

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:	2025/62/90456/W
Site Address:	adj, 6, Rowley Hill, Lepton, Huddersfield, HD8 0JF
Description:	Erection of two dwellings, formation of vehicular access and associated external works
Recommending Officer:	Nina Sayers

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 24 October 2025

Officer Report

Site Description

The application site relates to a vacant plot of land off Rowley Hill in Lepton. The site is bounded by residential properties with trees to the east which form the boundary of Rowley Lane Junior, Infant and Nursery School. The site is on a steep topography, sloping downward from north to south.

The site is unallocated within the Kirklees Local Plan. 6 and 8 Rowley Hill, which border the site to the west are Grade II Listed.

Description of Proposal

The applicant is seeking permission for the erection of two dwellings and associated external works.

The scheme comprises two detached dwellings set within the northern part of the site, accessed off Rowley Hill to the south.

Plot 1

Plot 1 proposes a detached, pitched roofed, 4-bedroom dwelling with an integral garage. The ground floor of plot 1 is sunk into the hillside with no openings proposed in the ground floor rear elevation. A garden is proposed to the rear and a parking area and soft landscaping to the front.

Plot 2

Plot 2 proposes a detached pitched roofed dwelling with a gable feature to the front and a one and a half story gable feature protruding out the front elevation which would serve a garage with living accommodation above. The building has contemporary features with a large, glazed section to the front. The dwelling would serve a 5 bedrooms with a terraced garden to the rear and parking and soft landscaping to the front.

History of Negotiations

Officers raised concerns regarding the massing of the two-storey element to the front of plot 2 and the relationship with the properties to the south. Amended plans were received which set the dwelling back within the plot and reduced the height of the gable feature to the front

Following comments from KC Highways Development Management, the applicant submitted amended plans showing a revised access. This has been considered during the assessment of this application.

Relevant Planning History

96/92172 outline permission for residential development.

Representations

The application has been advertised by site notice and on the web. Final publicity expired on 10th April 2025. 4 representations were received in response to the above publicity, 2 in objection and 2 general comments. They raised the following comments which will be addressed in section 6 of this report:

Objections

- Already bad traffic and safety concerns – already single width so vehicles have to reverse. More vehicles would cause more problems.
- The properties on The Meadows would overlook the houses
- Site has been cleared without planning permission including fires to burn rubbish
- Close proximity to a listed building which could impact the structural integrity, aesthetic and historical significance of the site
- Essential that new development ensures the preservation of the listed buildings.
- Building control need to review the impact on the listed building
- Measures should be taken to reduce the impact on the highway such as implementing traffic management measures or exploring alternative access points
- Impact on the environment – the site has been cleared of vegetation which has reduced wildlife and had an impact on the local ecosystem

General Comments

- Do not object as it is inevitable this site will be developed at some point
- Traffic management survey was done at the quietest part of the day and does not reflect how busy the road is – cars are often required to reverse or pull onto the pavement. The surveys should be re-done at peak times.
- Rowley Hill club is a designated car park used by Rowley Lane school parents, this causes heavy traffic up and down Rowley hill at multiple times during the day.
- School traffic also creates on-street parking which is dangerous
- Can the access be moved away from the corner where the road is wider?
- The BNG report does not represent the true impact of the development as the site was cleared
- There is already 3 large housing development proposed in Lepton.
- The site is heavily overlooked from 3 sides.
- Appreciate the dwellings are set down to reduce the impact on neighbours but NW elevation of Plot 1 and 2 would face the SE elevation of 1 The Meadows and it's garage annex – can the height of the dwellings be reduced by further embanking the building into the site
- Can it be conditioned that no building work takes place in the evenings or weekend?
- Why is there only one site notice on a lamppost where there is no footpath

These comments will be address in section 6 of this report.

Consultation Responses

KC Highways Development Management – object to the proposal on highway safety grounds as discussed in section 5.

KC Conservation and Design – no objections subject to condition.

KC Ecology – No objections raised. Queries raised regarding BNG – discussed in section 5.

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP33 – Trees
- LP35 – Historic Environment
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – 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 SPD
- Housebuilders Design Guide SPD
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the built environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1. Principle of Development

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.

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

In this case, the application site is unallocated land within a residential area. As such, it is appropriate to consider the Local Planning Authority’s overall housing position. 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. 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 6 to 7 dwellings. Two dwellings are proposed in this instance, which is considered appropriate given the topographical constraints of the site and the density of the surrounding development. It is likely that more dwelling on this plot would appear cramped and would fail to be in keeping with the existing development.

Paragraph 70 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 and historic environment:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed 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.

In terms of the historic environment, Chapter 16 of the NPPF outlines that great weight should be given to the conservation of a designated heritage asset and LP35 states that “Development proposals affecting a designated heritage asset [...] should preserve or enhance the significance of the asset”.

