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:	**2025/62/91989/W**
Site Address:	adj, 1, Longlands Bank, Thongsbridge, Holmfirth, HD9 7HR
Description:	Erection of detached dwelling
Recommending Officer:	Danielle Cooper

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 20th January 2026

<u>Officer report</u>

SITE

The application relates to an irregular shaped plot adjacent to the junction with Miry Lane and Longlands Bank. The site is currently heavily vegetated with the land sloping up in the easterly direction with the gable of no. 4 Heys Road in clear view beyond.

The site is located within the Holme Valley Neighbourhood Development Plan – River Holme Settled Valley Floor.

DEVELOPMENT

The application seeks permission for the erection of one detached dwelling to provide accommodation on three floors with an integral garage.

The dwelling would be served by a new vehicular access onto Longlands Bank forming an open court yard to the front of the dwelling to accommodate three car park spaces.

The proposals would require a number of retaining walls internally within the site.

It is intended to externally face the dwelling in natural stone with a blue slate pitch roof.

The dwelling would accommodate 4 bedrooms.

Garden space is proposed to the side and rear of the building

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

A preliminary roost assessment was submitted and reviewed by KC ecology who found the report reasonable and acceptable subject to conditions.

RELEVANT HISTORY

The planning history relates to previous approvals and one refusal for residential developments, details as follows:

- 2020/92318 - Erection of detached dwelling with garage. Refused October 2020 for the following reason:

  'The proposed dwelling due to its scale, mass, design and location within the plot would result in an imposing, incongruous and over-prominent development within the street scene. This would be detrimental to the character and appearance of the area and contrary to Policy LP24a of the Kirklees Local Plan, the aims of Chapter 12 of

the National Planning Policy Framework and the National Design Guide.'

The proposal the subject of this application is of a smaller scale and massing than that of refusal 2020/92318 and of a differing design with balcony features to the front of the refused application not forming part of this proposal. As such limited weight is afforded the previous refusal given the scheme the subject of this application is of a different design and scale.

- 2019/92495 - Erection of detached dwelling with integral garage. Granted Sept 2019

The proposal the subject of this application is of a very similar design and scale to this previously approved scheme.

- 2014/91761 - Erection of one dwelling Granted Mar 2016
- 2011/90396 – erection of dwelling. Granted Jun 2011
- 2004/94883 – Reserved matters for erection of one detached dwelling. Granted Jan 2005
- 2003/93300 – Outline application for erection of one detached dwelling. Granted Sept 2003

PUBLIC/MEMBERS RESPONSE

The application was advertised by site notice. Final publicity date expired 21st August 2025.

One representation has been received and summarised below:

- The representation has raised concern in regard to wildlife being present on site including that which is a protected species.

Holme Valley Parish Council comments – Support.

CONSULTATION RESPONSES

KC Ecology – No objection subject to conditions.

KC Highways – No response.

POLICY

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

The site is unallocated within the Kirklees Local Plan although does falls within the Holme Valley Neighbourhood Development Plan area. The following policies are therefore considered relevant:

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP28 - Drainage
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

Other Guidance Documents:

- Nationally Described Space Standards
- Housebuilders Design Guide SPD (2021)
- National Design Guide
- Highways Design Guide SPD (2019)
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The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

- Policy 1 Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 3 Conserving and Enhancing Local Heritage Assets
- Policy 10 Protecting Local Green Space
- Policy 12 Promoting Sustainability
- Policy 13 Protecting Wildlife and Securing Biodiversity Net Gain

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- 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

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.

The application site measures 0.0495 hectares. The proposal would equate to a density of 20 dwellings per hectare. This is considered acceptable given the access constraints and also the topography of the site. It is considered the individual site characteristics dictate that a lower density is appropriate in this case.

In this case, the principle of developing the site for a residential dwelling has been previously approved in 2004, 2011, 2014 and 2019 where the land allocation remains the same.

The principle of developing one dwelling on this site is therefore considered acceptable.

Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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."

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

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"

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."*

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 Settled Valley Floor (LCA 4). 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.

It is noted that the design, location and siting of the proposed dwelling is largely the same as that granted planning permission under application ref: 2019/92495.

The proposed dwelling, although of a substantial scale and footprint being 3 storey tall, can be comfortably accommodated within the plot, ensuring a sense of openness is retained. Adequate space would remain for domestic curtilage and on-site car parking provision to the front.

