

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:	2025/60/91135/W
Site Address:	Land to North East of, 237, New Mill Road, Brockholes, Holmfirth, HD9 7AL
Description:	Outline application for erection of one detached dwelling
Recommending Officer:	Danielle Cooper

DECISION – OUTLINE CONDITIONAL 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: 14-Aug-2025

Officer Report

Site Description

The site comprises a plot of land within the curtilage of a detached dwelling house. No. 237 New Mill Road is located on the north-eastern side of the highway, close to the highway boundary. The dwelling itself does not form part of the application site, which comprises a wide concrete driveway at the south-eastern side of the plot, leading to a 23.5m by 20m area immediately to its rear consisting of lawn, planting and a detached sectional double garage with a concrete forecourt. There is a short stretch of stone wall and timber barred gates at the access, which is set back across a footway. Opposite the site entrance is a row of terraced houses.

Immediately to the right (as viewed from the highway) is a substation surrounded by a palisade fence, and a bowling club. To the left of the site comprises commercial uses and a water treatment works. The boundaries to the application plot are formed by high hedges to the north-west and north-east, and a fence to the south-east. There is a downward gradient within the site and the existing dwelling is two-storey at the front, three-storey at the rear, owing to change in levels.

Description of Proposal

The application seeks outline planning consent for the erection of one detached dwelling within the rear garden area of No. 237 New Mill Road. This application seeks to agree principle, access and layout with scale, appearance and landscaping to be reserved for future consideration under a reserved matters application.

The indicative plans and additional information provided show that a medium sized detached dwelling is proposed, with access to be utilised off New Mill Road.

The existing access will be widened to 5m.

The planning statement proposes that the dwelling would be single storey and have 3 bedrooms.

2 car parking spaces are shown on the plans for the existing dwelling and for the proposed dwelling.

Bin storage and collection points are also shown.

The existing detached garage will be demolished.

History of negotiations/amendments received

None.

Relevant Planning History

2022/91790 - Erection of two semi-detached dwellings with integral garages – **Refused** for the following reasons:

1. It is considered that the erection of a pair of three-storey dwellings would, in the context of predominantly open and undeveloped land surrounding the site, give rise to the appearance of overdevelopment, would appear incongruous in relation to the pattern of development in the area and result in too abrupt a transition to undeveloped land, thereby failing to respect the character of its surroundings. It would therefore be contrary to the aims of Policy LP24(a) of the Kirklees Local Plan, Principles 2 and 8 of the Housebuilders' Design Guide SPD, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapter 12, paragraph 130(a-d) of the National Planning Policy Framework.

2. It is considered that the dwelling indicated as Plot 1 on the submitted plans would not have private amenity space that is functional and proportionate to the size of the dwelling and would thereby fail to provide a satisfactory level of amenity for future occupants, contrary to the aims of Policy LP24(b) of the Kirklees Local Plan, Principle 17 of the Housebuilders' Design Guide SPD, and paragraph 130(f) of the National Planning Policy Framework.

3. The shared access and driveway that would be used by the proposed development are of insufficient width to allow two vehicles to conveniently pass each other, which would result in conflicts between vehicles entering and emerging from the site and obstruction to the free flow of traffic, and furthermore the site plan does not demonstrate that appropriate visibility splays can be formed. The proposed integral garages, based on the scaled measurements, are substandard in width and depth, not allowing enough space to conveniently park a car or to store bicycles. In the absence of swept path analysis, it has not been demonstrated that the existing dwelling, no. 237 New Mill Road, would be left with two conveniently useable parking spaces. These inadequate parking arrangements would be likely to result in more vehicles parking on New Mill Road or in the shared turning areas, thereby resulting in vehicles having to reverse on or off the public highway. It is therefore considered that the proposed development would have a materially negative impact upon the safe and efficient flow of traffic on the surrounding highway network, contrary to the aims of Policy LP21(a) of the Kirklees Local Plan, Principle 12 of the Housebuilders' Design Guide SPD, policy 11(4) of the Holme Valley Neighbourhood Development Plan, and paragraphs 111 and 130(a) of the National Planning Policy Framework.

