

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:	2025/60/90495/E
Site Address:	Land adj to, 158, Denby Lane, Upper Denby, Huddersfield, HD8 8UN
Description:	Outline application for the erection of residential development (one dwelling), with all matters reserved except access
Recommending Officer:	Kerri Simpson

DECISION – Outline Planning Permission Approved

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 30-Jul-2025

Officer Report – 2025/90495

Land adj to, 158, Denby Lane, Upper Denby, Huddersfield, HD8 8UN

Site Description

The application site comprises an undeveloped parcel of land situated between No.158 and No.160, on the north side of Denby Lane. The site is enclosed by stone boundary walls to the north and south, stone wall with hedging to the west and a hedge to the east. The existing site hosts two single storey structures used as stores and a hen hut. The site is served by existing vehicular access adjacent to Denby Lane.

The site is bounded to the east by the single storey dwelling at No.158 Denby Lane, to the west by the single storey dwelling at No.160 Denby Lane, to the north by open land and to the south by the highway of Denby Lane with dwellings at No. 155 and No.159 Denby Lane opposite.

Description of Proposal

The Scheme

The application seeks outline planning permission for the erection of one residential dwelling, with all matters reserved except access. The purpose of the application is solely to establish the principle of residential development on the site and the associated access. The proposal would see the widening of the existing access from circa 3.65m to 9m. Although an illustrative site plan has been submitted, matters relating to appearance, landscaping, layout or scale are reserved matters.

Supporting Information

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

- Preliminary Ecological Appraisal (prepared by Arbtech)
- Design and Access Statement
- Climate Change Statement (prepared by AHJ Architects)

History of Negotiations / Amendments Received

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

- 2555 D 20 004 Proposed Site Access Plan (received 12.03.2025)
- 2555 D 20 003 Illustrative Proposed Site Plan (received 12.03.2025)

These were submitted to confirm that all matters apart from access remain reserved, and to provide an illustrative indication of the proposed site layout.

Relevant Planning History

The most relevant planning history relates to the following planning applications

Ref: 2014/91191

Description: Erection of detached dwelling with integral garage and formation of new access

Decision: Conditional Full Permission

Ref: 2006/93036

Description: Renewal of unimplemented outline application for erection of detached dwelling

Decision: Conditional Outline Permission

Ref: 2003/92833

Description: Renewal of previous permission for outline application for erection of detached dwelling

Decision: Conditional Outline Permission

Ref: 2000/92132

Description: Outline application for the erection of detached dwelling.

Decision: Conditional Outline Permission

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised on the Council's website, and by site notice. The expiry date of the publicity period was the 22nd May 2025.

There were no public letters of representation received.

Consultation Responses

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

KC Highways Development Management – No objection. It was acknowledged that the proposal is similar to the approved application 2014/91191. A bin collection point should be provided without obstructing the highway or proposed driveway. The bins should be collected from the back edge of the road. The proposals are otherwise considered acceptable.

KC Ecology – No objection subject to additional information. The Preliminary Ecological Appraisal is considered reasonable and acceptable.

Recommendations for bats, birds, badgers, and hedgehogs can be secured by a Construction Environmental Management Plan condition. The site overall is 372sqm therefore the site is applicable for a Biodiversity Net Gain Assessment.

Coal Authority (The Mining Remediation Authority) (24.06.2025) – Statutory Objection. The development site falls within the defined Development High Risk Area (DHRA) as such a Coal Mining Risk Assessment (CMRA) is required.

Coal Authority (The Mining Remediation Authority) (25.07.2025) – Withdraw Objection subject to conditions. A CMRA was prepared for application 2014/91191, the authority's response to the document was that they were unable to discount risks from shallow coal mine works and on this basis, they recommended that intrusive site investigation works should be carried out. A Coal Authority permit was granted in Oct 2014, however in the absence of any investigation being undertaken and the finding of these, it is recommended that conditions be imposed on any approval granted requiring site investigations prior to commencement.

Denby Dale Parish Council – No objection.

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

Allocation and Policy

The site is unallocated in the Kirklees Local Plan (adopted 2019).