In terms of design and character, the dwelling reflects the more contemporary style of recent developments to the south along Longlands Bank, ensuring visual continuity within the streetscene. This contemporary approach is further enhanced through the use of natural stone facing, which is the predominant material in the locality and therefore accords with Policy LP24 of the Local Plan. The proposed blue slate roofing is also considered appropriate given the varied roofscape within the surrounding area. A condition is recommended to ensure the submission of material samples to the Local Planning Authority for approval.

It is acknowledged that the development would necessitate the removal of part of an existing grass bank, which currently contributes positively to the character of the area. However, as a significant portion of the bank to the north-west would be retained, and taking into account the site's planning

history, the partial loss of the bank to facilitate the dwelling is considered acceptable.

The proposal would require retaining structures to be constructed. These are not an uncommon occurrence within the locality and on the basis suitable materials of construction are utilised the proposal is considered acceptable in this regard. Details of the finalised boundary treatments are considered necessary to be submitted as a condition and approved by the LPA to ensure they are not excessive height or unsympathetic materials. Given the submitted detail it is considered finished floor levels are demonstrated on the submitted plans and this details is not necessary to require further submission of on the basis a condition is in place requiring the development be undertaken in accordance with the submitted plans / details.

Given the visual impact further development through utilisation of pd rights has the potential to impact upon the street it is recommended any approval be subject to condition removing such rights.

Overall, the layout, scale, and appearance of the proposed dwelling are judged to integrate well with the surrounding development and would not harm the visual amenity of the area. The proposal is therefore considered to comply with Policies LP2 and LP24 of the Local Plan, as well as the aims of the NPPF.

It is therefore considered that proposed development will accord with policy LP24 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan, and principle 2 of the Housebuilders Design Guide subject to inclusion of the recommended conditions.

Impact on residential amenity:

A core planning principle as set out by policies within Chapter 12 of the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. 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.

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

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.

In this instance, given the topography of the site and adjoining land, which is in the main at a higher level, the proposed dwelling and siting shown with habitable openings mainly in the north east and south west elevations would achieve adequate distance between habitable rooms in order not to create any overlooking.

With regards to being overbearing or overshadowing, these elements have to be considered given that the property is 3 storey, again due to the topography of the area and the distance to neighbours properties, with both properties at No 1 & 2 Longlands being over 20m away. Therefore, there is little opportunity for the dwelling to create any overshadowing or overbearing impact on residential amenity of nearby neighbours.

The proposed dwelling would allow a good outlook and receipt of natural light to its occupants, the landscaping of the site would ensure that a generous amount of outdoor amenity space would be provided, and floorspace would be comfortably in excess of that required under the Nationally Described Space Standards for a four-bedroom house.

In conclusion, it is considered that the proposals are acceptable with regard to impacts on residential amenity, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

An informative will be attached to control the hours of construction to protect residential amenity of surrounding residential properties.

To safeguard the amenity of neighbouring properties, preserve the character of the development, and ensure on-site parking is maintained, it is considered appropriate to remove permitted development rights for future extensions.

Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Policy 6 of the Holme Valley Neighbourhood Development Plan details that adequate parking should be provided, having reference to the Council's adopted Highways Design Guide and that additional parking to accommodate delivery vans is encouraged. Furthermore, Policy 6 sets out that development should have good access to public transport routes and encourages walking & cycling.

It is noted that no comments were received by KC Highways. However, the proposed scheme is similar to the previously approved application 2019/92495 and as such it is considered the LPA is able to make an assessment in this regard.

The proposed scheme would provide an integral single garage and at least two adequate car parking spaces within the forecourt to the front and as such the proposed parking for the site is acceptable.

The LPA do not consider the proposed development to cause a detrimental impact on the users of the surrounding highway network, subject to conditions to restrict the use of the garage and to keep parking spaces free from any obstructions.

Given the circumstances of the site where there is currently limited space for construction materials and parking it is considered appropriate to require the submission of a construction management plan to ensure that the development of the site does not have any adverse impact on highway safety.

To ensure adequate visibility, it is considered necessary to impose a condition that ensures no planting or fencing can be erected within a strip of land 2m deep measured from the carriageway edge of Longlands Bank along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

The gradient of the access must also not exceed 1 in 8 with suitable vertical curves at the access.

