KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2024/62/91383/W**
Site Address:	St Johns Church, Jackroyd Lane, Newsome, Huddersfield, HD4 6QU
Description:	Erection of extension and external alterations
Recommending Officer:	Katie Chew

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 12th February 2026

Officer Report

Application: 2024/62/91383/W

Site: St Johns Church, Jackroyd Lane, Newsome, Huddersfield, HD4 6QU

Proposal: Erection of extension and external alterations

Site Description

St Johns Church, Jackroyd Lane, Newsome, Huddersfield, HD4 6QU

The application site comprises St. John's Church, Newsome and part of its surrounding churchyard to the North-East of the building fronting Jackroyd Lane. The church is in a prominent location at the junction of Jackroyd Lane with Newsome Road South. It can be accessed by pedestrians through the lychgate on Jackroyd Lane or by an entrance close to the church hall on Newsome Road South. There is no vehicular access or parking associated with the building.

To the North-West of the site, across Newsome Road South, are a parade of single storey shops and a day nursery, to the North-East, across Jackroyd Lane, are residential properties. To the South-East of the church is a small enclave of residential properties off Vicarage Drive. To the South-West is the churchyard and beyond this a church hall which is used for a variety of uses including a pre-school group and scout hall.

Mature trees, protected by Tree Preservation Order, surround the building.

The site is not located within a Conservation Area and is not located in close proximity to any listed buildings.

Description of Proposal

The application seeks planning permission for the erection of extension and external alterations.

The proposed extension is to be located on the north-western elevation of the existing church, as an addition to the existing single storey flat roof extension found along this elevation. The extension is to measure approximately 4.6m x 4.2m, with a maximum height of 3.8m.

The proposed extension is to be constructed from natural sandstone split faced in random height courses with quarry and dressing to match the existing. An Ashlar natural sandstone plinth course will also be provided to match the existing. The roof is to comprise of a flat parapet roof with asphalt or single ply membrane. The proposed extension will adjoin an existing

extension to provide improved W.C facilities (including an accessible toilet), small changing area and a kitchen and servery.

The proposals also include the removal of the chimney located on the north-east elevation roof slope which is leaning badly and is a source of on-going water ingress (as outlined within the submitted Design & Access Statement). It is proposed that the roof will be made good in matching slate to the existing building.

Furthermore, 4.no new conservation style rooflights are to be installed on the north-east elevation roof slope, alongside an extension to the existing single fire exit door which is to be enlarged to a two leaf door, relocated downpipe and new reinforced concrete landing at ground floor level with ramped access to surrounding path levels.

History of negotiations/amendments received

Following receipt of comments from the Council's Ecology Officer a Preliminary Roost Assessment and details in relation to Biodiversity Net Gain have been requested from the applicant. In addition to this, comments received from the Mining Remediation Authority also resulted in the submission of a Coal Mining Risk Assessment.

Relevant Planning History

2023/91198 – Change of use from place of worship (Class F1) to community centre with ancillary café (Class F2). Approved 16th June 2023.

2017/90598 – Dead or dangerous Tree(s). Noted 14th February 2017.

2012/92182 – Works to TPO(s) 23/80. Part granted/part refused 10th August 2012.

94/91982 – Erection of porch. Approved 3rd August 1994.

Representations

Final publicity date expires:

- Neighbour Letters – Expired 9th July 2024.
- Site Notice – Expired 4th July 2024.
- Press Notice – Expired 12th July 2024.

No representations have been received to date.

Officer note: The application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table

1 in the Kirklees Development Management Charter. This is due to the site being a departure from the Kirklees Local Plan.

Consultation Responses

KC Trees: Comments received 4th June 2024. No objections.

KC Ecology Unit: Comments received 28th June 2024. Ecology Officers request the submission of a Preliminary Bat Roost Assessment and details relating to Biodiversity Net Gain.

Officer note: The applicant has sought to submit a Preliminary Roost Assessment, Biodiversity Net Gain Report and The Biodiversity Statutory Metric, following receipt and review of these KC Ecology subsequently raised no objections, subject to conditions.

