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:	**2025/62/91092/E**
Site Address:	9, Long Moor Lane, Shelley, Huddersfield, HD8 8LY
Description:	Demolition of existing dwelling and erection of replacement dwelling
Recommending Officer:	Elenya Jackson

DECISION – Conditional Full Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 31 July 2025

Officer Report

Site Description

The application site is an existing residential property which is occupied by 9 Long Moor Lane, a detached bungalow with a render and red brick finish. The property has outside amenity areas to the front and rear.

There are no properties immediately adjoining the site or within close proximity to the dwelling; the character of the area is low density, with properties set a reasonable distance back from the highway and agricultural properties to the rear of the site.

Description of Proposal

This application has been received for the demolition of the existing dwelling and the erection of a detached dwelling.

The proposed dwelling would have a depth of 12.1m and a width of 14.9m with a maximum height of 8.7m.

In addition to the proposed dwelling, the proposal would include a garage. This would have a width of 7.7m and a depth of 6.6m

History of negotiations/amendments received

During the course of the application, officers requested alterations to the location of the proposed garage.

Relevant Planning History

2025/90319: Certificate of lawfulness for proposed erection of outbuilding. Granted

2024/92573: Prior approval for enlargement of dwellinghouse by erection of additional storey. Granted

2024/92572. Prior notification for single storey rear extension. Prior approval not required.

Representations

The application was advertised by a site notice which expired on 21/06/2025. No comments were received as a result of site publicity.

Consultation Responses

KC Ecology: Conditions required

Northern Gas Networks: No objections

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 unallocated on 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 57 -The extension, alteration or replacement of existing buildings

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, this has been supported by the planning statement provided:

- (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 LP57 of the Kirklees Local Plan provides some parameters for what would normally be considered acceptable alterations/extensions to a building within the Green Belt.

Subsection b,c and d outline the following points:

'in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing; the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials should have

regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting'

It should be noted that the updated NPPF supersedes the guidance set out within Policy LP57, 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.

In addition to the above, in order to support the application and provide justification for the scale and mass of development, the applicant has previously applied for a prior notification for a single storey extension, a class AA prior notification to add an additional storey to the dwelling, and a lawful development certificate for the erection of an outbuilding within the redline boundary of the site.

When considering the scale of the existing dwelling on site officers have calculated that the existing dwelling has an overall volume of approximately 364m3 (this is an approximation and does not include roof undulations) and the volume of the dwelling that could be constructed as a result of the previous proposals on site would be 865m plus the additional outbuilding. The proposal would have 1010m3 (this is an officer calculation and an approximation). Therefore, officers consider that the proposed alterations to the dwelling would only be 16% larger than what could be constructed as permitted development on the site. The proposed development would not result in substantial harm to the openness of the Green Belt.

It is considered by officers that there is a reasonable justification that the previously approved alterations could/would be constructed on site and the extent of development proposed as part of the proposal would not be significantly larger than what has been previously agreed. It is considered on balance, that the proposal would not represent inappropriate development on site.

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 nearest bus stop to the application site is located ~800m away which is considered a reasonable distance however, it is considered that the bus runs hourly and allows for the potential for sustainable modes of transport.*

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. Therefore, while 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, representing a low-impact, site-specific response to demonstrated local needs, without compromising the integrity or long-term function of the Green Belt.

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 would 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. 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 residential property. There are no properties which adjoin the site to the east or west; however, in the wider area single properties are largely set back from the roadside which contributes to the open character of the area. The proposal would maintain this relationship which would contribute to the integration within the wider street scene and limit its impact on the open character of the area.

During the course of the application, officers requested that the outbuilding was relocated to the rear of the dwelling; this assists the proposal’s integration with the street as outbuildings immediately abutting the street scene are not characteristic of the area. This relocation reduces the proposals prominence in the street scene and aids its integration into the wider area.

The dwelling has its main fenestration facing the roadside which creates an active frontage and retains the existing relationship with the street scene.

The area is not uniform in appearance and as the dwelling is a singular property, it is unable to benefit from the same design as the surrounding area; however, it is considered that the dwelling has attempted to include appropriate characteristics from the local vernacular into its design via the use of stone as an external walling material. Officers require further detail regarding the proposed materials and therefore a condition is considered necessary requiring samples of external walling and roofing materials to be submitted for approval. This condition will be added should the application receive permission to ensure that proposed materials integrate with the context of the site.

