

**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:	2024/62/90616/W
Site Address:	land between, Bradshaw Road and Honey Head Lane, Honley, Holmfirth, HD9 6EE
Description:	Erection of two detached dwellings
Recommending Officer:	Katie Chew

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 10th September 2024

Officer Report

Site Description

Land between, Bradshaw Road and Honey Head Lane, Honley, Holmfirth, HD9 6EE

The application site relates to 2 small portions of land which are currently separated by boundary treatments. The first portion of land is located between nos. 75 & 79 Bradshaw Road, the second portion is located to the rear of nos. 44 & 46 Honey Head Lane. Both pieces of land are overgrown and somewhat unkempt.

The application site is surrounded by residential dwellings in all directions.

The site is not located within a Conservation Area and there are no Listed Buildings in close proximity.

Description of Proposal

The application seeks planning permission for the erection of two detached dwellings.

Plot 1 is to be accessed from Bradshaw Road and relates to a two-storey (with living accommodation in the roofspace) detached dwelling, comprising of 3 bedrooms, dressing room, 2 en-suites, family bathroom, study, snug area, W.C and open plan kitchen/dining/living area. The dwelling benefits from garden/amenity spaces to the front and rear. Parking is to be provided for 2 vehicles on the driveway to the front of the property.

Plot 2 will take its access from an existing turning head associated with the Honey Head Lane development and relates to a single storey (with living accommodation in the roof space) detached dwelling, comprising of 3 bedrooms, dressing areas, 3 en-suites, study, W.C, open plan kitchen/dining/living area, utility and integral single garage. The dwelling benefits from garden/amenity spaces to the sides and rear. Parking is to be provided for 2 vehicles both on the driveway to the front of the property and within the integral garage.

Materials proposed to be used within the proposed dwellings are to include pitched faced stone and artificial stone slate roof tiles.

History of negotiations/amendments received

Amendments have been sought in respect of the overall scale, size and design of Plots 1 and 2 due to Officer concerns in respect of visual and residential amenity. Further information was also requested in respect of land ownership and the 'access' which previously ran through the application site.

Discussions were also undertaken in relation to access through the site, and fact there is a Definitive Map Modification Order (DMMO) claim lodged with the Council's Public Rights of Way Team.

Relevant Planning History

Planning Enforcement

COMP/09/0370 – Untidy Land.

Representations

Final publicity date expires:

Neighbour Letters – Expired 18th July 2024.

A total of 12 representations have been received, although it is noted that 3 of these are from the same objector/commenter and thus there is a total of 10 representations from separate individuals received, these are summarised within this following section of the report.

10 objections have been received; comments are summarised below.

- Concerned that the proposed dwellings would block sunlight into adjacent residential amenity areas and habitable rooms.

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

- The house design would not be in keeping with the area.

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

- The application site is currently used as a through way that many children use from Honey Head Lane to safely get to the bus stop opposite 75 Bradshaw Road.

Officer note: Noted. A DMMO application is currently lodged with the Council's Public Rights of Way Team. This matter is discussed in more depth in the following report.

- Concerns in respect of overlooking and loss of privacy.

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

- The proposed dwellings would block views from neighbouring dwellings.

Officer note: Noted. Impact upon outlook is addressed within the residential amenity section of this report.

- Concerns in respect of parking, access and turning for existing dwellings and delivery/courier vehicles.

Officer note: Noted. The Council's Highways team have been formally consulted, their comments can be viewed under the consultation responses and highway safety sections of this report.

2 general comments have also been received; these are summarised below.

- The land is subject to flooding when it rains heavily over a short period due to the lack of drains. If the application succeeds there must be adequate drainage to cope with this.

Officer note: Noted. This is addressed further in the drainage section of the assessment.

- The land between nos. 40/42 and 44 is not mentioned within the application. Are there any issues related to land ownership/use of the land?

Officer note: Noted. Officers have discussed landownership with the applicant/applicant's agent, and they have confirmed that the correct certificates have been signed and that the applicant owns all of the land. In terms of use, no specific use has been shown for this portion of land and therefore it is assumed that this will be left as is.

- Might future owners of the bungalow to the rear request rear access and how might this be viewed by planning?

Officer note: Noted. The LPA cannot pre-empt what may or not come forward in the future, however, should claims for right of access / way be made these would be either separate civil claims which would be a legal matter between the respective land owners. In the case of the DMMO claim which is lodged, this is a separate claim which follows a legislative process via the Council's Rights of Way Team. In either event, the granting of planning permission would not override separate legal claims.

Officer note: We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above.

Consultation Responses

Yorkshire Water – Comments received 2nd September 2024. No objections subject to conditions relating to developing the site with separate systems of drainage for foul and surface water on and off site and no piped discharge of surface water prior to the completion of surface water drainage works.