The Mining Remediation Authority: Comments received 27th November 2024. The Mining Remediation Authority required the submission of a Coal Mining Risk Assessment. Following receipt of the CMRA, the Mining Remediation Authority confirmed in their comments 11/08/2025 that they withdraw their objection, subject to conditions.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

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

The application site is located within Urban Green Space, Strategic Green Infrastructure Network, Newsome Neighbourhood Area, Bat Alert Area and a High Coal Risk Area. The site is also partially located within Newsome Local Centre and there are several TPO'd trees surrounding the main church building.

The following policies are considered relevant to the determination of this application:

Kirklees Local Plan (LP)

- **LP1** – Achieving Sustainable Development

- **LP2** – Place Shaping
- **LP3** – Location of New Development
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity & Geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP33** – Trees
- **LP48** – Community Facilities and Services
- **LP51** – Protection and Improvement of Local Air Quality
- **LP52** – Protection and Improvement of Environmental Quality
- **LP61** – Urban Greenspace

Supplementary Planning Guidance/Documents

- Kirklees Highways Design Guide (2019)
- Kirklees Waste Management Design Guide for new Developments (2020)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)

National Polices and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) the Planning Practice Guidance Suite (PPGS) together with Circulars, Ministerial Statements and associated technical guidance.

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-making
- **Chapter 7** – Ensuring the vitality of town centres
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 9** – Promoting sustainable transport
- **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

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the

purposes of this application, no weight is given to the current consultation document.

Summary of Principal Planning Issues

The following matters are considered in the assessment below:

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

1 - Principle of Development

– Sustainable Development

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes onto note that achieving sustainable development has three overarching objectives (social, environmental and economic), and these are interdependent and need to be pursued in mutually supportive ways.

In line with the National Planning Policy Framework, Policy LP1 of the Kirklees Local Plan declares that:

> *"…the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF".*

Policy LP2 of the Kirklees Local Plan states: *"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 set out in the Local Plan".*

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in the assessment.

Community Facilities

Kirklees Local Plan LP48 is also relevant and relates to community facilities and services. Whilst originally a place of worship, the building has undergone a change in use to a community centre with ancillary café. The proposals would seek to extend the existing building to create improved W.C facilities and a kitchen and servery large enough to provide hot meals to 100+ people.

LP48 supports proposals which seek to protect, retain or enhance provision, quality or accessibility of existing community, education, leisure and cultural facilities that meet the needs of all members of the community. Given the above, the proposals are considered to accord with LP48 in this instance.

Urban Greenspace

The application site is located within an area defined as Urban Green Space within the Kirklees Local Plan. Chapter 8 of the NPPF and Policy LP61 of the Kirklees Local Plan applies. Policy LP61 of KLP states the following:

> *"Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:*
>
> *a) An assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value;*
> *a) Replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or*
> *b) The proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space".*

The text supporting this policy outlines that: *'Green spaces close to where people live provide opportunities for sport, recreation and play providing enjoyment, encouraging healthy lifestyles and benefiting mental well-being. They are also an essential component of the quality and local character of the areas, providing visual amenity and wildlife value".*

Paragraph 103 of the NPPF, which recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of local communities. Furthermore, within paragraph 104 of the NPPF, it is clear that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

A) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
B) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
C) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

No specific information has been provided as to how the proposal would specifically address the criteria set out within Policy LP61 of the Kirklees Local Plan and Paragraph 102 of the NPPF. However, following a site visit undertaken by Officers on the 20th June 2024 it was clear to see that the portion of land in which the extension is proposed to be located relates to a paved area which is fenced off from the rest of the church grounds and is not being heavily used for sport or recreation given its size and location.

The proposal would have a community benefit and assist in the continued use and it has a beneficial wider impact through providing a facility which is utilised by the public. These matters weigh in favour of the proposal. The loss of the area of land within the site which, while Urban Green Space, would have minimal practical impact on the enjoyment of open space. Therefore, while strictly a departure, the harm caused is minimum and whilst it would not see conformance with policy LP61 and paragraphs 103 / 104 of the NPPF, it is considered there are material considerations present in this case which dictate that refusal of non-conformance with these policies as identified could not reasonably substantiate a reason for refusal. In this case the wider community benefit and assisting in the continued provision of the existing community facility as well as the fact the proposal would not see a significant loss of heavily used UGS.

