

**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:         | <b>2024/62/91909/W</b>  |
| Site Address:         | Land adj, Fern Bank, Far End Lane, Honley, Holmfirth, HD9 6NS |
| Description:          | Erection of detached dwelling                                 |
| Recommending Officer: | Katie Chew  |

**DECISION – FULL CONDITONAL 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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 3<sup>rd</sup> October 2024**

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## **Officer Report**

### **Site Description**

Land adj, Fern Bank, Far End Lane, Honley, Holmfirth, HD9 6NS

The application site relates to a medium sized portion of land to the east of Far End Lane in Honley. The site is located adjacent to residential properties in all directions and is currently overgrown with vegetation and appears unused. The site is bounded by dry stone walling to the south-west, and hedging/planting to the north, east and south. Given the topography of the area, the site does slope from west to east throughout.

The application site is not located within a Conservation Area, or in close proximity to any Listed Buildings. However, the site is identified as being within a dominant area for the setting of Castle Hill.

### **Description of Proposal**

The application seeks planning permission for the erection of a detached dwelling.

The proposed dwelling is to be constructed to the south-east of no. 39 Far End Lane within the existing garden/amenity area.

The proposed dwelling is to be partially two and three-storeys in height but would appear as single storey and two-storey when viewed from Far End Lane to the west due to the differences in land levels. The dwelling is to comprise of 3 double bedrooms, open plan kitchen, living and dining area, WC, utility, 2 en-suites, family bathroom, and home office.

The dwelling is to have a floorspace of approximately 203sqm, and a ridge height of around 9.3m. The building would be constructed from local sandstone with a natural blue slate roof.

Parking would be provided within the driveway to the side of the property for 3 vehicles. Residential amenity areas are to be located to the front and side of the dwelling, with small areas of landscaping proposed throughout.

The proposal, being within the garden/amenity space belonging to no. 39 Far End Lane would result in the loss of amenity space belonging to this property, and whilst no details have been provided in respect of how this is to be mitigated against, Officers do acknowledge that no. 39 Far End Lane does already benefit from a separate driveway/access and large garden/amenity spaces located to the side and rear of the dwelling. This land appears to be suitable to accommodate the required space for occupiers of no. 39 Far End Lane.

## **History of negotiations/amendments received**

Amendments have been sought in respect to the overall design of the dwelling, in the interests of visual amenity.

## **Relevant Planning History**

2023/90444 – Erection of detached dwelling. Withdrawn 17<sup>th</sup> April 2024.

2022/93211 – Erection of detached dwelling with associated formation of access and parking. Withdrawn/Invalid 25<sup>th</sup> October 2022.

2022/91069 – Erection of detached dwelling with associated formation of access and parking. Withdrawn 22<sup>nd</sup> June 2022.

2019/91370 – Outline application for erection of residential development. Approved 6<sup>th</sup> December 2019.

## **Pre-application Advice**

2022/21532 – Comments made 15<sup>th</sup> December 2022. Amended plans were received throughout the lifetime of the pre-application whereby following comments made from Officers the applicant sought to amend the scheme to a more acceptable submission in respect of the design of the proposed dwelling. Officers did note that the plans did show stilts but that these should be replaced with local sandstone walls. Furthermore, Officers requested that a visible front door/additional windows were provided to the front to ensure that it does read as a principle elevation. Finally, it was also requested that a row of stone be provided between each of the windows and chimney on the north-western elevation to break up the glazing which may be quite visible from Far End Lane once the trees have been cleared to allow the proposed entrance to the site.

## **Consultation Responses**

**KC Highways Development Management** – Comments received 20<sup>th</sup> September 2024. No objections subject to conditions and informatives which relate to the provision of suitable sightlines, bin storage and presentation points, a schedule of the means of access for construction traffic, a scheme detailing arrangements and specification for layout and parking, surfacing and drainage of parking areas, information in respect of retaining wall features, and changes to the access within the adopted highway to be undertaken under a section 184 agreement of the 1980 Highways Act.

**KC Ecology Unit** – No comments received within statutory timescales.

**KC Public rights of Way** – No comments received within statutory timescales.

**KC Highway Structures** – Comments received 14<sup>th</sup> August 2024. No objections subject to conditions relating to the submission of the proposed design of new temporary/permanent retaining walls supporting Far End Lane, and the submission of a full structural dilapidation survey of the existing private boundary burr wall supporting Far End Lane.

