

**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>2025/62/90240/W</b>
Site Address:	Lawbrook Farm, Law Slack Road, Hade Edge, Holmfirth, HD9 2RY
Description:	Demolition of existing buildings and erection of three dwellings with associated parking and landscaping
Recommending Officer:	Kerri Simpson

**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:** 25-APR-2025

## **Officer Report – 2025/90240**

### **Site Description**

The application site is circa 0.15 Hectares located on the eastern side of the unclassified road, Law Slack Road. The lawful use of the site is as 'Steel Fabrication Business' (Use Class B2 – General Industrial) and comprises a conglomerate of single storey buildings constructed of a mixture of concrete blocks, brick and corrugated sheet metal with a yard area located to the north and west. Direct access to the site is attainable from Law Slack Road. Topographically, the site gently slopes from the south to the north, with a stone wall and low shrub occupying the western boundary shared with the highway.

The site is located approximately 4.6 Kilometers (2.1 miles or 8 minutes' drive) from the Holmfirth Town Centre and 2.25km (1.4 miles or 3 minutes' drive) from the village of Hade Edge. It is situated in a rural location, with open countryside adjacent to the northern, eastern and southern boundaries. To the west, the site is bound by Law Slack Road with the two-storey semi-detached residential properties 'Little Law Farm' and 'Law Brook Farm' opposite.

### **Description of Proposal**

#### *The Scheme*

The application is seeking full planning permission for the demolition of the existing buildings and the construction of three dwellings. The proposal consists of one pair of semi-detached dwellinghouses, and a detached dwelling arranged in a linear format with principal front elevations facing north. The development would be accessed from Law Slack Road via a shared driveway leading to 3no designated parking spaces for each dwelling. The dwellings would be set back from the road, with private amenity spaces to the rear and landscaped areas to the front.

The proposed dwellings would be two-storey in height, constructed from natural stone. The roofs would be pitched and finished with artificial stone slates, with chimneys positioned along the ridge and stone water tabling to the roof edge. Each dwelling would have a two-storey rear projecting gable, a main pitched roof with a partial catslide roof to the front elevations to form a porch. Openings are predominately situated to the front and rear (north and south) with non-habitable room windows and secondary windows to the side elevations (east and west).

All dwellings would be 4 Bedroom/6 Person dwellings with a GIA of circa 194sqm. Each dwelling would be served with a split-level rear amenity space comprising a patio area adjacent to the south elevation and lawned areas beyond.

#### *Supporting Information*

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

- Planning Statement (Prepared by Robert Halstead Chartered Surveyors & Town Planners)
- Coal Mining Risk Assessment Report (Ref No. C4624/24/E/7057, prepared by Roger Geotechnical Services Ltd, dated 09.09.2024)
- Climate Change Statement (Prepared by Rober Halstead Chartered Surveyors & Town Planners)
- Preliminary Ecological Appraisal and Biodiversity Net Gain Reported (Ref no. KSE\_188\_01, prepared by Knight Sky Ecology, dated January 2025).
- Small Sites BNG Metric (Prepared by Knight Sky Ecology, dated 06.01.2025).
- Grassland Habitat Calculation

During the course of the assessment of the application, the following amended plans were submitted for consideration:

- 02 B - Proposed Site Plan and Visuals
- 03 A - Proposed Plot 1
- 04 A - Proposed Plots 2-3

### **History of Negotiations and Amendments Received**

The scheme has undergone amendments during the course of the application, with particular regards to Plot 1. The initial layout proposed a dwelling that projected significantly into an unbuilt and open part of the site, which conflicted with Policy LP59 of the Kirklees Local Plan by redistributing built footprint in an unacceptable manner. Its prominent position near the highway increases visual prominence and introduced a layout uncharacteristic of the established pattern along Law Slack Road, where dwellings typically benefit from a greater setback.

In response, the agent submitted amended plans reducing the number of proposed dwellings from four to three, and revised the form, design and sitting of Plot 1, setting it further back from the highway and reducing the amount of footprint outside of that of the existing building.

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications:

2023/93375 - Certificate of lawfulness for existing use as steel fabrication business with ancillary storage – Existing Use Grant (Granted 25.07.2024).

### **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter 2024.

The application has been publicized by way of site notice under Article 15 of Town and Country Planning (Development Management Procedure) (England) Order 2015 and on the Council's website. The expiry date of the publicity period was the 13<sup>th</sup> of March 2025.

The amended plans were not re-advertised due to the reduction in the scale of the development. No neighbours were prejudiced by this as all comments raised were considered in the assessment of the amended plans.

