

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2025/62/90025/W
Site Address:	Land off, Jagger Lane, Kirkheaton, Huddersfield, HD5 0QY
Description:	Erection of detached dwelling
Recommending Officer:	John Holmes

DECISION – Full Conditional Permission

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 3-MAR-2025

Officer Report – 2025/90025

Site Description

The site is a detached building which is indicated within the submitted plans to be a detached garage building. The site is within an area which is largely free from development with open countryside being to the north and east of the site, to the west and south are a number of buildings with the buildings to the south west and south being dwellings of varying type, age and style. To the west is a site which is adjacent to Jagger Lane and Dalton Bank Road which is in an employment use. This is at a substantially lower land level than the application site.

The site itself, outlined in red on the submitted plan, is a large area which slopes upwards from the southern boundary with access taken from Jagger Lane at the south western corner of the site. Within the south western corner is a detached building which is built from brick and has a corrugated sheet metal roof. The building appears to be a garage to accommodate two vehicles parked in tandem with one another. The building does not appear to be in use and the land around the building has blended into the surrounding landscape.

Description of Proposal

The Scheme

The application is seeking planning permission for the erection of a detached dwelling to replace existing garage building

The proposal would be 9.9m x 6.2m with a height of 3.2m to the eaves and 6m height to the ridge height.

The floorspace would be 50m² at ground floor and 35m² with a head space above 1.8m in height at the first floor level (and an additional 20m² that is between 1m and 1.8m in height). Providing a total of 85m² for a 2 bed property.

In terms of footprint, the proposed dwelling would be 61.6m². With regard to volume the proposal would be 300m³.

The proposal would feature areas of amenity space, one to the front and one area to the rear of the building. Bins are indicated to be stored to the front of the building, and an area annotated as existing hardstanding would be utilised for vehicular parking / turning.

The existing building is 5.3m x 11.1m with a height of 2.8m to the eaves and is 3.6m in height to the ridge.

The existing building which stands at site would be demolished and replaced by the proposed building.

The existing building is 58.8m² in footprint and 195.6m³ in volume.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application to support the application:

- Flood Risk Assessment which demonstrates the site is in flood zone 1 (lowest risk of flooding)
- Design and Access Statement
- Foul Drainage Assessment Form
- Details of water mains in the locality, indicating a 3inch cast iron main installed in 1950 runs across the frontage of the site.
- Climate change Statement

The plans the subject of this application relate to the following:

- 22027D-20-P05 - Proposed Plans
- 22027D-05-P08 - Block Plan

Relevant Planning History

The most relevant planning history relates to the following planning applications

2023/93461 – Change of use from existing garage/workshop to single storey dwelling and associated external alterations – **Conditional Full Permission** granted 26th March 2024.

2024/91973 – Erection of detached dwelling to replace existing garage building – **Conditional Full Permission** granted 27th September 2024

A condition of both these permissions restricted permitted development rights for development within classes A, E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Representations

Publication of the application has been undertaken in accordance Table 1 of the Council's Development Management Charter (July 2015) on the Council's website and by neighbour notification letter. The expiry date of the publicity period was the 26th August 2024.

No letters of representation in relation to this application have been received.

Consultations

None have been undertaken during the processing of this application. The following consultations received as part of application 2023/93461 are considered to be applicable in this case.

Northern Gas Networks – No objection, advice provided.

KC Environmental Health Team – No objection subject to conditions

KC Trees – No objection

KC Ecology – No response received

KC Highways – No objection

The responses received from consultees during the processing of application 2023/93461 are discussed in greater length within the 'Assessment' section of this report.

Allocation and Policy

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

The site is allocated as being within the Green Belt & Wildlife Habitat Network as identified upon the Kirklees Local Plan 2019. The site is also within an inner zone of consultations for sites used for the storage of hazardous materials as identified by the HSE (ref: H0396 / Sygenta). The site also falls in an area identified as potentially being affected by landfill gas (this is in relation to an area of land to the north west of the site which appears to have formerly been used as a landfill site). It is also close to the consultation zone for the route of a high pressure gas main.

