

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

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

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2024/62/93080/W</b>
Site Address:	Bath Works, Lamb Hey, Spa Lane, Linthwaite, Huddersfield, HD7 5QB
Description:	Formation of access, re-grading of land levels within the site and associated engineering operations
Recommending Officer:	Lucy Taylor

**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:** 22<sup>nd</sup> April 2025

## **Officer Report.**

**Reference:** 2024/93080

**Address:** Bath Works, Lamb Hey, Spa Lane, Linthwaite, Huddersfield, HD7 5QB

**Proposal:** Formation of access, re-grading of land levels within the site and associated engineering operations

## **Site Description.**

Bath Works functions as Powertec Vehicle Engineering Ltd, experts in specialist hydraulic loading equipment, primarily focused on bespoke recovery vehicles. The site consists of two buildings, one functioning as storage and the other as a workshop.

The site is located within Linthwaite (close to Slaithwaite Town Centre) behind a ribbon of residential properties to the south which in turn front onto Manchester Road. A small number of residential properties are located to the east and west with woodland and open fields to the north. One other commercial premises is closed within the immediate vicinity of the site, 'Spa Garage' located to the west of the site.

The surrounding land slopes downwards from south to north, with the site at a lower land level to those properties fronting Manchester Road.

The site is accessed from Manchester Road via Spa Lane (which serves Public Right of Way COL/88/50).

The application site is located within the Green Belt.

## **Description of Proposal.**

Planning permission is sought for the formation of an access at Bath Works, re-grading of land levels within the site and associated engineering operations.

The submitted application form sets out that this is a retrospective application, with the works completed on 15<sup>th</sup> October 2023.

The access has been created down the western side of the site, next to the existing storage building. Down the side of the building, the surface of the access is scalping, changing to stone chippings at the bottom of the access.

As the access turns the corner of the storage building, it had to be raised slightly. This change in topographical land levels is retained by concrete blocks.

2.0-metre-high palisade fencing is erected around the access.

### **History of Negotiations / Amendments Received.**

The case officer entered into negotiations with the planning agent to amend the description of proposal, to include re-grading of land levels within the site and associated engineering operations. The planning agent confirmed their agreement to the new description of proposal via email.

The case officer also requested that the planning agent submit details of land stability / retaining structures, including elevation and section drawings. In response to this, the planning agent submitted the drawing titled 'New access route', Dwg No. 10A.

The case officer requested the submission of information in relation to Biodiversity Net Gain. Subsequently the planning agent submitted a biodiversity metric, condition assessment sheets and methodology and a biodiversity accounting assessment report.

The application was not re-advertised as a result of the above, given that the principle of development remained as originally proposed, with the changes to the description and additional drawings and information submitted to provide further details, to aid in the assessment and determination of the application.

### **Relevant Planning History.**

- 2001/93411 – Erection of vehicle engineering building. *Granted Conditional Full Permission.*
- 2011/90377 – Erection of steel framed single storey building and alterations to entrance. *Granted Conditional Full Permission.*
- 2021/92165 – Erection of extension. *Granted Conditional Full Permission.*

Whilst there is other planning history at the application site, the applications set out above are considered to be the most relevant for assessing and determining this current planning application.

### **Representations.**

The application was advertised via neighbour notification letters, a site notice and within the newspaper.

Final publicity date expired: 11<sup>th</sup> December 2024.

In response to publicity, four objections were received, which raised the following concerns:

### Residential Amenity:

- This proposal will bring large industrial vehicles right across the front view of the domestic properties in Spa Lane bringing further noise and exhaust odour pollution to the area.
- On the north side of the site the tree removal and infilling necessary will bring large vehicles high above and overlooking current residents and Spa Park.

### Highway Safety:

- This site has been tipping on 3 sides for many years and caused many a disruption to the access down spa lane. They have extended larger gate access into Spa Lane to the right on the way down, making the lane narrow at that point.
- Spa Lane is far too small for such heavy traffic. Now hindered access with less vehicular access and turning point.

### Land Stability:

- The way in which PowerTec have built this 'access road' is without any retaining wall structure. So what will happen to all of that earth in heavy rainfall? Will it subside on the adjacent land?
- 3 metres + higher in place from the original ground, and no retaining wall.
- The ground level has been raised over 2 metres in areas, this has been done with no thought of retaining the soil with a wall and it has instead been piled against trees and hedging on the boundary of the land giving no structural integrity and in certain areas the slope has fractured showing signs of failure and slippage.