2022/93539 - Erection of two semi-detached dwellings with integral garages – **Refused** for the following reasons:

- 1. It is considered that the erection of a pair of three-storey dwellings would, in the context of predominantly open and undeveloped land surrounding the site, give rise to the appearance of overdevelopment, would appear incongruous in relation to the pattern of development in the area and result in too abrupt a transition to undeveloped land, thereby failing to respect the character of its surroundings. It would therefore be contrary to the aims of Policy LP24(a) of the Kirklees Local Plan, Principles 2 and 8 of the Housebuilders' Design Guide SPD, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapter 12, paragraph 130(a-d) of the National Planning Policy Framework.*
- 2. The site plan does not demonstrate that appropriate visibility splays can be formed to New Mill Road. Furthermore, in the absence of swept path analysis, it has not been demonstrated that the existing dwelling, no. 237 New Mill Road, would be left with two conveniently useable parking spaces. These inadequate parking arrangements would be likely to result in a vehicle parking in the designated passing place, thereby reducing the effective width of the shared driveway and leading to possible conflicts between vehicles using the access, resulting in motorists having to wait on the carriageway whilst waiting to complete start or complete a turn into the site. It is therefore considered that the proposed development would have a materially negative impact upon the safe and efficient flow of traffic on the surrounding highway network, contrary to the aims of Policy LP21(a) of the Kirklees Local Plan, Principle 11 of the Housebuilders' Design Guide SPD, Policy 11(4) of the Holme Valley Neighbourhood Development Plan, and paragraphs 111 and 130(a) of the National Planning Policy Framework.*

Both applications were refused on basis that the site is considered to be constrained to accommodate 2.no new dwellings in addition to the existing dwelling. The proposed access and driveway was also considered to be too narrow to accommodate the associated intensification of traffic movements.

Representations

The application was advertised by site notice in accordance with the Council's adopted Development Management Charter.

One representation has been received from Holme Valley Parish Council setting out that they support the proposal.

Consultation Responses

KC Environmental Health (Informal discussion) – Requested land contamination conditions to be attached.

KC Highways (Informal discussion) – Confirmed that the proposed access is considered acceptable.

KC Ecology – No objection subject to conditions.

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).

The site lies within the Strategic Green Infrastructure Network within the Kirklees Local Plan proposals map. It is also classed as potentially contaminated land and falls within an area with a known presence of bats.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 20:** Sustainable travel
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 31:** Strategic Green Infrastructure Network
- **LP 52:** Protection of environmental quality
- **LP 53:** Contaminated and unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance

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

Chapter 2 Achieving sustainable development
Chapter 5 Delivery a sufficient supply of homes
Chapter 8 Promoting healthy and safe communities
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

Supplementary Planning Documents and Guidance

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)
The Biodiversity Net Gain Technical Advice Note

Holme Valley Neighbourhood Development Plan (2020-2031)

The site is within Landscape Character Area 7: River Holme Wooded Valley.
This character area is described as:

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.

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

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

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.

Section 17 of the Crime and Disorder Act 1998 (as amended)
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

ASSESSMENT

Principle of Development:

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

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

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

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

As set on in NPPF paragraph 11d, 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.”

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

Policy 6 of the Holme Valley Neighbourhood Development Plan sets out the requirement of sets out that developments will be expected to demonstrate that densities make best and efficient use of land.

The application site measures 0.05 hectares and seeks outline permission for residential development for 1 dwelling. Given the site constraints, with one existing dwelling on site, the addition of one new dwelling is considered to be compatible with the its surroundings and would meet the housing need. The site is considered a sufficient size to accommodate 1 new dwelling, complying with policy LP7 of the Kirklees Local Plan.

The site is considered to be located within a sustainable location, with residential development already established.

Therefore, in relation to density of development and supply of housing, it is considered that the development sought under this application would meet the requirements of the aforementioned policies.

The site lies within the Strategic Green Infrastructure Network. Under Policy LP31, development proposals should ensure:

- i. The function and connectivity of the green infrastructure network is retained or replaced;
- ii. New or enhanced green infrastructure is designed and integrated into the development scheme where appropriate;
- iii. The scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;
- iv. The protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.

The development would lead to a net increase in built footprint but it is considered that it would not affect the function or connectivity of the network. The scale and layout of the development would not be conducive to providing

new green infrastructure or new connecting links to the Core Walking and Cycling Network. The development is therefore considered to be appropriate in principle under LP31.

A more detailed assessment On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are 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.

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

‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.