The site is also within an area with a known presence of radon gas, known presence of bats and identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping

- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP33** – Trees
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP59** – Brownfield sites in the Green Belt

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. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

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 11** – Making efficient use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

Supplementary Planning Documents

- Kirklees Highways Design Guide SPD (2019)
- Kirklees Housebuilders Design Guide SPD (2021)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)

Legislation

The Town & Country Planning Act 1990 (as amended).

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

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

Assessment

The following matters are considered in the assessment below –

1. Principle of development
 1. Impact upon the character and appearance of the area
 2. Impact upon residential amenity
 3. Impact upon highway safety
 4. Climate Change
 5. Impact upon Ecology & Trees
 6. Impact upon Drainage / Flood Risk
 7. Impact upon Land Quality
8. Conclusion

1 – 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 explored.

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.

Housing density sets out in policy LP7 of the Kirklees Local Plan and Principle 4 of the Housebuilders Design Guide should be 35 dwellings, lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings which is considered to apply in this case given the allocation of the site.

The key consideration in relation to the principle of development relates to the Green Belt allocation of the site.

Land Allocation

The site is designated as Green Belt on the KLP Policies Map. Policies in relation to Green Belt are set out, nationally, in the NPPF, and locally in the KLP.

Paragraph 153 of the NPPF is relevant, and sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF states that local planning authorities (LPAs) should regard the construction of new buildings as inappropriate development

in the Green Belt. However, Paragraph 154 of the NPPF sets out some exceptions to this general restriction. Of note, this includes:

- the construction of new buildings comprising limited infilling in villages (Paragraph 154(e));
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development (Paragraph 154(g)).

Policy LP59 of the Kirklees Local Plan also sets out that proposals for infilling within existing brownfield sites in Green Belts will normally be acceptable, provided that:

- a) in the case of infilling, the gap is small and is located between existing built form on a brownfield site;
- a) in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and
- b) redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.

Policy LP59 goes on to note that in all cases, regard should be had to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

It is noted that motor car repairs were undertaken from the building for over 20 years, and for the past 17 years it has principally been used for storage purposes. The building has not been linked to any other property and has never been let to any other property for any purpose, including parking, during this period.

Given the presence of the building on site, it can be concluded that this is a brownfield site and Policy in paragraph 154 of the NPPF, together with Policy LP59 of the Local Plan is of particular relevance to the future development of the site. Clearly the development of this site would not constitute 'infilling' and so the assessment of this application is on the basis whether it constitutes the redevelopment of an existing brownfield site which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy LP59b clarifies that where a partial or complete redevelopment of a brownfield site is proposed this should not exceed the footprint of that existing. The proposal would lead to a marginal increase of 2.8m² in relation to the footprint of the building. This would not be in accordance with policy LP59.

Notwithstanding this point, on the basis the development is considered to not have a greater impact on the openness of the Green Belt than the existing development, it is considered there is scope for the proposal to meet the requirements of paragraph 154 of the NPPF.

Principle of development - Conclusion

The proposal would see an increase in the footprint and volume of the built form at site. As previously set out, by 2.8m². the volume of the building would increase, given the roof design of the building would be increased in terms of height.

The proposal is of a scale which could be considered to be close / at a point it could be construed as being materially larger. The planning history details the fact that there has been multiple applications at the site which have enabled the change of use of the existing building and then followed up by consent for redevelopment of the existing building with one which was marginally larger than the existing building.

The proposal the subject of this application is considered to be materially larger. As such the proposal is by definition considered to be inappropriate development within the Green Belt whereby unless very special circumstances exist which outweigh the harm by reason of inappropriateness (and any other harm) permission should not be granted. In this case a number of factors are present which are considered to be relevant:

- Construction of the development the subject of application 2024/91973 could be undertaken and, once complete, construction of the dormer roof addition which is shown in the roof slope upon drawing 22027D-20-P05 could then be undertaken by utilising permitted development rights as prescribed within Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This is referred to hereafter as the fall back.
- Additional environmental impacts of undertaking the fall back rather than the development proposal as submitted as part of this application.

