

**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:	2025/62/91121/E
Site Address:	St Marys Vicarage, Spen Lane, Gomersal, Cleckheaton, BD19 4LS
Description:	Demolition of existing vicarage and erection of 10 apartments
Recommending Officer:	Ellie Thornhill

DECISION – Conditional Full Permission – Approve

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.

Victor Grayson

AUTHORISED OFFICER

Date: 19/03/2026

Officer report

Site Description

The application site lies to the east of the Grade II listed St Mary's church and graveyard. Within the site is a detached dwelling (a former vicarage) which is currently occupied. The property has a spacious rear garden, a private driveway and pedestrian access off Spen Lane. The site is approximately 0.25 hectares in size, with several mature trees within and along the boundaries of the site.

The surrounding uses are predominately residential, and the site is unallocated in the Kirklees Local Plan.

Proposal

The proposal is to demolish the existing vicarage building, and to erect a single storey block of ten apartments.

Each apartment would have one bedroom and 51sqm in size. The applicant intends to provide accommodation for people with additional mental or physical health needs to enable them to live independently. It is not intended that there would be any permanent care presence on the site, and each unit would be made available for affordable rent.

Each apartment would have a 32sqm private outdoor space, and the remainder of the site would be landscaped for communal use.

A new vehicular access is proposed along the site frontage. To achieve visibility splays, it is proposed part of the stone boundary wall, would require demolition and rebuilding at a reduced height. Part of the existing vehicular entrance would be used as a separate pedestrian access. 11 off-street parking spaces would be provided at the northern end of the site, one for each apartment and one visitor parking space. Cycle shelters and a timber bin store are also proposed.

Drainage attenuation is proposed close to the site's eastern boundary.

History of negotiations/amendments received

Amendments to access and the height of the front boundary wall (to achieve suitable visibility) have been sought under this application, as has additional drainage and tree information and a revised boundary treatment plan. The applicant's agent also agreed the pre-commencement conditions in writing on 09/03/2026.

Planning History

Application site:

There is no planning history at the vicarage site.

Pre-application advice

2023/21451 Pre-application for residential development – Comments provided.

Adjacent church site:

2001/93522 – Re-roofing and refurbishment of the choir and clergy vestries and toilet and entrance vestibule – Conditional Full Permission granted.

2002/91740 – Erection of telecommunications base station comprising flagpole antenna, two transmission dishes, GRP louvres and ancillary development – Conditional Full Permission granted.

2002/92599 – Telecommunications installation comprising face mounted ‘mini’ antenna to parapet, transmission dishes behind GRP louvres and equipment cabinet inside church tower – Conditional Full Permission granted.

2005/93174 – Installation of T-UK mini antenna face fixed to existing tower – Conditional Full Permission granted.

2011/91148 – Telecommunication development for the prior approval of details for installation of transmission dish fixed to existing dish support pole – Conditional Full Permission granted.

2022/91067 – Installation of three antennas with ancillary development works, removal of the existing three antennas and all redundant equipment – Conditional Full Permission granted.

2022/91068 – Listed Building Consent for installation of three antennas with ancillary development works, removal of the existing three antennas and all redundant equipment – Listed Building Consent granted.

2023/93179 – Swap out and upgrade three external antennas, installation of a GPS node and associated ancillary works – Conditional Full Permission granted.

Representations

The application was advertised by the council as a major development and as development affecting the setting of a listed building.

The application has been advertised via neighbour notification letters, site notice and the press.

Final publicity expired on 05/12/2025.

As a result of the above publicity, one representation has been received, in which the following concerns have been raised:

- Acknowledge the property is current occupied.
- Consider the impact on the current tenants.
- Ensure any approval includes conditions for fair notice and appropriate relocation support.
- Concern regarding the level of publicity undertaken and residents having a fair chance to comment.

Officers have undertaken a second round of publicity (via neighbour notification letters) to take into account the amendments received to the access into the site.

Ward Councillor comments:

All ward councillors have been notified of this application. However, no comments have been received in response.

Consultation Responses

KC Lead Local Flood Authority: The proposed surface water discharge rate of 4.4l/s (based on the revised brownfield run-off rate) is accepted. Conditions regarding full drainage details, overland flow routing and temporary drainage during the construction phase would be required.

Yorkshire Water: The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. Where the developer is unable to provide the evidence, then a surface water discharge rate to not exceed 3.5 litres per second will be accepted.

