

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

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

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2023/62/92814/E</b>
Site Address:	Land Adj, 245, Heckmondwike Road, Dewsbury Moor, Dewsbury, WF13 3NF
Description:	Erection of a pair of semi-detached dwellings
Recommending Officer:	Edward Cheseldine

**DECISION – FULL CONDITIONAL APPROVAL**

**I hereby authorise the approval/refusal\* (delete as appropriate) of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 9-Dec-25**

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## **Officer Report**

2023/92814 - Land Adj, 245, Heckmondwike Road, Dewsbury Moor, Dewsbury, WF13 3NF

## **Site Description**

Land adjacent to 245 Heckmondwike Road is a parcel of land of 0.31ha in area. The site includes several protected trees (06/01/t). It is accessed from an unadopted road that leads onto Heckmondwike Road. There is a dense coverage of self-seeded shrubbery within the site. To the east rests open fields that leads to the land designates as Green Belt. Heckmondwike Road sits above the site due to a mild gradient that slopes from east to west.

## **Proposed Description**

The applicant is seeking permission for the erection of one pair of semi-detached dwellings.

Each dwelling will be 12.20m(w) x 9.46m(l) the eaves height will be 5.45m with a ridgeline height of 8.00m. The dwellings will be formed with stone front facades and brick walls, and pitched roofs clad in blue grey concrete tiles. Features include rising gable-ends on the front façade and stone surrounds. There is a single-storey front projection on the rear of each dwelling.

## **Amendments/Negotiations**

Due to the impact to the protected trees and therefore wildlife habitats the applicant was requested to reduce the number of dwellings to 2no and introduce soft landscaping to the front outdoor area.

The immediate building group is traditional formed of stone building, it was requested stone was added to the exterior of the properties.

Amended plans were received and accepted reducing the impact to proposal to no.2 dwellings, adding soft landscaping features to the front outdoor areas and changing the front facades to stone material.

Following comments from KC Highways the applicant has provided road/pedestrian safety details – these were received and accepted.

## **Consultation Responses**

The Mining Remediation Authority – No objection, subject to conditions.

KC Environmental Health – No objection, subject to conditions relating to land contamination and noise.

KC Trees – Objection due to the removal of protected trees. Under amended plans the application will result in the removal of no.1 category C & no.3 category U trees. Officers considered, on balance, the removal of the trees is acceptable to provide sufficient amenity space for future occupants whilst retaining the overall character of the surrounding landscape. It will be conditioned a tree protection plan will be submitted and agreed in writing by the Local Planning Authority. Please see *Impact on Environmental Matters* section of the report.

KC Highways – Following consultation response dated 07 April 2025, a vehicle safety barrier will be installed. Please see *Impact on Highway Safety* for details relating to footpath. Visibility splays for access onto Heckmondwike Road confirmed. A pedestrian footpath connecting the dwelling to Heckmondwike Road will be installed.

### **Relevant Planning History**

2018/92720 - Erection of 2 pairs of semi-detached dwellings – Refused

### **Public Representations**

Neighbourhood notifications were distributed to advertise the application, which expired on the 02 December 2024. As a result of the publicity, there were no representations.

### **Policy & Legislation**

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

The site is unallocated on the Kirklees Local Plan Proposals Map.

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

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 11** – Housing Mix and Affordable Housing
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 51** – Protection and Improvement of Local Air Quality

- **LP 52** – Protection and Improvement 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 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

## **Other Material Considerations**

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Gov UK Biodiversity Net Gain Technical Guidance (2023).
- Kirklees Housebuilders Design Guide SPD (2021).

## **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Environmental issues
- 5) Representations
- 6) Conclusion

### Principle of development

#### *Sustainable Development*

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

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

The site is UNALLOCATED on the KLP Policies Map. Policy LP2 states that:

*“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*

### *New Dwellings*

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

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

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

In this case, two additional units would make a small contribution to that supply. Good design is a key aspect of sustainable development which contributes to creating better places. Therefore, a balance will be formed, within this assessment, against the benefits two dwellings would bring in

respect of the constraints present on site, including protected trees and ecological habitats.

Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 11 dwellings. The site is formed within a habitat scrubland, it is constrained by protected trees. The access road is formed of a single track with limited passing points. The density of the site is therefore acceptable in terms of its principle.

### Impact on Visual Amenity

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

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

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...”*

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

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.”*

The application site is set within an area of dense vegetation and mature trees. Land slopes from east to west. In terms of the surrounding building group, there is a group of traditional buildings to the north of the site.

Principle 5 relates to the layout of the development in respect of the visual connection of surrounding areas, including working with topography. The transition from urban to open land should be considered as per principle 8. The design of windows and doors relate well to the street frontage and neighbouring properties is required by principle 14 of the Housebuilders Design Guide. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

Block plans indicate a pair of semi-detached dwellings will be placed within the parcel of land which contains a spread of mature trees that are considered to form the character of the landscape. The mature trees will form the backdrop for the dwellings. There is a sufficient distance of separation between the dwellings and treeline. A front garden space will be constructed with sections of lawn space providing green coverage to areas in front of the dwelling. Low fencing will be installed to the front, the dwellings will therefore not appear closed off. Dwellings follow the spatial pattern of residential development that falls to the north-west of the dwelling, these buildings are also two storeys in height. The development site is currently an area of vegetation and mature trees which contribute strongly to the character of the area. In order to preserve the character of the area and promote wildlife habitats Permitted Development Rights Class F will be removed.

The building would be formed within a small group of residential buildings. The grouping currently comprises of traditional dwellings, although it is noted there are some more contemporary design features within the built form. Dwellings will be constructed with stone front facades with brick exterior walls on the sides and rear, integrating the development with the immediate building grouped. The pair of dwellings has symmetrical window openings creating an active street frontage.

In terms of roof types, the adjacent building to the north-west of the site mainly contain hipped roof forms, whilst others in the building group contain pitched roof forms. Given the relatively small grouping a pitched roof is acceptable.

In consideration of visual amenity, the pair of semi-detached dwellings will maintain a visual connection with the surrounding landscape, forming an appropriate addition to the row of buildings. The complies with Principle 2, 5, 8, 14, 15 of the Kirklees Housebuilders Design Guide, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

#### Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should:

*“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*

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

Principle 6 of the Kirklees Housebuilders Design Guide SPD states 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 SPD also provides advised separation distances for two storey dwellings:

- 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 a non-habitable room;
- 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 metres distance from the side wall of the new dwelling to a shared boundary.

The property affected will be 245 Heckmondwike Road only due to distance and the spatial layout of nearby buildings.

#### *Impact on 245 Heckmondwike Road*

In terms of privacy, there are no windows that will have a direct relationship with habitable windows of 245 Heckmondwike Road. There will be new rear facing windows, including at a first-floor level, which will have a view towards private amenity space. The two-storey section of the rear building line sits behind the rear building line of 245 Heckmondwike Road. Their garden is banked at a higher level than ground-floor windows. The eaves of the application properties are set lower than the eaves of no. 245. There is currently a tree between the application site and neighbouring property, however plans indicate this will be felled as part of the proposal. The residential garden space extends to the north, it is long and linear. It is considered there is enough garden space that will remain private, so that the occupants of 245 Heckmondwike Road retain a sufficient level of privacy.

In terms of a loss of light, outlook or an overbearing impact, the application dwelling sits adjacent to 245 Heckmondwike Road. The front façade of the application dwelling sits 3.80m in front of the adjacent building. They are relative in height. Given the relationship, it is not considered there will be a loss of outlook, light or an overbearing impact for neighbouring occupants.

Due to distance, there are no other properties to consider.