The fall back is a significant consideration in this case, essentially there is two permissions (on in law) present which allow the development the subject of this application to be undertaken. As such it is considered that this constitutes a very special circumstance which outweighs the harm by reason of inappropriateness in this case, particularly when coupled with the environmental benefits of undertaking the works in one development rather than having to complete one (2024/91973) and then the other.

It is therefore concluded that, in this case the development would constitute inappropriate development and there exists very special circumstances which clearly outweigh the harm by reason of inappropriateness. The development is considered to be acceptable having regard to the requirements of Chapter 13 of the NPPF and is policy LP59 of the Kirklees Local Plan.

2 – Impact on character and appearance of the area

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

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Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. 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.

Local Plan Policy LP59 states that *‘in all cases regard should be had to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.’*

The proposal would see the widening of the existing access, the creation of garden areas to the front and rear of the building and an area for vehicular parking which would see vehicles associated with the residential development in place on the site.

Notwithstanding the conclusions of the development in respect to the principle of development of the site in the Green Belt, and impact upon openness, it is

considered that were any grant of permission to be forthcoming, it would need to be on the basis of the following conditions:

- Submission of a scheme of materials of construction to be approved by the LPA.
- To maintain the openness of the site a condition removing permitted development rights for works to the host property, outbuildings or construction of further boundary treatments (save for a delineating low fence) would be recommended.

The recommended PD right restriction would be to ensure that should such works be intended to be undertaken they are subject to a further application which can ensure they would not have a harmful impact upon the openness of the Green Belt.

The submitted plans indicate that existing hardstanding would be utilised, in the event of any approval it is recommended this is ensured by condition and if new surfacing is intended to be undertaken it is agreed in writing by the LPA. The soft and hard landscaped areas of the site are recommended to be subject to condition to ensure their retention.

Subject to inclusion of the recommended conditions it is concluded that the proposal would meet the requirements of the aforementioned policies in other respects it is considered it would not be in accordance with policies LP1, LP2 and LP24 of the Kirklees Local Plan.

3. Impact on Residential Amenity

A core planning principle as set out by policies within Chapter 12 of the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

The building is in excess of 22m from the curtilage of the nearest residential site to the south east, this is considered to be a suitable distance to ensure the development would not have a harmful impact upon neighbouring

occupiers in terms of overlooking, overshadowing or being unduly overbearing.

The level of amenity space is considered to be suitable for a two bedroom dwelling, similarly the level of floor space meets the requirements of Nationally Described Space Standards by providing 85m² of floorspace (and an additional 20m² that is between 1m and 1.8m in height). As such the proposal is considered to be acceptable having regard to principles 16 and 17 of the Housebuilders Design Guide SPD.

It is noted that as the site currently operates there is potential for use as a site for storage and distribution on a 24 hours basis, and there would be a possibility associated noise at unsociable times could impact upon neighbouring occupiers. The proposed use is considered to be more compatible with the locality which features a number of existing dwellings to the south and east and the proposal would be considered to have a small scale beneficial impact in this regard given the fall back for unrestricted storage and distribution use.

With regard to construction hours, the Council's Environmental Health Team recommended a condition restricting these, and also an informative note advising of the powers they have under the Control of Pollution Act 1974 to control noise from construction sites. Given the scale of the development it is considered that, subject to inclusion of the recommended informative note the proposal would not have a significant impact in this regard.

It is therefore concluded that the proposal would have an acceptable impact upon the amenity of neighbouring and future occupiers and the development accords with the aforementioned policies.

4. Impact on Highway Safety

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

The proposal would provide parking for a vehicle and an area for waste storage within the curtilage of the site, which would meet the requirements of principles 12 and 19. Visibility splays are demonstrated upon the submitted plans.

The Council's Highways Team were consulted upon the previous application and stated that they had no objection to the proposal, they advised that amendment to the access within the adopted highway would need highway authority consent, and an informative note to that effect would be included were this proposal to be approved.

Whilst a greater visibility splay could be achieved by removal of part of the hedgerow to the frontage of the site, this is balanced against the visual impact of such removal of the hedgerow and in the context of the existing unrestricted storage and distribution use which can take place and associated vehicle movements linked to such a use.