### Ecology / Biodiversity:

- What is it that they tipped? Does it contain contaminants? If so, how will it impact upon the local ecosystem (in particular the river Colne)?
- Trees were dug up and land drains destroyed during the excavation and tipping.
- Trees have already been felled to make this proposal possible.
- Not only destroyed many natural habitats but also removed many mature trees.

### Retrospective Permission:

- There was no prior warning given to local residents about this work, so there was no opportunity to raise concerns or objections.

#### Land Ownership:

- There is no independent validation they are the owners. The ownership of some of the land they are currently working on is under dispute.
- The site has been illegal tipping thousands of tonnes of hardcore and substance that should not have been tipped in the first place, such as tarmac, to infill land that was not rightfully theirs.

#### Other Matters:

- Erected a 1.8-2.1 metre fence on top of the banking, which exceeds the 2 metres from original ground level planning stipulation, as in places the fence is over 4 metres from original ground level.

#### **Consultation Responses.**

**Health & Safety Executive** – does not advise, on safety grounds, against the granting of planning permission in this case.

**KC Environmental Health** – do not consider there to be any significant Environmental Health impacts with this development and have no comments to make.

**KC Highways Development Management** – no objection to these proposals.

**KC Highways Structures** – advise that this is relatively small and as such, no structures condition is required.

**KC Ecology** – No comment on this from ecological / biodiversity perspective.

#### **Policy.**

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

The application site is located within the Green Belt.

A public footpath (COL/88/50) runs to the front of the site.

The site is located within the River Colne Corridor Strategic Green Infrastructure Network and within an area with a known presence of bats.

The application site is located within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

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

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP8 – Safeguarding Employment Land and Premises
- LP10 – Supporting the Rural Economy
- LP21 – Highway Safety
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP57 – The Extension, Alteration or Replacement of Existing Buildings

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

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

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

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 6 – Building a Strong, Competitive Economy
- Chapter 11 – Making Effective Use of Land
- Chapter 12 – Achieving Well-Designed Places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

### **Other Considerations:**

- Kirklees Highways Design Guide (2019)

### **Assessment.**

#### **1. Principle of Development**

### Sustainable Development:

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes on to further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

### Green Belt:

Planning permission is sought for the formation of an access at Bath Works, re-grading of land levels within the site and associated engineering operations.

Chapter 13 of the NPPF is titled ‘Protecting Green Belt Land’. Paragraph 154 of the NPPF sets out that *“Development in the Green Belt is inappropriate unless one of the following exceptions applies:*

*h) other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*  
*ii. engineering operations...”*

Policy LP57 of the Kirklees Local Plan sets out that, *“Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:*  
*c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access...”*

The access has been created down the western side of the site, next to the existing storage building. Down the side of the building, the surface of the access is scalping, changing to stone chippings at the bottom of the access.

As the access turns the corner of the storage building, it had to be raised slightly. This change in topographical land levels is retained by concrete blocks.

Whilst officers acknowledge that, prior to the access being created, the land was undeveloped, it is not considered that the creation of the access or the associated re-grading of the land has resulted in detrimental impacts to the openness of the Green Belt. This is because, the area of naturally surfaced land lost as a result of the created access at Bath Works is situated between two existing urban forms, one being Bath Works itself and the other the residential properties of 1 and 2 Lamb Hey. As such, given the context of the surrounding area, the proposal is not considered to result in detriment to the openness of the Green Belt or conflict with any of the five purposes of the Green Belt in this case, given the siting of the access.

The proposal includes 2.0-metre-high palisade fencing, erected around the access. Whilst this element of the proposal increases the potential impact of the proposal within the Green Belt setting of the site, it is not considered that such boundary treatment would present an undue impact to openness or conflict with any of the five purposes of the Green Belt. This is predominantly because the site of Bath Works has already established this form of boundary treatment around its parameters. It is noted that the fencing is a dark green colour. This colour finish to the fencing is considered to aid in reducing its overall impact within the Green Belt setting of the site, helping it blend with the surrounding natural environment.