### **Parish/Town Council**

Holme Valley Parish Council – Support but with concern for adequate access to the parking spaces.

**Officer note:** Noted. The Council's Highways Officers have been consulted on the proposals, their comments can be found under the consultation responses and highway safety sections of this report.

### **Local Ward Members**

None.

### **Representations**

Final publicity date expires:

Neighbour Letters - Expired 2<sup>nd</sup> September 2024.

Press Notice – Expired 14<sup>th</sup> September 2024.

Site Notice – Expired 30<sup>th</sup> September 2024.

6 objections have been received; comments are summarised below.

- Many of the original concerns raised within the previously withdrawn application still apply now.

**Officer note:** Noted.

- Concerns in respect of the proposals providing a safe and suitable access. Drivers using the proposed parking spaces would need to reverse out onto or into Far End Lane.

**Officer note:** Noted. The Council's Highways Team have been consulted, their comments can be found within the consultation responses and highway safety sections of this report.

- It is unclear why the HVPC have now shifted their position from 'Object' last time to 'Support' this time.

**Officer note:** Unfortunately, Officers cannot expand on this change in position, it is recommended that contact is made with the HVPC to discuss this further.

- Where will construction traffic go and where is the lay down area for plant and equipment going to go? The developer is reminded that Field End Lane is private and also busily used by residents, and the Developer must not presume that he and his contractors will be able to use it.

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

- Concerns in respect of excessive speeds of traffic along Far End Lane by many drivers, and also the significant cycle and pedestrian use. People are also forgetting the increased volume of traffic generally locally being generated by the new Miller Homes development for example and more 'rat running' is inevitable.

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

- Concerns relating to the effect of heavy plant, cranes, diggers, piledrivers etc. on the retaining walls for nos. 1, 3 and 5 Ryecroft opposite the development.

**Officer note:** Noted. The Council's Highways Safety team have been consulted on the proposals; their comments can be found under the consultation responses section of this report.

- Historically the applications described the site as 'overgrown wasteland', local residents remain deeply saddened at the rich animal habitat that this once was, with mature trees and shrubs giving homes to owls, bats and other species, the former owner having chopped all the trees down just 3 or 4 years ago.

**Officer note:** Noted.

- It has still not been explained why the footprint in this new application can differ so substantively from the Outline Planning Permission permitted.

**Officer note:** Noted. Each application is based on its own merits, and in this instance the applicant has sought permission to develop a section of the site which does not reflect the previous outline permission.

- The loss of view of Castle Hill, Farnley Tyas Woods, and the rolling Thurstonland hill, from Far End Lane, will be substantially obstructed due to the vertical elevation and width of the proposed dwelling, this significant visual obstruction will change the landscape for the local residents and potentially devalue property prices.

**Officer note:** Noted. This is discussed in more detail within the visual amenity section of this report. However, Officers do note that the devaluation of property prices is not a material planning consideration and therefore this element of the above comments has not been assessed within the report.

- The present proposal has slipped under the radar with no awareness of nearby residents.

**Officer note:** Noted. However, the site has been advertised by site notice, press notice and neighbour notification letters just as the previous application was, and therefore residents should be aware that there is an application in at the site.

- Residents have previously suggested the provision of double yellow lines and the extension of the speed limit along Southgate to include this area. Concave mirrors for exit viewing could also be added. However, it is considered that the only measure that would make this bend and exit safer would be the demolition of the roadside barn that creates the problem.

**Officer note:** Noted.

- Concerns in respect of noise and dust pollution arising from the site during construction activities.

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

- The developments proposed vehicle and pedestrian access points, will enter and leave Far End Lane close to the junction with Field End Lane and the two existing blind S bends in Far End lane.

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

- Concerns in respect of environmental accidents resulting in oils spilling into the river and or water course contamination.

**Officer note:** Noted. The onus would be on the developer to ensure that any accidents such as oil spilling do not occur on the site.

- The proposed driveway has no internal turning provision which will result in vehicles reversing out into the main road or undertaking a reversing manoeuvre on the carriageway increasing accident risks and hazards.

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

- The application states that 3 parking spaces will be provided as required for a 4- bedroom house. The plans show what appears to be 5 bedrooms although one is conveniently marked as a 'home office', this will no doubt result in vehicles parking on Far End Lane and Field End Lane. The car parking space also exceeds the property boundaries.