As such it is considered that in this case, when balanced against the beneficial visual impact of the existing established hedgerow at the front of the site and the contribution this mature feature has to biodiversity, and the level of visibility which can still be achieved (as demonstrated upon the submitted amended site plan) the proposal is considered to be acceptable with regard to access and highway safety. This conclusion is drawn in light of the fact a vehicle can enter, turn within the site, and leave in forward gear with reversing into the highway unlikely to be undertaken.

Therefore, on balance, the proposal is considered to be acceptable in this regard in accordance with policies LP21 and LP22, principles 12 and 19 of the Housebuilders SPD and the policies contained within chapter 9 of the NPPF.

5. 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.

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.

The proposal would be required to secure building regulations approval for the works, which would improve the thermal efficiency of the site and also require the provision of an electric vehicle charging point. Such measures including the requirements of building regulations are referenced to in the submitted Climate Change Statement.

In light of the scale and nature of the scheme which is proposed and the requirements of building regulations it is considered it would be unreasonable of the LPA to insist upon further measures to be undertaken in this regard.

6. Impact upon Ecology & Trees

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 LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the self build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no requirement for BNG to be provided in respect of the aforementioned legislation.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals see existing hedgerow and landscaping largely unaffected given the intention to retain the majority of these within the site. Open boundaries would allow for movement of wildlife through the site and this would be achieved by condition.

As such it is considered that the impact of the development upon ecology / protected species would not be significantly over and above that which the existing site has already and that it would be unreasonable to require further measures to be incorporated as part of this development, on the basis the existing soft landscaped areas - in particularly the mature hedgerow to the front and side of the site are retained and this is secured by condition.

Subject to conditions relating to boundaries and retention of soft landscaped areas the proposals are considered to meet the requirements of the aforementioned policies.

7. Impact upon Drainage / Flood Risk

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance

document are considered to be relevant in terms of foul / surface water drainage.

The submitted plans and application set out that a package treatment plant is to be used for the treatment of foul drainage from the site. The Council's Environmental Health Team were consulted in relation to the previous proposal and noted this is the intended means of treatment of foul drainage. Given the provisions of separate legislation it is not considered necessary for further details of the treatment of foul drainage to be set out as part of this application.

In terms of surface water drainage, given the proposal is for a redevelopment , and subject to condition that should re surfacing be intended to be undertaken a scheme is first submitted to the LPA to be approved in writing, it is considered the proposal would not have a significant impact upon surface water drainage from the site.

As such, subject to condition relating to surfacing, the proposal is considered to be acceptable and accord with policy LP28 of the Kirklees Local Plan and policies within section 14 of the NPPF.

8. Impact upon Land Quality

With regard to land quality, paragraphs 180, 189 and 190 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The Council's Environmental Health Team were consulted in relation to the previous scheme and advised that the site is adjacent to land which has been identified as being potentially contaminated due to its former use (our site ref: 75/10) and may have an adverse impact on the proposed development.

They recommend the inclusion of conditions relating to submission of a phase 1 and phase 2 assessment of land quality, remediation strategy and verification of remediation of the site.

Subject to inclusion of the recommended conditions it is considered the impact of the proposal upon land quality would not be significant and the development would accord with the aforementioned policies.

9. Other Issues

Health and Safety Executive (HSE)

The site falls within the Syngenta inner zone, within a 2022 consultation with the HSE regarding the site, the HSE confirmed they do not advise against residential development of the site. As such the proposal is considered to be acceptable in this regard.

Northern Gas Networks

The site is in proximity to a gas pipeline. Northern Gas Networks (NGN) were consulted upon the previous application and stated they have no objection (in their response of 12th December 2023). It is considered that subject to inclusion of an informative note drawing the response of NGN to the attention of the applicant / developer, the proposal is acceptable in this regard.

10.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, the proposed development would constitute sustainable development and is therefore recommended for approval.

