

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:	2025/62/90413/W
Site Address:	Land adjacent, 40, Manchester Road, Slaithwaite, Huddersfield, HD7 5JA
Description:	Demolition of existing garages and erection of two dwellings and associated works
Recommending Officer:	Danielle Cooper

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 3rd October 2025

Officer Report - 2025/90413

Site Description

Land adjacent, 40, Manchester Road, Slaithwaite, Huddersfield, HD7 5JA

The site comprises 6No. dilapidated garages. Trees and shrubbery are situated within the site. The topography of the site differs, sloping steeply from the south to north.

A Public Right of Way (COL/117/10) is situated across the side and rear of the site.

A Grade II Listed building is situated to the south of the site. A cemetery is situated north of the site. To the east of the site are two storey semi-detached properties, and to the west of the site there is a sub station and bungalow.

Description of Proposal

The application is seeking permission for the removal of 6No garages and the erection of 1 pair of semi-detached dwellings associated parking and amenity space.

The proposal is for a pair of three-storey, semi-detached dwellings which would have a gabled roof form and feature solar panels to the front elevation. A double garage and driveway in front are proposed to the side of the dwellings to provide onsite parking for both dwellings. Gardens will be situated to the rear elevation. Due to the topography of the site, the dwelling will appear two storey from the rear elevation.

The dwellings will be constructed from natural stone and concrete roof tiles. PVC windows will be inserted with composite doors.

Both dwellings would have three bedrooms with associated living accommodation and amenity space.

History of Negotiations

The applicant was asked to submit a Preliminary Ecological Assessment and to revise the parking layout. The revised plans and additional information submitted by the agent and was reviewed by the relevant consultees who consider the new information reasonable and acceptable.

Relevant Planning History

None.

Representations

The application has been advertised by site notice and the press. Publicity expired on 17th May 2025. Two letters of representation have been received. The comments have been summarised below:

- The proposal will result in loss of privacy to neighbouring properties.
- Parking concern.
- Concern of road safety and accidents.
- Concern of noise, air quality and general disturbance from construction works
- Concern of wildlife and birds on site.
- Development will result in overshadowing.
- PROW would need to be unaffected by the development.

The above comments will be addressed within the assessment of this application.

Consultation Responses

The following consultations have been undertaken for this application:

KC Highway Structures – no objections subject to conditions.

KC Highways – No objection subject to conditions.

KC Ecology – no objection subject to conditions.

KC PROW – PROW will need to be remain open and unobstructed.

KC Trees – No objections.

Yorkshire Water – No objection subject to conditions.

Canal and River Trust – no comment.

The response of the consultees is discussed in more detail in the 'Assessment' section of this report.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 within the Strategic Green Infrastructure Network upon the Kirklees Local Plan. The site also falls within an area with a known presence of Bats and Twite birds. The site is within an area identified as being at low risk of land instability by the Mining Remediation Authority, in relation to former mining activities.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 33** – Trees
- **LP35** – Heritage
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Housebuilders Design Guide SPD
- Biodiversity Net Gain Technical Advice Note
- National Design Space Standards

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making

- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed and Beautiful Places
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

Assessment

1. Principle of 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 site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

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

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, 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 weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 1.75 dwellings. Two dwellings are proposed in this instance, which is considered appropriate given the proposal is for semi-detached dwellings and is similar to the density of the surrounding properties.

Paragraph 73 of the NPPF recognises that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 – Impact on visual amenity:

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

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

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

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

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- Taking cues from the character of the built and natural environment within the locality.*
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The proposal is for a pair of semi-detached properties with a gabled roof design which is in keeping with the existing properties on Olney Street. It is noted that residential dwellings within the street scene are varied in regard to design, scale and materials. As such the design and scale of the proposed semi-detached dwellings is considered acceptable. The dwellings will be constructed from natural stone with concrete tiled roof forms which is considered acceptable given the mix of materials within the streetscape. A condition will be implemented to ensure sample materials of the dwellings are submitted to the LPA to ensure they respect the surrounding area.