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

- Newer built properties towards the top of Turnpike are single story allowing them to settle into the local topography. The proposed development should also respect these principles and reduce any vertical aspect as not to elevate more than a single story above street level.

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

- The originally approved application was on a smaller footprint nearer the existing house.

**Officer note:** Noted. However, each application is based on its own merits, and in this instance the applicant has sought permission to develop a section of the site which does not reflect the previous outline permission. The principle of developing the site is discussed within the principle of development section of this report.

- There is no mention of the reinstatement of the existing Far End Road boundary stone wall, or its proposed construction material or height.

**Officer note:** Noted. A condition requiring further details of the proposed boundary wall to be rebuilt will be attached should planning permission be granted.

- If this application goes ahead will Kirklees Council guarantee that Far End Lane will be safe from subsidence once the work starts and not be another Burnlee Rd or South Lane where the banking's have collapsed requiring road closure. Could Kirklees Council also guarantee that

neighbouring properties foundations would not be affected by any pile drilling being carried out?

**Officer note:** Given the sloped topography of the site, it is important to note that where a site is affected by land stability issues, responsibility for securing a safe development rest with the developer and/or landowner as outlined within Paragraph 190 of the National Planning Policy Framework.

**Officer note:** The application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site being located adjacent to Public Right of Way (HOL/30/10) and is located within a dominant area for the setting of Castle Hill. Whilst it is acknowledged that amended plans have been received during the course of this planning application, it was not considered necessary to re-consult with neighbours on this occasion as the amendments proposed related to design issues and reduced the overall scale and size of the dwelling slightly. It was therefore not considered that the amendments would detrimentally impact interested parties in this instance.

### **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 27<sup>th</sup> February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

The application site is located within Holme Valley Neighbourhood Area, Bat Alert Area, Kirklees Wildlife Habitat Network and is within a dominant area for the setting of Castle Hill. It is also important to note that a PROW is located adjacent to the site to the east.

### **Kirklees Local Plan (LP):**

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP11 – Housing Mix and Affordable Housing**
- **LP20 – Sustainable Transport**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP28 - Drainage**
- **LP30 – Biodiversity & Geodiversity**
- **LP33 - Trees**
- **LP35 – Historic Environment**

- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protecting and Improvement of Environmental Quality
- LP53 – 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.

#### **Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley**

*“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”*

#### **Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design**

*“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”.*

#### **Policy 6: Buildings Homes for the Future**

Sets out certain requirements for building residential development in the Holme Valley

#### **Policy 11: Improving Transport, Accessibility and Local Infrastructure**

*“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”.*

#### **Policy 12: Promoting Sustainability**

*“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”.*

#### **Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain**

*“All development proposals should demonstrate how biodiversity will be protected and enhanced”.*

It is important to note that the application site is located within two Landscape Character Areas, these are LCA6 & LCA7, these being the ‘Honley Village Centre’ and ‘River Holme Wooded Valley’.

**The application site is within Landscape Character Area 6 - Honley Village Centre**

Key landscape characteristic of the area 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 characteristic 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.

### **The application 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.

### Other Guidance Documents

- Nationally Described Space Standards
- National Design Guide
- 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)
- Housebuilders Design Guide SPD (2021)
- Kirklees Highways Design Guide SPD (2019)

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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-design and beautiful places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

### **Summary of Principal Planning Issues**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development

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

## **1 - Principle of Development:**

### 1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 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 officers 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 Honley and is not within the Green Belt. The site also has good access to public transport with frequent bus services on Woodhead Road running to Hepworth, Thongsbridge, and Huddersfield town centre, and is just a 5-minute walk from Honley District Centre.

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 just 0.144ha it is deemed that the site could potentially be capable of providing 4 dwellings based on the above figures. However, given the nature of the site and the general context of the area it is considered reasonable that just 1 dwelling is proposed to be constructed at this site and that the provision of any more than 1 dwelling may lead to concerns in respect of highway safety, and impact upon visual and residential amenity. This has also been established under outline permission 2019/91370 which was granted approval in December 2019, and following numerous negotiations Officers concluded that any more than 1 dwelling in this location would be unsuitable, I have no reason to disagree with this conclusion. In terms of parking being adequate this is discussed in the highway's safety section of this report.

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

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

## **2 - Impact on Visual Amenity and Heritage Assets:**

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’.*

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

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

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

*‘a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*

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) and River Holme Wooded Valley (LCA7).