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

- Twite Buffer
- Development High Risk Coal
- Green Belt adjacent northern boundary
- Upper Denby Conservation Area circa 44m to the east

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

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP3 Location of new development
- LP20 Sustainable travel
- LP21 Highway and Access
- LP22 Parking
- LP26 Renewable and low carbon energy
- LP28 Drainage
- LP30 Biodiversity and Geodiversity

- LP33 Trees
- LP51 Protection and Improvement of Local Air Quality
- LP52 Protection and Improvement of Environmental Quality
- LP53 Contaminated and Unstable land

National Policies and Guidance

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

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

- Chapter 2 Achieving sustainable development
- Chapter 4 Decision-making
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)
The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
Section 17 of the Crime and Disorder Act 1998 (as amended)
The Conservation of Habitats and Species Regulations 2017

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

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area

2. Impact upon residential amenity
3. Impact upon highway safety
4. Ecology and Biodiversity
5. Ground Conditions
6. Climate Change
7. Other matters
8. Representations
9. Conclusion

1.Principle of Development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal.

Housing Matters

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.” impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

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

Policy LP3 of the Local Plan is also of relevance as it requires development to deliver homes in a sustainable way. In addition to the above, Kirklees Council has adopted a Housebuilders Design Guide Supplementary Planning Document (SPD). This document sets out what the Council considers to be good residential design, to raise the quality of housing that is delivered in the district, supporting the Local Plan Vision. To help deliver quality places, the SPD consists of 19 Principles relating to both the broader and immediate context of the site with regard to landscape, culture, nature and heritage.

Policy LP7 of the Kirklees Local Plan supports the efficient and effective use of land and buildings including the re-use of previously developed land, underused properties, priority to despoiled, degraded, derelict and contaminated land, particularly in a sustainable location and if it is not of high environmental value. The policy also seeks to ensure that developments achieve a minimum net density of 35 dwellings per hectare where appropriate, particularly in sustainable locations. Higher densities are encouraged near town centres and public transport hubs, while lower densities will only be excepted where justified, for example to reflect local character, address viability, or meet specific housing needs.

The application site measures approximately 372m² and seeks outline permission for residential development with access for consideration. The submitted information indicates that the proposal would be for one dwelling, which is considered appropriate in this instance as the site is considered to be located within a moderately sustainable location, with residential development already established. Moreover, there is a history of full planning permission and outline approvals for this site granted in 2014, 2006, 2003 and 2002. Whilst these were approved some time ago, they do bear weight in the planning balance.

It is therefore considered that the density of the development is acceptable, as it achieves an efficient use of land, contributing to local housing stock in a sustainable location in accordance with Policies LP7 and LP24 of the Kirklees Local Plan.

2.Impact on character and appearance of the area

Visual Amenity

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

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

Principle 2, 5, 6, 8, 13, 14 and 15 of the Housebuilders Design Guide SPD collectively seek to ensure development responds appropriately to its setting, provides a coherent and legible layout, and contributes positively to the visual quality of the area.

The site comprises largely undeveloped land with modest structures and is bound by existing residential development to the east and west. The land rises from east to west, with No.158 located at a lower level than the neighbouring property to the west (No.160), and the submitted illustrative plans suggest that a dwelling could sit comfortably with the higher ground level of No.160. The illustrative plan shows a detached property centrally located within the plot, set back from Denby Lane and accessed via a private drive with the existing access widened to 9m. The indicative dwelling generally follows the established building lines of Denby Lane, as such would not appear unduly out of keeping with the wider street scene, while the widened access would be similar to those of neighbouring properties.

The supporting material suggests the dwelling would be 1.5 storeys in height and designed with traditional proportions to reflect the character of surrounding properties. Although scale and appearance are not for consideration at this stage, the overall layout, spacing and orientation of the dwelling as shown indicate that a sensitively designed scheme could be delivered which respects form and the character of existing development.

While landscaping is a reserved matter, the submitted illustrative layout indicates that the majority of the site frontage would be given over to hard standing to accommodate vehicular parking and turning. With the exception of a proposed tree, there is no substantial provision of soft landscaping to the front of the site. Notwithstanding the arrangement at No.160, this would result in a predominately hard-edge appearance when viewed from Denby Lane and does not reflect the more softened, landscaped frontages typically found in the wider street scene. Officers considered that the site could physically accommodate some degree of planting or vegetated boundary treatment without compromising vehicle movements to the front, with details illustrating this being recommended to be conditioned in the event that outline permission be approved.