KC Trees: The submitted AIA and AMS are considered acceptable and the development shall be carried out in complete accordance with the approved Arboricultural Method Statement. Additional tree and landscape comments are also proposed.

KC Waste Strategy: The development of 10 dwellings will require 4x 1,100L bins, two for recyclable waste and two for general waste.

KC Conservation and Design: No concerns subject to conditions being attached in relation to the repair of the boundary wall, materials and window finishes.

KC Highways Development Management: The proposal is considered acceptable, subject to the inclusion of appropriate conditions.

KC Environmental Health: No objection subject to conditions being attached to the decision notice regarding contaminated land and advisory notes regarding the appropriate construction working hours.

KC Strategic Housing: The scheme would not trigger the requirement for affordable housing.

West Yorkshire Police (Designing Out Crime Officer): No objection subject to the inclusion of a planning condition for security measures to be provided.

KC Ecology: No objection subject to conditions being attached to the decision notice.

KC Highway Structures: If the access road to the new development is to be adopted, then a condition regarding details of all new surface water attenuation tanks/pipes/manholes located within the proposed highway is required. **Officer comment:** The access into the site and small area of hardstanding is unlikely to be adopted. Therefore, this condition has not been added to the decision notice.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

The application site comprises unallocated land.

Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP19 – Strategic transport infrastructure
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees

- LP35 – Historic environment
- LP38 – Minerals safeguarding
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space

Supplementary Planning Guidance / Documents and other documents:

Relevant guidance and documents are:

- Highway Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020, updated 2021)

National Planning Policy and Guidance:

The National Planning Policy Framework (published in December 2024 and updated February 2025) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposals.

Relevant paragraphs/chapters are:

- 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 effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of minerals

A consultation draft of a revised National Planning Policy Framework was published on 16/12/2025, however that document is at an early stage and is subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015, amended 2016)

Climate change

The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Design and conservation
3. Impact on residential amenity
4. Impact on highway safety
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of

sustainable development. Paragraph 8 goes on to note that achieving sustainable development has three overarching objectives (social, environment and economic), and these are interdependent and need to be pursued in mutually supportive ways.

In line with the National Planning Policy Framework, policy LP1 of the Kirklees Local Plan declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP2 states that: *“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes...”*

The site is within the Batley and Spen sub-area (as defined at page 25 and Figure 5 in the Kirklees Local Plan Strategy and Policies document. The listed qualities for this sub-area will be considered where relevant later in this assessment.

The council's five-year housing land supply

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

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. For decision making this means:

...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 (NPPF Footnote 7) provides a strong reason for refusing the development proposed; 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (NPPF Footnote 9).

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.

Further to the above, as the proposal is for residential development, policies LP7 and LP11 are relevant to the consideration of the principle of development.

Quantum of development

Policy LP7 seeks to ensure the '*efficient and effective use of land and buildings*'. Key considerations under this policy include ensuring proposals encourage the efficient use of previously developed land in sustainable locations (provided that it is not of high environmental value) and encouraging the reuse or adaptation of vacant or underused properties.

The proposed development would meet these expectations.

Policy LP7 also seeks to ensure residential developments have an appropriate density. The policy seeks, where appropriate, 35 dwellings per hectare (dph). As an apartment development is proposed, this expectation would be notably exceeded, at 40 dph.

Unit size mix

Policy LP11 requires all proposals for housing, including those affecting the existing housing stock, to be of high quality and design, and contribute to creating mixed and balanced communities in line with the latest evidence of housing need. It adds that all proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing. This includes consideration of provision for those with specialist needs.

However, policy LP11 goes on to state that for "schemes of more than 10 dwellings or those of 0.4ha or greater in size, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure".

Related to the above, Principle 1 of the council's Affordable Housing and Housing Mix SPD states that "Proposals for more than 10 dwellings, or on sites of at least 0.4 hectares, should seek to meet local housing needs by using the market housing shares set out in Table 1 [of the SPD] as a starting point". Paragraph 3.1 states that "Where specialist accommodation is provided to meet needs identified in the Housing Strategy, as set out in section 4 of the SPD, applicants would not be expected to deliver against the dwelling mix requirements".

Given the above, and given the proposed development is only for 10 apartments intended for people with additional mental or physical health

needs (to enable them to live independently), it is not considered appropriate or necessary to apply the council's unit size mix expectations (as set out in the Affordable Housing and Housing Mix SPD) in this case. There is also no policy requirement for officers to secure that the apartments are to be occupied by people with additional mental or physical health needs.