A total of 8 letters of objections were received. The following matters were raised:

- Highways Safety and Access
  - Law Slack Road is a narrow, unlit, single-track land in poor condition with no passing places, footpaths or street lighting. The lane is shared by various highway users including horse riders, pedestrians and cyclist, and objectors consider the road unsuitable for the scale of development proposed and has unsafe access.
  - The road is dangerous in winter, especially during snow and ice, with limited maintenance and no gritting.
  - The cumulative traffic impact, particularly from construction vehicles and increased residential car use.
- Sustainable Location and Infrastructure
  - Absence of public transport, mains sewerage and mains gas.
  - Existing water pressure issues
  - Location remote and isolated
- Residential amenity
  - The proposed dwellings would result in overlooking, overshadowing and loss of privacy.
  - Alter the character of the area
- Ecology, Biodiversity and Landscape
  - The impact on wildlife, including curlews, lapwings, barn owls and bats.
  - The impact of construction works on habitats and species in relation to noise, lighting, and disruption during nesting periods.
- Drainage and Flood Risk
  - Localised surface water flooding at the site entrance

- Concerns about how surface water and foul drainage will be managed given the use of a private sewage system.
- Public Engagement
  - Concerns about the lack of public engagement with some objectors stating that they were not aware of the application until late in the process.
- Non-material matters
  - Impact on property values.

All material planning considerations raised have been considered and addressed in the succeeding parts of this report.

### **Consultation Responses**

The following consultations have been undertaken for this application with the summarised responses listed below.

Holme Valley Parish Council – Oppose. Inappropriate development in the green belt.

KC Ecology and Biodiversity Team – No objection subject to landscaping and Construction Environmental Management Plan conditions.

KC Highways Team (Verbal) – No objection, the scheme would utilise an existing access with an acceptable visibility splay and internal layout. There is sufficient parking per dwelling.

KC Environmental Protection Team (Verbal) – No objection, subject to contaminated land conditions due to the previous agricultural use.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

### **Allocation and Policy**

The site is unallocated within the Kirklees local Plan (Adopted 2019)

The site is subject to the following planning policy designations and constraints:

- Green Belt
- Adjacent Wildlife Habitat Network
- Mineral Safeguarding Area (Sandstone and/or Clay and Shale)

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

### *Kirklees Local Plan*

LP1 Achieving 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  
LP20 Sustainable travel  
LP21 Highway and Access  
LP22 Parking  
LP24 Design  
LP28 Drainage  
LP30 Biodiversity and Geodiversity  
LP32 Landscape  
LP38 Minerals safeguarding  
LP52 Protection and Improvement of Environmental Quality  
LP53 Contaminated and Unstable land  
LP59 Brownfield sites in the Green Belt

### *Holme Valley Neighbourhood Development Plan*

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows: -

Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley  
Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design  
Policy 6 – Building homes for the future  
Policy 11 – Improving Transport, Accessibility and Local Infrastructure  
Policy 12 – Promoting Sustainability  
Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

### *National Policies and Guidance*

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 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 9 Promoting sustainable transport
- 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, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment

### *Supplementary Planning Documents / guidance*

- Kirklees Highway Design Guide (adopted November 2019)
- Housebuilders Design Guide SPD (adopted June 2021)
- Holme Valley Neighbourhood Development Plan (made December 2021)
- The Biodiversity Net Gain Technical Advice Note (June 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
- Biodiversity Net Gain Technical Advice Note 2021

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. The quality of accommodation
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Impact upon Ecology and Biodiversity
7. Other matters – e.g. trees/ecology (e.g. bats)
8. Representations
9. 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 favor of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

### Principle of development within the Green Belt

Chapter 13 (Protecting Green Belt Land) of the National Planning Policy Framework (December 2024) sets out at Paragraph 142 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF goes on to establish that the purposes of the Green Belt are:

- a) to check the unrestricted sprawl of large built-up areas;
- a) to prevent neighbouring towns merging into one another;
- b) to assist in safeguarding the countryside from encroachment;
- c) to preserve the setting and special character of historic towns; and
- d) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 states that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness (footnote 55). 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 establishes that development in the Green Belt is inappropriate unless one of the exceptions set out in the text applies. Of relevance to this proposal is criteria 154 (g), which states:

(g) Limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), where redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

Policy LP59 of the Kirklees Local Plan also provides guidance on the redevelopment of previously developed sites in the Green Belt. However, it is acknowledged that LP59 reflects the former wording of the NPPF, *“not have a*

*greater impact on the openness of the Green Belt than the existing development*” and is therefore superseded by the updated policy position. Nevertheless, the policy remains a material consideration and is relevant to the assessment of this application.

The existing urban grain of Law Slack Road can be described as 3 clusters of built form, positioned towards the junction of Law Slack Road and Law Common Road/Flight Hill, at the centre of Law Slack Road and finally at the junction of Law Slack Road and Penniston Road. The application site is positioned centrally, to the eastern side of the highway surrounded by greenfield land to the north, east and south, while a set of dwellings are situated to the west on the opposite side of the highway. The nearest settlement is Hade Edge, located approximately 1.3 miles from the site. Given the position of the site and the surrounding context, the proposed development would not fill a gap between existing built form or dwellings and, therefore, does not constitute limited infilling within the Green Belt as defined in paragraph 154(g) of the National Planning Policy Framework (NPPF).