**Recommendation
conditions**

Approve subject to

Decision Authorisation: Delegated Powers

Application Number: 2025/90025

Officer Recommendation: Conditional Full Permission

Reasons:

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

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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 to accord with Policies LP01, LP02, LP3, LP7, LP11, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52, LP53 & LP59 of the Kirklees Local Plan, Principles 4, 5, 6, 12, 13, 14, 15, 16, 17, 18 and 19 of the Councils adopted Housebuilders Design Guide SPD and Policies within Chapters 2, 4, 5, 11, 12, 13, 14 and 15 of the National Planning Policy Framework

2. Development above slab/foundation level shall not commence until a scheme which details of all external materials including walls, roofs,

doors, windows, surfacing, rainwater goods and colour finishes to be used has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity in accordance with Policies LP01, LP02, LP11 & LP24 of the Kirklees Local Plan, Principles of the Councils adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

3. The eastern and northern boundaries of the site outlined in red on drawing 22027D-05-P08 which are denoted as remaining 'open' shall be enclosed with post and rail fencing not exceeding 1 metre in height above ground level before the dwelling is first brought into use and thereafter retained as such.

Reason: in the interests of visual amenity and preserving the openness of the Green Belt by defining the extent of the approved development site with a low impact boundary treatment to accord with policies LP24 and LP59 of the Kirklees Local Plan and the policies within Chapters 12 and 13 of the National Planning Policy Framework.

4. 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) no development included within class(es) A, E and F of part 1 and / or within Class A within Part 2 (save for that set out in condition 4 above) of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: in the interests of visual amenity and preserving the openness of the Green Belt to accord with policies LP24 and LP59 of the Kirklees Local Plan and the policies within Chapters 12 and 13 of the National Planning Policy Framework.

5. The existing hedgerows within the site as outlined in red on drawing 22027D-05-P08 and the areas within the site denoted green (soft landscape) shall be retained as soft landscaping throughout the life of the application.

Reason: in the interests of visual amenity and preserving the openness of the Green Belt to accord with policies LP24 and LP57 of the Kirklees Local Plan and the policies within Chapters 12 and 13 of the National Planning Policy Framework.

6. No re-surfacing of areas of hard standing denoted on drawing no. 22027D-05-P08 shall be undertaken unless and until a scheme has been previously submitted to, and approved in writing by, the Local Planning Authority. The Submitted scheme shall include details that all areas to be resurfaced shall be drained in accordance with the

Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded and a timetable for completion of re surfacing works. The resurfacing works approved by this condition shall be completed in accordance with the approved scheme and thereafter retained.

Reason: In the interests of visual amenity, the openness of the Green Belt and highway safety and to achieve a satisfactory layout to accord with Policies LP11, LP21, LP22, LP24 and LP59 of the Kirklees Local Plan, Principles 12 and 19 of the Councils adopted House Builders Design Guide, the Council's adopted Highways Design Guide and the policies within Chapters 9, 12 and 13 of the National Planning Policy Framework

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

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition no.8 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no.9 further Groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commence on the construction of the development hereby approved.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation 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 Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be 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. 178 and 179 of the National Planning Policy Framework

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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: 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: Works to create a dropped kerb will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: advice regarding working near high pressure gas pipelines: **Contact Northern Gas Networks: Before You Dig Team to help on 0800 040 7766 (option 3) or**

beforeyoudig@northerngas.co.uk

Further guidance on the application file:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2023/93461&file_reference=1021203

Plans and specifications schedule:-

Plan / Document Type	Reference	Version	Date Received
Block Plan	22027D-05-P08		7 th January 2025
General Arrangement as Existing	22027D-03-P01	-	7 th January 2025
General Arrangement as Proposed	22027D-20-P05	-	7 th January 2025
General Arrangement	22027D-01-P03		7 th January 2025

Plan / Document Type	Reference	Version	Date Received
as Existing			
Application Form	-	-	7 th January 2025
YW Safemove Report	-	-	7 th January 2025
Foul Drainage Assessment Form	-	-	7 th January 2025
Design and Access Statement	22027	-	7 th January 2025
Flood Map	-	-	7 th January 2025
Climate Change Statement			7 th January 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 pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated: 26th February 2025

Coal – low