Yorkshire Water also note that there is a small diameter public combined sewer recorded to cross the site, and that it is essential that the presence of this infrastructure is taken into account. It therefore may not be acceptable to raise or lower ground levels over the sewer and YW will not accept any inspection chambers on the sewer to be built over. This matter is controlled by Requirement H4 of the Building Regulations 2010. A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

Furthermore, the developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy, and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer at a restricted rate not to exceed 3.5 litres per second.

Officer note: The above proposed conditions are discussed in more detail within the drainage section of this report.

KC Highways Development Management – Comments received 8th August 2024. No objections subject to conditions and informatives relating to the surfacing and drainage of vehicle parking areas, the carrying out of works within the highway, bin storage and collection points, submission of a schedule of the means of access for construction traffic, provision of turning facilities, submission of arrangements and specification for the layout of parking and visitor parking and access.

KC Public Rights of Way – Comments received 16th July 2024. PROW Officers note:

'... I can advise that an application pack to record a route has been sent out, as yet we have not received an application. If the application is received, this will be digitised and show on Kompass and the Council website. Any future searches for house sales would then show the route. We try and explain to developers this situation and the developer would then be building at a risk'.

Officer note: Following receipt of the above comments, Officers were contacted via email on the 15th August 2024 from the PROW team to confirm that a Definitive Map Modification Order (DMMO) has been received by the Council on Monday 12 August 2024. The claim is to record a bridleway for pedestrians and cyclists which starts from the unadopted part of Honey Head

Lane adjacent to No.20 and continues to join Bradshaw Road between No.75 and No.79. This has now been digitised and it will now appear as a DMMO claim on the Council's online map of public rights of way [Search for public rights of way | Kirklees Council](#).

Officer note: Following further discussions with the Public Rights of Way team, it was advised that should the LPA be minded to determine the application and grant planning permission, a footnote should be included which relates to the above definitive map modification order (DMMO), within any consent decision letter. However, PROW Officers highlight that the DMMO application has not yet been determined by the Council and PROW Officers have not yet drawn any conclusion on whether public rights have been shown to subsist.

The Public Rights of Way Team verbally confirmed that they do not object to the proposed development.

Parish/Town Council

Holme Valley Parish Council – Defer to Kirklees Officers but are in favour of the development of this land.

Local Ward Members

Councillor Greaves – Contacted Officers via email querying the closing of the link footpath leading from Honey Head Lane to Bradshaw Road through the application site. Councillor Greaves requested Public Rights of Way Officers to look into what rights of way exist and whether this land was properly secured for public access and use when the Honey Head Lane estate was developed. Councillor Greaves also requested that the application be brought to District Wide Planning Committee should Officers recommend approval of the scheme as submitted. His reasons were as follows:

“The purpose and benefit of the open area to the side of 44 Honley Head Lane.

The loss of the link footway from the estate onto Bradshaw Road – and how it could be retained. The issues surrounding the alterations, amendments and repeat approvals for this estate. I would also like a site visit to Bradshaw Road and onto Honey Head Lane so the issues can be seen in context”.

Officer note: Councillor Greaves request was taken to Chair of the Committee on the 5th September 2024. After discussing this request with Chair they set out that they consider it appropriate this application is determined following the delegated procedure and the application is not required to be determined by Committee in this case. The reasons for this are that, at present, whilst there is a claim for the linked access to become a bridleway, the Council's Public Right of Way (PROW) officers are currently awaiting the submission of further evidence to ascertain whether this route has been regularly utilised as an access, and whether or not it should be claimed as a footway or a bridleway. Therefore, whilst the claim has been

made and it has not been confirmed that this is a formal right of way and is a process outside the remit of the planning system. Further to the above, no objections have been received from our consultees, in particular our PROW officer and Highways Team. On balance, the application is considered acceptable and whilst the history of a site is relevant to the consideration of a planning application, all sites must be considered on their individual merits.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is located within the Holme Valley Neighbourhood Area.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and Low Carbon Energy
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- National Design Guide
- Nationally Described Space Standards
- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- 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) updated 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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: Building Homes for the Future – Sets out certain requirements for building residential development in the Holme Valley.
- Policy 11: Improving Transport, Accessibility and Local Infrastructure – *“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”*.
- Policy 12: Promoting Sustainability – *“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”*.

- Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain – “*All development proposals should demonstrate how biodiversity will be protected and enhanced*”.

It is important to note that the application site is within Landscape Character Area 6, this being ‘Honley Village Centre’. Key landscape characteristics are:

- Wooded valleys associated with Mag Brook and Magdale.
- Glimpsed views of a wider rural backdrop are often framed by built form. The sloping topography creates a strong connection between the centre of Honley and the wider agricultural setting with strong visual links up to Oldfield. The area affords long distance views to Castle Hill.
- Stone wall field boundary treatments
- A network of Public Rights of Way (PRoW) follows the routes of local lanes or field boundaries with some giving access to Mag Brook and Honley Wood Bottom.

