

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:	2025/62/90746/W
Site Address:	Meal Hill Reservoir, Meal Hill Lane, Slaithwaite, Huddersfield, HD7 5EL
Description:	Redevelopment of disused reservoir to form one new dwelling, landscape enhancements and associated works
Recommending Officer:	Elenya Jackson

DECISION – Full Conditional Permission

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 16-Dec-2025

Officer Report

Site Description

The application site is a former reservoir which is below ground level and constructed out of stone. The existing location of the reservoir is set back from the public realm by 47m.

The site is accessible from the west via an informal access track which is currently enclosed by a metal agricultural style gate.

The topography of the site increases towards the previous reservoir and falls away towards the south. There is an observable change in site levels between the application site and the southern boundary.

The site is located within the Green Belt, a Bat Alert Layer, a high risk coal area and within 250m of landfill site SW0102

Description of Proposal

This application has been received for conversion of the disused reservoir into a dwelling and associated works.

The existing structure has a width of approximately 28m and a depth of 28m.

The proposed footprint of the main dwelling would have a depth of 28m and width of 28m. Therefore, the main element of the proposal would be contained within the existing footprint of the reservoir. The northern elevation would also feature excavations to create a garage which is 10m wide and the northern elevation would therefore have a width of 38m.

The dwelling is proposed to be contemporary in design, owing to its subterranean location. It would feature a flat green roof with a central opening to facilitate a pond.

History of negotiations/amendments received

KC Highways Development Management entered into negotiations with the applicant regarding access to the site. Clarification was received during the course of the application and progressed accordingly.

Officers also requested a copy of the plans with scaled elevations to ensure that the measurements taken were correct.

Relevant Planning History

N/A

Representations

The application was advertised by a site notice which expired on 24/12/2025. No comments were received as a result of site publicity.

Consultation Responses

KC Ecology: Revised comments received following the submission of additional information. Conditions deemed necessary.

KC Highways Development Management: No further comments subject to conditions.

The Lead Local Flood Authority: No further comments

KC Environmental Health: Requested conditions relating to contaminated land

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are 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 located in the Green Belt the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 3 – Location of New Development
- LP 7 – Efficient and Effective Use of Land and Buildings
- LP 20 – Sustainable Travel
- LP 21 – Highways Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP 33 - Trees
- LP 43 – Waste Management Hierarchy
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and Unstable Land
- LP 59 – Redevelopment of brownfield site

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 8 – Promoting Healthy and Safe Communities

Chapter 9 – Promoting Sustainable Transport

Chapter 11 – Making Efficient Use of Land

Chapter 12 – Achieving Well-Designed Places

Chapter 13- Preserving the Green Belt

Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Chapter 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

Housebuilders Design Guide SPD (2021)

Kirklees Council has adopted supplementary planning guidance on new housing development which now carries full weight in decision making. 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). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)

Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to highway design

Assessment

Principle of development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which

includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The 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.

It is noted that this site is within the Green Belt. Irrespective of the Council’s position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission “unless the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”. Footnote 7 at paragraph 11di) states that the protected areas include land designated as Green Belt. Although the Council is not able to demonstrate a five-year supply of housing, the tilted balance would not be engaged for this proposal.

Therefore, the principle of developing in the Green Belt must be assessed in order to determine whether the principle of development is acceptable. The proposal will also be assessed against all other material considerations.

Green Belt:

The site is located within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development

Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, these are as follows:

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

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Exemptions

Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless the proposal accords with one of the exemptions outlined in paragraphs 154 and 155.

Consideration of paragraph 154

For paragraph 154, it is considered, in this instance, that the following exemptions may be relevant:

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

Policy LP59 of the Kirklees Local Plan provides some parameters for what would normally be considered acceptable alterations for the limited infilling or redevelopment of previously developed land.

Subsection (b) and (c) outline the following points:

*'In the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and
redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for'.*

The policy goes further to state:

'the redevelopment of the site, either in the same use or for a new use, may be acceptable provided that the redevelopment is designed so as not to have any more impact on the openness of the Green Belt than the existing built form. The extent of the existing footprint should not normally be exceeded, although it may be possible to redistribute built form on the site provided that the resulting impact is no more than that of the existing development.'

It should be noted that the updated NPPF supersedes the guidance set out within the Kirklees local plan, with the reference to development not resulting in 'substantial harm' rather than 'greater impact' on openness'. Development on previously developed land can now only be considered inappropriate if it causes substantial harm to openness.