The proposal includes a parking and turning facility to the front of the dwelling, details of which are annotated on the plans, however officers consider a condition is necessary to require submission of details of surfacing materials, in the interests of the openness of the Green Belt.

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.

There are no neighbours immediately adjoining the site as they are located a reasonable distance away. Therefore 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:

- 3 Bedroom, 4-person dwelling set over 2storey’s- 84 square metres
- 3 Bedroom, 5-person dwelling set over 2 storey’s- 93 square metres
- 3 Bedroom, 6-person dwelling set over 2 storey’s- 102 square metres
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The proposed floor plans show the proposal would have three bedrooms and therefore is required to have an internal floor space of a minimum of $84m^{2,.}$ The floor plans provided indicate that the dwelling would have a footprint over two floors of 146m2.

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 replace one dwelling with another dwelling.

There is an existing access on site which the proposed plans demonstrate would be utilised. However, the proposal indicates there would be a wall erected to the front of the site. Details of this have not been provided and the proposed plans do not demonstrate the appropriate set back for the proposed gate for a vehicle to enter and exit the highway without causing an obstruction. As the proposal is replacing one dwelling with another, officers consider that a condition should be imposed, requiring submission of details of all boundary treatments for approval, prior to commencement of development on the super structure of the building.

It is also 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.

Therefore, having taken into account the above, KC Highways Development Management consider the parking 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. The details provided in the climate change statement are considered sufficient. This 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/Bats/ 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.

The site is located within a bat alert layer on the Council's GIS system. The submitted details have been reviewed and conditions relating to provision of a bat box and a swift box are considered appropriate on site.

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, the dwelling would constitute a self build and therefore biodiversity net gain is not required on site. Whilst it is noted that the submitted application form contains a discrepancy in this respect, the applicant has confirmed that the development is a self-build.

Contaminated land/Coal Mining Legacy:

The site is located in a low risk coal area. Whilst a Coal Mining Risk Assessment is not necessary in this instance, it is recommended that a condition is imposed in the event that unexpected contamination is encountered.

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.

High Pressure Gas Pipeline:

The site is in close proximity to Hopton Top / Catshaw (750mm) gas pipe. Officers have consulted with Northern Gas Networks and no objections have been raised, however the applicant is advised to adhere to their guidance when undertaking the development.

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: 2025/91092

Officer Recommendation: Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, LP24 and LP57 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

2. Prior to the commencement of development, a detailed Precautionary Working Method Statement (PWMS) in respect of bats shall be submitted to and approved by the Local Planning Authority. In order to minimise risk and avoid harm to bats, the PWMS shall include (but not be limited to)
    - toolbox talks provided by a suitably qualified ecologist,
    - attendance of an ECoW (Ecological Clerk of Works) as required,
    - hand stripping around potential bat roosting features.

    In the event of encountering a bat during works, Natural England should be contacted immediately and all works cease on site. All contractors on site should be made aware of this requirement.

Reason: In the interests of the biodiversity of the site and in accordance with LP30 of the Kirklees Local Plan with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework. This is a pre-commencement condition to ensure the works would not cause any harm to protected species.

3. In the event that contamination or coal not previously identified by the developer is encountered during the development, 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. Groundworks in the affected area 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 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

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

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

5. Notwithstanding the approved details, prior to the development being brought into use, details of the surfacing material of the approved vehicle parking areas shall be submitted and agreed in writing by the Local Planning Authority. The shall be parking area shall be drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (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.

6. A pair of integrated swift boxes shall be installed to the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained.
   Reason: In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework.

7. 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.

8. 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 LP21 and LP24 of the Kirklees Local Plan.

9. 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.

10. One integrated bat box shall be installed to the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained. **Reason:** In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to 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: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.

With no working Sundays or Public Holidays.

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

NOTE: 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	PL01		9/05/2025
Existing plans	PL01	A	9/05/2025
Proposed plans	PL02	J	21/07/2025
Proposed garage plan	PL03	D	21/07/2025
Bat Survey			9/05/2025
Climate Change Statement			9/05/2025

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.

Amended plans were requested during the course of the application.