The submitted statement sets out the use of the access is to assist for maintenance of the buildings, and also to prevent tipping which was taking place as well as providing maintenance to drainage infrastructure. Given the extent of the works, and the conclusions drawn in relation to the impact of the works in terms of openness of the Green Belt it is considered that were the use of the access to be for external storage that has potential to impact further than the development proposal the subject of this application and therefore it is recommended a condition is included ensuring no external storage is undertaken.

In turn, for the reasons set out above and subject to condition, the proposal is not considered to pose harm to openness or conflict with any of the five purposes of the Green Belt, in turn, complying with Policy LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF.

## **1. Impact on Visual Amenity**

The NPPF offers guidance relating to design in chapter 12.

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...'*

Planning permission is sought for the formation of an access at Bath Works, re-grading of land levels within the site and associated engineering operations. The access has been created down the western side of the site, next to the existing storage building. Down the side of the building, the surface of the access is scalplings, changing to stone chippings at the bottom of the access. As the access turns the corner of the storage building, it had to be raised slightly. This change is topographical land levels which is retained by concrete blocks.

Given that the area of naturally surfaced land lost as a result of the created access at Bath Works is situated between two existing urban forms (Bath Works and 1 and 2 Lamb Hey), and that the new access is read in the context of the established existing industrial site of Bath Works, it is not considered that the new access poses any significant detriment visually to the immediate surroundings of the site or the wider street scene. It is noted that the plans show a vegetated banking retained between the storage building and access track. It is considered that this vegetated banking aids in mitigating the impact of the proposal visually, incorporating an area of naturally surfaced land amidst the new area of hard standing.

The proposal includes 2.0-metre-high palisade fencing, erected around the access. It is considered that this form of boundary treatment is in keeping with the existing boundary treatment erected around the site of Bath Works and the design of the fence is considered to aid in reducing its overall visual impact, with a dark green colour finish helping it blend with the surrounding natural environment.

Overall, it is considered that the proposal appropriately complies with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

These conclusions are drawn on the basis of the use of the land being for an access only, and not utilised for other purposes such as storage / vehicular parking. A condition to ensure this is the case would be included given the increased visual impact such uses would have were they to be undertaken.

## **2. 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."*

Policy LP52 states that proposals which have the potential to increase pollution from, amongst other things, noise must include suitable and

sustainable mitigation measures to protect the quality of life and well-being of people.

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.

The application seeks planning permission for the formation of an access, re-grading of land levels within the site and associated engineering operations at Bath Works.

Given the nature of the proposed developments at Bath Works, it is not considered that they would result in any undue impacts of overbearing, overshadowing or overlooking towards surrounding residential properties. The access retains a separation distance of approximately 20 metres from the residential property to the west, No. 2 Lamb Hey, and a separation distance of over 20 metres from the residential properties of 1240-1248 Manchester Road.

As part of the determination of this application, a formal consultation was undertaken with KC Environmental Health. The consultation from KC Environmental Health concluded that Environmental Health Officers had undertaken a review of the application and supporting information and did not consider there to be any significant Environmental Health impacts with the proposed developments.

Notwithstanding this, it is considered that were the access to be used for storage purposes, with associated vehicle movements, there is potential the impact of such development leads to noise / disturbance to neighbouring occupiers. As such it is considered appropriate and necessary to include a condition upon any grant of permission which ensures external storage or vehicular parking is not undertaken upon the land. Comings and goings of vehicles and the associated noise has the potential to impact were no condition to be in place upon any grant of permission.

As such, subject to condition, the proposal is considered to appropriately comply with Policy LP52 of the Kirklees Local Plan with regard to any impacts of increased pollution, including noise.

For the reasons above, the proposal is considered to appropriately comply with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the NPPF.

### **3. Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highways Design Guide SPD, which seeks to ensure acceptable levels of off-street parking, is also relevant.

As part of the determination of this application, a formal consultation was undertaken with KC Highways Development Management.