Paragraph 208 of the NPPF states “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

Paragraph 212 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 (and the more important the asset, the greater the weight should be).” The weight that should be given is proportionate to the importance of the affected heritage asset, which instance is the impact on the Grade II Listed 6-8 Rowley Hill which shares a boundary with the site to the west.

The application site is in a prominent location on Rowley Hill given the topography of the site and the location on the corner of Rowley Hill. The two

dwelling is proposed to be located within the northern part of the site which would be less prominent but still visible from both the highway and the adjacent properties. The properties would somewhat align with 6-8 Rowgate appearing to infill the plot of land which is bounded by residential properties. It is therefore considered that residential dwellings in this location is appropriate in the context of the wider site.

It is noted that the scheme would introduce a large amount of hardstanding to the front of the proposed dwellings. Whilst this is not ideal visually, there would be a section of planting adjacent to the access and soft landscaping to the eastern and northern boundaries which break up the impact of the hardstanding. This is considered acceptable on balance.

Plot 1

Plot 1 is a pitched roofed, detached dwelling which would be partially sunk into the landscape, appearing single storey to the rear (NW) elevation and two-storey to the front. Due to the topography the dwelling would be set down from the adjacent Grade II listed building to the west of the site. The proposed plot 1 somewhat reflects the design of listed buildings, using coursed natural stone walling under a blue slate roof which is in keeping with the existing development. KC Conservation officers have been consulted on the proposal and are satisfied that siting, design, materials, height and form of Dwelling 1 appears reasonable next to the Listed Building as it would be set slightly lower with appropriate use of materials. On this basis it is considered that the proposed development would preserve the historic character of the listed building and would not cause significant harm to the visual amenity of the wider street scene in line with LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the NPPF.

Plot 2

Plot 2 is a pitched roofed, detached dwelling with a gable feature to the front and a one and a half storey element which protrudes out the front elevation and a single storey utility to the side. Whilst plot 2 would be more contemporary in design with significant glazing to the front elevation, it's siting within the plot would also be less prominent. Officers raised concerns regarding the scale of the building, in particular the garage with living accommodation above which protrudes to the front of the building. Amended plans were sought and received which reduced the height of this element of the scheme and introduced dormer windows to allow for living accommodation to still be provided. A site section was also provided which showed the relationship with 2 & 4 Rowley Hill. The proposed design is therefore considered acceptable on balance.

It is therefore considered that the proposed dwellings would not cause significant harm to the visual amenity of the surrounding area or the historic character of the adjacent listed building. The proposal is therefore considered to be in accordance Policy LP24 and LP35 of the Kirklees Local Plan, the

aims of the Housebuilders Design Guide SPD 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 most likely to be affected by the proposed development are considered to be 1 The Meadows and 2, 4 and 6 Rowley Hill. The impact upon these properties will be discussed below. The proposed development is considered to be a sufficient distance away from any other neighbouring properties not referred to so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect.

Impact on 1 The Meadows

1 The Meadows is a detached two storey dwelling to the north of the application site which has a balcony to the rear. There is also a detached garage to the west of the property which borders the application site, which appears to serve as annex accommodation for 1 The Meadows at first floor level although there is no planning history for this.

The proposed dwellings would be minimum of ~23.7m from 1 The Meadows which would exceed the recommended minimum separation distances in the Housebuilders Design Guide SPD and is considered a sufficient distance to prevent any significant harm to the amenity of either property's occupants. It is

also noted that the proposed dwellings are at a significantly lower land level than 1 The Meadows and the eaves height would be at a similar height to the boundary treatment thus further reducing the likelihood of any harmful impact to the occupants of 1 The Meadows.

The side elevation of the garage at 1 The Meadows would be ~10.5m from the rear elevation of the proposed Plot 2. There are no openings in the side elevation of the annex accommodation, and the proposed dwelling would be at a significantly lower elevation as shown on the submitted section. Therefore, this separation distance is considered acceptable on balance.

Impact on 2 & 4 Rowley Hill

2 and 4 Rowley Hill are a pair of semi-detached, two storey dwellings to the south of the application site, adjacent to the proposed access. There are openings in the rear of the properties which serve primarily habitable spaces.

Officers initially had concerns regarding the impact of plot 2 on nos. 2 and 4, particularly the impact of the garage section which protrudes to the front. Amended plans were sought and received which ensures the main part of the dwelling is 21m from the rear of 2 and 4 Rowley Hill and reduced the height of the proposed garage section. A site section was also provided which shows that the roof height of the garage element would not protrude above nos. 2 and 4. It is also noted that this section is set further east than the adjacent dwellings.