While the historic use of the site was agricultural, the last lawful use, as established by Lawful Development Certificate (Ref: 2023/93375) granted on 25<sup>th</sup> July 2007, falls under Use Class B2 (General Industrial – Steel Fabrication Business). The land is occupied by a permanent structure, as apparent by its previous operational uses and the materials used in its construction; with associated fixed surface infrastructure, therefore satisfying the definition of Previously Developed Land (PDL) under Annex 2 of the NPPF. Consequently, as the development is considered a complete redevelopment of PDL, paragraph 154(g) applies, and the key consideration is whether the proposal would result in substantial harm to the openness of the Green Belt. While the principal assessment is made against national policy, the aims of Policy LP59 of the Kirklees Local Plan have been taken into account as a material consideration, to help ensure the scale, siting, and layout of the development respects local character and limits encroachment onto open land.

The Gross External Area (GEA) of the existing building is 477sqm and the total volume is 2,318 cubic metres. It is set back from the highway by approximately 15.5 meters. The proposed dwellings would have a combined GEA of 360sqm and volume of 2,040 cubic metres. Arranged in a linear formation trending east – west, the gabled side elevation of Plot 1 would be situated between approximately 6.7m and 7.3m from the highway.

The development would result in a 29% (141sqm) reduction in built footprint and a 13% (278 cubic metres) reduction in built volume when taken as a whole, alongside a reduction in hardstanding due to the introduction of lawned amenity spaces to the south and soft landscaping/ vegetation to the north, east and west. Approximately 202sqm of the proposed 350sqm GEA would be positioned on the footprint of the former industrial building. The redistribution of built footprint and form focuses a large proportion of the proposed buildings on the existing footprint, and while it would extend partially into existing open areas, the positioning reduces the extent of built

development to the south, promoting an increased sense of openness on land previously occupied by built form.

While elements of the proposed dwellings would be noticeable taller than the existing structure, the overall form is broken up across three units which incorporate partial cat slide roofs to the front (north), reducing the perception of bulk. The layout would follow a linear arrangement baring a spatial relationship with the adjacent residential cluster, while generally following the existing northern building line. The shallow depths of the dwellings would help to minimise their presence when viewed from longer range vantage points from the east. Although the increase in height, orientation and positioning would introduce some additional visual impact when viewed from longer views along Law Slack Road and the approach from Law Common Road/ Flight Hill, the development could be read as part of the existing residential cluster. The proposal would replace an existing building, and the overall scheme would result in a reduction in built footprint and volume, arranged in a more compact and broken up form. On balance, it is not considered that the proposals would result in substantial harm to the openness of the Green Belt, as to constitute inappropriate development.

### *Conclusion*

The proposed development would replace an existing structure on Previously Developed Land (PDL), resulting in a reduced built footprint and volume overall, and introducing additional landscaping. While the proposed dwellings would be noticeably taller in parts than the existing building, the overall scale, form and siting have been carefully considered to ensure the scheme responds appropriately to its context.

The dwellings would be arranged in a linear pattern that reflects the established grain of development along Law Slack Road, avoiding isolated or sporadic encroachment into the open countryside. Although the proposals would appear more visually prominent in certain longer-range views, particularly from Law Common Road/Flight Hill, this would be offset by the compact massing, reduced volume, and strong spatial relationship with neighbouring residential properties.

Given these factors, it is not considered to result in substantial harm given the factors set out above. It is therefore considered that the proposal satisfies the exception set out in Paragraph 154(g) of the NPPF and it is not necessary to consider the application against the criteria set out in Paragraph 155 of the NPPF pertaining to 'Grey Belt'.

### Principle of Housing Development

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the

required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

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

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

Policy LP3 of the Kirklees Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy 6 of the Holme Valley Neighbourhood Development Plan sets out the requirement of sets out that developments will be expected to demonstrate that densities make best and efficient use of land. Within paragraph 4.5.16 of this plan it is stated that within the Holme Valley a density level of 30 dwellings per hectare should be sought whilst recognising the higher density level sought by policy LP7 of the Kirklees Local Plan

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

While the site is not considered to be in a highly sustainable location, due to limited access to public transport and key services, as set out above, the Council is currently unable to demonstrate a five-year supply of deliverable housing land. As such, in accordance with Paragraph 11(d) of the NPPF, the ‘tilted’ balance is engaged. This requires that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

In this case, the proposal would make a modest but meaningful contribution towards meeting local housing need, including on a previously developed site. While the site's rural setting presents some sustainability limitations in terms of location, including the reliance on private vehicles, the scheme provides safe and acceptable access, parking and servicing arrangements as discussed in the latter parts of this report. It is also sited close to other residential properties which demonstrates that it is not an isolated development. These matters when considered as a whole, are not considered to significantly and demonstrably outweigh the benefits of delivering new housing in this location on previously developed land.

