

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:	2025/62/90500/E
Site Address:	172 & 174, Headfield Road, Savile Town, Dewsbury, WF12 9JH
Description:	Erection of 2 dwellings
Recommending Officer:	Kerri Simpson

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 2nd July 2025

Officer Report – 2025/90500

172 & 174, Headfield Road, Savile Town, Dewsbury, WF12 9JH

Site Description

The application site comprises a rectangular parcel of land measuring circa 0.05 hectares, located on the western side of the A Classified Headfield Road. The site is currently occupied by a pair of semi-detached dwellings, the shell of which has been constructed, including external walls and roof form. Internal works remain incomplete, and external elements such as the front parking and rear amenity spaces have not yet been fully laid out or defined.

The site is bounded to the north by No.170 Headfield Road and the south by No.176 Headfield Road. The eastern boundary fronts directly onto Headfield Road, while to the west the site adjoins the grounds of Headfield Park, a public open space. The immediate area is predominately residential in character, comprising semi-detached dwellinghouses in a mix of traditional inter war (circa 1930s) and contemporary vernacular architectural styles.

Description of Proposal

The Scheme

The application seeks part retrospective and part proposed planning permission for the erection of a pair of semi-detached dwellings. The development follows the approval of application 2022/91347 for extension and alterations to the former dwellings at No.172 and No.174 Headfield Road; however, that permission is no longer capable of implementation due to the extent of demolition carried out on site. The current application has been submitted in response to this and is associated with an ongoing enforcement investigation relating to the unauthorised demolition and rebuilding of the dwellings.

The works carried out to date comprise the external shell of both dwellings, including walls, roofs, and dormers. The proposal now seeks consent to regularise the development as built, and to complete the scheme through the provision of internal layouts, front-off street parking area, and defined amenity space.

The dwellings are arranged over three floors, which includes accommodation within the roof space. The dwellings are part two-storey, part single storey in form and constructed of natural stone under a tiled roof. Each property features a two-storey front projecting bay window with a tabular style roof above, and a pitched roof front porch forming an entrance. To the rear, each dwelling includes a two-storey gable projection, with a single storey rear extension, each with pitched roofs.

The main roof slope to the front incorporates one miniature dormer window per dwelling, while larger dormer windows are set into the rear roof plane. Internally each dwelling provides four bedrooms, with second floor rooms situated within the roof space and served by the dormer windows.

Off-street parking is provided to the front of the site, with each dwelling served by a driveway accommodating up to three vehicles and direct access from Headfield Road. Each dwelling would be served by private rear amenity space.

Supporting Information

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

- 25020-CMRA-001-A Rev A – Coal Mining Risk Assessment, prepared by Advant Engineers, dated 5th April 2025.
- Design and Access Statement
- Climate Change Statement

History of Negotiations and Amendments Received

There were no amendments or negotiations required.

Relevant Planning History

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

2022/90269 - Prior notification for single storey rear extension (14.03.2022)

2022/90270 - Prior notification for single storey rear extension – Not Required (14.03.2022).

2022/91347 - Erection of extensions and alterations to 2 dwellings – Granted (20.06.2022)

Representations

Consultation for the application has been carried out in accordance with the Council's Development Management Charter 2024 and Article 15 of Town and Country Planning (Development Management Procedure) (England) Order 2015.

The application was publicised by way of site notice and via the Council's website. The statutory publicity period expired on 22nd May 2024. There have been no letters of representation from members of the public received.

Consultation Responses

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

KC Ecology Team – No objection, the application is retrospective and would not adversely affect biological or ecological features.

The Coal Authority – No objection, however, given that the site lies within an area of potential risk from unrecorded shallow coal mining, they recommend conditions requiring intrusive site investigations and any necessary remediation to ensure the site is made safe and stable for the approved development. The conditions also require a signed declaration from a suitably competent person confirming site safety prior to occupation.