Taking the above into account, it is considered that subject to the submission of appropriate details at reserved matters stage, a single dwelling on the site could be accommodated in a manner that accords with Policy LP24 of the Kirklees Local Plan and the guidance set out within the Housebuilders Design Guide SPD.

3. Impact on Residential Amenity

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

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

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principles within the Council's adopted Housebuilders Design Guide Supplementary Planning Document (SPD), where relevant, are referred to in the following consideration of the impact of the development upon residential amenity.

Residential Amenity – Future Occupiers

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

Although layout, scale and appearance are reserved matters, the submitted documents and drawings indicate that a single detached 1.5 storey high, 4 bedroom dwelling is likely to come forward. While the final floor plans and internal arrangements will be assessed at reserved matters stage, it is considered that there would be sufficient space within plot to accommodate a four-bedroom dwelling without compromising the functionality or overall quality of the living accommodation. It is considered that the submitted detail demonstrates that the dwelling can achieve the required space standard. The illustrative plan shows the dwelling to benefit from circa 100sqm of rear amenity space, which is considered sufficient and proportionate for a four bedroom dwelling.

Residential Amenity (Impact on existing occupiers)

Any dwelling on the site would site between Nos 158 (to the east) and 160 Denby Lane (to the west). Given the applicant has outline within the application the clear potential for a 1.5 storey dwelling and there is a change in ground level, it would be reasonable to assess the principle of this scale against Principle 6 of the Kirklees Housebuilders Design Guide SPD, which states that residential layout must ensure adequate privacy and maintain high standards of residential amenity to avoid negative impacts on light, outlook and avoid overlooking.

For two storey houses, his SPD recommends minimum separation distances of:

- 21 metres between facing windows of habitable rooms at the back 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

The illustrative drawing shows the dwelling with a side elevation to side elevation relationship with the immediate neighbouring properties. The dwelling is shown to maintain a separation distance of circa 9.5m from the side elevation of No.160 and circa 2m from that of No.158. While these distances would fall below the recommended minimum separation distances, it is reasonable to note that due to the change in ground level and that there does not appear to be any side facing windows opposite the site, any impact could be mitigated. With regards to No.160, there is a larger separation distance and any potential for overlooking or loss of privacy to this neighbour could be mitigated through omission of side facing windows to the west.

In terms of daylight/sunlight and overshadowing, the illustrative drawing shows the dwelling positioned behind the rear building line of No.160 but projecting circa 3m past the rear building line of No.158. While the application alludes to a 1.5 storey high dwelling, scale is a reserved matter and therefore there are no details pertaining to the distribution of massing across the dwelling or the exact height and pitch of the roof. However, the illustrative layout indicates a separation of 2m between the dwelling and the shared boundary with No.158. The neighbour is served with rear facing windows but given the position of the indicative dwelling to the west, expected height, the sloping roof form, and the modest rear projection, it is not considered a development in this manner would give rise to an unacceptable level of overshadowing or loss of light to these windows.

In terms of garden amenity, the main outdoor space serving No.158 is located to the rear, and if development came forward in this form some overshadowing may occur during the late afternoon and evening hours. However, this would likely be limited in extent and duration due to the orientation of the site and the scale of development indicated.

On balance it is considered that a single dwelling could be accommodated without resulting in significant harm to the residential amenity of neighbouring occupiers, subject to a sensitively designed reserved matters submission in accordance with Policy LP24 of the Kirklees Local Plan and the Housebuilders Design Guide SPD.

4. Impact on Highway Safety

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

These policies are underpinned by Chapter 9 of the NPPF which requires that development proposals ensure safe and suitable access for all users, mitigate any significant impacts on the transport network, and provide adequate opportunities for sustainable travel.

The Kirklees Highways Design Guide SPD provides further guidance on the detailed design of access points, private drives, internal layout dimensions, visibility splays, turning space, and the number of parking spaces required based on dwelling size.