With regards to density, the application site measures circa 0.15ha, which would typically support a density of 5 dwellings in accordance with Policy LP7 of the Kirklees Local Plan and Policy 6 of the Holme Valley Neighbourhood Plan. The scheme as originally submitted proposed 4 dwellings, but this was subsequently revised down to 3 due to site-specific constraints, including its location within the Green Belt, topography and rural context. The revised scheme achieves a density of 20 dwellings per hectare, which is below policy requirements. However, the policy does allow for lower densities on the proviso that it is demonstrated that it is necessary to be compatible with the surrounding character. In this instance, the lower density is considered acceptable, given the need for a modest scale of development that respects the character and openness of the surrounding countryside, and to ensure the proposal does not conflict with Green Belt policy and considerations.

Policy LP11 of the Kirklees Local Plan requires 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 in line with the latest evidence of housing need. The proposal would contribute to the mix of housing stock in the locality and is considered to accord with this policy.

### *Conclusion on Principle of Housing Development*

The proposed density of 20dph would fall below the requirements of Policy LP7 of the Kirklees Local Plan and Policy 6 of the Holme Valley Neighbourhood Plan but is justified by the sites Green Belt location and rural constraints. The scheme makes a modest contribution to housing supply, and overall complies with Policies LP7, LP11 and LP24 of the Kirklees Local Plan.

## **2 – Impact on character and appearance of the area**

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.

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*.

Policy 1 of the Holme Valley Neighbourhood Development Plan sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case LCA 7 – River Holme Wooded Valley).

Policy 2 of the Holme Valley Neighbourhood Development Plan states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

### *Site Layout*

The existing urban grain of Law Slack Road consists of three clusters of built form, positioned at the Law Slack Road/Law Common Road junction, the central portion of Law Slack Road, and the junction with Penistone Road. The application site sits centrally within this pattern, on the eastern side of the highway with greenfield land to the north, east and south and a pair of semi-detached dwellings to the west on the opposite side of the road.

As Previously Developed Land (PDL), with a spatial relationship to adjacent dwellings, the siting of the proposal aligns with the established rural development pattern, where clusters of buildings are surrounded by open countryside. While there is no rigid pattern within the clusters themselves, some dwellings (opposite the site) address the highway with front elevations, whereas others, such as Greengate Farm to the south, have principal elevations perpendicular to the road. The proposed dwellings adopt the latter approach, with principal elevations facing south, which aligns with Paragraph 7.11 of Principle 5 of the Housebuilders Design Guide SPD, which recognises that many earlier rural houses face south, and present gable ends to the street. Therefore, the principal of gable ends facing the street/road in a rural context is not uncommon. Given the varied orientations in the surrounding area, the proposed arrangement is consistent with the local historic character and respects the rural setting.

In contrast to the existing commercial use, the proposed layout increases soft landscaping within the site, reducing hardstanding and enhancing the sites contribution to the character of the Green Belt. The southern portion of the site would consist of lawned private amenity space, while the northern portion would feature a sealed gravel-effect driveway with dedicated parking interspersed with additional soft landscaping. This more naturalised approach aligns with the rural context, offering a betterment over the existing site, which

is dominated by built structure and large areas of hardstanding. Given the sites elevated position on the sloping Law Slack Road and the visibility on approach, a condition is recommended to be attached to any permission to secure details of boundary treatments and a detailed landscaping scheme, ensuring that the final design is sympathetic to the Green Belt and the rural setting.

### *Scale, form and massing*

The scale, form and massing of the development is well-balanced, avoiding excessive bulk while reflecting traditional rural proportions. The primary built form consists of two storey semi-detached dwellings, with gabled ends facing east and west, reinforcing the elongated linear arrangement. The rear of each dwelling incorporates two-storey gable projections and catslide front porches. The approach to massing provides variation in depth, breaking up the elevations to reduce visual bulk when viewed from the wider landscape.

The side (gable) elevations remain solid and simple, reinforcing a strong rural form. The roofscape is uniform in height, with continuous pitched rooflines across the dwellings, punctuated by chimneys along the ridgeline, adding architectural articulation and reflecting local housing styles.

Due to the undeveloped greenfield land immediately surrounding the site, the north, south and east elevations will be readily visible from Law Slack Road, while the west would be more apparent from within the wider Green Belt. However, the varied massing and articulation in elevations, reduced hardstanding to that existing, and increase in soft landscaping all act to reduce the harm to openness as discussed above. The stepped profile and depth variations ensure the buildings integrate with the adjacent residential properties, maintain cohesion with the rural character, while avoiding a monolithic appearance. This approach is considered to respect the scale and proportion of surrounding buildings and ensures appropriate compatibility in the rural setting.

### *Detailed Design*

In terms of detailed design, the proposal adopts a traditional material palette, including natural stone walls, artificial stone slate roofs and water tabling ensuring a high-quality finish appropriate for the rural location. The north and south elevations feature vertically proportioned windows, evenly spaced and aligned across both floors to maintain a balanced façade. The east and west gables are simpler, with minimal openings reinforcing their functional role in the overall massing and design. This detailed design approach responds to local distinctiveness, delivering a well-articulated, high quality, and contextually appropriate development.