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

Allocation and Policy

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

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

- Bat Alert Zone
- Contaminated Land (proximity to historic landfill sites)
- Development High Risk Area (Coal)

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

Kirklees Local Plan

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP3 Location of new development
LP7 Efficient and effective use of land and buildings
LP11 Housing Mix and Affordable Housing
LP20 Sustainable travel
LP21 Highway and Access
LP22 Parking
LP24 Design
LP26 Renewable and Low Carbon Energy
LP28 Drainage
LP30 Biodiversity and Geodiversity
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. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

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

- Chapter 2 Achieving sustainable development
- Chapter 4 Decision-making
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 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 (June 2021)

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.
- The Conservation of Habitats and Species Regulations 2017

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

1.Principle of Development

1.1 Sustainable Development

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

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favor of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 Principle of Housing Development

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

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

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

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

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. The provision of two dwellings on a site of this size meets the density standard set out in these policies and is therefore acceptable in this regard.

This application seeks to regularise the unauthorised demolition of a pair of semi-detached dwellings and the construction of a replacement pair. The application site has an established residential use, with no net loss in

residential units. It is therefore considered that the scheme would allow the site to continue contributing to housing supply, and overall complies with Policies LP7, LP11 and LP24 of the Kirklees Local Plan.

2. 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.

Of key importance, 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*.

The development relates to the reconstruction of the pair of semi-detached dwellings following over-demolition of the previously approved scheme for extensions. While the current scheme seeks to regularise the resultant development, the assessment must acknowledge both the established residential use of the site and the impact of the development within the street scene.

The layout of the resultant dwellings, including plot width, building alignment and frontage arrangement (including parking), broadly reflects that of the previously approved scheme and is consistent with the spatial rhythm of adjacent dwellings. The resultant dwellings retain appropriate building lines, setbacks and maintain appropriate separation distances to neighbouring properties, avoiding a cramped or overdeveloped appearance when viewed within the street scene.

The re-built dwellings present as two-storey properties with additional accommodation within the roof space. The overall height and massing remain comparable to the previously approved scheme, and the changes made are considered minor in nature and do not significantly alter the visual perception of scale.

The two-storey front gable, now feature flat roofs with a parapet style detail replacing the originally permitted pitched roof elements. While this does alter the appearance of the front elevation, flat roof forward projecting gables and/or bay windows are a common feature in the street scene. The parapet feature provides a defined architectural finish and remains sympathetic to the overall proportions of the dwellings.

The front dormers have been modestly enlarged, however, they remain well-proportioned and set comfortably within the roof slope, avoiding dominance over the main roof form. To the rear the eaves line has been marginally

lowered and the dormer structures enlarged, however, the dormers would remain suitably below the ridge line and positioned away from the outer edge of the roof slope and eaves as to integrate effectively with the rear roof slope.

It is also noted that, following the over demolition of the original dwellings, the replacement dwelling have been constructed using natural stone to the front elevation, with red brick to the sides and rear. The street scene along Headfield Road is mixed in terms of external materials, with nearby properties featuring a combination of stone, brick and render. In this context, the chosen material palette is not out of character. The visual appearance is further enhanced through traditional architectural detailing, including quoined corners, a decorative course beneath the eaves (corbel), stone sills and lintels, and key stones to the front porches.

Collectively, the scale, form and design approach remain grounded in the previously approved scheme. The principle of the overall height, depth and massing has already been accepted through the earlier permission, and the refinements now proposed do not materially depart from that established envelope. As such, the development continues to reflect an appropriate residential scale and built form and does not give rise to undue visual prominence or harm the context of the street scene in accordance with Policies LP1, LP2 and LP24 of the Kirklees Local Plan.

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 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 House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. The text supporting this principle states that:

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

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

minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.”

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

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

3.1 Neighbouring Amenity

No.170 Headfield Road

The resultant dwelling at No.172 presents a modest increase in massing along the northern side of the site, bringing the built form slightly closer to the shared boundary with No.170 than the former dwellings. However, the two-storey element of the part two/part single storey rear gable end sits parallel to the neighbours Two storey extension with the single storey element projecting circa 3m the neighbours habitable room window with a separation distance of circa 3m. As such, when a line of 45 degrees is drawn from the neighbours nearest habitable room windows both on the vertical and horizontal plane, this element of the scheme would not infringe this line. As such, it is not considered that the dwellings would result in a material loss of daylight or undue overshadowing to this neighbour.