Minerals

The site is within a wider mineral safeguarding area relating to surface coal resource with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.

Sustainable Development and Climate Change

The site would include the demolition of the existing dwelling and the erection of a new apartment block of 10 units. A Climate Change Statement has been submitted with this application. It sets out that whilst the building cannot be retained, as much as possible would be re-used on site including its foundations. Materials would be sourced locally and electric vehicle charging points would be provided.

The statement also sets out that solar panels to the roof would be considered, however, given the neighbouring/adjacent trees, officers have reservations regarding the benefits to this, given the shading that is likely to occur.

The site is also located within a close proximity to Gomersal Local Centre and is close to various local amenities and facilities. At least some of the daily, economic, social and community needs of residents of the proposed development could be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.

2. Design and conservation

Local Plan policies LP24 and LP35 are relevant, as are chapters 12 and 16 of the National Planning Policy Framework (NPPF) and the National Design Guide. In relation to the nearby listed buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant.

Policy LP24 states that proposals should promote good design through various means.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities – when considering whether to grant planning permission – to have special regard to the desirability of preserving listed buildings, their settings and any features of special

architectural or historic interest which they possess. Policy LP35 of the Local Plan is also relevant, and states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

The application site is situated in a relatively sensitive area, adjacent to the Grade II listed St Mary's Church. The church's boundary wall, which surrounds the church's curtilage and adjoins the application site, is deemed listed by association. KC Conservation and Design have therefore been formally consulted as part of this application and have provided the following comments:

The site is located to the immediate east of the Grade II Church of St Marys. As existing the site in question holds a late 1950s detached house, constructed in brick and is noted on the OS maps as the Vicarage, assumed to be in association with the Church. The existing building is not of any significant merit, however, there is some historical association with the Church. The front boundary of the site is a stone wall, while in a different style to the main church wall, does provide continuity to the character. To the western boundary of the site, closest to the Churchyard is a line of mature trees, which offer a positive contribution to the setting of the Church and also provide some natural screening. There are no objections to the loss of the existing building, which is not of historic merit.

We support the retention of the front boundary wall to be retained and repaired as and where required, and if reduced to 1 metre high should be coursed to match and it should retain the stone coping. We would also make it clear that the trees to the western boundary must ensure they are retained. This should also include the boundary wall to the western elevation which is associated with the Church.

In respect of the proposed design, we would raise no concerns with the intention of a single-storey development and the design is acceptable. We consider that the development would need to be constructed in natural stone on the front prominent elevation and roofs to be finished in natural slates to be appropriate within the setting of the Grade II listed Church. Buff brick is acceptable for the sides. Windows should be either timber or metal, and doors in timber and all should be recessed by a minimum of 100-150mm, guttering should be in metal. Bollards if considered necessary should be metal.

The above concerns have been taken into account as part of the assessment below.

The demolition of the existing dwelling is considered to be acceptable, as the building is of limited merit. Concerns were initially raised as part of the pre-application advice, in relation to the design of the building proposed and its materials. These concerns have been taken into account as part of the planning process. The plans submitted show the apartment block to be set

back from the highway, to replicate the current building line along the south of Spen Lane. This is considered acceptable.

The proposed building's design includes a mix of gable and hipped roof forms and would have an active frontage with a main entrance and windows facing Spen Lane. In terms of its size and scale, the building would be single storey, with an overall height of 6.8m. The extent to which the proposed development would spread rearwards (towards numbers 16 to 20 Shirley Grove) would be significantly greater than the existing dwelling, proposing a separation distance of only 1.3m to 2m from the rear boundary.

However, on balance, officers do not consider this amount of bulk and massing (to the rear of the site) to cause undue harm to the design or conservation of the nearby heritage assets. An assessment regarding nearby residential amenity is provided later within this report.

The proposed arrangements and sizes of fenestration are considered acceptable. A traditional arrangement is proposed to the front elevation, with larger areas of glazing proposed to the side projecting gables. Views of such openings would be obscured by the existing tree lined boundary to the western elevation and the proposed fencing to the south and eastern boundaries. CGI drawings have been submitted as part of the Design and Access Statement in order to demonstrate how visible the proposed development would be.