Policy 1 of the Holme Valley Neighbourhood Development Plan sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case River Holme Wooded Valley (LCA 7). Policy 2 of the Holme Valley Neighbourhood Development Plan states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

The application is submitted as outline with layout and access included for consideration. The plans show a detached dwelling located within the north-west corner of the plot. Whilst no elevation or floor plans have been submitted, the planning statement indicates that the dwelling would be a single storey, 3 bedroom dwelling. Car parking is also shown, 2 parking spaces for the new dwelling and 2 parking spaces for the existing dwelling. A garden area is shown to the side and rear of the proposed dwelling.

The proposed dwelling would be placed within an area that is only sporadically built up. Along the stretch of New Mill Road that lies between Honley and Brockholes (approximately 1km), there is development along both

sides of the highway comprising residential interspersed with industrial and commercial uses, and open land uses including a wastewater treatment plant. Housing consists of ribbon development that does not extend back beyond the immediate frontage, and there is little evidence of recent back land development.

It is noted the dwelling would be set on land that is lower than the highway and in the context of rising land to the north-east. Furthermore, the site gives the impression of being relatively self-contained, on account of the high boundary hedges to the rear and north-west side. The new dwellings would potentially affect views from New Mill Road towards Cliff Wood (the hillside to the north-east), but as there would still be many vantage points along New Mill Road that allow views of the wood, and since it would have little effect on elevated viewing points, it would be difficult to demonstrate that it would be harmful to the character of the wider landscape.

The new dwelling would be set back from the highway. It is noted that permission was previously refused for the erection of 2 semi-detached three storey dwellings located to the rear of the site as they would not be viewed in close proximity to existing dwellings and therefore appear incongruous as well as overdevelop the site due to their appearance.

In this instance the proposal is for one dwelling which would be single storey and as noted would be on a lower land level to that of the existing dwelling (No. 237 New Mill Road). Given the decrease in the quantum of development now proposed by comparison to the previous refusals, the LPA do not consider that 1.no single storey dwelling in this location to appear incongruous and would ensure a sense of space is retained throughout the site. As such the layout of the proposed dwelling is considered acceptable.

As no details have been submitted in respect of the proposed design or materials, it is acknowledged that care would need to be taken at reserved matters stage to reflect the local vernacular and use materials which reflect that which currently exists within the local area.

In addition, the specific single storey design is not set out given that scale and appearance are reserved matters. The conclusions drawn are on the basis the dwelling would be single storey and this would need to be reflected in the scheme which is put forward at the reserved matters stage.

Given the revised scheme and fact it is of a reduced scale of development of the site as a whole it is considered refusal of the proposal on the basis of the visual impact could not be substantiated. This conclusion is drawn taking account of the reasons for refusal of the previous refusals detailed in the 'Planning History' section of this report.

In conclusion, it is considered that the plot can accommodate a modest dwelling which could be designed so as have an acceptable impact upon the local character of the area. As scale is a reserved matter, care would need to be taken to ensure that any future dwelling does not appear overbearing in

nature in relation to neighbouring residential dwellings or to constitute overdevelopment of the site. As such, it is considered that the development would meet the aims of Chapter 12 of the NPPF by contributing positively to the surrounding area and would be in accordance with Kirklees Local Plan Policy LP24 and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

Impact on Residential Amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers.

Further to this, Paragraph 130 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.

Policy 2 of the Holme Valley Neighbourhood Development Plan sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. The text supporting Principle 6 of the Kirklees Housebuilders Design Guide SPD sets out recommended minimum separation distances, these being:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of the new dwelling to a shared boundary.

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

The proposed dwelling is located 12m from the rear elevation of No. 237 New Mill Road. This falls short of the required 21m, however the origination of the building and scale of the development is such that the overlooking / overshadowing / overbearing impact to no.237, could be suitably mitigated through an appropriate design of the building and placement of windows /

adequate screening being in place which would need to be forthcoming at the reserved matters stage.

The dwelling would retain a distance of 7.4m to the north side elevation and 3.5m to the west rear elevation. It is noted that the new dwelling would fall short of the recommended 10.5m distance. It is recognised that the land at the rear is in use as a waste water treatment plant and there is no reason to believe that it will become redundant in the near future. In the circumstances it is not considered to be reasonable of the LPA to refuse on the grounds that the proximity to the rear boundary would undermine the land's future development potential. It is also noted that the proposed distances to the side and rear boundaries would allow sufficient amenity space to be provided for the new dwelling. As such, this shortfall is not considered to raise significant concerns of future occupants.