It is noted that the proposal will appear three storey within the street scene. However, due to the site context with dwellings being located at higher land levels, along with the ridge of the dwellings proposed not exceeding the ridge line of the adjacent dwellings, and as there is a mix of dwellings within the street scene, the LPA has no concern to the proposal being three stories high. The proposal also includes a double single storey garage and parking in front to the east side elevation of the dwellings. It is noted that garages to the side

of the dwellings are not a common feature along Manchester Road. However, the inclusion of the double garage to the side is not considered to result in any adverse visual harm to the street scene or the site and as such are considered acceptable. The side garages will also provide a terrace area for the use of future occupants.

The proposed fenestrations are considered coherent and respect the overall design of the proposed dwellings. The proposed solar panels are considered to be acceptable, raising no concern to the overall appearance of the proposed dwellings.

Principle 5 of the House Builder's Design Guide SPD highlights the importance of buildings following a coherent building line.

The dwellings will not protrude past the established building line along Manchester Road and as such follows the coherent building line being set back from the street scene.

The proposed site plan does show some soft landscaping along the front boundary of the dwellings to help soften the visual impact of the site frontage. The proposed block plan shows that the site boundaries will include the existing stone wall, timber fencing and a stone retaining wall to the rear. The specific arrangements of the boundaries is not detailed in relation to height, materials of construction and therefore a condition requiring a scheme of boundary treatments to be agreed with the LPA is considered necessary. The finished floor levels of the proposal are detailed, and considered acceptable, a condition to ensure they are undertaken in accordance with the details set out in drawing MR01 is recommended.

It is therefore considered that the proposal would not cause significant harm to the visual amenity of the surrounding area. The proposal is therefore considered to be in accordance Policy LP24 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Historic Environment

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *"development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be*

permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”.

A grade II listed building is situated to the south of the application site, on a much significantly greater land level to that of the application site due to the topography of the site.

Paragraph 205 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”*. This is further supported by paragraph 208 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

As the proposal is situated on a significantly lower land level to that of the grade II listed building (25,27,29,31 LINGARDS ROAD, HILL TOP), and it will be constructed from natural stone with concrete roof tiles, which respects the design of the listed building and the surrounding area, the LPA do not consider the proposals to harm the visual amenity of the area of indeed the setting the Grade II listed building.

However, it is considered reasonable and necessary on this occasion, to remove permitted development rights for Classes A (extensions) B (additions to the roof e.g. dormer windows), C (any other alteration to the roof – e.g. rooflights) and E (buildings incidental to the dwellinghouse) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended. This is to ensure that no large, overly dominant extensions or outbuildings which would have an adverse harmful impact on the character and setting of the area or Grade II listed buildings, create residential amenity issues to adjacent neighbouring properties, or would result in overdevelopment of the site can be undertaken without first being assessed by the Local Planning Authority.

Taking the above into consideration, the proposals are considered to accord with Policies LP1, LP2, LP24(a) and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Housebuilders Design Guide SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity:

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

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

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

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”* The SPD also provides advised separation distances for two storey dwellings:

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

The residential properties mostly likely to be affected by the proposed development are No. 31 Lingards Road, No. 40 Manchester Road and Delamere, Manchester Road.

A distance of 6.5m is achieved between the rear elevations of the proposal to the rear boundary of the site. The rear windows of the dwellings will largely overlook directly onto the stone retaining wall. No. 31 Lingards located to the rear of the application site will retain a separation distance of 22m from the rear elevation of the proposed dwellings to the rear elevation of No. 31. Given the sufficient separation distance, the LPA has no concern to potential overbearing or overshadowing impact to No. 31. Due to the significant land level differences and the separation distance, it is not considered that the proposal will result in any adverse loss of privacy to No. 31.