Key built characteristics of the area are:

- Honley’s historic core is dominated by 18th and 19th century stone dwellings with distinctive yards or folds.
- The south-west of Honley has more eclectic architecture with largely 20th century residential properties in cul-de-sacs. These are generally in-keeping with the historic townscape due to scale and use of traditional materials.
- Weaver’s cottages with rows of mullioned windows are found throughout area.
- Former mill buildings associated with Mag Brook have been redeveloped for commercial or residential use and form local heritage features.

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

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

1 – Principle of Development

1.1 - Sustainable Development

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

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

1.2 – Housing Delivery/Density

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

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the Officer’s assessment.

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

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

- Densities making best and efficient use of land and reflecting settlement character.

The site is within the existing settlement of Holmfirth and is not within the Green Belt. The site also has good access to public transport with bus services on Bradshaw Road running into Holmfirth.

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

As the application site measures 1231sqm it is deemed that the site would need to provide 3/4 dwellings to meet the density figures. However, given the nature of the site and the general context of the area it is considered reasonable that 2 dwellings are proposed. A greater density of development would likely impact in terms of other constraints of the site given (amongst other things) the size / shape of the plot and proximity of neighbouring properties.

In terms of parking being adequate, this is discussed in the highways safety section of this report.

In this case, the application site is on land without notation within the Kirklees Local Plan and would contribute to the housing supply in the district at a time when the Council is currently unable to demonstrate a five-year housing supply. The principle is therefore considered to be acceptable, subject to an acceptable assessment of the proposals against all other material planning considerations, including design, visual and residential amenity, as well as highway safety (amongst other matters).

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

2 – Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states:

“The creation of high-quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

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

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

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

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of the development in the local area, thus retaining a sense of local identity.

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

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

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), Honley Village Centre (LCA6).

Policy 2 of the HVNDP states that *"proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings"* and [proposals] *"should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets..."*.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that:

"New residential development proposals will be expected to respect and enhance the local character of the area by:

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Regarding the layout and siting of the proposed dwellings, 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 application site is surrounded by dwellings in all directions, with dwellings typically comprising of two-storey detached and semi-detached dwellings. Materials of construction include differing types of stone with a mixture of roof slates which are typically grey in colour.

In this instance Plot 1 is to face out towards Bradshaw Road and would be set back slightly from adjacent property no. 79 Bradshaw Road, and in line with no. 75 Bradshaw Road to the north. Officers therefore consider this element of the scheme to accord with Principle 5 of the above SPD. In terms of Plot 2, this dwelling is to be located centrally within the site, sat between residential properties in all directions, given this location this dwelling would be unable to follow or provide a coherent building line however, the property is orientated to face towards the access road and is stepped back from Honey Head Lane and therefore this property is considered to accord with Principle 5 of the above SPD.

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.

In this instance Plot 1 is to be a two-storey dwelling which benefits from a pitched roof with a gabled frontage and Plot 2 is to be a single storey dwelling and have a hipped roof with a gable frontage. Within the surrounding area, there are a mixture of roof types and designs, with the majority being pitched or hipped. Gabled frontages can be found within the Honey Head Lane estate and within dwellings located on Bradshaw Avenue, adjacent to Plot 1. In terms of the scale and size of properties in the area, this varies throughout, but in the immediate vicinity there are typically single and two-storey dwellings. Given the above, Officers conclude that the proposed dwellings would be sympathetic to, and reflective of the surrounding area and therefore would accord with Principle 15 of the above SPD on this occasion.

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

The proposed windows and doors on this occasion appear to be of a traditional and simple appearance with stone heads and sills provided, and

although there are some larger panels of glazing included within the properties, these are not considered to overpower or detract from the properties overall design and reflects the local character in style. Officers therefore consider these elements to be acceptable, and to accord with Principle 14 of the above SPD.

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

In respect to materials, the proposed dwellings are to be constructed from pitched faced stone with artificial stone slate roof tiles. As stone is prominent in the area, in a mixture of designs, it is considered that this type of stone may be acceptable in this location. In addition, the artificial stone slate roof tiles may be appropriate subject to their colour and finish. It is therefore considered reasonable that should planning permission be granted a condition be attached requiring the applicant to submit samples to the Council for assessment prior to their installation. This is in the interests of visual amenity and to ensure the scheme would provide a sympathetic palette of materials.

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 the 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 respect of Plot 1, it is noted that a separation of around 2.1m can be provided to front of the property to the north, but that due to the boundary of the site tapering towards the rear of Plot 1, this does reduce down to around 1.1m. To the south, a separation distance of just 0.61m is provided, whilst this wouldn't meet with the recommendations of Principle 6, Officers consider these types of relationships between dwellings to not be uncommon within the area, and that both Plot 1 and no. 79 Bradshaw Road to the south would be separated by the proposed parking area and therefore would not be located directly adjacent to one another. Furthermore, to the north, the land to the south of no. 75 Bradshaw Road relates to driveway leading to the detached garage and therefore it is considered on balance, that the proposed separation distances are acceptable on this occasion. Looking at Plot 2 a 2m separation distance would be provided from the side wall of the dwelling to any shared boundaries, and therefore this property accords with Principle 6 of the above SPD. However, Officers do note that should any further development occur on the site in respect of extensions/additions to the property, or the provision of outbuildings, this could lead to overdevelopment of the site, resulting in a cramped appearance which would significantly impact on the visual amenity

of the area. It is therefore considered reasonable to remove permitted development rights on this occasion.