The outlook from the front elevation would be directly over the parking spaces and shared driveways, but it is considered that overall levels of natural light to, and the outlook available from, all habitable room windows would be satisfactory. The dwelling would retain a distance of 7.6m to the shared boundary with the Brockholes Bowling Club. Given the generous separation distance, the proposal is not considered to result in any adverse overlooking, overbearing or overshadowing impact.

It is considered that the proposed garden area to the side and rear of the site is of a generous size and as such there are no concerns raised.

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."*

Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

It is considered that residential development which is compliant with the NDSS could be achieved at this site. This would need to be demonstrated within the scheme which is forthcoming at the reserved matters application stage.

The level of amenity space remaining for both the proposed dwelling and host property is considered to be suitable and commensurate to dwellings of this size / scale. This conclusion is made having account of reason 2 of refusal 2022/91790 (detailed in the 'Planning History' section of this report).

The new dwelling would be unlikely to experience noise disturbance arising from vehicular traffic as they are set back a long way from New Mill Road, but could experience noise disturbance from the bowling club and possibly from other commercial premises to the north-east. An acoustic report and mitigating measures will be required and will be conditioned as such in accordance with the aims of LP24(b), LP52 and Chapter 15 of the NPPF.

In conclusion, the principal of residential development for one dwelling on this site could be acceptable from a residential amenity perspective, complying with Policy LP24 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Section 12 of the National Planning Policy Framework.

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.

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 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.

The proposal seeks to intensify the existing access from New Mill Road for use by an additional dwelling. The existing access is to be widened to 5m and will achieve visibility splays of 2m x 43m. KC Highways have reviewed the proposal and consider the proposed widened access to be acceptable for this modest level of intensification into the site.

It is noted that the visibility splays fall just short of 2.4mx43m. However given that it is already an existing access point which will be widened to 5m, this shortfall is not considered to raise any significant highway safety concern that would warrant a refusal and is therefore concluded as acceptable by the Council's Highway officer.

The highway officer has recommended that a condition is included to ensure the visibility splays are cleared of all obstructions to visibility exceeding 0.9 m in height. This will be conditioned as such. Therefore the proposed access into the site is considered acceptable.

It is noted that 2 on-site parking spaces will be provided for the existing and proposed dwelling which is considered acceptable based on the dwellings being 3 bedroomed properties.

A communal turning area is annotated on plan and is considered to be suitable to enable turning manoeuvres for vehicles to allow for access and ingress in forward gear.

The proposed bin storage and collection point adjacent the highway is also considered acceptable by the highway officer.

Taking account of the layout shown on plan, it is considered suitable waste storage, turning, parking and access arrangements can be achieved. The development is therefore concluded to be acceptable in regard to this element of the scheme and a condition is recommended to ensure the provision of the access, parking and turning arrangements.

For the aforementioned reasons, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

Given the reduced scale of the development it is considered that the previous reasons for refusal relating to access and highway safety (detailed in the 'Planning History' section of this report) have been satisfactorily addressed by this revised proposal.

Other Matters:

Air Quality

In line with guidance set out in the West Yorkshire Low Emissions Strategy and to support the provision of low carbon transport infrastructure in accordance with Policy LP24 of the Local Plan there is an opportunity to provide an electric vehicle charging point for this dwelling. This would be a requirement of building regulations and is ensured by that process.

Land Contamination

With regard to land quality, paragraphs 187, 196 and 197 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The site occupies land deemed to be potentially contaminated owing to its former use. It is considered, from an informal discussion with Environmental Health that a Phase 1 Preliminary Risk Assessment would need be undertaken and therefore will be conditioned as such.

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 pre-dates 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 12 of the Holme Valley Neighbourhood Development Plan seeks to ensure that energy efficient designs are used in all new buildings.

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.

A climate change statement has been submitted as part of this outline application and states that an electric vehicle charging point (EVCP), surface water harvest, an air source heat pump and solar panels will be installed as part of this development. In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change.

The specific location of the air source heat pump is not set out although, whilst included as a measures within the climate change statement, it is considered this measure would be undertaken through utilisation of permitted development rights.

Ecology

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 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

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

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.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The application form states that the proposed development will benefit from self-build exemption and as such will not be required to demonstrate 10% net gain. However, as the site is located within a bat layer and twice buffer zone, it will be necessary for the scheme to demonstrate ecological enhancements in order to comply with policy LP30 of the Local Plan.