Access is a matter for consideration as part of this outline application. Vehicular access to the proposed dwelling would be taken from Denby Lane via an existing dropped kerb which currently serves the site. The submitted plans indicate that this access would be widened from its existing 3.65m to 9m, providing sufficient width to accommodate two-way vehicular movement and improving capability for maneuvers within the site.

A 2.4m x 43m visibility splay has been demonstrated in both directions along the highway in accordance with Manual for Streets guidance. Kirklees Highways Development Management (DM) have reviewed the proposal and confirmed that the visibility and access arrangements are acceptable. The widened access would allow vehicles to enter and exit in forward gear, and turning space is indicated on the illustrative layout.

Highways DM also note that a bin collection point should be provided close to the highway but not at the back edge of the road. This is a layout matter that can be addressed at the reserved matters stage.

The illustrative layout adequately demonstrates that sufficient space within the site can be made to accommodate the required three parking spaces (based on a dwelling with four bedrooms) and turning/maneuvering without causing a significant impact on highways safety in accordance with Policy LP21.

The proposed access arrangements are considered acceptable, and the application adequately demonstrates that off-street parking could be achieved. It is therefore considered that the proposed access is compliant with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5. Ecology and Biodiversity

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

Chapter 15, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable

habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

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

Policy LP33 of the Kirklees Local Plan sets out the Council's approach to the protection and integration of trees in new development, recognising their contribution to visual amenity and biodiversity.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The site lies within an Impact Risk Zone and is located near designated habitats, with records indicating the presence of protected species. The initial consultation response from the Council's Ecology Officer advised that Preliminary Ecological Appraisal (PEA) was required prior to determination to assess the site's ecological value and the potential for impacts on protected or priority species.

A PEA has since been submitted and reviewed. The Ecology Officer considers the appraisal to be reasonable and acceptable, subject to the implementation of appropriate safeguards during construction which are to be secured through a Construction Environmental Management Plan (CEMP).

With regards to Biodiversity Net Gain (BNG), the submitted application form indicates that the proposal is intended to be delivered as a self-build or custom build dwelling, with the applicant (landowner) intending to occupy the property once built and therefore officers are satisfied that the development would fall under the self-build exemption at this stage. An informative will be attached to the decision, to clarify that while the exemption is noted at this stage, should the development no longer qualify as self-build at Reserved Matters Stage, the requirement to deliver BNG would apply and must be addressed accordingly.

Subject to conditions, the development is not considered to result in significant harm to biodiversity and is deemed to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. Ground Conditions

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process. Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or result in exposure to, pollution or environmental risks that would be

harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediated to ensure that sites are suitable for their intended use.

The site falls within the Development High Risk Area as defined by the Mining Remediation Authority due to the potential presence of historic unrecorded shallow coal workings. In their initial consultation response, the Mining Remediation Authority raised a fundamental concern and objected to the application on the grounds that a Coal Mining Risk Assessment had not been submitted.

Following correspondence with the Mining Remediation Authority, the case officer drew attention to the previous planning permission granted on site in 2014 (ref 2014/91191), which was supported by a CMRA at the time. In light of this, the Mining Remediation Authority agreed that a revised CMRA would not be required at this stage, provided that appropriate pre-commencement conditions are imposed to secure intrusive site investigations and any necessary remediation prior to development commencing. The Mining Remediation Authority withdrew their objection subject to conditions.

The site is not identified on Council records as being within the contaminated or potentially contaminated land areas, however the site may have been in historic agricultural use, and it is noted that the 2014 application included a condition requiring a Phase 1 Contaminated Land Assessment along with subsequent investigation and reports if relevant. The re-imposition is considered appropriate as a precautionary measure given the potential for legacy contaminants associated with historic land uses. The site lies within a semi-rural setting, and the proposed development would involve groundworks and the creation of a residential dwelling (sensitive end user). The imposition of the condition would ensure that risks to future occupiers can be properly assessed and addressed where necessary.

It is therefore considered that subject to conditions, the proposal would comply with Policies LP53 of the Kirklees Local Plan and Paragraph 196 and 197 of the NPPF.

7. 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.

A completed Climate Change Statement has been submitted in support of the application. The applicant has identified several intended measures to reduce energy demand beyond current Building Regulations. These include the use of smart energy metering, user-friendly and efficient building service controls, energy efficient white goods, and the installation of solar panels amongst other measures.