In terms of amenity areas, Principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. The proposals in this instance would provide garden/amenity space to the front and rear for Plot 1 and to the sides and rear for Plot 2. The amount of garden space to be provided is deemed to be acceptable in relation to the scale and size of the proposed dwellings. In addition, given the orientation of the dwellings, it is considered that their amenity areas will benefit from direct sunlight throughout the day.

It is noted there is potential that amendment to the scheme may be required in relation to plot1 (and potential loss of some amenity space for plot 2) were the DMMO application to be successful. It is considered that a suitable level of amenity space would be able to remain were this to be the case although should any further development be undertaken on the plots in the future, this could impact upon amenity space provision for the occupiers. Therefore it is considered reasonable to remove permitted development rights in relation to extensions and outbuildings. It is therefore considered that subject to the proposed condition, the proposed amenity spaces would meet the requirements of Principle 17 of the Housebuilders Design Guide SPD.

To ensure the impact of the boundary treatments is acceptable, visually, it is recommended a condition requiring submission (and written approval by the LPA) of a scheme of boundary treatments is included upon any grant of planning permission.

In conclusion, and subject to conditions, the proposed dwellings are considered to be of an acceptable size, scale and design in this location, and that they would not appear out of character or overly dominant within the general context of the area. On this basis, the proposals are deemed to accord with the requirements of Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, Principles 2, 5, 6, 13, 14, 15 and 17 of the Housebuilders Design Guide SPD and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

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.

Policy 2 of the Holme Valley Neighbourhood Development Plan also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers.

Principle 6 of the House Builders 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.

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

Impact on no. 79 Bradshaw Road

This neighbouring property is located to the south of proposed plot number 1, approximately 3.4m away, and to the north-west of proposed plot 2, approximately 15.1m away.

Given the dwellings location/orientation to the south of Plot 1, Officers have no concerns in respect of overshadowing or the loss of light. Furthermore, as no windows are proposed within the southern elevation of Plot 1, there are also no concerns with overlooking or the loss of privacy.

In terms of Plot 2, this is to be located to the rear of no. 79. Whilst it is noted that 1 window is proposed within the western elevation of the dwelling, this relates to an en-suite (non-habitable room), which would be screened by the existing outbuilding at no. 79. Officers therefore consider this window to not result in any direct overlooking of this adjacent neighbouring property on this occasion. As Plot 2 is to be single storey in height, stepped approximately 2.2m away from the shared boundary of no. 79, and again would be partially screened by the existing outbuilding, viewed amongst the existing two-storey properties located on Honey Head Lane, Officers do not consider the proposed dwelling to appear overbearing or overly dominant in nature. Finally, whilst there may be some overshadowing of the rear garden area of no. 79 in the morning, this would not be for a prolonged period of the day and would not shadow the whole of the rear amenity space of no. 79 or impact on any habitable room windows.

Impact on nos. 81 & 83 Bradshaw Road

These neighbouring properties are located to the west/south-west of proposed plot 2, approximately 15+ metres away. Whilst 1 window is proposed within the western elevation of the dwelling, this relates to an en-suite (non-habitable room), which would be screened by the existing outbuilding at no. 79 and would be at an angle whereby this window would not be considered to result in any direct overlooking of this adjacent neighbouring property on this occasion. Furthermore, given the large separation distances and that the proposed dwelling is to be single storey in height, viewed against existing two-storey properties located on the Honey Head estate, Officers do not consider

the proposals to appear overbearing or overly dominate in this location. Finally, whilst there may be some overshadowing in the early morning across the rear garden area of no. 81, this would be for a short period of time and would not impact significantly on their outdoor amenity space, Officers therefore consider this to be negligible.

Impact on no. 75 Bradshaw Road

This neighbouring property is located to the north of proposed plots 1 and 2. Plot 1 is to be located approximately 5.8m away from this neighbouring dwelling. As no windows are proposed within the northern elevation of Plot 1, Officers have no concerns in respect of overlooking or loss of privacy. Whilst it is acknowledged that there would be some overshadowing throughout the afternoon/early evening, this would not be for a prolonged period of time and would not impact on any useable outdoor amenity space, falling across the driveway of the property and on the southern gable elevation. Although windows are included within the southern gable elevation of no. 75, many of these windows relate to non-habitable rooms or are accompanied by additional windows into those rooms, therefore Officers have no concerns in regard to overshadowing or the loss of light. Finally in terms of the proposals appearing overbearing, the property is to be located around 5m away and although Officers note that the proposed dwelling would be set at a slightly higher ridge line than no. 75 however this reflects the existing stepped appearance of properties located on Bradshaw Road, given the sloped topography of the area and therefore the proposed dwelling would not appear overbearing or out of character for the area.