Whilst officers still have concerns the proposal would result in additional overbearing impact on nos. 2 and 4, it is considered on balance that the proposal would be acceptable given the separation distance and as the buildings do not directly align with one another.

Impact on 6 Rowley Hill

6 Rowley Hill is a two-storey building located west of the application site. There are no openings in the side elevation.

The proposed Plot 1 would be ~4m from the side elevation of no.6 but would be set at a much lower elevation. As no openings are included or proposed there are no concerns regarding overlooking. Given the difference in land levels, the proposed separation distance is considered acceptable and no significant additional harm is considered to be caused to the occupants of no.6 as a result of the proposal.

Amenity of the Future 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 exceed the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed garden is considered to be a good size for a dwelling of this scale. It is considered the proposed window would have sufficient outlook and natural light for the amenity of future occupants. It is noted that there is potential for the openings in the rear of the proposed units to be overlooked by the balcony at 1 The Meadow. The separation distance is however considered appropriate to prevent any significant harm to the amenity of the future occupiers.

Therefore, it is considered the proposed development would not cause significant harm to the residential amenity of the existing or neighbouring occupiers and is therefore considered acceptable in terms of residential amenity 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 116 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.

The dwellings proposed would serve one four-bedroom and one five-bedroom dwelling. The proposed site plan shows there would be sufficient off-street parking provision for at least three vehicles for each property. Therefore, the proposed off-street parking is considered acceptable.

Rowley Hill is a single lane carriageway that links Rowley Lane (B6433) and Penistone Road (A629) with Station Road in Lepton to the north. Rowley Hill is subject to a 30-mph speed limit and benefits from street lighting. It varies in width between 4.5m reducing to 3.7m at its narrowest point.

A limited speed survey was carried out on Tuesday 28th May 2024 between 10.24hrs and 12.00hrs to determine the 85th percentile speeds on Rowley Hill in both directions. The 85th percentile speeds are used to determine sight lines based on free-flowing traffic speeds in both directions. The results of the speed survey were 29.84 kph (18.5 mph) uphill away from Rowley Lane and 29.29 kph (18 mph) downhill towards Rowley Lane.

The scheme proposes an access onto Rowley Hill from the southwestern corner of the site. The access would be 6.0m wide reducing to 4.5m in width including internal turning for a private vehicle. The existing wall fronting Rowley Hill will be lowered to no more than 900mm above carriageway level. This will allow sightlines of 28m looking uphill and 28m looking downhill which are commensurate with vehicle speeds and the necessary stopping distances required as per Manual for Streets guidance.

KC Highways Development Management (HDM) raised concerns regarding the proposed access as whilst the length of the sight lines onto Rowley Hill are sufficient and in accordance with recommended guidelines, the angle at which the proposed driveway meets Rowley Hill is acute and would result in drivers needing to look behind in both directions to be able to see oncoming traffic which can't be in the best interests of highway safety.

The applicant provided a response alongside amended plans which sets the boundary treatment much further within the site and proposes a landscaped area adjacent to the access which would serve low growing species. They outlined that such landscaping would serve as a deterrent to vehicles parking on the area.

This was reviewed by KC HDM who confirmed that the revised proposals are acceptable, but the height of the boundary walls/low level planting needs to be shown to be no more than 600mm above the level of the adjoining carriageway. This can be secured condition should approval be recommended.

A communal refuse bin collection points some 10m within the site is proposed to reduce any need for a refuse vehicle to enter the site. Access for a fire appliance is met in terms of ensuring access to all parts of the dwellings.

It is therefore considered that, subject to condition, 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:

Ecology

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 applicant has submitted a Biodiversity Net Gain Metric and Assessment. It concludes that the development will result in a loss of 0.6 habitat units and

an addition of 0.03 hedgerow units. The proposal would therefore result in a loss of 84.63% net loss in habitat units.

Under the legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. As such, it is not considered necessary for any further condition to be in place upon any grant of permission given the statutory requirements in relation to biodiversity and the fact that the provision of the measures set out in the submitted ecological assessment would meet the requirements of the aforementioned policy.

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 SPD.

Contaminated Land

The site of the proposed development is directly adjacent to potentially contaminated land due to its former use. The site is also located within a high risk coal mining area. In order to ensure the site is safe and suitable for the development proposed conditions are recommended in relation to contaminated land.

The Mining Remediation Authority were also consulted on the proposal. They note the conclusions of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial and mitigatory measures, in order to ensure the safety and stability of the proposed development. Therefore, conditions are recommended for intrusive investigations and remediation works.

The proposal therefore complies with LP51 and LP52 of the Kirklees Local Plan.