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

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

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

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

The application site is surrounded by residential dwellings in all directions, with dwellings typically comprising of two-storey detached properties, although it is noted that there is a dormer bungalow in close proximity to the site. Materials of construction include differing types of stone with a mixture of roof tiles which are typically grey in colour.

In this instance the submitted plans show the proposed dwelling to front out on to Far End Lane, but is stepped back from the highway by approximately 1.4m. Whilst there is a clear building line to the west of the application site, on the eastern side of Far End Lane, properties are more sporadic and vary in orientation, therefore there is not a clear building line when viewed against no. 39 Far End Lane however, given the restricted nature of the site, orientating the proposed dwelling differently could result in issues arising in regards to visual and residential amenity, as well as highway safety concerns. Officers therefore consider the proposed layout to be acceptable on this occasion. The dwelling therefore accords with Principle 5 of the above SPD.

Principle 15 of the Housebuilders Design Guide SPD 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 the proposed dwelling is to be a mix of two-storey and three-storey elements but as the building is to be built into the landscape, the

property will appear as a two-storey/single-storey dwelling when viewed from Far End Lane. As outlined previously there are a mix of single and two-storey properties within the area, many of which are detached, therefore the proposals are considered to be in keeping with the surrounding area in this respect.

Furthermore, the dwelling is to benefit from a pitched roof design, which is also considered to be reflective of surrounding properties, and whilst Officers note the protrusion to the front elevation which incorporates the covered porch area, as dwellings do differ significantly in design within the area this element of the scheme is not considered to be entirely alien, and therefore the proposals are considered to accord with Principle 15 of the above SPD.

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

Moving on to windows and doors, it is acknowledged that the dwelling is to incorporate some more untraditional and modern features in the form of large glazing panels, ridge glazing in the roof and exposed steel beams. Whilst these elements are quite contemporary, as they are included on a minimal scale, with the larger panels of glazing being located to the rear of the property where public views will be more limited, and will be set against a someone simply designed dwelling Officers consider these elements to be acceptable in this location, and thus the proposals are deemed 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.

The proposed dwelling is to be constructed from local sandstone with a natural blue slate roof. Officers welcome the use of natural materials but in the interests of visual amenity, it is considered reasonable to impose a condition which requires samples of these materials to be provided for approval by the Local Planning Authority, prior to their installation.

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

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

shared boundaries and therefore the proposals are considered to accord with Principle 6 of the above SPD.

As minimal details have been provided in respect of hard and soft landscaping within the site, it is considered reasonable to include a condition which requires the submission of these detail prior to the commencement of superstructure works to ensure that the landscaping is suitable and sympathetic to the surrounding area, in the interests of visual amenity. Furthermore, no details have been provided in respect of the design, scale and materials to be used within the new boundary wall, which is to run along Far End Lane, these details shall also be secured via condition.

In conclusion, and subject to conditions, the proposals are considered to be appropriate in size, scale and design in this location, and would not appear out of character or overly dominant in the general context of this site. The development is therefore concluded 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, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Principles 2, 5, 6, 13, 14 and 15 of the Housebuilders Design Guide SPD.

### Historic Environment

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

Policy LP35 goes on to note that consideration should be given to the need to preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted.

Paragraph 205 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”*. This is further supported by paragraph 208 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

The proposals are identified as being located within a dominant area for the setting of Castle Hill, with Castle Hill being located approx. 2000+ metres away to the north. Given this large separation distance and that the new dwelling would be built into the landscape, viewed within the context of several surrounding residential properties, and is to utilise natural materials, Officers do not consider the proposals to harm the visual amenity of the area or indeed the setting and significance of Castle Hill.

However, it is considered reasonable and necessary on this occasion, to remove permitted development rights for Classes A (extensions) B (additions to the roof e.g. dormer windows), C (any other alteration to the roof – e.g. rooflights) and E (buildings incidental to the dwellinghouse) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended. This is to ensure that no large, overly dominant extensions or outbuildings which would have an adverse harmful impact on the character and setting of the area and Castle Hill, create residential amenity issues to adjacent neighbouring properties, or would result in overdevelopment of the site can be undertaken without first being assessed by the Local Planning Authority. This is more so required in this instance as Officers have undertaken detailed discussions with the applicant and applicant's agent in respect of the design, scale, size and overall appearance of the dwelling throughout previous applications due to the above concerns being raised.