### *Amenity of the Proposed Occupiers*

Principle 16 of the 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.”* *“The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.”*

Internal space standards are outlined within the Nationally Described Space Standard (NDSS). Each proposed dwelling will benefit from a 3 bedrooms, it is noted a staircase will lead to the loft space which will contain skylight openings. These spaces could serve as bedrooms and will therefore be considered within the assessment.

Space standards indicate a 3 storey dwelling with 5 bedroom requires a minimum internal floorspace of 116m<sup>2</sup>.

Officers calculate the internal floorspace of each dwelling to be 227.25m<sup>2</sup>, which meets the set standards.

In addition, a double bedroom should have an internal floorspace of 11.5m<sup>2</sup>, one of which must be 2.75m<sup>2</sup> wide and others 2.55m<sup>2</sup>. Each bedroom meets the standards.

Notwithstanding this, an assessment should not just be conformed to a numerical calculation but of the quality of the functionality of habitable space. Plans illustrate double beds with sufficient space to provide storage set within the rooms; there is a suitable amenity of functionable space when accounting for doors and windows and additional storage. All rooms have sufficient natural light due to window layouts.

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.”*

A rear and front outdoor area will be included with each dwelling, the rear of which is considered to be private space. These spaces will be 183m<sup>2</sup> and are considered a suitable size for the number of bedrooms provided.

Having considered the above factors, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbour occupants or the future occupiers of the dwelling. The proposal therefore

complies with Policy LP24 of the KLP (b), Key Design Principles of the House Builders Design Guide SPD and Chapter 12 of the NPPF.

### Impact Highway Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

Development is for a private driveway, turning head, footpath and works to the access including the installation of a vehicle safety barrier.

Block plans indicate 3 parking spaces will be provided per dwelling. 2.4m x 43m sight lines for access onto Heckmondwike Road have been provided. Block plans indicate a footpath to the front of the property will be constructed.

In terms of parking, the Kirklees Highways Design Guide, outlines a dwelling with 4+ bedrooms should have 3 parking space. Floorplans indicate the dwelling will have 4 bedrooms with 2 rooms within the loft space. The loft rooms could be utilised as bedrooms given their size and window openings; therefore these will be accounted for, within the assessment. However, as 3 parking spaces are provided, the plans accord with the Kirklees Highways Design Guide.

In terms of highway safety, KC Highways assessed the provided sight lines and access works. They concluded, they were satisfactory for providing safe access onto Heckmondwike Road for the intensification of use.

On 17 December 2024 it was requested that details of gradients of the land beyond the southern boundary of the shared access road should be provided to assess if safety measures should be introduced. The agent submitted amended block plans on 21 October 2025 indicating a road safety barrier will be installed on the access road and turning head.

The proportionality of installing a protective barrier has been considered in relation to the scale of the development, which comprises two additional dwellings accessed by a private road. A turning head is proposed near a section where the land drops more steeply, and vehicles may need to reverse in this area. Along the access road itself, the change in levels is more gradual. Additionally, several protected trees are located here, and installing a barrier could risk damaging their root systems. Notwithstanding the submitted plans, it is considered a vehicle safety barrier or protective crash bollards should only be installed on the west of the turning head to prevent vehicles straying from the road surfacing.

Additionally, a pedestrian footpath will be installed along the access road from the proposed dwellings to the turning onto Heckmondwike Road. Due to the increase in the pedestrian use of the access road from the two proposed

dwelling, it is considered this recommendation is necessary. To achieve a suitable level of highway safety for pedestrians and to provide access to the buildings, it will be conditioned the pedestrian footpath on block plan 21-030-03D is installed prior to the commencement of other works.

KC Highways also recommended a pedestrian footpath is installed along Heckmondwike Road from the access to the bus stop 110m northbound. Officers consider there to be appropriate pedestrian infrastructure to cross Heckmondwike Road to the pedestrian footpath and safely access the bus stop without travelling on the road. This recommendation will therefore not be required.

### *Trees*

LP33 relates to the protection of valuable trees. It states, 'the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity.'