A distance of 11.9m is achieved between the side elevation of the proposed dwelling to the side elevation of No. 40 Manchester Road, and the terrace will retain a separation distance of 3.8m to the side elevation of No. 40. Given the separation distances, there are no concerns to potential overbearing or overshadowing impact. The proposed side door is annotated as obscurely glazed and therefore raises no concern to loss of privacy to No. 40. The proposed terrace is situated next to No. 40's side elevation which does benefit from side windows at ground and first floor. As such there may be some perceived overlooking impact. It is therefore considered necessary to impose a condition to ensure a 1.8m tall fence is erected along the side elevation of the proposed terrace to mitigate the impact of overlooking into No. 40's side windows. Fencing will be situated along the east side boundary which ensures the proposed garden areas will not result in any undue loss of privacy to No. 40 also. The proposed first floor side window will serve an ensuite, and as it is not a habitable room, it is not considered that this window will result in any unacceptable overlooking impact.

A distance of 13.9m is achieved to the side elevation of adjacent property Delamere to the side elevation of the proposed dwelling and a distance of

7.1m is achieved from the proposed dwelling to the adjacent sub station. Given the consideration separation distances as well as the sub station acting as a buffer, there are no concerns to potential overbearing or overshadowing impact. The proposed first floor side window will serve an ensuite, and as it is not a habitable room with generous separation distances, it is not considered that this window will result in any unacceptable overlooking impact.

A distance of 7.6m is retained to the front site boundary, there are no concerns to the loss of privacy to residential neighbouring properties in this regard.

To ensure residential properties are protected from noise, the applicant should be made aware of suggested construction hours in order to protect residential amenity and will be added by informative.

The outlined details accord with Principle 6 of the Kirklee Housebuilders Design Guide, and Policy LP24 b) of the Kirklees Local Plan.

Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

The proposed dwellings (3 storey, 3 bed, 5/6 person), measure 138sqm and therefore meets the required 99/108sqm recommendations as set out within the NDSS for such a dwelling. The proposed gardens are also considered to be a good size for a dwelling of this scale. It is considered the proposed windows would have sufficient outlook and natural light for the amenity of future occupants.

Taking the above into consideration the impact on residential amenity is considered acceptable on balance and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Paragraph 115 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable*

impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

KC Highways have reviewed the proposal.

Three-bedroom dwellings are proposed on the site, and the Kirklees Highways Design Guide SPD states that at least 2 on-site spaces are required for dwellings with 2-3 bedrooms. The proposal shows proposed garages and a driveway located on the eastern side of the site. The location of the proposed on-site parking ensures it will not interfere with the existing PROW or bus stop adjacent the site.

The proposed driveways are shown to the frontage of the garages; the dimensions of the proposed garages are shown to be 6.0m x 3.0m which is acceptable.

KC Highways have also requested that a condition is implemented to ensure that the development is not brought into use until the existing access from Manchester Road across the frontage of plots 1 and 2 has been permanently closed [and any redundant footway crossings removed, and the footway reinstated] and the new access has been constructed and brought into use as shown on the proposed block plan. This is to avoid any danger and inconvenience to highway users. A section 184 agreement will need to be entered into to allow such works.

Whilst the request for this condition is noted, it is not considered to be necessary in this case. The existing footpath is in place and access can be provided over this in the location indicated upon the submitted drawing. A condition of any approval would require boundary treatments to be submitted to the LPA which would see some of the frontage reduced in terms of vehicular access. For the dropped crossing to remain in its entirety is not considered to significantly impact upon access and highway safety, taking account of the fact 6 vehicular spaces are present already.

Suitable bin storage and collection points are shown on plan which are considered acceptable. Bin storage can be undertaken within the curtilage for each dwelling, and presented at the road side for collection.

KC Highway Structures have also commented on the proposal and have requested that a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing highway including the PROW (COL/117/10) shall be submitted to the LPA prior to commencing any works to avoid any danger and inconvenience to highway users. It is recommended these conditions be included upon any grant of permission.

It is therefore considered that, subject to inclusion of the recommended conditions, the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Climate change

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

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 includes the installation of solar panels which will reduce the carbon footprint of the dwellings. This is considered to be sufficient mitigation such that the proposed development would comply with policies within Chapter 14 of the National Planning Policy Framework and principle 18 of the Housebuilders Design Guide.

Ecology

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

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.

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide.