Taking the above into consideration, the proposals are considered to accord with Policies LP1, LP2, LP24(a) and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Housebuilders Design Guide SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the National Planning Policy Framework.

### **3 – Impact on Residential Amenity:**

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

*'Proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary.'*

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

Principle 6 of the 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.

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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

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

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

#### *Impact on no. 18 Woodhead Road*

This neighbouring dwelling is located directly adjacent to the site to the north-east, there will be a separation distance between the new dwelling and this neighbouring property of approximately 14m. Given this large separation distance and the level of existing planting which bounds the site to the north-east, Officers do not consider the new dwelling to result in any significant increase in the levels of overshadowing when compared to what currently exists (from the mature planting). In addition, the western elevation of no. 18 relates to a blank elevation and therefore does not benefit from any windows which could potentially be affected by overshadowing. Furthermore, the rear of the property (closest to the proposed dwelling) simply provides an accessway to the northern portion of the dwelling and therefore the proposals would also not impact on any useable amenity space.

Looking at the potential for overlooking and the loss of privacy, again as mentioned above, no. 18 does not benefit from any windows within the western elevation and therefore Officers have no concerns in regard to direct overlooking into any habitable rooms from any of the windows proposed within the eastern elevation of the new dwelling. Whilst it is acknowledged that the dwelling proposes the installation of a balcony area on the south-western elevation, this balcony is to be small in scale and size and would look out towards Far End Lane and across the amenity space of no. 18, rather than directly into this area. Officers therefore have no concerns in regard to overlooking or the loss of privacy on this occasion.

Finally, in terms of the proposals appearing overbearing in nature on no. 18, whilst it is acknowledged that the new dwelling would be set at a significantly higher ground level than this neighbouring property, it is to be built into the

landscape similarly to many other properties in the surrounding area and set a significant distance away. No. 18 also does not benefit from any windows within its rear elevation and therefore the proposals would not appear overbearing on any habitable room windows. Furthermore, the proposed dwelling is to sit in line with no. 18 and therefore will not extend out past the footprint of this neighbouring property, Officers do therefore not consider the proposals to appear overly dominant on this occasion.

Impact on no. 39 Far End Lane

This neighbouring property is located to the north-west of the application site, approximately 31m away. Given these large separation distances Officers have no concerns in respect of overlooking or the loss of privacy, overshadowing, or the proposals appearing overbearing or overly dominant on this neighbouring property.

Impact on nos. 12 & 14 Far End Lane

These neighbouring properties are located to the south-west of the application site, approximately 24+ metres away. Given the large separation distances and orientation of the dwelling to these properties, and that the dwelling is to be built into the landscape and appear as a partially single/two storey property when viewed from Far End Lane, amongst other single and two-storey properties, Officers have no concerns in respect of overshadowing or the loss of light, or that the proposals would appear overbearing in nature. Furthermore, whilst windows are proposed within the south-western elevation of the dwelling, given the separation distances, Officers do not consider there to be an issue with overlooking or the loss of privacy in this instance.

Given the nature of the dwelling and its 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 potential 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, which are discussed within the visual amenity section 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 respect of concerns raised surrounding noise and dust pollution, Officers acknowledge that noise and dust can arise from undertaking construction activities. It is therefore considered reasonable to include an informative which restricts noisy construction activities and highlights to the applicant that Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light.

In conclusion, taking the above into account, and subject to conditions, 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, Policy 2 of the Holme Valley

Neighbourhood Development Plan and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted house builders design guide SPD.

#### *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 accords with the 'Nationally Described Space Standards' document (March 2015).

Internally, the proposed dwelling would have a GIA of approximately 203sqm, this would comfortably exceed the minimal standards set out in the Nationally Described Space Standards, with all habitable rooms having access to at least 1 window. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers.

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. Dwellings on Far End Lane typically have amenity areas to both the side and rear, with parking provided to the front. In this instance garden/amenity areas are to be provided to both the front and side (to the north-west) of the dwelling, with a stepped area shown to provide seating. Although smaller in size, these spaces do reflect garden/amenity areas elsewhere in the streetscene, and the size and orientation of the gardens are deemed to be acceptable as they would have access to direct sunlight for the majority of the day and would have enough external space for the previously discussed domestic activities.

For the above reasons the proposals are considered to be in accordance with Policy LP24 of the KLP, Policy 2 of the Holme Valley Neighbourhood Development Plan, Chapter 12 of the NPPF and Principles 16 and 17 of the Housebuilders Design Guide SPD.