A dropped kerb is required to the site frontage, and a section 184 agreement will need to be entered by the applicant which will be covered by an informative.

The proposed bin area is considered acceptable being off street and with presentation at the road side easily achievable. The proposal would not see a parking dominated frontage given the layout and areas of soft landscaping.

It is therefore concluded the proposal is acceptable and in accordance with the aforementioned policies.

Other matters:

Land Stability

Paragraph 187 of the NPPF clearly states that to prevent unacceptable risks from land instability, where it is the responsibility and subsequent liability for safe development and secure occupancy of a site rests with the developer and/or the landowner.

The plans illustrate a high retaining wall to be constructed along part of the south boundaries and internally within the application site. The plans also

indicate the retention of an existing retaining wall to the eastern and northern boundary of the site.

New retaining walls internally within the site appear to support areas to be used as patios and include external steps to retain the varying levels within the site. This may also require Building Regulations approval. Given the constraints of the site, constructional details for the proposed retaining walls will be required by condition, in the interests of visual and residential amenity for both the residents of the existing and future residents of the proposed dwelling, and to accord with advice in the NPPF and advice in the Planning Practice Guidance. It is also noted that the proposed dwelling would not be constructed on top of the bank and will require ground work which ensures there will not be any additional load to the bank. To summarise on the basis of the above, Officers support the application subject to conditions.

Climate change

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.

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.

The proposal has been accompanied by a climate change statement, which indicated locally sourced material would be used and the consideration of installing an air source heat pump and solar panels, which will reduce the dwelling's carbon footprint. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

It is noted that installation of such carbon reduction technologies would need to rely on the extent of such provisions as permitted by part 14 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) given the specific details are not included as part of this

application. Notwithstanding this point it is considered possible such measures could be incorporated.

Ecology

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

A BNG assessment has been provided and reviewed by the Ecology officer. The site will attain a net gain of 0.02 (15.50%) habitat units and 0.02 hedgerow units, resulting in a 15.15% net gain. This will be through the creation of grassland, garden, and a tree to v low and medium distinctiveness, as well as the creation of native hedgerow with low distinctiveness. As such the report and metric is considered acceptable by Ecology .

The LPA consider it necessary to ensure an informative is in place upon any grant of permission which sets out the requirements of Biodiversity Net Gain legislation. Under the legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

As such, it is not considered necessary for any further condition to be in place upon any grant of permission given the statutory requirements in relation to biodiversity and the fact that the provision of the measures set out in the submitted ecological assessment would meet the requirements of the aforementioned policy.

Therefore, subject to inclusion of the recommended informative note, the proposal is considered to be acceptable in regard to the legislative requirement for BNG.

The following policies are also relevant:

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.

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.

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.

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

The submitted PEA makes recommendations for birds, bats, and hedgehogs. As a result, it is recommended that the submission of a construction environment management plan (CEMP) be secured via condition.

The report states that a Sch 9 invasive species (e.g. rugosa rose) has been observed onsite. As such, an invasive species survey and appropriate removal and / or management plan will be recommended to 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.

To ensure the site does benefit from biodiversity enhancements, a Biodiversity Enhancement Plan will be conditioned.

The survey submitted states that badgers were observed on the site. As such a condition will be imposed to ensure an additional badger survey is undertaken within the application site and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive 3 months to commencing work on the site. If any badger activity is detected during this survey, a suitable course of action shall be submitted to the Local Planning Authority to ensure the protection of badgers. A badger licence will also be required, however this is separate legislation and as such will be drawn to the applicants attention as an informative.

On the basis of the inclusion of the recommended conditions the proposed development is considered to have an acceptable impact with regard to ecology and biodiversity and accord with the aforementioned policies.

Foul Sewage

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

The site is located within flood risk zone 1 and given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure, it is considered that foul and surface water drainage can be suitably accommodated as part of the development.

Land contamination

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The site is located on land identified as potentially contaminated. Therefore, the potential risks from contaminated land to end-users need to be assessed. For these reasons, contaminated land conditions are necessary to be implemented, ensuring a phase I contamination report is submitted.

The site is located within a low coal risk area and as such there are no concerns in this regard.

Representations:

The application was advertised by site notice. Final publicity date expired 21st August 2025.

One representation has been received summarised earlier in this report.