Having taken into account the above, it has been considered that the proposal is acceptable in principle, subject to there being no detrimental impact in relation to other material planning considerations which are assessed within more detail below.

2 - Impact on Visual Amenity

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

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

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

> *'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*
>
> *c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change'.*

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of 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…*
>
> *c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details…"*

The proposals seek to erect a single storey extension on the north-western elevation of the existing church building; this extension would be an addition to the existing single storey flat roof extension which already exists on this elevation. The extension is to measure approximately 4.6m x 4.2m, with a maximum height of 3.8m. The proposed extension is to be constructed from natural sandstone split faced in random height courses with quarry and dressing to match the existing. An Ashlar natural sandstone plinth course would also be provided to match the existing. The roof is to comprise of a flat parapet roof with asphalt or single ply membrane. Officers consider that the proposed extension would be sympathetic to the existing building and reflect the scale, size, design and materials used within the existing extension found on this elevation of the building and therefore is deemed to be acceptable, subject to a condition being imposed, should planning permission be granted, which requires use of matching external materials.

The proposals also include the removal of the chimney located on the north-east elevation roof slope which is leaning badly and is a source of on-going water ingress (as outlined within the submitted Design & Access Statement). It is proposed that the roof would be made good in matching slate to the existing building. This element of the scheme is also deemed to be acceptable, again subject to the use of matching materials (recommended to be secured by condition).

Furthermore, 4.no new conservation style rooflights are to be installed on the north-east elevation roof slope, alongside an extension to the existing single fire exit door which is to be enlarged to a two-leaf door, relocated downpipe and new reinforced concrete landing at ground floor level with ramped access to surrounding path levels. These changes are considered to have a minimal impact on the visual appearance of the building and are also deemed to be acceptable.

In terms of visual amenity, subject to condition, the development is concluded to accord with policies LP1, LP2 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 - Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

> "*Maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers'.*

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

Given the proposed location of the new extension, the nearest residential dwelling to the proposals is located around 47 metres away. Officers therefore have no concerns in respect of the single storey extension appearing overbearing in nature or causing overlooking or overshadowing in this location.

The use of the extension proposed is not anticipated to result in material harm through environmental issues, such as noise or light pollution.

It is therefore concluded that the scheme does not give rise to any undue adverse impacts upon neighbouring residential amenity and as such, this aspect of the development is considered to be acceptable and is in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4 - Impact on Highway Safety

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

As the proposed extension will not impose on the existing access or parking arrangements at the site, and does not result in a significant uplift of floorspace at the church, being for increased toilet facilities, it is not considered that that the scheme would represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22 and Chapter 9 of the National Planning Policy Framework.

5 - Other Matters

<u>Trees</u>

Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

As the site is surrounded by TPO'd trees the Council's Trees Officer was consulted on the application. They noted that the proposals should have little to no effect on these protected trees provided that the foundation advised in the Arboricultural Impact Assessment is followed. The tree labelled T10 which is suggested for removal to facilitate the extension is not protected, and deemed of limited public amenity value, and is therefore considered an acceptable loss to secure the benefits of the proposal. The council's Tree Officers therefore raise no objections from an arboricultural perspective. It is however considered reasonable to condition that the proposals, if approved, are undertaken in accordance with the submitted Arboricultural Impact Assessment in the interest of protecting adjacent trees.

Taking the above assessment into account, and subject to conditions, the proposals are considered to accord with LP24(i) and LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Biodiversity

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.

The application site is located within a Bat Alert Area, and part of the site is also located within the Wildlife Habitat Network.

The applicant has submitted a Bat Roost Assessment, Biodiversity Net Gain Report and The Statutory Biodiversity Metric. KC Ecology have reviewed this information and consider it suitable to determine the potential impacts on roosting bats. Whilst the Preliminary Bat Roost Assessment (PBRA) shows no evidence of roosting bats at the site, there were a number of bat roosting features that may be used by lone roosting bats in the future. KC Ecology therefore request that should planning permission be granted, a condition be imposed which requires the submission of further presence/absence surveys through a Precautionary working Method Statement. They also request a condition which requires the submission of a Lighting Strategy and the imposition of an informative note in relation to birds as the PBRA identifies a birds nest within the surveyed area.