It is considered that the proposal would largely be contained within the parameters of the previous reservoir with the exception of the proposed garage along the northern boundary of the site which officers understand to exceed the original footprint of the reservoir. However, it would be contained within the section of land which has previously been developed.

On consideration of exemption g of paragraph 154, for the redevelopment of previously developed land, it is considered that the site would satisfy the NPPF definition of previously developed land.

Grey Belt

With regard to exemptions, paragraph 155 of the NPPF states: *"The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- a. There is a demonstrable unmet need for the type of development proposed;*
- b. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*

- c. *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below."*

'Grey Belt' is defined in the NPPF glossary as *"land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development."*

The application site is considered previously developed land and it is considered the land does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 and would therefore be considered Grey Belt land. The site is considered to be located in a sustainable location with the nearest train station to the application site being located ~300m away which is considered a reasonable distance which provides connections to Manchester.

It is considered that the 'Golden Rules' in paragraphs do not apply in this case, as they relate specifically to larger-scale or plan-led allocations of Grey Belt land involving multiple homes or mixed-use development. This proposal, by contrast, is for a single dwelling and is being brought forward outside of a strategic context. However, it follows the broader intent of sustainable and sensitive development in lower-performing Green Belt areas.

This application is therefore consistent with the provisions of paragraph 155.

The proposed development would therefore constitute an acceptable form of development in the Green Belt. As outlined in paragraph 153 of the NPPF, *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*. No very special circumstances have been required in this instance as the proposal would be considered acceptable in the context of exemption (g) of paragraph 154 and 155. Therefore, the proposal would comply with the requirements of Chapter 13 of the NPPF and Policy LP57 of the Kirklees Local Plan.

The principle of development is therefore be considered acceptable. Notwithstanding this, 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.

Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 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...”

The NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.

In addition to this, the NPPF outlines 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.

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 and illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

Principle 15 of the Kirklees Housebuilders Design Guide SPD states that the design of the roofline should relate well to site context and Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

The proposal would be located on a plot of land which is currently occupied by a former reservoir. The site is located on the boundary of Slaithwaite and the immediate vicinity of the site is low density.

The dwellings in the vicinity are not uniform in appearance, those closest to the site on Meal Hill Lane are modern properties with a mixture of modern stone and redbrick.

Officers consider that due to the proposals reasonable set back from the public realm and large amount of vegetation retained, the site would not be overly prominent from the street scene.

The design of the dwelling is contemporary and given that it is utilising the existing built form of the site it is largely subterranean, respecting the transition between urban to open land, therefore satisfying Principle 8 of the Housebuilders Design Guide. The proposal also features a first-floor element to create a 'garden room' for the occupants of the dwelling. It is considered that this would not be of significant scale and would be constructed in materials appropriate to the rural setting of the site, further acting to respond positively to the sites characteristics and topography.

It is considered plot is sufficiently separated from neighbouring properties to be read as an isolated dwelling within the public realm. The proposed dwelling would accord with Principles 2, 14, and 15 of the Housebuilders Design Guide, as well as Policy LP24(A) of the Kirklees Local Plan.

Given the above, the proposal is considered to be in accordance with Policies LP24 of the Kirklees Local Plan and Chapters 12 of the NPPF.

Residential Amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. Further to this, 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."

In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Builder's Design Guide SPD goes into further detail with respect to Key Design Principle 6 on maintaining high standards of residential amenity.

The proposal would be located a minimum of 22m away from 6 Meal Hill Lane.

Overlooking: The proposal would be largely subterranean with one south-eastern facing window and windows in the first floor garden room; however, this would be approximately 22m away from the side elevation of no.6 and would have an offset relationship. Therefore, no significant issues would be raised regarding overlooking.

Overshadowing/loss of light/overbearing: The proposal would be largely subterranean with a 22m separation distance from no.6. Therefore, no significant issues would be raised regarding overshadowing/loss of light/overbearing.

Adjoining neighbours are considered to be located a sufficient distance away that no issues would be raised regarding overshadowing/loss of light or overbearing.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site has residential properties in the wider area and the occupiers of these could potentially be disturbed by noise generated during the construction process. To avoid this, it is recommended that in this instance a footnote is imposed limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

In view of the above, it is considered that the development will be acceptable in neighbour amenity terms reasonably meeting the requirements of Policy LP24 of the Local Plan and of the Housebuilders Design Guide SPD (2021) in this regard.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees 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."