#### **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. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy 11 of the HVNDP states that new development should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council's latest guidance on highways design.

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

be to the side / rear. Taking into consideration Principle 12, parking is to be located to the side of the dwelling with provision of 3 off-street car parking spaces, this meets with the recommendations contained within the Highways Design Guide SPD. The parking has also been arranged in this way to ensure that safe and suitable access can be provided off Far End Lane, and therefore Officers consider this to be acceptable on this occasion.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development. In this instance bin storage is shown to the side of the dwelling, adjacent to the proposed off-street parking areas, as discussed below Highways Officers do not consider this location to be suitable and therefore a condition is recommended which requires the submission of these details prior to development commencing on site.

This application is for the erection of a 3 / 4 bed detached dwelling within the garden of an existing dwelling with parking accessed from Far End Lane, a 30mph two-way residential link road of approximately 8.9m width adjacent to the site, with a footway opposite and street lighting present. The site is approximately 180m from bus stops on a medium frequency route, 500m from shops and services in Honley centre and approximately 630m from the closest primary school.

Given the nature of the proposals the Council's Highways department have been consulted. They note that the site benefitted from a previous outline permission (19/91370) and was previously submitted under 23/90444 which was subsequently withdrawn after several iterations of design and submission of additional details to overcome initial highways objections based on parking access. The previous outline approval had the car parking to the south of the dwelling, and it was eventually relocated there with the final iteration of 23/90444.

One of the major highways concerns was that Far End Lane has a blind curve to the north of the site and the previous iterations had a possible exit that had visibility splays considerably shorter than would be considered safe. The previous withdrawn application provided a speed survey along Far End Lane to indicate the Y-distances required for the visibility splay would be 43m in each direction and these were provided on a drawing. The current application has not submitted any speed survey details or provided a drawing indicating the visibility splays from the proposed parking area. The current application shows the car parking to the south of the site but located approximately 10m further north than the withdrawn final iteration of 23/90444. This provides visibility splay y-distances of approximately 43m to the right from the central parking space on drawing No 3479 (0-) 05 Rev E. The visibility to the left would then be approximately 53m, although this still passes through a wall, and details of the height of the wall within the visibility splay will need to be provided. The visibility splays of 43m in each direction (based on the speed survey data submitted with the previous application) could be included as a

pre-commencement condition as Highway Officers feel these are achievable within land in control of the applicant.

The access to the car parking areas will need to be carried out under a S184 legal agreement with the Council as Highway Authority and a footnote should be added relating to this.

The proposals are for a 3 bed dwelling, as shown on drawing No 3479 (SK) 43, however it is noted that there is an additional room marked as a study adjacent to the other bedrooms on the first floor and is it possible that this may be used as a fourth bedroom by future occupiers, Highway Officers have therefore assessed the parking requirements as a 4-bed dwelling. The above submitted drawing shows three parking spaces of approximately 2.5m x 4.8m and these are within guidance for parking spaces, however the southernmost parking space finishes right up against the adopted highway and Officers would like to see a little spare space to avoid a vehicle overhanging the adopted highway for road safety reasons. It is considered reasonable to condition this as Officers feel there is sufficient space to arrange the parking without a fear of overhang as this was done successfully in the previous iteration.

Furthermore, the spaces are set up angled to the highway edge and would require a reversing manoeuvre to access the spaces. It is noted that there are other dwellings on Far End Lane that have off street parking without turning space and so the process of reversing to park has been established in the area.

Due to the location of the site being on a residential street with limited parking and visibility issues caused by the blind bend adjacent to the outbuilding of No 39 Far End Lane, Highway Officers would like to see a construction access management plan be provided prior to development commencing, this should provide details of the types and numbers of vehicles expected at the site, locations for parking for contractors and deliveries, location of materials storage and site facilities, details of any traffic management that may be required, including use of a banksman for deliveries, and wheel washing facilities to avoid the spreading of mud or debris on to the adopted highway for highway safety reasons. This should be conditioned.

Finally, it is noted that the proposed bin storage area would see any bins trapped in place if the parking spaces were occupied and so this would not be suitable for a bin presentation point. Officers would therefore like to see a bin collection presentation point marked clearly on a drawing, and this can be conditioned.

It is therefore considered that, subject to conditions, the proposed scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapter 9 of the National Planning Policy Framework.