There are several protected trees within the redline boundary that are protected by individual tree preservation orders (06/01/t). The initial plans were for the development of 2 pairs of semi-detached properties which would result in the loss of 4 category B trees and 1 category C tree. The mature trees on site contribute to a group character which provides a high amenity value to the area as indicated through their protected value. The trees are visible from Heckmondwike Road and can be seen from other public vantage points including Public Right of Way DEW/107/10.

KC Trees assessed the arboricultural report 18868/ME - Rev 2 authorised by JCA Ltd (superseded). The report indicates the trees on site and their current condition. The initial plans resulted in the removal 5 protected trees including 4 category B trees and 1 category C tree. The impact would therefore be significant and would result in a significant loss of tree coverage where there is a group setting that contributes to the amenity of the area. KC Trees objected to the initial plans due to the loss of significant and mature trees and impact to visual amenity.

On 11 February 2025, Officers requested amended plans were submitted by the agent to overcome planning concerns in relation to the impact to protected trees. It is considered; residential development could be accommodated on the site whilst minimising the impact to protected trees through a conscientious scheme that change the placement of dwellings to be outside of the canopy cover of protected trees. It was requested the number of dwellings was reduced from 4 to 2 to minimise the footprint of development.

Plans were received on 03 March 2025, the number of the dwellings was reduced to one pair of semi-detached properties, however the placement of the dwelling was not altered. Submitted plan 21-030-03 revD received 21 October 2025 identifies the removal of 4 protected trees.

Trees T24, T23, T20 & T5 are set to be removed. Arboricultural report 18868/ME - Rev 2 identifies T24 category U, T23 category U, T20 category C, T5 category U. Development will therefore result in the removal of 1 trees (T20) which would typically be desired to be retained. KC Trees confirmed the category U trees can be removed.

T20 is placed in the middle of the rear garden area of House 2. It would lead to an overshadowing impact for occupants when enjoying the garden space. Its removal is considered to be appropriate to allow future occupants to enjoy a sufficient level of sunlight when considering the sun's orientation. It is considered the removal of T20 would not harm the amenity of the tree grouping and sufficient trees coverage would be retained. Given this, Officers consider the removal of trees T24, T23, T20 & T5 to be justifiable when weighed in the planning balance and the provision of an additional 2 dwellings at this site.

Development is in close proximity to protected trees includes the installation of fencing. In order to protect the health of the remaining trees, it will be conditioned that a tree protection plan is submitted and approved in writing by the Local Planning Authority.

In addition, due to the row of protected trees to the rear of the building Permitted Development Rights for class A & E will be removed in order to avoid harm to trees within and adjacent to the development site.

### *Coal Mining Legacy*

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 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 rests in a high risk coal area due to historic mining activity. A Coal Mining Risk Assessment was submitted, which was reviewed by The Mining Remediation Authority.

*The report makes recommendations for ground investigations to be carried out on the site in order to establish the exact the coal mining situation and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable.* The Mining Remediation Authority recommended conditions for intrusive site investigations.

Therefore, based on their response, if the application was set for an approval, conditions relating to ground intrusive investigations and remediation would be set.

### *Contaminated Land*

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 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.

KC Environmental Health reviewed the submitted information as follows:  
*A Coal Mining Risk Assessment by Demeter Environmental Ltd (August 2018, Ref: 18-08-09) has been submitted in support of the application. The report includes geotechnical information, which falls outside the remit of Environmental Health. This consultation response therefore focuses solely on the land contamination aspects of the report.*

*The report assesses coal mining risks for the proposed development. The site is lies within a Development High Risk Area, as defined by the Coal Authority. The report explains that beneath the site, the Silkstone and Black Bed seams were mined at depths of 30m and 191m below ground level (mbgl), and the Wheatley Lime seam outcrops on the site. There is also believed to be probable unrecorded shallow coal mine workings at the site. For these reasons, the report recommends an intrusive investigation to establish the extent of any workings. The report also recommends ground gas monitoring for at least 6 occasions in accordance with C665 guidance.*

Given the information presented, and the proximity of the site to potentially contaminated land (ref: 296/5) and the sensitive end-use proposed, full contaminated land conditions to ensure safe development and use of the site are required. Subject to conditions the development is in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

#### *Noise*

Kirklees Local Plan Policy LP52 ensures the protection of development from noise or disturbance from nearby noise generating sources.