6 – Representations:

4 representations were received in response to the publication of this application, 2 in objection and 2 general comments. They raised the following comments which officers have responded to below:

Objections

- Already bad traffic and safety concerns – already single width so vehicles have to reverse. More vehicles would cause more problems.
- Measures should be taken to reduce the impact on the highway such as implementing traffic management measures or exploring alternative access points

Officer response: The impact on highway safety has been carefully considered and reviewed by KC Highways Development Management. Officers have addressed this in section 4 of this report. The addition of two

dwelling is not considered to cause any significant additional harm to the highway network.

- The properties on The Meadows would overlook the houses

Officer response: the impact on residential amenity has been carefully considered under the section 3 of this report.

- Site has been cleared without planning permission including fires to burn rubbish

Officer response: This is not material planning consideration.

- Close proximity to a listed building which could impact the structural integrity, aesthetic and historical significance of the site
- Essential that new development ensures the preservation of the listed buildings.
- Building control need to review the impact on the listed building

Officer response: the impact on the historic character of the listed building has been carefully considered under the section 2 of this report. Building Control is separate to the planning process.

- Impact on the environment – the site has been cleared of vegetation which has reduced wildlife and had an impact on the local ecosystem

Officer response: As detailed in the BNG report submitted by the agent, the degradation of habitats since 30th January 2020 has been taken into consideration in the BNG calculations.

General Comments

- Do not object as it is inevitable this site will be developed at some point

Officer response: This aligns with officer assessment.

- Traffic management survey was done at the quietest part of the day and does not reflect how busy the road is – cars are often required to reverse or pull onto the pavement. The surveys should be re-done at peak times.
- Rowley Hill club is a designated car park used by Rowley Lane school parents, this causes heavy traffic up and down Rowley hill at multiple times during the day.
- School traffic also creates on-street parking which is dangerous
- Can the access be moved away from the corner where the road is wider?

Officer response: The impact on highway safety has been carefully considered and reviewed by KC Highways Development Management. Officers have addressed this in section 4 of this report. The addition of two dwelling is not considered to cause any significant additional harm to the highway network.

- The BNG report does not represent the true impact of the development as the site was cleared

Officer response: As detailed in the BNG report submitted by the agent, the degradation of habitats since 30th January 2020 has been taken into consideration in the BNG calculations.

- There is already 3 large housing development proposed in Lepton.

Officer response: This is a separate application and is assessed on its own merits.

- The site is heavily overlooked from 3 sides.
- Appreciate the dwellings are set down to reduce the impact on neighbours but NW elevation of Plot 1 and 2 would face the SE elevation of 1 The Meadows and it's garage annex – can the height of the dwellings be reduced by further embanking the building into the site

Officer response: the impact on residential amenity has been carefully considered under the section 3 of this report.

- Can it be conditioned that no building work takes place in the evenings or weekend?

Officer response: This is controlled by separate legislation as detailed in the footnotes of the the decision notice.

- Why is there only one site notice on a lamppost where there is no footpath

Officer response: The application met statutory publicity requirements and the site notice was located adjacent to the application site.

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: 2025/90456

Officer Recommendation: Approve

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.

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, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. The development shall not be brought into use until all structures, walls, or landscaping located within the site frontage, which exceed 600mm in height, have been set back behind the visibility splays, as indicated on the approved Site Plan ref: 2326 01 Rev.B. Thereafter, no structure, wall, or landscaping within the visibility splays shall exceed 600mm in height for the lifetime of the development.

Reason: To ensure that there is adequate visibility for vehicles entering Rowley Hill in the interest of Highway Safety and to accord with LP21 of the Kirklees Local Plan.

4. 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. 189 and 190 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

5. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 4 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 Chapter 15 of the National Planning

Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. 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 Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development

8. 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 Chapter 15 of the National Planning Policy Framework

9. No above ground development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - a) any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from coal mining is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

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

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

The biodiversity gain plan must include:

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

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 invalid

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.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan			13/03/2025
Site Plan	NDP/391/SP		13/03/2025
Proposed Site Plan	2326 01	B	13/08/2025
Proposed Floor Plans and Elevations Plot 1	2326 03		13/03/2025
Proposed Floor Plans and Elevations Plot 2	2326 02	A	13/08/2025
Site Sections	2326 04		13/03/2025
Biodiversity Net Gain Report	2036	2	13/03/2025
Design and Access Statement		February 2025	13/03/2025
Transport Note	HDC/ENG/1024/FINAL		13/03/2025

Coal Mining Risk Assessment	C5068/25/E/7720		13/03/2025
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Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

Officers raised concerns regarding the massing of the two-storey element to the front of plot 2 and the relationship with the properties to the south. Amended plans were received which set the dwelling back within the plot and reduced the height of the gable feature to the front

Following comments from KC Highways Development Management, the applicant submitted amended plans showing a revised access. This has been considered during the assessment of this application.

Report Dated: 17/10/2025