Within the consultation response, KC Highways Development Management Officers set out the following:

*This application seeks retrospective approval to the formation of access, re-grading of land levels within the site and associated engineering operations at Bath Works, Lamb Hey, Spa Lane, Linthwaite, Huddersfield.*

*The supporting information provided by AK Planning states that the reasons for the access are:*

- 1. To provide easy access to a drain.*
- 2. To provide maintenance access to the side of the building and the fence.*
- 3. To tidy the area.*

*The proposals do not alter the existing access, internal turning or off-street parking arrangements.*

*Given the reasons for the access and that the proposals do not alter the existing access, internal turning or off-street parking arrangements Highways Development Management have no objection to these proposals.*

In addition to the above, as part of the determination of this application, a formal consultation was also undertaken with KC Highways Structures.

Within the consultation response, the KC Highways Structures Officer set out the following:

*Further to the additional dimensions provided for the retained height of the proposed retaining wall adjacent to Spa Lane, I would like to advise that this is relatively small and as such no structures condition is required.*

The assessment of the Highways Team is noted as making explicit reference to the extent of the development proposal. In this case it is noted the land is not set out to be used for vehicular parking / external storage purposes, and such a use would be beyond the extent for which permission is being sought. It is considered necessary to include a condition to restrict the use to that of an access only to ensure there is no increased impact in terms of access and highway safety from use of the land for vehicular parking or external storage.

Given the above assessment of the proposal by the aforementioned consultees, and the intended use of the access, on the basis of inclusion of a condition that the land is not used for external storage or vehicular parking to ensure the development is undertaken in accordance it is considered to be

acceptable in relation to Highway Safety, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

#### **4. Other Matters**

##### Climate Change:

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

This application seeks permission for the formation of access, re-grading of land levels within the site and associated engineering operations. Given the proposal, it is considered that the development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

##### Public Footpath:

A public footpath (COL/88/50) runs to the front of the site.

Policy LP23 of the Kirklees Local Plan refers to the core walking and cycling network.

The proposals at Bath Works will not impact upon the continued function or use of public footpath COL/88/50 as a walking or cycling route. Therefore, the application is considered to comply with Policy LP23 of the Kirklees Local Plan.

##### Ecology / Biodiversity / Strategic Green Infrastructure Network:

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green

infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

Chapter 15 of the NPPF 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.

As part of this application, a 'Biodiversity Accounting Assessment Report' has been submitted. This report makes the following conclusions:

- In accordance with the NPPF, where a biodiversity impact cannot be avoided or mitigated then compensation measures must be provided. If this cannot be achieved on-site through further avoidance, mitigation or compensatory habitat creation or enhancement measures, then off-site compensation measures will be required.
- The BAA identified that the Proposed Development would have a net gain of +0.06 habitat BU, equivalent to a net gain of +11.96%. The proposed development satisfies Trading Rules.
- The proposed development has achieved a biodiversity net gain in habitat and a net gain in hedgerow BU. Therefore, no off-site compensatory habitat creation and/or enhancement measures are required.

As there is a conditional requirement in law for BNG liable developments to achieve the BNG requirement it is considered that subject to informative note advising the applicant of this, the proposal is acceptable in this regard and accords with the aforementioned policy / legislation.

## **5. Representations**

In response to publicity, four objections were received. The representations are set out below, accompanied with an officer response.

### Residential Amenity:

- This proposal will bring large industrial vehicles right across the front view of the domestic properties in Spa Lane bringing further noise and exhaust odour pollution to the area.
- On the north side of the site the tree removal and infilling necessary will bring large vehicles high above and overlooking current residents and Spa Park.

**Officer Response:** A full assessment of the proposal's impacts on residential amenity is set out within Assessment section 3 of this report, titled 'Impact on Residential Amenity'. This section concludes that the proposal is acceptable with regard to residential amenity, including with regard to overlooking and pollution (noise etc). For the reasons set out within this section of the report, the proposal is considered to appropriately comply with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Highway Safety:

- This site has been tipping on 3 sides for many years and caused many a disruption to the access down spa lane. They have extended larger gate access into Spa Lane to the right on the way down, making the lane narrow at that point.
- Spa Lane is far too small for such heavy traffic. Now hindered access with less vehicular access and turning point.