Officer comment: This representations is noted. A preliminary ecological assessment and badger survey has been submitted and reviewed by the ecology officer who consider the reports acceptable. A condition will also be imposed to ensure an additional badger survey is undertaken within the application site and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive 3 months to commencing work on the site. If any badger activity is detected during this survey, a suitable course of action shall be submitted to the Local Planning Authority to ensure the protection of badgers. A badger licence will also be required, however this is separate legislation and as such will be added as an informative.

Holme Valley Parish Council comments – Support.

Officer comment: This comment is noted.

Conclusion:

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

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

Decision Authorisation - Delegated Powers

Application Number: 2025/91989

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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete 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, LP20, LP21, LP22, LP24, LP28, LP30, LP51, LP52, LP53 of the Kirklees Local Plan, policies 1, 3, 10, 12 and 13 of the Holme Valley Neighbourhood Development Plan and policies 2, 5, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external walling and roofing materials to be used have been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained.
Reason: In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan, Policies 1 & 2 of the Holme Valley Neighbourhood Development Plan, The Council's adopted Housebuilders Design Guide SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

4. Prior to construction works commencing on the retaining walls approved as part of this permission full details including the height, design and materials to be used for the erection of all retaining and screen wall(s)/fence(s) including

constructional details and facing materials of the proposed retaining and screen wall(s)/fence(s) have been submitted to and approved in writing by the Local Planning Authority. The approved walls/fences and retaining walls shall be erected before the development hereby approved is first brought into use and shall thereafter be retained.
Reason: In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan, Policies 1 & 2 of the Holme Valley Neighbourhood Development Plan, The Council's adopted Housebuilders Design Guide SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

5. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Longlands Bank along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.
Reason: To ensure adequate visibility in the interests of highway safety and to achieve a satisfactory layout and to accord with Policy LP21 of the Kirklees Local Plan and policies within Chapter 13 of the National Planning Policy Framework.

6. The gradient of the access shall not exceed 1 in 8 with suitable vertical curves at the access and any change in gradient.
Reason: To ensure adequate visibility in the interests of highway safety and to achieve a satisfactory layout and to accord with Policy LP22 of the Kirklees Local Plan and policies within Chapter 13 of the National Planning Policy Framework.

7. Prior to the hereby approved development being brought into use, all private areas indicated to be used for parking, access and drive as shown on the approved drawing no. 1850 01_01 shall be laid out with a hardened and drained surface in accordance with the Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance before the hereby approved dwelling is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for access, parking and turning.
Reason: To ensure that the development achieves an acceptable highway layout with adequate and on site turning provision for vehicles, in the interests of highway safety and to avoid an increase in flood risk and to comply with Policy LP21 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

8. Notwithstanding the provisions of section 55(2)(a)(i) of the Town and Country Planning Act 1990 (or any re-enactment with or without modification) the integral garage to serve the hereby approved dwelling shall be used for the garaging of motor vehicles only and for no other purposes.
Reason: In the interest of highway safety, to ensure adequate parking provision is made available on site for the size of the dwellings and to accord

with Policies LP21 and LP22 of the Kirklees Local Plan, policy 6 of the Holme Valley Neighbourhood Development Plan, principles within the Housebuilders Design Guide and policies within Chapter 13 of the National Planning Policy Framework.

9. 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 Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction
Reason: This is a pre-commencement condition to ensure that an appropriate scheme is agreed in the interests of highway safety before construction works commence in accordance with Policies LP21 and LP22 of the Kirklees Local Plan policy 6 of the Holme Valley Neighbourhood Development Plan, principles within the Housebuilders Design Guide and policies within Chapter 13 of the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: In the interests of visual and residential amenity given the topography of the site and so as not to prejudice the amenities neighbouring residents from overlooking and loss of privacy and to accord with the requirements of Policy LP24 of the Kirklees Local Plan, policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, principles within the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

11. Development 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) has been submitted to and approved in writing by the Local Planning Authority.
Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and advice within the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition no.11 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.
Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan

and advice within the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no. 12 development shall not commence until a Remediation Strategy 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and advice within the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no. 13. 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 works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the Local Planning Authority, 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and advice within the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report 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 for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and advice within the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be

necessary before work can commencement on the construction of the development hereby approved.