## **5 - Other Matters:**

### Biodiversity

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home 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 are 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.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

An Ecological Impact Assessment has been submitted; this assessment provides a comprehensive assessment of the site, determining the impacts of the proposed development on ecological receptors, in line with best practice guidelines. Officers therefore have no objections to the proposals subject to conditions relating to the eradication of invasive non-native species, the submission of a Biodiversity Enhancement and Management Plan and that no site clearance works shall take place between the months of March and August.

In respect of Biodiversity Net Gain, the applicant's agent has outlined within an email received 25<sup>th</sup> July 2024 that the application falls under the self-build exemption (as defined in Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 and consists of no more than 9 dwellings, on a site that has an area no larger than 0.5 hectares.

Taking the above into consideration, Officers consider the proposals to be exempt from BNG, and therefore the proposals do not need to provide details in respect of a biodiversity metric.

### 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.

Policy LP26 of the Kirklees Local Plan sets out expectations of sustainability regarding development proposals.

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, this statement outlines that the proposed dwelling would meet the requirements of Part L of the Building Regulations and would source materials and contractors locally where possible. The statement goes on to say that electric vehicle charging points will be provided and that due to the topography of the site the lower ground floor level will be naturally very well insulated, with large expanses of glass installed to habitable areas to reduce the need for artificial lighting. Given the above, it is not considered reasonable to expect any additional information to be submitted in respect of meeting the Council's Climate Change Agenda on this occasion.

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.

## Decision Authorisation – Delegated Powers

Application Number: 2024/91909

Officer Recommendation: Approve.

### 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.

1. The development hereby permitted shall be carried out in accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework, Policies 1, 2, 6, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide Supplementary Planning Document.

2. No development shall take place until details of a scheme to eradicate invasive non-native species within the site has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied.

**Reason:** To ensure these invasive species are appropriately dealt with, in the interests of the biodiversity of the site and in accordance with Chapter 15 of the National Planning Policy Framework, Principle 9 of the Housebuilders Design Guide SPD, Policy 13 of the Holme Valley Neighbourhood Development Plan, LP30 of the Kirklees Local Plan and Circular 06/2005 – Biodiversity/Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to eradicate invasive plant species, prior to construction.

3. No site clearance works shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before the site is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in

place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

**Reason:** To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nest and young and to accord with Policy LP30, Chapter 15 of the National Planning Policy Framework, Principle 9 of the Housebuilders Design Guide SPD and Policy 13 of the Holme Valley Neighbourhood Development Plan.

4. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP) has been submitted and approved in writing by the Local Planning Authority. The plan shall detail what areas are to be retained post development, how native planting is to be incorporated into the scheme and how protected species provisions are to be incorporated into the design in line with section 6.3 of the submitted EclA, and must include details of the following:
  - a. Description and evaluation of features to be managed and enhanced;
  - a. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
  - b. Ecological trends and constraints on site that might influence management;
  - c. Aims and objectives of management;
  - d. Appropriate management actions for achieving aims and objectives;
  - e. An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);
  - f. Details of the management body or organisation responsible for implementation of the BEMP;
  - g. Ongoing monitoring programme and remedial measures; and
  - h. The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years.

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (Where the results from the monitoring show that the aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented

**Reason:** In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework, Principle 9 of the Housebuilders Design Guide SPD and Policy 13 of the Holme Valley Neighbourhood Development Plan. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

5. Before the development commences, the proposed design (including height) and materials to be used within the new temporary/ permanent retaining walls supporting Far End Lane including any modification to the existing burr wall/embankment adjacent to the existing highway shall be submitted (via submission of an AIP) and approved by the Local Planning Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

**Reason:** This pre-commencement condition is necessary to ensure that the design and materials to be used within the proposed and existing retaining walls is suitable in the interests of highway safety and visual amenity, and to accord with Policies LP21, LP24, LP35 and LP53 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principle 13 of the Housebuilders Design Guide SPD and Chapters 9 and 12 of the National Planning Policy Framework.

6. Before the development commences, a full structural dilapidation survey of the existing private boundary burr wall supporting Far End Lane shall be undertaken by a suitably qualified and experienced structural engineer and a copy of the report submitted to the Local Planning Authority for review. A further structural dilapidation survey of the burr wall shall also be required following the completion of the works and any defects arising in the wall due to the works associated with the proposed development shall be made good to the satisfaction of the Local Planning Authority, at the developer's expense.