Plot 2 is to be located approximately 5m away from the rear garden of no. 75. Whilst it is acknowledged that windows are proposed within the northern elevation of Plot 2, these windows would be obscured at ground level by existing boundary treatments, and at first floor level the dormer window would look out and over the garden area rather than directly into it. Officers therefore have no concerns in respect of overlooking or the loss of privacy on this occasion. Furthermore, the proposed dwelling is to be single storey in height with accommodation provided within the roof space, this dwelling would be viewed amongst existing two-storey properties and therefore would not appear overly dominant. Finally in terms of overshadowing, given the sites southern location to no. 75, there would be some overshadowing throughout the day however, the majority of this shadowing would fall across the sites own garden area and the detached garage of no. 75. It would impact just a small portion of no. 75's rear amenity space and would not be for a prolonged period of the day.

Impact on no. 52 & 54 Honey Head Lane

These neighbouring properties are located to the south of proposed plot 2, approximately 14.5 + metres away. Whilst it is acknowledged that the proposed dwelling would include habitable room windows within the front elevation facing towards no. 54, these windows are not considered to have any direct views into habitable room windows at no. 54 due to their location

within the property at ground floor level, and the orientation of these windows to habitable windows within no. 54. Given nos. 52 & 54's location and orientation to the south, and that the property is to be single storey in height, Officers have no concerns in respect of overshadowing or that the property would appear overbearing or overly dominant in this location.

Impact on no. 44 & 46 Honey Head Lane

These neighbouring properties are located to the east of proposed plot 2, approximately 9 + metres away (to the single storey rear extensions on these dwellings). Given the large separation distances and that the proposed dwelling is to be single storey in height, viewed against existing two-storey properties located on Bradshaw Road, Officers do not consider the proposals to appear overbearing or overly dominate in this location. Furthermore, whilst there may be some overshadowing in the late afternoon/evening, this would not be for a prolonged period of day, or impact on any habitable room windows of the above properties, or a significant portion of their rear outdoor amenity areas. Whilst it is acknowledged that 3 large windows are to be installed within the eastern elevation of Plot 2, much of these windows will be blocked by the existing boundary treatments and therefore Officers have no concerns in respect to overlooking or the loss of privacy on this occasion.

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

Given the nature of the dwellings and their relationship with adjacent neighbouring properties, it is considered reasonable and necessary to remove permitted development rights for certain extensions/additions and outbuildings within the submitted red line boundary, this is to avoid any future loss of privacy/overbearing impact or loss of light/overshadowing on adjacent residential dwellings. However, it is noted that there are additional reasons in respect of visual amenity and overdevelopment of the site, and loss of amenity space for future occupiers which have been discussed within other sections of this report. This would be in accordance with LP24 of the Kirklees

Local Plan and Principles enshrined within the Housebuilders Design Guide SPD.

In conclusion, taking the above into account, it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also in accordance with Principles 6 and 16 of the Housebuilders Design Guide SPD and Policy 2 of the Holme Valley Neighbourhood Development Plan.

4 - Impact on Highway Safety:

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

Policy 11 of the Holme Valley Neighbourhood Development Plan states that new development should provide off-street parking provision in line with the Kirklees Local Plan Policy LP22 and the Council's latest guidance on highways design.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

Given the nature of the proposals the Council's Highways team were consulted, they note that this application is for the erection of two detached dwellings within the curtilage of an existing dwelling fronting on to C575 Bradshaw Road. Plot 1 is to front on Bradshaw Road and is approximately 40m from stops on a low frequency bus route (206m to stops on a med frequency route) and approximately 320m to the closest convenience store, 785m to other shops and services in Honley and approximately 750m to the closest school.

Plot 1 is to be accessed directly off C575 Bradshaw Road and may require a dropped kerb crossing along the full frontage of the site to allow access to the parking places. This will need to be done within a s184 agreement with the council as Local Highway Authority.

Drawing No (20)003 Rev C shows that the car parking will be directly off C575 Bradshaw Road and will require the use of reversing to park due to the lack of turning space on site. Usually with a new development accessed from a classified road Highway Officers would request that on-site turning is included so vehicles can enter and exit the site in forward gear for road safety reasons. However, there is evidence that neighbouring properties have off-street parking without turning space and as such the principle of “reverse to park” has been established in the immediate area and it is not considered a reason for refusal could be substantiated in this case on that basis .

No visibility splays were provided for the proposed parking access, however Officers consider that adequate splays can just be provided. The site previously operated as a vehicular access to the garage of the property, and it is not expected that the use of the access to be intensified with one dwelling on the same site. A check with the collisions database indicates that there have been no collisions recorded in the vicinity of the access over the past 5 years and as such it is considered that the access is operating safely.

Drawing No (20)001 Rev B shows that the proposed dwelling at Plot 1 will have 3-bedrooms and local standards require that a dwelling of this size should have 2 off-street parking spaces. These are shown on drawing No (20)003 Rev C and are considered to be acceptable.