A 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 2nd April 2024 (for minor and other applications) 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.

The applicant has submitted a Biodiversity Net Gain Assessment which provides details in accordance with the Statutory Biodiversity Metric Calculation. This shows that the site has an on-site baseline of 0.33 habitat units, 0.00 hedgerow units and 0.00 watercourse units. With an on-site net change of -0.33 habitat units, 0.00 hedgerow units and 0.0 watercourse units. Therefore, resulting in a net loss of 0.33 habitat units, equivalent to a 97.73% net loss when compared with the baseline conditions. The applicant states within the Biodiversity Net Gain Assessment report that there is no scope within the red-line boundary to deliver sufficient on-site habitat creation to achieve the required Biodiversity Net Gain. To address this, they wish to provide off-site compensation through native tree planting at a suitable location within Kirklees.

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. However, an informative note would be included to highlight this requirement to the applicant.

Subject to inclusion of the recommended conditions and informatives the proposal is considered to be acceptable with regard to the aforementioned policy and legislation.

Coal Mining Legacy

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 application site falls within a High Coal Risk Zone; therefore, The Mining Remediation Authority were consulted on the proposals.

The Mining Remediation Authority's information indicates that the site lies in an area where historic unrecorded coal mining is likely to have taken place at shallow depth. Voids and broken ground associated with such workings may pose a risk to ground stability and public safety. Whilst the Mining Remediation Authority did original object to the application due to lack of information and assessment contained within the submitted Coal Authority Consultants Mining Report, following receipt of these comments the applicant sought to submit a Coal Mining Risk Assessment that concludes that possible unrecorded mine workings in a single shallow coal seam pose a high risk of surface instability at the site. It goes on to recommend the undertaking of intrusive ground investigations, in the form of the drilling of boreholes, in order to further assess the risk posed by any shallow mine workings present beneath the site.

These investigations should be designed and carried out by competent persons, in cognisance of the conclusions of the submitted report, in order to properly assess ground conditions and to establish the exact situation regarding coal mining legacy and the risks it may pose to the development. The report does not outline what measures may be required in the event that mine workings are encountered within influencing distance of the surface. The Mining Remediation Authority therefore suggest that the results of the investigations should be reviewed by competent persons and used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole. Therefore, subject to conditions and informatives recommended, The Mining Remediation Authority withdraw their original objection.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case the applicant has submitted a Climate Change Statement in support of the application. This statement outlines that materials are to be sourced locally or reused/recycled from areas to be demolished, with local labour used to help limit travel time to site. Any new appliances are to be minimum A rates energy efficient with all new lighting being LED and energy efficient. Secondary glazing is to be used alongside an air source heat pump and underfloor heating to the main ground floor area. In addition to this, as a minimum the proposed extension would be constructed to the latest building control standards which would include efficient heating and thermal elements within the building.

Taking the above into account, the proposed development is therefore considered to comply with Policy LP26 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 - Conclusion

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

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

Recommendation: Approve.

Report Dated: 06/02/2026

Decision Authorisation: Delegated Powers
Application Number: 2024/91383
Officer Recommendation: Approve.

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: To ensure compliance with 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP13, LP21, LP22, LP24, LP30, LP31, LP33, LP48, LP51, LP52 and LP61 of the Kirklees Local Plan and Chapters 2, 4, 7, 8, 9, 12, 14, and 15 of the National Planning Policy Framework.

3. Development shall be carried out strictly in accordance with the Arboricultural Impact Assessment, Ref: WC-258.1a, authored by Woodsage Consulting, dated 15/03/2024, received 09/10/2025.
   Reason: To safeguard protected trees, in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