This policy sets out that development should ensure the function and connectivity of green infrastructure is retained / replaced, new or enhances green infrastructure is provided / integrated into new developments. In addition, this policy requires integration of developments into walking / cycling network and providing new links where appropriate and the protection of biodiversity / ecological links. Where the creation of new or enhanced green infrastructure is proposed, provided it does not conflict with other policies within the Kirklees Local Plan policy LP31 sets out that the Council will support such development.

biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The submitted application form outlines that the application falls under the self-build and custom-built exemption. Therefore, BNG is not required under this application.

The Council's GIS mapping system identifies the site to be located within a bat layer, twice buffer and an area with a known presence of great crested newts (GSN).

A Preliminary Ecological Assessment has been submitted and has been reviewed by KC Ecology and deem the assessment reasonable and acceptable.

Invasive species Rhododendron has been observed onsite and therefore a full invasive species survey and management plan will be required to be submitted and will be conditioned.

The report concludes that the buildings and trees do not display any potential for roosting bats. KC Ecology therefore recommend that clearance of the site is completed with care; therefore, a Precautionary Working Method Statement (PWMS) will be conditioned.

In addition, as the site is isolated, though does display opportunity for foraging and commuting, if any lighting is to be erected, this will need to be agreed with Local Planning Authority to ensure any lighting will not impact upon ecological networks and/or sensitive features

The report also concludes that the site was assessed for its suitability to provide potential nesting and foraging opportunities for common species of bird with advice for vegetation removal, as such a construction environmental management plan will be conditioned.

The site was also assessed for its suitability to support reptiles – in its current state the site is considered to hold low suitability for reptiles. As such a PWMS for reptiles will be conditioned.

To ensure the site does benefit from biodiversity enhancements, a Biodiversity Enhancement Plan Survey and Report will be conditioned.

The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD

Contaminated Land

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The site is not on land identified as potentially contaminated. As such, a condition is recommended in relation to measures required should any land contamination be encountered during construction works.

The application site falls within the defined Development Low Risk Area and as such raises no concern in this regard.

As such, subject to the inclusion of aforementioned conditions the proposal complies with LP51 and LP52 of the Kirklees Local Plan.

Trees

It is noted that there are existing trees located in the site, however none of these are protected and KC Trees do not deem them to be of high value.

As such, the removal of trees to facilitate the development is considered acceptable.

Public Right Of Way

A Public Right of Way (COL/117/10) is situated across the side and rear of the site. The PROW officer has noted that if any of the construction works when implementing the steps to the west of the application site and boundary

treatment causes any damage to the PROW, then the path will need to be resurfaced by crushed stone and remain open and unobstructed.

The PROW officer has also noted that if the PROW requires temporary closure during construction works, then a temporary traffic regulation order (TTRO) will be required to be entered and approved. An informative will be added to ensure the applicant is made aware of this.

Drainage

Yorkshire Water have requested details for surface water drainage into the public sewer. However, due to the scale of the development, proposing a pair of semi-detached dwellings, it is not considered reasonable to request the applicant to provide such details. This is because the provision of an adequate system of foul / surface water drainage is a requirement of the Building Regulations, and given the scale of the development it is considered requiring specific details for surface water drainage is not necessary in this case.

The response of Yorkshire Water is taken into account in coming to this conclusion, they have noted the presence of infrastructure crossing the site which the applicant has been made aware of, a build over agreement would be required although it is noted the built form over this part of the site would serve garages rather than habitable space.

Whilst Yorkshire Water have recommended a scheme of drainage to be submitted to the LPA for written approval, given the scale of the proposal it is considered this requirement would not be reasonable in this case given the requirements of separate legislation.

6 – Representations:

Two letters of representation have been received. The comments have been summarised below:

- The development will result in loss of privacy to neighbouring properties.

Officer comment: The proposal will retain sufficient separation distances to nearby residential properties to ensure there will be no adverse loss of privacy to warrant a refusal. This is also discussed within the impact on residential amenity section of this report.

- Parking concern.
- Concern of road safety and accidents.

Officer comment: The proposed access and parking arrangement has been reviewed by KC Highways who raise no objection and as such there are no highway safety concerns.