Notwithstanding the above, National space standards require the following gross internal floor area for a three bed two storey dwelling:

- 4 Bedroom, 5-person dwelling set over 2storey's- 97square metres.
- 4 Bedroom, 6-person dwelling set over 2 storey's- 106 square metres.
- 4 Bedroom, 7-person dwelling set over 2 storey's- 115 square metres.
- 4 Bedroom, 8-person dwelling set over 2 storey's- 124 square metres

The proposed floor plans show the proposal would have 4 bedrooms and therefore is required to have an internal floor space of a minimum of 97m². The proposal would comfortably exceed this as the proposal would be 28m wide by 28m deep.

The proposed development, subject to conditions, is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policies LP24 and Chapter 12 of the National Planning Policy Framework.

Impact on Highway Safety:

With regards to Highway Safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

The proposal would create one dwelling in the place of a disused reservoir and would require the formation of a formal access.

There is an existing access on site which the proposed plans demonstrate would be utilised.

The proposal has been reviewed with KC Highways Development Management and initially further details were requested. The applicant provided further information to which included a speed survey for Meal Hill Lane southbound and Northbound and confirmed that the boundary wall can be lowered to accommodate required sight lines.

Further comments have been provided from KC Highways Development Management confirming that the details provided are acceptable. However, it was requested that the details be secured via condition should planning permission be approved. In addition, should the application receive planning permission, it is considered necessary to impose conditions to ensure that the driveway is appropriately surfaced and drained in accordance with standard guidance to ensure the additional hard surface does not result in an increase in surface water run-off and flood risk.

Finally, details of bin presentation points are required. Officers consider that this can be secured via condition in the event that planning permission be approved.

Therefore, having taken into account the above, KC Highways Development Management consider the layout to be acceptable subject to the aforementioned conditions. This is to accord with Policies LP21 and LP22 of the KLP and the Councils Highways Design Guide.

Other matters:

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy

includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates 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.

The proposal is for the erection of one dwelling and it is considered that details regarding climate change will be assessed by Building Control.

Therefore, due to the limited scale of the development, the proposal would comply with the aims of policies LP24 and LP51 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Biodiversity Net Gain/Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

Officers have discussed the application with KC Ecology as amended details were requested during the course of the application.

An Ecological Impact Assessment has been provided to support the application which has detail regarding pollution measures, lighting strategy, and tree protection plans. For species, there are recommendations for bats and birds, including enhancement.

In addition, there have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, unless the development falls within one of several exemptions. In this case, details have been provided on site which confirm that there would be a 0.23 habitat unit and 0.34 watercourse unit created on site. This would need to be maintained for a period of 30 years.

It is considered that subject to conditions, the proposal would therefore accord with LP30 of the Kirklees local plan and chapter 15 of The National Planning Policy Framework.

Trees

Policy LP33 of the Kirklees Local Plan states that 'The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks'.

The site is currently occupied by several trees, particularly along the western boundary towards the site access, as a result, an arboriculture impact assessment has been provided to support the application.

KC Trees have informally reviewed the document and confirmed they are satisfied with the details provided that the development is carried out in accordance with the approved details. Conditions shall be added to this effect.

Therefore, subject to the aforementioned conditions, the proposal would be considered to accord with LP33 of the Kirklees Local Plan.

Contaminated Land/Coal Mining Legacy:

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 site is located in a low risk coal area a former landfill site and a sandstone quarry to the north west of the site.

The application has been reviewed by KC Environmental Health and conditions requested relating to contaminated land. It is considered that due to the potential risks to human health, full contaminated land conditions would be required, including the submission of a phase one preliminary risk assessment, a phase II intrusive investigation, remediation strategy and finally a verification/validation report. These are recommended to be attached to the decision should planning permission be approved.

Subject to the imposition of conditions, it is considered that the proposal will reasonably satisfy the requirements of Policy LP53 of the Council's adopted Local Plan and of Chapter 15 of the National Planning Policy Framework in land contamination terms.

Representations:

No comments received

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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/90746

Officer Recommendation: Approve

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.

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, in the interests of residential amenity and highway safety and to accord with Policies LP1, LP2, LP21, LP22, LP24, and LP52 of the Kirklees Local Plan, and Policy within the National Planning Policy Framework.

2. 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. 178 and 179 of the National Planning Policy Framework.

3. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3 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. 178 and 179 of the National Planning Policy Framework

4. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 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. 178 and 179 of the National Planning Policy Framework.

5. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). 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. 178 and 179 of the National Planning Policy Framework.

6. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation 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 (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a

Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be 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. 178 and 179 of the National Planning Policy Framework.

7. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Summary of potentially damaging activities
 - b) Identification of "biodiversity protection zones"
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Pollution Prevention Plan for the watercourse (using good practice guidance such as CIRIA C532)

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of biodiversity and in accordance with LP30 of the Kirklees local plan and chapter 15 of The National Planning Policy Framework.

8. Before development commences, the wall to the Meal Hill Lane site frontage shall be reduced to a height not exceeding 0.9m above the level of the adjoining highway and the sightlines of 2.4m x 33 metres shall be cleared of all other obstructions and shall be retained free of any such obstruction for the lifetime of the development
Reason: To ensure adequate visibility in the interests of highway safety in accordance with LP21 of the Kirklees Local Plan.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) any gates or barriers for or over a vehicular access or egress shall be set back 5m from the edge of the adopted highway and shall be hung as to only open inwards. So long as such

gates or barriers are in position, they shall be retained to only open inwards.

Reason: In the interests of highway safety, I in accordance with LP21 of the Kirklees Local Plan.

10. Before first occupation of the proposed dwelling, the part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway in the interests of highway safety in accordance with LP21 of the Kirklees Local Plan.

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

Reason: In the interests of biodiversity and in accordance with Policy LP30 and Chapter 15 of the National Planning Policy Framework 2024.

12. A bat and bird box shall be incorporated into the dwelling during the construction phase; the boxes shall be long-lasting Schwegler 'woodcrete' type, Schwegler 1B type or similar, shall be located away from sources of light and be sited at least 4 metres above ground level. The bat and bird box shall be provided prior to first occupation of the dwelling and thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework

13. No development shall commence on the superstructure of the development until details of all external walling and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.

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

14. Prior to the development being brought into use, the approved vehicle parking areas shall be 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 thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with policy LP22 of the Kirklees Local Plan.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows, doors or other openings, other than those shown on the approved plans, shall, at any time, be formed within any elevation of the approved dwelling.

Reason: To safeguard the privacy of the adjoining properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan. and the provisions of the Housebuilders Design Guide SPD (2021).

16. Notwithstanding the submitted plans and information, details of the position, height, and materials of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first erected. The development shall then be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: In the interest of visual amenity, in accordance with Policies LP24 and LP33 of the Local Plan as well as the aims of chapters 7 and 9 of the National Planning Policy Framework.

17. Prior to development commencing on the superstructure of the dwelling hereby approved, details of suitable storage, bin presentation points and access for collection of wastes from the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter. **Reason:** In the interest of visual amenity and highway safety, in accordance with Policies LP24 and LP21 of the Local Plan as well as the aims of chapters 12 of the National Planning Policy Framework

18. Notwithstanding the submitted details, the surface water drainage strategy for the site shall be developed in accordance with the hierarchy of drainage and where soakaways are proposed, testing shall be provided to demonstrate that they are a suitable option for the site. The drainage works shall be completed in full before the approved dwelling is first occupied and shall thereafter be satisfactorily retained at all times.

Reason: To ensure the provision of an adequate drainage system in the interests of amenity, environmental well-being, and to accord with Policies LP24, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A (including class AA – G of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.

Reason: To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the amenities of surrounding properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Housebuilders Design Guide SPD

NOTE: Conditions 3-9 are pre-commencement conditions to ensure a policy compliant development that is safe for occupation in accordance with chapter 12 of The National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. 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: 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: All works should be timed to occur outside nesting bird season (typically March to August, inclusive). If this is not possible all potential bird nesting opportunities must be checked by a suitably experienced ecologist within 24 hours prior to works. If any active nests are found, the ecologist should advise on suitable species-specific works exclusion zones. The exclusion zones should be regularly monitored by the ecologist and remain in place until the young have fledged the nest or the nests are otherwise deserted.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice

NOTE: Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			19/03/2025
Existing Site Plan	19		19/03/2025
Proposed Site Plan	15		19/03/2025
Existing Elevations and Sections	18		19/03/2025
Proposed Elevations	13		19/03/2025
Proposed Ground Floor Plan	11		19/03/2025
Proposed Lower Ground Floor Plan	12		19/03/2025
Highways Plans	29		19/03/2025
Ecological/Biodiversity Statement			28/05/2025
Biodiversity Metric			28/05/2025
Tree Survey			19/03/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application.

Further details have been requested from highways during the course of the application and revised details for ecology. Appropriate details were received, and the application progressed.