### *Conclusion on Visual Amenity*

The proposal aligns with Policy LP24, respecting the existing rural character and urban grain, while enhancing the site through reduced hardstanding,

increased landscaping and a well-balanced massing approach. The traditional material palette and articulated form ensure high-quality design, integrating sensitively with the Green Belt

## **2. Impact on Residential Amenity**

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

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

Further to this, Paragraph 130 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.

Policy 2 of the HVNP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light

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. The text supporting this principle states that:

*“For two storey houses typical minimum separation distances are advised:*

- *21 metres between facing windows of habitable rooms at the backs of dwellings;*
- *12 metres between windows of habitable rooms that face onto windows of a non-habitable room;*
- *10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.”*

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).

### *Privacy and overlooking*

The proposal would have a side-to-front relationship with the closest neighbouring properties (Little Law Farm and ‘Law Brook Farm) to the west of the site. While the side elevation of the nearest proposed dwelling (Plot 1) would be served with windows, these would serve a utility room, W/C and

lounge on the ground floor and the first-floor landing. A separation distance of a minimum of circa 30m would be retained between the habitable room windows on the front elevation of the adjacent dwellings and the proposed side facing windows at Plot 1, exceeding the minimum requirements set out in Principle 6 of the House Builders Design Guide. Any views achieved between the existing and proposed dwellings would be at an oblique angle.

Overall, the proposal complies with the separation distance requirements of the SPD, ensuring a high standard of amenity is maintained in accordance with Policy LP24 of the Kirklees Local Plan.

#### *Daylight and Sunlight*

The proposal would be two storeys in height with a comparable elevation upon external ground and be of a similar height to the adjacent properties. It will be located a sufficient distance from the nearest residential properties at Law Brook Farm and Little Law Farm, in excess of 21m. The proposal would therefore not result in undue levels of overshadowing, a loss of daylight and sunlight nor appear overbearing.

#### *Amenity of future occupiers*

The proposed dwellings would be 4 Bedroom/6 Person dwellings and would have Gross Internal Areas (GIA) of circa 194sqm, exceeding the 115sqm requirement for two storey dwellings as set out in the Nationally Described Space Standards (NDSS). All dwellings would exceed the minimum requirements of the Nationally Described Space Standards for gross internal areas and each dwelling would be afforded sufficient built-in storage. In addition, each dwelling would be dual aspect with primary windows serving habitable rooms facing north and south, ensuring they would be afforded an acceptable level of daylight, sunlight and outlook.

Paragraph 7.19 of the Housebuilders Design Guide sets out for proposal of two storeys or more, a minimum of 10.5m separation between habitable room windows and the boundary of adjacent undeveloped land is required. The habitable room windows of the proposed dwellings would maintain a minimum of circa 9.9m from the southern boundary of the adjacent undeveloped land by reason of the projecting gables adjacent to the southern boundary. However, the remaining openings would meet or exceed the requirement, as such on balance it is considered that the minimal shortfall would be acceptable in this instance.

Each dwelling would be served with a split-level rear amenity space measuring at a minimum of circa 124sqm, comprising a patio area adjacent to the south elevation and lawned areas beyond. This presents a sufficient quantity and quality of private amenity space for future occupiers.

It is therefore concluded that the proposal would have an acceptable impact upon the amenity of neighbouring and future occupiers, satisfying the requirements of the aforementioned policies in this regard.

#### **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 relevant to the consideration of this application. The Council's adopted Highway Design Guide, which seeks to ensure acceptable levels of off-street parking are provided, are also considered to be of relevance.

Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance. Policy 11 of the Holme Valley Neighbourhood Development Plan seeks the improvement of transport, accessibility and local infrastructure.

##### *Access*

The proposal would seek to alter the existing access to serve the dwellings by widening to 5.50m which would allow for two vehicles to enter and exit the site safely, allowing for a place for vehicles to stop and give way, if necessary, within the site as opposed to on the highway network. The visibility splay provided at the access is sought to achieve 2.4m x 65m in both directions with a boundary no higher than 900mm. The access is already established, however, having regard to the scale of the development proposed, the nature of vehicle movement anticipated by the residential use, and the overall rural setting, it is considered that the access arrangement would be acceptable. The Highways Development Management team have reviewed the submission and raised no objection to the access arrangements. On this basis, the proposed use of the access is considered acceptable and would not result in substantial harm to the highway network, therefore compliant with Policy LP21 of the Kirklees Local Plan and Paragraph 115 of the National Planning Policy Framework.

##### *Car Parking*

Kirklees Council has not set parking standards, however, as a general principle, it is considered that proposed two-to-three-bedroom dwellings should provide a minimum of two off street parking spaces whereas 4+ bedroom dwellings should provide three off-street spaces. The Council considers that in most circumstances one visitor space per 4 dwellings is considered appropriate. The proposal would comprise a shared sealed gravel effect driveway, accessed directly from Law Slack Road, with three parking spaces per dwelling. There would be one visitor space provided within the shared access area. The spaces would be constructed in the permeable and natural material of stone, accented by soft landscaping at its edges incorporating tree planting.