An additional access and parking are shown on drawing No (20)003 Rev C for the existing dwelling, however this appears to be close up to a street lighting column and bus stop. This new access would need a dropped kerb crossing which would be done within a s184 agreement. If sufficient width cannot be obtained to access the site, then the lighting column may need to be moved, and this would need to be done in conjunction with the Kirklees Street Lighting team. Further details of the new existing dwelling access will need to be provided to show that there is sufficient space between the lighting column and the edge of the dwelling to form a safe access. This is recommended to be secured via condition.

The second plot (Plot 2) is to be accessed via a shared private driveway off Honey Head Lane. The current adoption of Honey Head Lane extends up to a point just past No 20, with the remainder between No 20 and No 48 currently private but with an expected intention to adopt. Plot 2 is approximately 410m to stops on a low frequency bus route, approximately 840m to the closest convenience store, 1.3km to other shops and services in Honley and 1.2km to the closest school. This is beyond acceptable guidance distances for walking journeys and so the site is viewed as being low sustainability and Highway Officers expect most journeys to be car based because of this.

Drawing No (20)003 Rev C shows that the access to plot 2 will be via a private driveway from a currently unadopted section of Honey Head Lane.

The dwelling at plot 2 is shown to have 3 bedrooms on drawing (20)002 Rev C and local standards demand that a dwelling of this size should have 2 off street parking spaces. Drawing No (20)003 Rev C shows 2 driveway parking

spaces and there is an internal garage shown on drawing (20)002 Rev C with internal measurements of 3m x 6m. The garage internal dimensions are considered to be suitable to function as a single parking space.

The current layout of the private driveway shows a visitor parking space parallel to the road opposite the existing houses (52 and 54 Honey Head Lane). This appears to be removed on drawing (20)003 Rev C. As the development requires 2 off-street parking spaces then Highway Officers seek one of the driveway parking spaces designated as a visitor parking space available to all three dwellings. This is recommended to be secured via a condition.

The current layout of the private driveway also indicates a turning head for the use of the existing dwellings (52 and 54 Honey Head Lane), this appears to be maintained on drawing No (20)003 Rev C and is shared with the access to the internal garage for the dwelling at Plot 2. Highway Officers require the turning head clearly identified on a drawing so that its use can be protected and recommend this be secured by condition.

Highway Officers also require a Construction Access Management Plan (CAMP) due to the limited access on C575 Bradshaw Road to plot 1 and the narrow private driveway access to plot 2. The CAMP will be required to indicate the routes to be taken by construction and delivery traffic into the site, details of delivery and contractors vehicles parking on site, details of site welfare facilities and materials storage and details of wheel washing facilities to avoid mud or debris from being dragged on to the road for highway safety reasons. This can be secured via condition.

No details have been provided relating to the storage and collection of waste at the site, this should be clearly indicated on a drawing and include a bin collection presentation point that is located where the collection team can access the bin and where it won't obscure the adopted highway or footway for highway safety reasons. This can be secured via condition.

Taking the above assessment into account, it is concluded that subject to conditions, the scheme would not have a significant impact in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Policy 11 of the HVNDP, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

5 - Other Matters:

Biodiversity

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

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

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

Whilst it is acknowledged that the application site is not located within a Bat Alert Area, it is considered reasonable to include a condition which requires the installation of bat boxes integral to both of the new dwellings during construction works in order to provide a biodiversity net gain on site.

Taking the above into account, subject to the recommended condition, the proposals are considered to accord with Principle 9 of the Housebuilders Design Guide, Policy 13 of the HVNDP, Chapter 15 of the National Planning Policy Framework and LP30 of the Kirklees Local Plan.

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 proposal was received prior to April 2024 and is therefore considered to benefit from the 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.

DMMO – between Bradshaw Road and Honey Head Lane

Officers acknowledge that at present there is a claim for an access between Honey Head Lane and Bradshaw Road to become a bridleway, the Council's Public Right of Way (PROW) officers are currently awaiting the submission of further evidence to ascertain whether this route has been regularly utilised as an access, and whether or not it should be claimed as a footway or a bridleway / whether there is merit to the claim.

Therefore, whilst the claim has been made and is digitised, it has not been confirmed that this is a formal right of way and is going through a process outside the remit of the planning system. Furthermore, no objections for the proposed development have been received from the Council's Highways and Public Rights of Way team.

Should the claim be accepted, the onus will be on the developer/landowner to ensure that a linked footway can be provided across the site. This may result in revisions to the scale, size and location of the building of Plot 1 and affect the level of amenity space provision to plot 2 to allow the footway/bridleway to be provided. The applicant and applicant's agents have been made aware of the situation and an informative will be attached outlining the above, should planning permission be granted.