The application site is located close to noise producing sources including the B6117 (B road), industrial sites and a licences premises. KC Environmental Health recommended a condition relating for Noise Assessment Report and necessary mitigations through a scheme where appropriate. Given the potential existing noise sources, it will be conditioned as part of an approval.

#### *Biodiversity Net Gain & Ecology*

The application was submitted prior to BNG legislation becoming mandatory for minor applications. It is therefore exempt from providing a Biodiversity uplift under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals

of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

A preliminary ecological appraisal authored by JCA, reference 18868a/HC was submitted. It was assessed by KC Ecology, they found the findings to be reasonable and acceptable. They did not recommend planning conditions.

Nevertheless, an ecological uplift should be provided to satisfy LP30 of the Kirklees Local Plan. The site is located in an area known to include bat habitats. To provide a habitat uplift it is recommended a condition to installed no.1 bat box and no.1 bird box shall be installed on each dwelling.

The development site forms part of the Kirklees Wildlife Habitat Network. Mobile species which are able to fly or climb are unlikely to be prevented from dispersing across the site and through gardens by the boundary treatments. Terrestrial based species may be blocked by boundary treatments. The largest species of note which may use the surrounding habitats and would benefit from access to gardens is the hedgehog. It will therefore be conditioned that two, 13cm x 13cm hedgehog holes are installed on all fence boundaries that are installed. These holes should be placed at least 4.00m apart.

#### *Construction Site Working Times*

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be included.

#### *Electric Vehicle Charging Points*

The requirements for EV charging points are set out within the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group, therefore a secondary planning condition is not necessary.

#### *Climate Change*

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 the application which details the intended measures to be incorporated.

#### **Conclusion**

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

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

## **Recommendation**

## **Approve**

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

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP30, LP33, LP51, LP52, LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external building materials of the dwellings hereby approved shall be natural stone to the front elevations and red brick to the side and rear walls, and blue grey concrete roof tiles and retained thereafter.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles of the Kirklees Housebuilders Design SPD (2021) and the aims of chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no extensions, outbuildings or hard surfaces (Class A, E & F), other than those expressly authorised by this permission shall be constructed on the site.

**Reason:** In order to preserve the characteristics of the area formed by the surrounding natural landscape, and avoid harm to protect trees within and adjacent to the development site and to accord with LP24, LP33 & LP35 of the Kirklees Local Plan and Chapter 12 & 15 of the NPPF.

5. The development shall not be occupied until the W/C/bathroom windows in the dwelling hereby approved dwellings have been obscurely glazed (to a minimum Grade 4). 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) the obscure glazing (to a Grade 4) shall thereafter be retained.

**Reason:** To protect the privacy of future and neighbouring occupiers and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the Kirklees Housebuilders Design and the aims of the National Planning Policy Framework.

6. The boundary treatments of the development shall be in accordance with those detailed within submitted drawing ref 21-030-03D. The development shall not be brought into use until the boundary treatments details upon submitted drawing ref 21-030-03D have been completed. The boundary treatments shall be thereafter retained and maintained for the lifetime of the development in accordance with the details upon drawing ref 21-030-03D.

**Reason:** In the interests of residential amenity of neighbouring occupiers, visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, principles 5, 6 & 8 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

7. Notwithstanding the submitted plans, two 13cm x 13cm holes shall be formed within each of the boundary fences hereby approved including the fence boundary separating the pair of dwellings. These holes shall be formed at ground at intervals of at least 4.00m and retained thereafter.