##### *Cycle Parking*

Although Policy LP47 of the Kirklees Local Plan encourages sustainable travel modes, including cycling, it is acknowledged that in rural locations such as this, cycling is unlikely to form a realistic alternative to private car use. Given the scale of the development, and the sites' rural location, the provision of formal cycle storage is not considered necessary. Furthermore, the introduction of external cycle storage could result in unnecessary visual clutter, contrary to the aims of preserving the character and openness of the Green Belt.

### *Waste and refuse*

Each dwelling would be afforded private bin waste/refuse storage within circa 10m of the front elevation. On collection days, future occupants would be expected to drag their bin to the communal bin collection point situated abutting the northern boundary and at the access entrance to the site. The maximum any future occupant would need to carry their refuse/recycling bin would be circa 15 and 27m, therefore would not exceed the 30m maximum carry distance set out in the Manual for the Streets (6.8.9). No details have been submitted to demonstrate the appearance of the private bin storage nor the communal bin storage. As such, if permission is granted these details will be secured by prior to occupation condition to ensure they are of an appropriate design for their context.

## **6. Contaminated Land**

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or results in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediate to ensure that sites are suitable for their intended use.

Although the site is not formally designated as contaminated land, it has historically been in agricultural use prior to its most recent lawful use for light industrial purposes. Given the proposed introduction of a sensitive residential end use, there is a requirement to ensure that the land is safe and suitable for occupation.

In line with the above policies and national guidance, in the event that planning permission is approved, it is considered necessary to impose a pre-commencement condition requiring the submission of a Phase 1 Contaminated Land Risk Assessment (desktop study) to assess potential contamination and determine whether any further investigation or remediation is required.

Therefore, subject to conditions requiring a Phase 1 Contaminated Land Risk Assessment and where necessary, a Phase 2 Intrusive Site Investigation, remediation strategy and verification report, it is considered that the proposal would comply with Policies LP51 and LP53 of the Kirklees Local Plan.

## **7. Flood and Drainage**

Chapter 14 of the NPPF seeks to direct development away from areas at risk of flooding and ensure that new development does not increase flood risk elsewhere. It also requires that surface water is managed using SuDs where possible and that developments are supported by appropriate drainage infrastructure, taking into account ground conditions and pollution risk.

Policy LP28 of the Kirklees Local Plan reflects these national objectives, requiring all new development to incorporate appropriate foul and surface water drainage arrangements, including SuDs where feasible, and to ensure that any such infrastructure does not increase flood risk or lead to pollution on or off site.

The site is not located within a designated flood zone and is identified via the Environment Agency's flood risk mapping as being at very low risk of surface water flooding. As such, there is no requirement for a Flood Risk Assessment in this instance.

However, in accordance with Policy LP28 of the Kirklees Local Plan and the objectives of Chapter 14 of the NPPF, new development is still expected to incorporate sustainable drainage measures to ensure that surface water is appropriately managed and does not increase flood risk either on or off site. As such, in the event that planning permission is approved, a condition is recommended to be attached to ensure parking areas are constructed in a permeable material and appropriately drained.

Foul drainage is proposed via a private sewage treatment tank, which is considered acceptable given the sites' rural location. Technical specifications and maintenance are matters for regulatory functions outside the planning system.

Subject to conditions as detailed above, it is considered that the proposal would comply with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

## **8. Biodiversity, Ecology and Landscaping**

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by

securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

The Preliminary Ecological Appraisal and Biodiversity Net Gain report undertaken by Knight Sky Ecology was submitted in support of the application and reviewed by the Council's Ecology and Biodiversity Officer. No significant concerns were raised in relation to designated sites or protected species, though evidence of barn owl droppings were recorded, and it has been recommended that enhancement measures recommended in the report are secured by condition, which includes the provision of bird nesting boxes to each dwelling. The site was also assessed as unsuitable for roosting bats.

The submitted assessment confirms the development would deliver onsite BNG through low distinctiveness habitats. The value of the existing habitats within the site boundary is 0.14 habitats, while the initially submitted plans presented 0.25 habitat units post development resulting in a net gain biodiversity value for habitats comprising 0.11 habitat units. The BNG assumes that 8 trees would be planted on the northern boundary, although these have not been shown on the proposed site plan. The onsite BNG proposal would not result in a significant onsite gain as it would be delivered by low distinctiveness habitats (gardens and amenity grassland).

Given the majority of the proposed biodiversity enhancements would be located within private garden areas of the proposed dwellings and thus fall outside the scope of long-term maintenance conditions, the 8 trees specified on the north boundary of the site fall outside of individual plot curtilages and would therefore be secured through a suitably worded condition requiring full landscaping details and a minimum of 5 year aftercare/maintenance programme, including replanting of any fail specimens. This would ensure appropriate delivery and retention of the BNG measures.

In addition to the above, a condition requiring the submission and approval of a Construction Environmental Management Plan (CEMP) is recommended to be attached should the application be approved. This would ensure that biodiversity features are adequately protected during construction, including practical measures to avoid harm to habitats and species, and appropriate working practices.