This application is assessed on the basis there is potential a redesign of plot 1 may be required at a later date, and that the amenity space provision for plot 2 may not be as much as that set out in the submitted plans. It is considered that it would be unreasonable to withhold planning permission to await the outcome of the DMMO claim in this instance on the basis that an informative note is put in place upon any grant of permission making the developer / applicant aware of the potential for a DMMO to be successful.

The resultant impact upon amenity space for plot 2 is considered in the assessment of this proposal. The resultant impact upon plot 1 would most likely require a level of redesign of the plot, the applicant is aware of this and any subsequent development of this plot would be undertaken at the applicants own risk.

Subject to inclusion of the recommended informative, it is considered there is no reason the LPA should withhold planning permission in relation to this matter.

Drainage

Local Plan Policies LP24 and LP28 are relevant to drainage, as is Chapter 14 of the NPPF.

Given the close relationship between the proposed Plot 1 and a Yorkshire Water sewer (which runs to the south of the proposed dwelling), Yorkshire Water were consulted on the proposals.

Yorkshire Water have confirmed that they have no objections to the scheme as proposed and recommend conditions relating to developing the site with separate systems of drainage for foul and surface water on and off site and no piped discharge of surface water prior to the completion of surface water drainage works. They do also note that it is essential that the presence of the small diameter public combined sewer which is recorded to cross the site is taken into account within the design of the scheme and that it may not be acceptable to raise or lower ground levels over the sewer, and no inspection chambers on the sewer will be allowed to be built over. A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

In addition, they note that the developer is proposing to discharge surface water to public sewer. Yorkshire Water promote the surface water disposal hierarchy, and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for

rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer.

Whilst Officers acknowledge the above information, it is noted that these elements of the scheme would be dealt with under the requirements of building control, and the proposals are not considered to be of such a scale of development that it would be reasonable for the LPA to require submission of a scheme of drainage arrangements relating to the site in this case.

Given the response of Yorkshire Water, and the requirements of building regulations, the proposal is considered to be acceptable having regard to drainage.

Permitted Development Rights

Given, the size of the dwellings on the plot and their relationship with surrounding residential properties it is considered necessary to remove permitted development rights for extensions, outbuildings and alterations to the roof (dormer windows) within the properties to avoid any future loss of residential amenity and to ensure that the dwellings can provide sufficient outdoor amenity space for future occupiers, as well as not resulting in overdevelopment or detracting from the character and appearance of the streetscene. This would be in accordance with Policies LP1, LP2, LP11 and LP24 of the Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 6,15 and 17 of the Housebuilders Design Guide SPD.

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.

LP26 of the Kirklees Local Plan relates to renewable and low carbon energy, stating that renewable and low carbon energy proposals (excluding wind) will be supported, and planning permission granted where the following criteria are met:

a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;

- b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;
- c. the statutory protection of any area would not be compromised by the development;
- d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;
- e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits.

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.

The application is supported by a Climate Change Statement which outlines that materials are to be sourced from local trades and any brick on the external face that is to be covered by the build should be reused. There shall be Low output LED lighting, 100mm high performance Kingspan Insulation in the walls and Low E glazing. Solar panels are also proposed to be installed and grey water systems are to be used in sinks to toilet water. In addition to this, as a minimum the proposed dwellings would be constructed to the latest building control standards which would include efficient heating and thermal elements within the building.

Taking the above into account, the proposed development is therefore considered to comply with Policy LP26 of the Kirklees Local Plan, Chapter 14 of the National Planning Policy Framework, Policy 12 of the Holme Valley Neighbourhood Development Plan and Principle 18 of the Housebuilders Design Guide SPD.

There are no other matters for consideration.

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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve subject to conditions.

Decision Authorisation - Delegated Powers

Application Number: 2024/90616

Officer Recommendation: Approve with Conditions.

Conditions and Reasons:

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

Reason: Pursuant to the requirements of 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP26, LP28, LP30, LP51 and LP52 of the Kirklees Local Plan, Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD, Chapters 2, 4, 5, 9, 11, 12, 14, and 15 of the National Planning Policy Framework and Policies 1, 2, 6, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan.

3. Notwithstanding the details shown on the submitted plans, no works above foundation level shall take place until a scheme detailing arrangements and specification for layout of the access and parking provision for no. 79 Bradshaw Road have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of whether there is a requirement for the relocation of the existing street lighting column (unit No 136108) and details of its relocation if so, as well as a swept path analysis to indicate that safe ingress and egress of vehicles to the parking spaces can be made. No part of the development hereby approved shall be brought into use until the scheme has been completed in accordance with the approved details which shall be retained thereafter.

Reason: To ensure that a suitable access and layout is agreed at an appropriate stage of the development in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapter 9 of the National Planning Policy Framework.

4. Notwithstanding the details shown on the submitted plans, no works above foundation level shall take place until a scheme detailing arrangements and specification for the layout of parking and visitor parking for plot 2 and the existing dwellings at No 52 and 54 Honey Head Lane has been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be brought into use until the scheme has been completed in accordance with the approved details which shall be retained thereafter.

