modification) any gates or barriers for or over the vehicular access / egress shall be set back a minimum of 6m from the carriageway edge of Stoney Bank Lane and shall be hung so as to open inwards and not towards the carriageway. So long as such gates or barriers are in position, they shall be retained to only open inwards.

Reason: To prevent the development giving rise to obstruction to the public highway in the interests of highway safety and to accord with the aims of Policy LP21 of the Kirklees Local Plan and Policy 11 of the Holme Valley NDP.

8. One electric vehicle recharging point shall be installed within the dedicated garage or parking area of the hereby approved dwelling before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In accordance with the aims of Policy 24(d & v) of the Kirklees Local Plan, Policy 12 of the Holme Valley NDP, and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on carbon emissions.

9. Before development commences, other than access works required by condition (6) above, details shall be submitted to and approved in writing by the Local Planning Authority of measures to reduce carbon emissions associated with the development. The approved measures shall be incorporated into the development before it is first occupied, and thereafter retained.

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

10. Before development commences, a Tree Method Statement shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the development will avoid causing harm to the health or vitality of the mature tree located to the west of the site and overhanging it. Development shall proceed at all times in full accordance with the approved Method Statement.

Reason: This information is required pre-commencement to ensure that trees deemed valuable to amenity are not harmed during development, in accordance with the aims of Policy LP33 of the Kirklees Local Plan.

11. If methods other than mains drainage are proposed for the disposal of foul sewage, then before development commences, other than access works required by condition (6) above, details shall be submitted and approved in writing by the Local Planning Authority of the methods of disposal of foul drainage from the site. The approved scheme shall be installed before the new dwelling is first occupied and thereafter retained.

Reason: This information is required pre-commencement to ensure that the development does not give rise to pollution of the environment or harm to human health and to accord with the aims of Policy LP24(b) and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Footnote – Works within the highway

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Construction Site Working Times – Footnote

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

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

With no noisy activities on Sundays or Public Holidays.

Construction Sites working times – Footnote

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notices

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			06-Nov-2023
Location plan	LP01		06-Nov-2023
Proposed site / block layout	2022/057/08		06-Nov-2023
Design and access statement			06-Nov-2023
Technical note – access visibility	156273-001-04		06-Nov-2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer did not undertake negotiations with the applicant as no amended or additional plans were deemed necessary.

Report Dated: 25-January-2024