Subject to the conditions to secure a Construction Environmental Management Plan (CEMP), and a detailed landscaping scheme (including BNG enhancements), it is considered that the proposal would adequately address biodiversity and ecological considerations. These measures would

ensure the development meets the aims of Chapter 15 of the NPPF and Policy LP30 of the Kirklees Local Plan.

## **9. 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.

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

Policy LP26 further supports this by encouraging development that contributes to climate change and adaptation through layout, design, orientation, and use of low-carbon technologies.

The application is supported by a Climate Change Statement, which outlines a range of measures including the use of energy efficient materials, smart-metering, high quality insulation, and water efficient fixtures. Measures to limit construction related carbon emissions, such as the use of locally sourced materials are also proposed. While no renewable energy technologies are included at this stage, the proposal would still contribute positively to reducing impacts on climate change, aligning with the aims of Chapter 14 of the NPPF, Policies LP24(d) and LP26 of the Kirklees Local Plan and the wider aims of the Council.

## **10. Other Matters**

### Removal of Permitted Development Rights

In order to retain control over future alterations that could have a cumulative impact on the character and openness of the Green Belt, and to ensure the development remains in keeping with its rural surroundings, it is considered reasonable and necessary to remove permitted development rights under Schedule 2, Part 1, Classes A to F and Part 2, Classes A and B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## **11. Representations**

A total of 8 objections were received. The following matters were raised:

- Highways Safety and Access
  - Law Slack Road is a narrow, unlit, single-track road in poor condition with no passing places, footpaths or street lighting. The lane is shared by various highway users including horse riders, pedestrians and cyclist, and objectors consider the road unsuitable for the scale of development proposed and has unsafe access.
  - The road is dangerous in winter, especially during snow and ice, with limited maintenance and no gritting.
  - The cumulative traffic impact, particularly from construction vehicles and increased residential car use.

*Officer Comments:*

*While these limitations are acknowledged, the proposal has been reviewed by the Councils Highways Development Management Team who have raised no objections. The access, parking and servicing arrangements are considered acceptable, and there is no evidence to suggest the additional vehicle movements associated with three dwellings would result in substantial harm to highway safety or efficiency. This matter is addressed in the "Highway Safety" section of this report.*

- Sustainable Location and Infrastructure
  - Absence of public transport, mains sewerage and mains gas.
  - Existing water pressure issues
  - Location remote and isolated

*Officer Comments:*

*These factors are acknowledged and are reflected in the assessment under the "Principle of Housing Development" section of this report. While the site is not considered to be in a highly sustainable location, the proposal would make a modest contribution to housing supply in the borough at a time when the Council cannot demonstrate a five-year supply of deliverable housing land. As such, the "titled balance" set out in Paragraph 11(d) of the NPPF is engaged.*

- Residential amenity
  - The proposed dwellings would result in overlooking, overshadowing and loss of privacy.
  - Alter the character of the area

*Officer Comments:*

*The layout of the development has been assessed against standards set out in the Housebuilders Design Guide SPD, and appropriate separation distances are achieved between proposed dwelling and neighbouring properties. This is discussed in more detail in the “Residential Amenity” section of this report.*

- Ecology, Biodiversity and Landscape
  - The impact on wildlife, including curlews, lapwings, barn owls and bats.
  - The impact of construction works on habitats and species in relation to noise, lighting, and disruption during nesting periods.

*Officer Comments:*

*A Preliminary Ecological Assessment and Biodiversity Net Gain (BNG) report were submitted to and reviewed by the Councils Ecology and Biodiversity Officer. No objection was raised, and the site was assessed as having low ecological value. Appropriate mitigation measures have been recommended. A condition is proposed requiring a Construction Environmental Management Plan (CEMP) and a landscaping scheme to secure the BNG measures. These matters are addressed further in the “Ecology, Biodiversity and Landscaping” section of this report.*

- Drainage and Flood Risk
  - Localised surface water flooding at the site entrance
  - Concerns about how surface water and foul drainage will be managed given the use of a private sewage system.

*Officer Comments:*

*The site lies in Flood Zone 1 and is identified as being ‘very low risk’ of surface water flooding. As such, no flood risk assessment is required. Given the above, it is expected that surface water from the access and hard surfaces will be managed appropriately through on-site drainage design, to be addressed under Building Regulations. In order to mitigate any impacts as far as reasonably possible, a condition could be attached to the permission to ensure that areas to be used as access and parking are hardened and drained in accordance with the Communities and Local Government; and Environment Agencies ‘Guidance on the permeable surfacing of front gardens (parking areas)’ published 13<sup>th</sup> May 2009 (ISBN 9781409804864) as amended or any successor guidance.*

*Foul drainage is proposed to be managed via a private sewage treatment plant and is subject to compliance and consents under regulatory functions outside the planning system.*

- Public Engagement

- Concerns about the lack of public engagement with some objectors stating that they were not aware of the application until late in the process.