- Concern of noise and general disturbance from construction works

Officer comment: Construction works are not a material planning consideration, however an informative will be imposed to ensure the applicant is made aware of construction hours in order to protect residential amenity

- Concern of wildlife and birds on site.

Officer comment: The proposal has been reviewed by KC Ecology and they do not consider there to be any adverse harm to wildlife and birds on site. A number of conditions will be imposed to ensure existing habitats on site are protected as discussed within the ecology section of this report.

- Development will result in overshadowing.

Officer comment: Due to the consideration separation distances between the proposed development to nearby residential properties, there are no concerns with potential overshadowing impact.

- The PROW would need to be unaffected by the development.

Officer comment: This comment is noted. The PROW will not be negatively impacted. Any temporary closure of the PROW will need to be agreed with the PROW team and any damage will have to be resolved by the applicant.

7 – Conclusion:

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

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

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2025/90413

Officer Recommendation: Approve

Conditions and 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.

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 LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders

SPD and Chapters 5, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external walling and roofing materials to be used have 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 and maintained for the lifetime of the development.

Reason: In the interests of visual amenity to accord with Policy LP 24 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 12 of the National Planning Policy Framework.

4. The dwellings hereby approved shall not be occupied until all areas indicated to be used by vehicles for parking, turning and access are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for vehicular parking, turning and access thereafter.

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

5. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing highway including the public right of way (ref: COL/117/10) shall be submitted and approved by the Local Planning Authority in writing. The approved scheme shall be implemented prior to the commencement of the construction of the dwellings hereby approved and thereafter retained for the lifetime of the development.

Reason: In the interest of the protection of the structural stability of the public highway in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

6. No works shall take place 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
- b) Identification of "biodiversity protection zones"

- c) 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)
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) 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.

The CEMP must also include the following specific plans / documents:

- Mitigation / precautionary measures for the Huddersfield Narrow Canal LWS.
- Pollution Prevention Plan for the watercourse (using good practice guidance such as CIRIA C532)

Reason: In the interests of biodiversity and in accordance with Kirklees Local Plan Policies LP30 & LP31, principles 7 and 9 of the Housebuilders Design Guide and policies within Chapter 15 of the National Planning Policy Framework.

7. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), shall be submitted to, and approved in writing by, the Local Planning Authority. The Sensitive Lighting Strategy will demonstrate that the lighting will not impact upon ecological networks and/or sensitive features. External lighting shall be installed in accordance with the specifications and locations set out within the approved lighting scheme and retained thereafter.

Reason: In the interests of biodiversity and in accordance with Kirklees Local Plan Policies LP30 & LP31, principles 7 and 9 of the Housebuilders Design Guide and policies within Chapter 15 of the National Planning Policy Framework

8. No works shall commence on-site prior to the completion of an invasive species survey and appropriate removal and / or management plan and agreed in writing with the council. Schedule 9 of the Wildlife and Countryside Act 1981 lists non-native species that are considered harmful to native biodiversity and habitats in the UK. It is illegal to release, plant, or allow these species to grow in the wild.

Reason: In the interests of biodiversity and in accordance with Kirklees Local Plan Policies LP30 & LP31, principles 7 and 9 of the Housebuilders Design Guide and policies within Chapter 15 of the National Planning Policy Framework.

9. Prior to the commencement of development, a detailed Precautionary Working Method Statement (PWMS) in respect of reptiles and amphibians shall be submitted to and approved by the local planning authority. In order to minimise risk and avoid harm to reptiles and amphibians, the PWMS shall include (but not be limited to) toolbox talks provided by a suitably qualified ecologist, attendance of an ECoW (Ecological Clerk of Works) as required, and careful hand search around potential reptiles and amphibians features. In the event of encountering a reptiles or amphibians, all work must cease until the ecological clerk of works and Natural England are contacted for advice on the best way to proceed lawfully. All contractors working on site should be made aware of this advice and provided with the contact details of the ecological clerk of works.