There is one habitable room window at ground floor of the dwelling nearest to No.170 serving a snug/kitchen. This window faces a blank section of the neighbour's extension. All other windows on the side elevation serve non-habitable rooms facing on to blank elevations and windows to the rear present views towards the vegetation on the rear boundary. As such, it is not considered that there would be any undue overlooking or loss between properties.

No.176 Headfield Road

A similar relationship exists between No.174 and No.176, whereby the neighbouring property again benefits from its own extensions to the rear and side. The two-storey element of the gable end at No.174 sits in line with the two-storey extension at No.176, although there is a notable step in the rear elevation, where a habitable window sits within the main body of the neighbouring dwelling at first floor serving a bedroom. The two-storey element of No.174 would project past this window by circa 3m but would maintain separation distance of 2.5m and incorporate a pitched roof. As such, it is not considered that the projecting gable at No.174 would give rise to a light to the nearest first floor habitable window at No.176. Further, the single-storey element at No.174 sits in line with that of No.176, as such, there would be no material loss of daylight/sunlight or overshadowing to the neighbours ground floor windows.

In terms of overlooking and loss of privacy, all windows at No.174 face the blank side elevation of No.176, as such it is not considered that a loss of privacy between the properties would result.

No's 169 & 171 Headfield Road

The properties on the opposite side of the road occupy positions some 30m from the resultant dwellings. While it is acknowledged that the front dormer windows have been enlarged, given the substantial separation distance exceeding the minimum 21m requirement set out in the Housebuilder Design Guide SPD, it is considered that the resultant dwellings do not have an adverse impact on the amenity of the adjacent properties.

3.2 Amenity of future occupiers

Each dwelling would maintain a Gross Internal Area exceeding the minimum 130sqm required for a 4 Bedroom 8 Person dwelling across three storeys, as set out in the NDSS. The dwellings are dual aspect, with each habitable room maintaining good access to daylight, sunlight and reasonable levels of outlook. Private amenity space is arranged to the rear at circa 110m² per dwelling. The dwellings would provide a good quality of accommodation for future occupants.

Conclusion on residential amenity impacts

The development demonstrates an acceptable relationship with neighbouring properties, provides adequate internal space and maintains a reasonable standard of amenity for future occupiers. The development therefore complies with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF 2024.

4. Highway Impacts

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.

Waste storage can be undertaken within the residential curtilage, without affecting parking provision and can be presented at the roadside when required, as such it is considered the proposal would be acceptable in this regard.

The submitted plans show the same parking arrangement as previously approved under application reference number 2022/91347 and considered acceptable by officers at the time. There have been no material changes to the highway network or planning policies relevant to the scale and nature of this proposal since that earlier approval. As such, the proposed parking remains sufficient for the scale of development and is not considered to result in any additional harm to highway safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

5. Contaminated Land

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

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

The application site lies within a 250m buffer for a historic landfill; however, it is not designated as contaminated or potentially contaminated land. The site previously contained residential development and is redeveloped for the same use. Given the nature of the development and its location, it is considered proportionate to apply a precautionary condition requiring notification in the event that any unexpected contamination is encountered during any remaining groundworks.

The site lies within a Development High Risk Area as defined by The Mining Remediation Authority (MRA) (formerly known as the Coal Authority). The application is supported by a Coal Mining Risk Assessment (CMRA), which identifies the presence of a shallow coal seam encountered during foundation works and notes the low, but not discounted, risk from unrecorded shallow workings. The MRA has reviewed the submitted CMRA and raises no objection to the development, subject to the imposition of conditions securing intrusive investigations and any necessary remediation. As such, in line with the CMRA's consultation response, the recommended conditions will be imposed to ensure that the site is, or can be, made safe and stable for its intended use.

It is therefore considered that subject to a condition requiring the reporting of any unexpected contamination encountered during development, the cessation of works in any identified affected area and the submission of a remediation strategy if necessary; along with the recommended conditions from the Mining Remediation Authority for intrusive investigations, the proposal would be carried out in accordance with Policy LP53 and LP51 of the Kirklees Local Plan and Paragraphs 189 and 190 of the NPPF.