Although this is an outline application with only access for consideration, the submission demonstrates that the proposal can be designed in a manner that contributes to achieving net zero carbon emissions target. Further detail will be expected at the reserved matters stage to ensure the development integrates climate-sensitive design and construction practices. Subject to this, the proposal is considered to comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

8. Other Matters

Flood and Drainage

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

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

The site is not located within a designated Flood Zone and is not identified as being at risk of surface water flooding. As such, there is no requirement for a Flood Risk Assessment in this case. However, in accordance with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 4 of the NPPF, new development should still incorporate sustainable drainage solutions to ensure that surface water is managed appropriately and does not exacerbate flood risk on or off site. Details of surface water drainage, including the use of permeable surfacing or SuDs features where appropriate would be secured by conditions as appropriate at the reserved matters stage.

Pre-Commencement Conditions

The applicant formally agreed to the proposed pre-commencement conditions on 25th July 2025, in accordance with Section 100Z(5) of the Town and Country Planning Act 1990 (as amended). The conditions are considered necessary to secure key details prior to the commencement of development, ensuring that the scheme proceeds in an acceptable manner.

8. Representations

There were no public letters of representation received.

9. Conclusion

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

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

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2025/90495

Officer Recommendation: Conditional Outline Permission

Conditions

1. Approval of the details of appearance, layout, scale and landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.

Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to appearance, layout, scale and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

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

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. 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 further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. 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. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 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 paragraph nos. 196 and 197 of the National Planning Policy Framework

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence

until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

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

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

10. 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 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 and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 186, 196 and 197 of the National Planning Policy Framework.

11. 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 site has been made safe and stable for occupation following the completion of ground investigations and any necessary remediation, in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 186, 196 and 197 of the National Planning Policy Framework.

12. 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
- a) Identification of "biodiversity protection zones"
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) Use of protective fences, exclusion barriers and warning signs.

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

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

- Pollution Prevention Plan for the watercourses and ponds near the site (using good practice guidance such as CIRIA C532)
- Mitigation / precautionary measures for the Sparrow Wood LNR.

Reason: In the interests of biodiversity and in accordance with LP30 and Chapter 15 of the National Planning Policy Framework.

13. The dwelling hereby approved shall not be occupied until the visibility splays along the site frontage with Denby Lane, measuring 2 metres by 43 metres, have been cleared of all obstructions to visibility exceeding 1 metre in height about the carriageway level. These splays shall be retained free of such obstructions thereafter.

Reason: To ensure adequate visibility in the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

NOTE: Careful consideration should be given at reserved matters stage to ensure the proposed development takes into consideration the character of the surrounding area and all other material planning considerations in line with the Kirklees Local Plan, Housebuilder's Design Guide SPD and the NPPF.

NOTE: Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours, Saturdays With no noisy activities on Sundays or Public Holidays.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM) • BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalid

NOTE: Ground Investigations and groundworks - Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, the piling of foundations, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from Mining Remediation Authority website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

NOTE: Requirement for Incidental Coal Agreements - If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal

Agreement will be required from the Mining Remediation Authority. Further information regarding Incidental Coal Agreements can be found at: www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

NOTE: Shallow coal seams - In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

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

NOTE: The applicant has indicated that the proposed development qualifies for a self-build exemption under the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Where such an exemption is valid, the statutory requirement for a 10% net gain would not apply. Applicants are encouraged to ensure that the exemption is correctly registered and maintained, as changes in circumstances may result in the BNG requirement becoming applicable at a later stage.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	2555-D-20-001	-	24/02/2025
Existing Site Plan	2555-D-20-002	-	24/02/2025
Proposed Site Access Plan	2555-D-20-004	-	14/03/2025
Preliminary Ecological Appraisal	-	-	01/07/2025
Design and Access Statement	-	-	24/02/2025
Climate Change Statement	-	-	24/02/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. An illustrative site layout plan was submitted to

clarify that matters relating to layout, scale and appearance are reserved and demonstrate that the site could accommodate a dwelling without material harm. A proposed site plan was submitted to confirm the extent and design of the vehicular access, which is a matter for formal consideration at this outline stage.

Report Dated: 28/07/2025