A Preliminary Ecological Assessment (PEA) has been submitted and has been reviewed by KC ecology and deem the assessment reasonable and acceptable.

The PEA makes recommendations for bats, birds, badgers, invertebrates, and hedgehogs, and as such KC ecology consider reasonable avoidance measures are required to be submitted as part of a construction environmental management plan (CEMP), which will be conditioned.

To protect existing habitats surrounding the site, an artificial lighting strategy condition will be imposed also if the applicant decides to install any external lighting.

KC ecology have also requested that a Biodiversity Enhancement Management Plan must be provided prior to the commencement of works on-site and to include the following features post development:

- 2no bat boxes
- 2no bird boxes on mature trees
- Small holes within fences (and other mechanisms) for hedgehogs' mobility.
- 1no. bee bricks

This will be conditioned as such.

The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide SPD, and Policy 13 of the Holme Valley Neighbourhood Development Plan.

Trees

The proposed dwelling will be located adjacent mature trees along the north-west boundaries of the site. It is noted that these trees are not protected,

however, given the close proximity of the proposed dwelling to these trees, the LPA consider it necessary for an Arboricultural Method Statement, in accordance with British BS 5837, to be submitted at the reserved matters stage. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots.

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 materials considerations. It is considered that the development is acceptable in principle and is therefore recommended for approval.

Recommendation: Approve.

Decision Authorisation - Delegated Powers

Application Number: 2025/91135

Officer Recommendation: Approve.

Conditions and Reasons

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

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

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

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

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

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

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

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

5. Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the access and layout details of the development hereby approved shall be carried out in accordance with the plans and specifications schedule listed in this decision notice.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with policies LP1, LP2, LP3, LP11, LP7, LP20, LP21, LP22, LP24, LP30, LP31, LP52 & LP53 of the Kirklees Local Plan, the Kirklees Highways Design Guide, Kirklees Housebuilders Design Guide, policies 1, 2, 6, 11, 12 & 13 of the Holmes Valley Neighbourhood Development Plan, principles within the Housebuilders Design Guide SPD and policies within Chapters 2, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework

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

Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and to accord with Policies LP21 and Lp24 of the Kirklees Local Plan.

7. Prior to construction of the development, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent trees and their roots. This shall include a cellular confinement system being installed at the access prior to commencement on site as specified within the submitted Arboricultural Implications Assessment.

Reason: This is a pre-commencement condition so as to protect the viability of the mature trees within the application site during construction works, including to prevent compaction and damage to the roots of the protected trees. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement and to accord with Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

8. Before the use commences, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) an assessment of all noise emissions from the proposed development
- b) details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
- c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

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

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

10. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (9) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

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

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (10) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

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

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (11). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

13. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

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

14. Prior to the development being brought into use, the sightlines of 2m x 43m along the site frontage shown on drawing 25/1155/03 shall be provided. The visibility splay shall 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 in accordance with Policy LP21 and LP22 of the Kirklees Local Plan.

15. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- b) Identification of "biodiversity protection zones"

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Mitigation / precautionary measures for the Cliff Wood LWS

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), shall be submitted to, and approved in writing by, the Local Planning Authority. The Sensitive Lighting Strategy will demonstrate that the lighting will not impact upon ecological networks and/or sensitive features. External lighting shall be installed in accordance with the specifications and locations set out within the approved lighting scheme and retained thereafter.

Reason: In the interests of biodiversity and in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

17. Development above slab level of the dwelling hereby approved shall not commence until a Biodiversity Enhancement Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The submitted Biodiversity Enhancement Management Plan shall include the following items that will be installed post development:

- 2no bat boxes
- 2no bird boxes on mature trees
- Small holes within fences (and other mechanisms) for hedgehogs' mobility
- 1no. bee bricks

The approved Biodiversity Enhancement Management Plan shall be completed prior to the development being brought into use and retained thereafter.

Reason: In the interests of biodiversity and in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: Electric Vehicle Charging Points –

A standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 sockets would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: Noisy construction related activities shall 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 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 agreements 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: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*

- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	25/1155/01	-	06/05/2025
Proposed Block Plan	25/1155/03	-	06/05/2025
Planning statement	-	-	06/05/2025
Climate Change Statement	-	-	06/05/2025
Preliminary Ecological Appraisal			06/08/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. A Preliminary Ecological Appraisal was submitted by the agent.

Report Dated: 12/08/2025