There are also benefits to the proposed large areas of glazing, such as passive solar gain. Adequate window reveals (of 100mm to 150mm) would need to be provided to ensure that sufficient relief to the elevations is achieved. This would be secured via a condition to the decision notice.

With regard to materials, and as set out within KC Conservation and Design's comments, officers would wish to see the front prominent elevation (including the small side elevations of the projection) constructed in natural stone and for the roofs to be finished in natural slates. This would be appropriate within the setting of the Grade II listed church. KC Conservation and Design have further clarified that buff brick would be acceptable to the side and rear elevations, as they would be more concealed within the site. Such materials are considered reasonable and therefore would be conditioned appropriately.

Limited information has been provided in relation to window and door openings. The windows should be finished in a timber or metal, and doors should be finished in a timber. Guttering and any future bollards should be in metal.

The submitted plans show boundary treatments to include the retention of the stone boundary wall to the front (northern) boundary, albeit a small section of this wall would be demolished in order to create a new vehicular access. The existing access is to be retained for pedestrian use.

To the east and southern boundaries, a 1.8m high timber fence is proposed. The existing stone wall that separates the site to the church yard to the west would be retained. The initial boundary treatment plan also showed a 2m high chain-link fence to be proposed on the inside of the wall for security reasons. However, officers had concerns regarding the visual appearance of the chain-link fence proposed and therefore a revised plan has been submitted to show a shorter black vertical metal railing at a height of 1m. The boundary treatment to the gardens of the flats (located along the western boundary) has also been amended to be a low vertical railing to match.

Additional planting along the boundaries within the application site is welcomed.

The proposed development is considered acceptable in relation to the prevention and deterrence of crime and anti-social behaviour. Section 5.8 of the submitted Design and Access Statement states that a landscaped border would be provided around the building and private gardens (which would only be accessible to residents), and that security fencing with lockable gates would separate this from the public area to the front of the building.

Furthermore, all windows and doors would be designed in accordance with Building Regulations Approved Document Q (Security in Dwellings). External doors and accessible windows would also meet with the physical security requirements of 'Secured by Design', as would the lockable bike shelters. The West Yorkshire Police Designing Out Crime Officer raised no objection in principle to the proposed development, subject to further information being secured via a condition on the decision notice.

Regarding accessibility, Local Plan policy LP24f requires the needs of a range of different users (including people with disabilities) to be met, and accessible and inclusive spaces to be created. In this instance, the building proposed is single-storey and also appears to be step-free, including to the access path at the northeast corner of the site.

In summary, it is considered that the proposed development is acceptable in relation to design and conservation matters (subject to the wording of appropriate conditions). Officers have considered that the development would result in less than substantial harm to the adjacent heritage asset. Nonetheless, paragraph 213 of the NPPF sets out that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

In this case, and having regard to paragraph 215 of the NPPF, the public benefit (provided by the development) would be housing delivery and the effective and efficient use of this under-used brownfield site for residential development, at a time when the borough is experiencing a housing shortage.

In light of the above, the proposed development is compliant with relevant design and conservation policies in the Local Plan, with chapters 12 and 16 of the NPPF, and with the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Impact on residential amenity

Residential development surrounds the site to the north, east and south.

Due to the location of the proposed building within the site, and the fact that a highway lies between the site and 267 and 269 Spen Lane, officers are satisfied that there would be no material impact on these neighbours, with regard to overbearing impacts, overshadowing and overlooking.

406 and 408 Spen Lane lie to the east of the application site. The submitted plans show a separation distance of 13m to the side elevation of 406 Spen Lane (a two storey dwelling) and 14.4m to the side elevation of 408 Spen Lane (a bungalow). Although the new building would be substantially longer than the existing, it would still remain single storey in height. Therefore, the 1.8m high boundary treatment proposed along the eastern boundary would help mitigate against some overbearing impacts and overlooking. In terms of overshadowing, these neighbours are located to the east and therefore any impact would be experienced in the afternoon/evening. Given the restricted height of the building and the reasonable boundary treatment proposed, officers consider that an acceptable level of amenity would be retained at these neighbouring properties. All boundary treatment should be installed prior to occupation, in order to protect the amenity of the future occupants and that of the existing neighbours.