*Officer Comments:*

*In accordance with the Kirklees Development Management Charter 2024, a site notice was erected outside the application site on 20<sup>th</sup> February 2025, with public consultation ending on 13<sup>th</sup> March 2025.*

- Non-material matters
  - Impact on property values.

*Officer Comments:*

*This is not a material planning matter and cannot be considered.*

## **12. 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**

**APPROVE**

### **Decision Authorisation: Delegated Powers**

**Application Number: 2025/90240**

**Officer Recommendation: CONDITIONAL FULL PERMISSION**

### **Conditions**

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).
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, LP11, LP7, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP51, LP52, LP53 and LP59 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 12, 14 and 15 of the National Planning Policy Framework, and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2025 (or any order revoking and re-enacting that order with or without modification), no development shall take place within the curtilage of the dwellinghouses hereby approved which falls within Schedule 2, Part 1, Classes A, B,C,D,E,F and Schedule 2, Part 2 Classes A and B without the prior written consent of the Local Planning Authority.

**Reason:** In the interest of visual amenity and so as to preserve the openness of the Green Belt and the character of the dwelling in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 and 13 of the National Planning Policy Framework.

4. Notwithstanding the submitted information, prior to the construction of any external walls or roof covering, samples of all external facing and roofing materials (including the natural stone and artificial stone slates) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved materials.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, the Kirklees Housebuilders Design Guide Supplementary Planning Document and the aims of chapter 12 of the National Planning Policy Framework 2024.

5. Notwithstanding the submitted plans and information, a boundary treatment plan, detailing the location, materials and heights shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to the occupation of each dwelling and thereafter retained.

**Reason:** To ensure that there is a well laid out landscaping scheme in the interests of amenity, and to accord with the aims of Policy LP24 of the Kirklees Local Planning and the aims of the National Planning Policy Framework.

6. The areas indicated for vehicle parking, turning, and internal circulation on the approved plan no 02 B shall be laid out, surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded, and made operational prior to the first use of the development hereby approved. These areas shall thereafter be retained free of obstruction and used for their intended purpose for the lifetime of the development.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout to mitigate flood risk and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework 2024.

7. The development shall not be occupied until 2.4m x 65m visibility splays have been provided on both sides of the access, such that there is no obstruction to visibility greater than 900mm above the level of the adjacent highway. Such splays shall thereafter be retained throughout the lifetime of the development.

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

8. Prior to first occupation of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) Full details of hard and soft landscaping including planting plans, species, sizes, and numbers;
- a) The proposed location, species, planting size and method of the eight trees reference in the submitted Preliminary Ecological Appraisal & Biodiversity Net Gain Report, prepared by Knight Sky Ecology, dated January 2025.
- b) A timetable for implementation; and
- c) A maintenance and aftercare schedule for a minimum period of five years for the eight trees and any planting outside of the curtilage of the dwellings hereby approved, including a strategy for the replacement of any trees or planting that fail within that period.

The development shall thereafter be implemented and maintained in full accordance with the approved scheme.

**Reason:** To ensure the delivery of appropriate landscape design and measurable biodiversity net gain across the site, in accordance with Policies LP24, LP30 and LP31 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. Notwithstanding the approved plans and information, two bird boxes per dwelling shall be installed. The boxes shall be positioned on the north and/or east-facing elevations, at a minimum height of 2 meters above ground level and not directly above any windows or doors. The development shall not be brought into use until the box to which dwelling it relates has been completed. Thereafter, the bird boxes shall be retained.

**Reason:** To enhance opportunities for biodiversity at the site and to accord with national guidance set out in Chapter 15 of the National Planning Policy Framework, LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

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

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework 2024.

11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (10) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework 2024.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (11). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

13. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework 2024.

14. No works shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- a) Identification of "biodiversity protection zones"
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements) including a pre-works check for invasive non-native species undertaken by a suitably qualified ecologist and any additional measures required to manage and control any invasive species present.
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure appropriate protection and mitigation measures are in place to safeguard habitats and protected species during the construction phase, in accordance with Policy LP30 of the Kirklees Local Plan and paragraphs 174 and 180 of the National Planning Policy Framework 2024.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution. NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 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:** No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays with no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	brook		30.01.2025
Proposed Site Plan and Visuals	02	B	09.04.2025
Proposed Plot 1	03	A	09.04.2025
Proposed Plots 2-3	04	A	09.04.2025
Statutory Biodiversity Metric Calculation Tool			19.03.2025
Habitat Condition Assessment			19.03.2025
Preliminary Ecological Appraisal & Biodiversity Net Gain Report	KSE_188_01		30.01.2025

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Climate Change Statement			30.01.2025
Planning Statement			30.01.2025
Coal Mining Risk Assessment Report	C4624/24/E/7057		30.01.2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 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 2024 and otherwise actively engaged with the applicant in dealing with the application. The scheme was amended during the course of the application, reducing the number of dwellings from four to three. The form and siting of Plot 1 was revised to reduce impacts on Green Belt openness and better reflect the surrounding pattern of development.

**Report Dated:** 23<sup>rd</sup> April 2025