4. The external materials used in the construction of the walls of the extension hereby approved shall consist of natural stone which in all respects match that of the existing building. The external materials used to the roof as part of works relating to the removal of the existing chimney shall in all respects match those of the existing building. The materials of construction approved by this condition shall thereafter be retained for the lifetime of the development.
   Reason: To ensure the satisfactory appearance of the development upon completion, and to accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. No above ground development shall commence until;

   a) A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
   b) Any remediation works and/or mitigation measures to address land instability arising from past 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, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.
   Reason: This pre-commencement condition is required to ensure the site is safe for occupation, and if not, remediated prior to works commencing on the development proposals, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. 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 ensure the site is safe for occupation, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. No external artificial lighting shall be erected within the site, unless and until details of size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall demonstrate conformance with established guidance document Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night. The submitted scheme shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. No external artificial lighting shall be erected within the site other than that which has been approved by this condition which shall be retained thereafter.
   Reason: In the interests of biodiversity and in accordance with Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework. This pre-commencement condition is required to ensure that a suitable lighting scheme is agreed at appropriate stage of the development.

8. Prior to the commencement of development, a detailed Precautionary Working Method Statement (PWMS) in respect of bats shall be submitted to and approved by the Local Planning Authority. In order to minimise risk and avoid harm to bats, the PWMS shall include (but not be limited to) toolbox talks provided by a suitably qualified ecologist, attendance of an Ecological Clerk of Works (ECoW) as required, and careful hand stripping around potential bat roosting features. In the event of encountering a bat, all work must cease until the ECoW and Natural England are contacted for advice on the best way to proceed lawfully. All contractors working on site should be made aware of this advice and provided with the contact details of ECoW.
   Reason: In the interests of biodiversity and in accordance with Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework. This pre-commencement condition is required to ensure that the protection of any bats on site is agreed at an appropriate stage of the development.

NOTE: All works should be timed to occur outside nesting bird season (typically March to August, inclusive). If this is not possible all potential bird nesting opportunities must be checked by a suitably experienced ecologist within 24 hours prior to works. If any active nests are found, the ecologist should advise on suitable species-specific works exclusion zones. The exclusion zones should be regularly monitored by the ecologist and remain in place until the young have fledged the nest, or the nests are otherwise deserted.

NOTE: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) **development may not be begun unless:**

a) a biodiversity gain plan has been submitted to the planning authority; and
b) The planning authority has approved the plan.

The biodiversity gain plan must include:

a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
b) The pre-development biodiversity value of the onsite habitat;
c) The post-development biodiversity value of the onsite habitat;
d) Any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
e) Any biodiversity credits purchased for the development; and
f) any such matters as the Secretary of State may by regulations specify.

NOTE: Coal

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-you-property.

NOTE: Requirements for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an incidental Coal Agreement will be required from the Mining Remediation Authority. Further information regarding Incidental Coal Agreements can be found at: www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

NOTE: Shallow Coal Seams

In areas where shallow coal seams are present caution should be taken when carrying out any site burning or heat focused activities.

Plans and specifications schedule:-

Plan Type	Reference	Revision	Date Received
Site Location Plan	3390(LP)01	-	16/05/2024
Existing First Floor Plan and Section	3390(0-)02	-	16/05/2024
Existing Site Layout	3390(0-)03A	A	16/05/2024
Existing Elevations	3390(0-)04	-	16/05/2024
Proposed Ground Floor Plan	3390(0-)05	-	16/05/2024
Proposed First Floor Plan	3390(0-)06	-	16/05/2024
Proposed Elevations	3390(0-)07	-	16/05/2024
Proposed Site Layout	3390(0-)08	-	16/05/2024
Coal Map – Supporting Information	-	-	30/05/2024

Climate Change Statement – Supporting Information	-	-	04/06/2024
Design & Access Statement – Supporting Information	3390	-	16/05/2024
Consultants Coal Mining Report – Supporting Information	51003426298001/2325	-	30/05/2024
Coal Mining Risk Assessment Letter – Supporting Information	25-075.01L	-	04/08/2025
Arboricultural Impact Assessment – Supporting Information	WC-258.1	A	30/05/2024
Preliminary Roost Assessment – Supporting Information	MBE/BAT/2025/091/01	-	09/10/2025
Biodiversity Net Gain Report – Supporting Information	MBE/ECO/2025/017/01	-	09/12/2025
The Statutory Biodiversity Metric – Supporting Information	-	-	09/12/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Following receipt of comments from the Council's Ecology Officer a Preliminary Roost Assessment and details in relation to Biodiversity Net Gain have been requested from the applicant.