**Reason:** To provide a habitat uplift for the development and to accord with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. One bird nest box and one bat box shall be installed on the exterior of each new dwelling before the dwelling hereby approved is first brought into use and thereafter retained for the lifetime of the development.

**Reason:** To provide a habitat uplift for the development and to accord with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. Development shall not commence until a scheme detailing measures to protect the trees and/or other areas of vegetation indicated to be retained on approved drawings ref 21-030-03D during the demolition, engineering and construction phase(s), has been submitted to and approved in writing by the Local Planning Authority. Details must include the type and location of tree protective fencing and the method of installation. Development shall not commence until the works comprising the approved scheme have been fully installed/completed. The approved measures must be retained throughout the demolition, engineering and construction phase(s) of the development. No plant, equipment or materials shall be stored or placed within any fenced area at any time.

**Reason:** To prevent harm and damage to protected trees located within and surrounding the development site and to accord with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the NPPF.

10. Notwithstanding drawing ref 21-030-03D, a vehicle safety barrier or crash protection bollards shall be installed at the west edge of the turning head only

and not to the south eastern edge of the access road. The barrier/bollards shall be installed prior to occupation of the dwellings and thereafter be retained.

**Reason:** In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

11. Prior to the occupation of the dwellings hereby approved, the access road, pedestrian footpath, egress and turning head shall be laid out and developed in accordance with drawings ref 21-030-03D and thereafter retained. Upon completion the visibility splays shall be retained thereafter with no obstruction above 900mm within the visibility splays indicated on drawing ref 21-030-05.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout and to accord with Policy LP21 of the Kirklees Local Plan.

12. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives and access road on 21-030-03D are laid out with a hardened and drained surface 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 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 parking thereafter.

**Reason:** In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

13. The finished floor and slab levels of the development shall be in accordance with those shown on submitted drawing ref 21-030-07B. The development shall not be brought into use until the finished floor and slab levels approved by this condition have been completed. The approved finished floor and slab levels shall be so retained for the lifetime of the development.

**Reason:** In the interests of visual amenity and the amenity of neighbouring occupiers to accord with Policy LP24 of the Kirklees Local Plan, principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

14. 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. 196 and 198 of the National Planning Policy Framework.

15. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (14) 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. 196 and 198 of the National Planning Policy Framework.

16. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (15) 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. 196 and 198 of the National Planning Policy Framework.

17. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (16). 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. 196 and 198 of the National Planning Policy Framework.

18. 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. 196 and 198 of the National Planning Policy Framework.

19. Before any enabling or construction work commences, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including any commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a. Determine the existing noise climate
- b. Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c. Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

20. No development shall commence until (excluding demolition of existing structures and site clearance);

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

**Reason:** To address risk posed by past coal mining activity and ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

21. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

**Reason:** To address risk posed by past coal mining activity and to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

**NOTE:** Pursuant to condition no.18. All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020

8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

**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:** • The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

- Approval of EVCPs under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

**NOTE:** 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:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

**Plans and specifications schedule: -**

Plan Type	Reference	Version	Date Received
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<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	21-030-01A	-	20 October 2024
Proposed site plan	21-030-03D	RevD	21 October 2025
Proposed grouped plans	21-030-10B	RevB	05 December 2025
Existing site sections	21-030-02	-	20 October 2024
Proposed site sections	21-030-07B	RevB	05 December 2025
Visibility splay plan	21-030-05	-	03 March 2025
Preliminary ecological appraisal report	18868a/HC	-	20 October 2024
Coal Mining Risk Assessment pt. 1	-	-	20 October 2024
Coal Mining Risk Assessment pt. 2	-	-	20 October 2024
Planning statement	-	-	20 October 2024
Climate change statement			20 October 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local 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.

Amendments and further information have been requested throughout the decision-making process. These details have been received and accepted leading to an acceptable proposal.