**Officer Response:** A full assessment of the proposal's impacts to highway safety is set out within Assessment section 4 of this report, titled 'Impact on Highway Safety'. This section includes details of the consultation responses from KC Highways Development Management and KC Highways Structures, concluding that the proposals at Bath Works are acceptable in relation to Highway Safety, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

Land Stability:

- The way in which PowerTec have built this 'access road' is without any retaining wall structure. So what will happen to all of that earth in heavy rainfall? Will it subside on the adjacent land?
- 3 metres + higher in place from the original ground, and no retaining wall.
- The ground level has been raised over 2 metres in areas, this has been done with no thought of retaining the soil with a wall and it has instead been piled against trees and hedging on the boundary of the land giving no structural integrity and in certain areas the slope has fractured showing signs of failure and slippage.

**Officer Response:** Details of the consultation response from KC Highways Structures are included within section 4 of this report, titled 'Impact on Highway Safety'. The consultation response from KC Highways Structures sets out that "Further to the additional dimensions provided for the retained height of the proposed retaining wall adjacent to Spa Lane, I would like to advise that this is relatively small and as such no structures condition is required." Given this response from the KC Highways Structures Officer, it is concluded that the proposals are acceptable in this regard.

### Ecology / Biodiversity:

- What is it that they tipped? Does it contain contaminants? If so, how will it impact upon the local ecosystem (in particular the river Colne)?
- Trees were dug up and land drains destroyed during the excavation and tipping.
- Trees have already been felled to make this proposal possible.
- Not only destroyed many natural habitats but also removed many mature trees.

**Officer Response:** A full assessment of the proposals impacts towards ecology and biodiversity are set out within Assessment 5 of this report, sub-section 'Ecology / Biodiversity / Strategic Green Infrastructure Network'. This section includes details of the submitted Biodiversity Accounting Assessment Report and concludes that, as there is a conditional requirement in law for BNG liable developments to achieve the BNG requirement, it is considered that subject to informative note advising the applicant of this, the proposal is acceptable in this regard and accords with the aforementioned policy / legislation.

### Retrospective Permission:

- There was no prior warning given to local residents about this work, so there was no opportunity to raise concerns or objections.

**Officer Response:** Officers acknowledge that this application is for retrospective planning permission.

### Land Ownership:

- There is no independent validation they are the owners. The ownership of some of the land they are currently working on is under dispute.
- The site has been illegal tipping thousands of tonnes of hardcore and substance that should not have been tipped in the first place, such as tarmac, to infill land that was not rightfully theirs.

**Officer Response:** Upon any grant of approval, an informative note shall be included which states: 'Please note that the granting of planning permission does not override any private rights of ownership, and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership'.

### Other Matters:

- Erected a 1.8-2.1 metre fence on top of the banking, which exceeds the 2 metres from original ground level planning stipulation, as in places the fence is over 4 metres from original ground level.

**Officer Response:** The submitted information sets out that the proposal includes 2.0-metre-high palisade fencing around the access.

## **6. Conclusion**

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

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

**Recommendation: Approve**

**Decision Authorisation – Delegated Powers**

**Application: 2024/93080**

**Officer Recommendation: Approve**

### **Conditions and Reasons:**

1. 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 Policies LP1, LP2, LP3, LP8, LP10, LP21, LP22, LP24, LP30, LP31, LP51, LP52, LP53 & LP57 of the Kirklees Local Plan and Chapters 2, 4, 6, 11, 12, 13, 14 & 15 of the National Planning Policy Framework.
2. There shall be no vehicular parking and / or external storage undertaken within the area annotated 'access track' upon the submitted drawing titled 'Site plan and sections' ref 10B at any time.  
**Reason:** In the interests of the openness of the Green Belt, Visual Amenity Residential Amenity and Access and Highway Safety to accord with policies LP21, LP22, LP24, LP52 and LP57 of the Kirklees Local Plan.

**NOTE:** Please note that the granting of planning permission does not override any private rights of ownership, and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulations of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and Specifications Schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	PP-13514775v1	-	29.10.2024
Block/Site Plan	-	-	29.10.2024
Site Plan and Sections	10 B	-	15.04.2025
Supporting Information by AK Planning	-	-	31.10.2024
The Statutory Biodiversity Metric	-	-	28.02.2025
The Statutory Biodiversity Metric-Technical Annex 1: Condition Assessment Sheets and Methodology	-	-	28.02.2025
Biodiversity Accounting Assessment Report	22642/Ado	-	03.03.2025