16. The development hereby permitted shall not commence, including any demolition, until a survey of the site by an appropriately qualified and experienced ecologist is undertaken within the application site and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive. This badger survey shall be undertaken no more than 3 months prior to the commencement of the development. If any badger activity is detected during this survey, a suitable course of action shall be submitted to and approved in writing by the Local Planning Authority before any works commence.
Reason: To ensure that the development does not result in any adverse impact upon protected species or biodiversity in accordance with Kirklees Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition as protected species investigation works are necessary before work can commencement on the construction of the development hereby approved.

17. 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
a) Identification of "biodiversity protection zones”
b) 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)
c) The location and timing of sensitive works to avoid harm to biodiversity features.
d) The times during construction when specialist ecologists need to be present on site to oversee works.
e) Responsible persons and lines of communication.
f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
g) Use of protective fences, exclusion barriers and warning signs.

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 Policy LP30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan, principles within the Housebuilders Design Guide SPD and policies within Chapter 15 of the National Planning Policy Framework 2024. This is a pre commencement condition as a CEMP is required to be in place before work can commencement on the construction of the development hereby approved.

18. The development shall not be brought into use until a Biodiversity Enhancement Management Plan has been submitted to, and approved in

writing by, the Local Planning Authority. The submitted Enhancement Plan must include the following:

- 2no bird boxes
- 1no bat box
- An increase in deadwood which will provide opportunities for a higher diversity of invertebrates.
- Small holes within fences (and other mechanisms) for hedgehogs' mobility.
- A planting scheme should be implemented within the scheme to create a fruit trees and flowerbeds. Plantings should comprise native species of high biodiversity value

The development shall not be brought into use until the Biodiversity Enhancement Management Plan has been completed and shall be retained thereafter.
Reason: In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan, principles within the Housebuilders Design Guide SPD and policies within Chapter 15 of the National Planning Policy Framework 2024

19. No works shall commence on-site until an invasive species survey has been undertaken and submitted to, and approved in writing by, the Local Planning Authority. The submitted survey shall detail appropriate removal and / or a management plan which shall be completed in accordance with a timeframe which is set out as part of the submitted survey.
Reason: In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan, principles within the Housebuilders Design Guide SPD and policies within Chapter 15 of the National Planning Policy Framework 2024. This is a pre commencement condition as an invasive species survey and appropriate management strategy is required to be in place before work can commencement on the construction of the development hereby approved.

20. 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 Policy LP30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan, principles within the Housebuilders Design Guide SPD and policies within Chapter 15 of the National Planning Policy Framework 2024

NOTE: Badger is protected under the Protection of Badgers Act 1992. Under this legislation it is an offence to kill or injure a badger; to damage, destroy or block access to a badger sett; or to disturb badger in its sett. The Act also

states the conditions for the Protection of Badgers licence requirements. In granting planning permission, the Local Planning Authority is not confirming that development operations will not breach the Protection of Badgers Act 1992. Likewise, obtaining planning permission does not guarantee that a badger licence will be granted by the issuing authority. Licences cannot be issued retrospectively, and licensing authorities require time to process applications. Licences will normally only be granted for works to be undertaken between 1st July and 30th November.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway and the changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: 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.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

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

With no construction related noise audible beyond the site boundary on Sundays or
Bank/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: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484 221000 who can advise further on this matter

NOTE: The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner

NOTE: The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

NOTE: It is noted that utility/electrical cabinets are located adjacent to the application site along the pavement. The applicant is advised that any removal or relocation of this infrastructure will require separate consent from the relevant statutory undertaker.

NOTE: The removal of vegetation should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

NOTE: It is a requirement of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 that a Biodiversity Net Gain Plan is submitted to, and approved in writing by the Local Planning Authority.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	PP-14162682v1		16.07.2025
Proposed Site Plan	1850 01_01		16.07.2025
Proposed Plans and Elevations	1850 02_01		16.07.2025
Design and Access Statement			16.07.2025
Climate Change Statement			24.07.2025
Badger Survey & Report	22159b/JF		15.01.2026
Preliminary Ecological Appraisal Report	23159/JF		23.10.2025
Biodiversity Accounting Assessment Report	23159a/JF		23.10.2025

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 Planning Authority has, where possible, made a pre-application 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 roost assessment was submitted and reviewed by KC ecology who found the report reasonable and acceptable.