Reason: In the interests of biodiversity and in accordance with Kirklees Local Plan Policies LP30 & LP31, principles 7 and 9 of the Housebuilders Design Guide and policies within Chapter 15 of the National Planning Policy Framework.

10. Prior to the commencement of development, a detailed Precautionary Working Method Statement (PWMS) in respect of bats shall be submitted to and approved by the local planning authority. In order to minimise risk and avoid harm to bats, the PWMS shall include (but not be limited to) toolbox talks provided by a suitably qualified ecologist, attendance of an ECoW (Ecological Clerk of Works) as required, and careful hand stripping around potential bat roosting features. In the event of encountering a bat, all work must cease until the ecological clerk of works and Natural England are contacted for advice on the best way to proceed lawfully. All contractors working on site should be made aware of this advice and provided with the contact details of the ecological clerk of works.

Reason: In the interests of biodiversity and in accordance with Kirklees Local Plan Policies LP30 & LP31, principles 7 and 9 of the Housebuilders Design Guide and policies within Chapter 15 of the National Planning Policy Framework

11. A Biodiversity Enhancement Management Plan must be provided to the LPA prior to the commencement of works on-site. It must include the following items that will be installed post development:

- 2no bat boxes
- 2no bird boxes
- 1no bee box
- Small holes within fences (and other mechanisms) for hedgehogs' mobility.
- A planting scheme should be implemented within the scheme to create a trees and hedgerows. Plantings should comprise native species of high biodiversity value.

Reason: In the interests of biodiversity and in accordance with Kirklees Local Plan Policies LP30 & LP31, principles 7 and 9 of the Housebuilders Design Guide and policies within Chapter 15 of the National Planning Policy Framework.

12. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning

permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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. 189 and 190 of the National Planning Policy Framework.

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) no development included within class(es) A, AA, B, C, E and F of part 1 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 to accord with policy LP24 of the Kirklees Local Plan and the policies contained within Chapter 13 of the National Planning Policy Framework.

14. The finished floor and slab levels of the development shall be in accordance with those shown on submitted drawing MR03RevB. The development shall not be brought into use until the finished floor and slab levels approved by this condition have been completed. The approved finished floor and slab levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

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

15. Notwithstanding the details shown on the approved plans, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of screen fencing of a close-boarded fencing or screen of 1.8 metres in height along the side elevation of the terrace and the height and materials of all boundary treatments. The development shall not be brought into use until the

boundary treatment has been completed in accordance with the approved scheme. The scheme shall thereafter be retained.

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

16. The vehicular parking for plots 1 and 2 shown within the garages, as annotated upon submitted drawing MR02RevB shall be provided prior to the development being brought into use and thereafter used for vehicular parking only.

Reason: For the avoidance of doubt as to what is being approved and to ensure adequate off street vehicular parking is provided to accord with policy LP22 of the Kirklees Local Plan, principles within the Housebuilders Design Guide, the Council's adopted Highways Design Guide and policies within Chapter 9 of the National Planning Policy Framework.

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: On the Statutory Sewer Map, there is a small diameter public combined water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over. This matter would be controlled by Requirement H4 of the Building Regulations 2010. Any proposal to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof

- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.

- The installation must comply with all applicable electrical requirements in force at the time of installation.

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

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Public footpath COL/117/10 should remain free and available to be used prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston or via the email address publicrightsofway@kirklees.gov.uk

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location, site, section and block	MR 01		10/03/2025

Plan			
Proposed Layouts and Elevations	MR 02	B	30/09/2025
Proposed Site Plan and Street Scene	MR 03	B	30/09/2025
Proposed Street Scene Elevations	PC/OS2/P04	A	21/08/2025
Parking Layout – Option 1	0001		17/07/2025
Climate Change Statement			10/03/2025
Preliminary Ecological Appraisal Report	22904		17/07/2025
Biodiversity Enhancement Plan Survey and Report	22904a		17/07/2025

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 Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

The applicant was asked to submit a Preliminary Ecological Assessment and to revise the parking layout. The revised plans and additional information submitted by the agent and was reviewed by the relevant consultees who consider the new information reasonable and acceptable.

Report Dated: 30/09/2025