Reason: To ensure that a suitable access and layout is agreed at an appropriate stage of the development in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapter 9 of the National Planning Policy Framework.

5. The development shall not be brought into use until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which details turning facilities to be provided within the site. The turning facilities approved by this condition shall be completed before the development is brought into use and shall thereafter be made freely available for use at all times, kept free from obstruction to such use and shall be retained thereafter.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

6. Prior to works commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the numbers and size of vehicles expected to access the site, the routing of construction traffic to and from the site, construction workers and delivery parking facilities, the location of materials storage and site facilities, the use of traffic management/banksman for large deliveries and the provision, use and retention of adequate wheel washing facilities within the site and the means of removal of mud and debris from the highway/footway. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: This pre-commencement condition is necessary to ensure that suitable access can be gained to the site for construction traffic and that this is agreed at an appropriate stage of the development in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapter 9 of the National Planning Policy Framework.

7. The development shall not be brought into use until details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided before the development is brought into use and so retained thereafter.

Reason: To ensure that suitable waste arrangements for the development are in place in the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi), Chapter 9 of the National Planning Policy Framework and Principle 19 of the Housebuilders Design Guide SPD.

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

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

9. Notwithstanding the approved plans and information, 1 new bat tube similar to the Schwegler type 1FR bat boxes shall be installed integral to Plots 1 and 2 during the period of construction. On Plot 1 the new bat tube shall be installed on the southern elevation (side), at least 5.5m above ground level and not directly above any doors or windows. On Plot 2 the new bat tube shall be installed on the eastern elevation (rear), at least 3m above ground level and not directly above any doors or windows. Thereafter the bat tubes shall be retained.

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

10. 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, D or E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on hereby approved Location Plan, Drawing no. (EX)001 Rev A, received 5th March 2024, without the prior written consent of the Local Planning Authority.

Reason: To avoid any future detrimental impacts arising on both residential and visual amenity. This would be in accordance with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Principles 2, 6, 15 and 17 of the Housebuilders Design Guide SPD.

11. No development above foundation levels shall take place until a scheme detailing the proposed external walls and roofing materials to be used in the construction of the hereby approved dwellings has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved. The external walls and roofing materials approved by this condition shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policies LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Housebuilders Design Guide SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, as well as Chapter 12 of the National Planning Policy Framework.

12. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of residential amenity of neighbouring occupiers, visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD, Policy 2 of the Holme Valley Neighbourhood Development Plan and Policies within Chapter 12 of the National Planning Policy Framework.

13. The parking spaces shown to the South of hereby approved Plot 1 on submitted drawing no. (20)003 Rev C shall be provided prior to any part of the development being brought into use, and shall be thereafter retained for use as vehicular parking spaces in relation to no. 79 Bradshaw Road, Honley, Holmfirth, HD9 6EE and used for no other purpose.

Reason: To ensure suitable levels of parking are provided for existing and future occupiers to accord with policies LP21 and LP22 of the Kirklees Local Plan, the Council's Highways Design Guide, Policy 11 of the Holme Valley Neighbourhood Development Plan, Principle 12 of the Housebuilders Design Guide SPD and policies within Chapter 9 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership, and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: The land within the application red line boundary carries a route subject of an application claiming the existence of public rights of way. Under the Wildlife & Countryside Act 1981, the definitive map modification order (“DMMO”) application seeks the recording of a public bridleway on the definitive map and statement of public rights of way, by order. The grant of planning consent or development further to planning consent would not affect the recording of any public rights of way that may subsist, and interference or obstruction of the way in question would be at the risk of the operator and land holder. For further information, contact the Council’s public rights of way team at publicrightsofway@kirklees.gov.uk or by post to Public Rights of Way, PO Box 1720, Huddersfield HD1 9EL or telephone 01484 221000. DMMO application reference: 353.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway and the changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). 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. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: The type and number of bins required should be in accordance with guidance supplied by the Kirklees Cleansing Department in the document “Waste Storage and Collection Guidance for New Developments” which is available from; <https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Existing Site Section	(35)001	A	5 th March 2024
Plot One – Proposed GA	(20)001	B	8 th August 2024
Plot Two – Proposed GA	(20)002	C	14 th August 2024
Proposed Site Plan	(20)003	C	14 th August 2024
Location Plan	(EX)001	A	5 th March 2024
Planning Constraints Plan	(EX)002	A	5 th March 2024

Existing Site Plan	(EX)003	A	5 th March 2024
Section S106 Covering Letter – Supporting Information	-	-	5 th March 2024
Planning Statement – Supporting Information	-	-	6 th June 2024
Planning Statement Appendices – Supporting Information	-	-	6 th June 2024
Climate Change Statement – Supporting Information	-	-	5 th March 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments have been sought in respect of the overall scale, size and design of Plots 1 and 2 due to Officer concerns in respect of visual and residential amenity. Further information was also requested in respect of land ownership and the ‘access’ which previously ran through the application site.

Report Dated:

10th September 2024.