6. Flood and Drainage

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

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

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

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

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

7. Biodiversity and Ecology

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.

While the site lies within a Bat Alert Zone, the previous dwellings have already been demolished, and the development is substantially complete. As such, any features with potential for bat roosting have already been removed from the site. The Council's Ecology Officer has confirmed that no ecological assessment or survey is required in this instance.

The statutory requirements for Biodiversity Net Gain under the Environment Act 2021 apply to new development proposals where baseline habitat conditions can be established prior to commencement. In this case, the site has already been cleared, and the development is substantially complete. As no baseline data exists, and no request has been made by consultees, it would not be reasonably or legally robust to require BNG measures retrospectively. This position relates specifically to the circumstances of this case and does not prejudice future application of BNG policy on other sites.

While the site falls within a biodiversity constraint area, the redevelopment of the site for two dwellings of a similar nature to those previously on the site is not considered to give rise to any significant ecological impacts in this instance. Similarly, the development is not considered to trigger requirement for biodiversity net gain for the same reasons. As such, the development is considered to comply with Policy LP30 of the Kirklees Local Plan. An informative will be added to the condition to advise the applicant of their responsibilities in relation to protected species in accordance with the Wildlife Act and Chapter 15 of the NPPF.

8. Climate Change

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

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon

emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

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

The application is supported by a climate change statement which outlines a series of design and construction measures intended to mitigate the environmental impacts of the development. These include enhanced thermal insulation, triple glazing and low energy fittings. Materials have been locally sourced where possible, with demolition waste reduced as hardcore fill to reduce embodied carbon. Design measures such as optimised window positioning and avoidance of solar shading support passive energy efficiency. Surface water runoff is to be managed through mitigation measures noted on the plans and water stress addressed via rainwater harvesting and recycling features.

Taken together, these measures demonstrate a proactive approach to addressing climate change and align with the aims of Chapter 14 of the NPPF, Policies LP24(d) and LP26 of the Kirklees Local Plan and the wider aims of the Council.

9. Other Matters

Pre-commencement conditions

In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant was notified of the intention to impose these conditions and provided with an opportunity to comment and confirmed their agreement in writing on 27th June 2025. The conditions are therefore considered reasonable, necessary, and compliant with the relevant legislation.

10. Representations

No public letters of representation were received.

11. 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: 2025/90500

Officer Recommendation: CONDITONAL FULL PERMISSION

Conditions

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP32, LP51, LP52, LP53, LP57 and LP60 of the Kirklees Local Plan, Chapters 2, 4, 5, 8, 9,11, 12, 14 and 15 of the National Planning Policy Framework, and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

2. The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the Local Planning Authority has been obtained for any proposed change or variation. The development shall not be brought into use until completed in accordance with the materials of construction approved by this condition which shall be retained thereafter.

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

3. No further development shall commence until:

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) 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: In the interests of public safety and to ensure the stability of the land for development, in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

4. 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: In the interests of public safety and to ensure the stability of the land for development, in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

5. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either:
 - a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or,
 - b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

6. The areas indicated for vehicle parking on the approved plan no '21.2694.08 - Proposed Plans' shall be laid out, surfaced and drained in

accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded, and made operational prior to the first use of the development hereby approved. These areas shall thereafter be retained free of obstruction and used for their intended purpose for the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout to mitigate flood risk and in accordance with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, Principle 12 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework 2024.

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

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

Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: It is recommended no construction related noise should be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays

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

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

NOTE: The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

NOTE: The applicant is reminded that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist. It is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 to disturb, or harm protected species or their habitats. Failure to comply with the legislation could result in prosecution.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Existing Floor Plans & Elevations	21.2694.01A		05/03/2025
Proposed Plans	21.2694.08		05/03/2025
Climate Change Statement			05/03/2025
Design and Access Statement			05/03/2025
Coal Mining Risk Assessment	25020-CMRA-001-A	Rev A	09/04/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were required.

Report Dated: 27th June 2025