**Reason:** In the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework. This pre-commencement condition is necessary to confirm the current condition of the private boundary burr wall supporting Far End Lane and its final condition following the completion of the works approved.

7. 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 Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework.

8. Notwithstanding the details shown on the approved plan, no development shall take place until a scheme detailing arrangements and specification for layout and parking have been submitted to and

approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

**Reason:** This pre-commencement condition is required to ensure a suitable access and layout is provided and agreed at an appropriate stage in the development process, 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, Principle 12 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 9 of the National Planning Policy Framework.

9. Prior to the development being brought into use, the sightlines of 2.4m x 43m along Far End Lane shall be shown on a plan and presented to the local planning authority for written approval and afterward these visibility splays be cleared of all obstructions to visibility exceeding 0.9 m in height and these shall be retained free of any such obstruction throughout the lifetime of the development.

**Reason:** To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

10. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

**Reason:** This pre-commencement condition is required to ensure that suitable and safe bin presentation and collection points can be provided at the site, and are agreed at an appropriate stage in the development process, 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, Principle 19 of the Housebuilders Design Guide SPD and Policy 11 of the Holme Valley Neighbourhood Development Plan.

11. Prior to commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Species schedule and planting plans;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;
- Details (including samples, if requested) of paving and other hard surface materials.

No part of the development hereby approved shall be occupied until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All

approved landscaping shall be retained thereafter in accordance with the approved details and approved long term maintenance, monitoring and remedial arrangements.

**Reason:** This pre-commencement condition is required to ensure that details of hard and soft landscaping are agreed at an appropriate stage of the development process, in the interests of local ecological value and visual amenity and to accord with Policies LP24, LP30, and LP33 of the Kirklees Local Plan, Policies 1, 2 and 13 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

12. The external materials used in the construction of the dwelling hereby approved shall consist of local sandstone and natural blue slate roof tiles. No development above foundation levels shall take place until samples of the proposed walling stone, and roofing materials have been submitted to, and approval in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved and be retained thereafter.

**Reason:** To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of Castle Hill, to accord with Policies LP24 and LP35 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 Chapters 12 and 16 of the National Planning Policy Framework.

13. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, C, and E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Proposed Floor Plans – Option 2, received 19<sup>th</sup> September 2024 without the prior written consent of the Local Planning Authority.

**Reason:** To ensure that no large, overly dominant extensions or outbuildings are provided which would have an adverse harmful impact on the character and appearance of the street scene, result in overdevelopment of the site or create amenity issues to adjacent neighbouring properties, this is to accord with Policies LP2, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Principles 2 and 6 of the Housebuilders Design Guide SPD.

14. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the LPA. 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 required to ensure that measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process, in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan, and Chapter 9 of the National Planning Policy Framework.

**NOTE:** Noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

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

**NOTE:** 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:** Given the sloped topography of the site, it is important to note that where a site is affected by land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.

**NOTE:** Any retaining features affecting the highway will require formal technical approval by the Council as the Highway Authority. It is recommended that you provide details of all proposed retaining features and underground storage facilities (including pipes) to colleague Farhad Khatibi

(Team Leader) in the structures section at the earliest opportunity, who will be able to advise you of the necessary requirements in more detail.

**NOTE:** The approved vehicle parking areas will need be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (**parking areas**)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

[www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens](http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens)

#### **Plans and specifications schedule:-**

| <b>Plan Type</b>                                      | <b>Reference</b>   | <b>Web ID</b> | <b>Date Received</b>            |
|---|--------------------|---------------|---------------------------------|
| Proposed Floor Plans – Option 2                       | 3479 (SK) 43       | -             | 19 <sup>th</sup> September 2024 |
| Proposed Elevations – Option 2                        | 3479 (SK) 44       | -             | 19 <sup>th</sup> September 2024 |
| Topographical Survey                                  | 3479 (TP) 01       | -             | 10 <sup>th</sup> July 2024      |
| Climate Change Statement – Supporting Information     | -                  | -             | 10 <sup>th</sup> July 2024      |
| Ecological Impact Assessment – Supporting Information | MBE/ECO/2022/14/01 | -             | 10 <sup>th</sup> July 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 to the overall design of the dwelling, in the interests of visual amenity.

Report Dated:

1<sup>st</sup> October 2024.