16 to 20 Shirley Grove are the residential dwellings to the south of the application site. Officers note that the proposed development would extend significantly further back (southwards) into the site, in comparison with the existing built form. Nonetheless, given the considerable length of these neighbours gardens, the hipped roof design proposed, and the separation distances of at least 24m that would be retained, officers are satisfied that there would be no material effect on these neighbours' amenity in relation to overbearing impacts and overshadowing. A 1.8m high close boarded fence is also proposed along the southern boundary with these neighbours, which would help reduce any potential overlooking. All boundary treatments should be installed prior to occupation, in order to protect the amenity of the future occupants and that of the existing neighbours.

Alongside the above, the amenity of the future occupiers has also been considered, with each unit measuring 51sqm for a one bedroom apartment. This would exceed the minimum size set out in the Nationally Described Space Standards. Extensive glazing is also proposed, to allow for an acceptable outlook, and extensive passive solar gain. Each unit would also have a 32sqm private outdoor space, along with access to additional shared communal space.

In light of the above, officers consider the level of amenity proposed for the future occupiers to be acceptable.

The proposed development is unlikely to introduce new sources of noise (that would cause significant impacts) to this main road location.

KC Environmental Health have requested that a Construction Environmental Management Plan (CEMP) be secured via condition to ensure construction noise associated with the proposal does not cause loss of amenity to nearby, existing residents.

Having taken the above into consideration, officers are satisfied that the scheme would accord with policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the NPPF.

4. Impact on highway safety

Paragraph 115 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree.

Paragraph 116 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

In this case, KC Highway Development Management consider the proposal to be acceptable in terms of highway safety.

It is noted that a new access would be created onto Spen Lane (A643) by demolishing part of the existing stone boundary wall. This, and reducing the height of the remaining boundary wall to 900mm, would allow for appropriate sight lines of 2.4m x 43m to be achieved.

The highway works required to provide the new/revised access would need to be constructed under an agreement pursuant to Section 184 of the 1980 Highways Act (vehicle crossings over footways and verges).

The existing vehicular access into the site would be retained and used as a new pedestrian access and for the collection of bins.

In relation to on-site parking, 11 parking spaces are proposed (one for each flat and a visitor space). Internal turning to allow vehicles to access and exit the site in forward gear is proposed, and this is considered acceptable. A condition would be attached to the decision notice to state that the area of hardstanding within the site shall be laid in a permeable material and thereafter retained.

10 cycle shelters are also proposed within the site, each measuring 1.5m x 2.1m.

With regard to waste collection, Local Plan policies LP24d(vi) and LP43, and the Highway Design Guide SPD are relevant, as is the council's Waste Management Design Guide for New Developments (2020, updated 2021).

In this instance, a bin store location has been proposed to the northeast of the site. Operationally, it is anticipated that the refuse collection vehicle would park on Spen Lane, and the bins would be wheeled out from the bin store for collection and then returned (via the existing vehicle access at the site).

The bin store would be constructed from timber and would allow for four 1100ltr Eurobins (two for recycling and two for residual waste) to be stored within it.

In summary, the application is considered acceptable from a highway safety and waste management perspective and therefore accords with the policy and guidance set out above.

5. Other matters

Drainage and flood risk

A revised Drainage Statement (ref: 23271, dated 03/12/2025) has been submitted and reviewed by the Lead Local Flood Authority (LLFA). This sets out that a foul water connection could be attained through a connection to a combined sewer to the north of the site. A high level surface water drainage strategy has also been submitted.

The strategy states that, in terms of infiltration, percolation testing has not yet been carried out on this site and therefore, would be required as part of any future site investigation works, so that this can be used as satisfactory evidence for the LLFA or Yorkshire Water as necessary.

The strategy also acknowledges that the nearest unnamed watercourse is located approximately 325m to the northeast of the site and would require third party land and therefore a connection to this watercourse would not be viable.

The LLFA have confirmed that, as a last resort, discharging into a public sewer could be accepted, with a discharge rate of 4.4l/s (based on the revised brownfield run-off rate).

The submission indicates that crate storage (for surface water) would be provided in the southeast part of the site. Further assessment of this proposal would be carried out once percolation test results and a fully-detailed drainage scheme have been submitted at conditions stage.

In this instance, officers are satisfied that adequate space for water is available within the site, however, a number of drainage conditions would be required as part of any approval. These would include full drainage details (for foul, surface and land drainage), overland flow routing and details of the temporary drainage of surface water during the construction phase. This is to accord with policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 192 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 193 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. This is echoed in policy LP30 of the Kirklees Local Plan.

Furthermore, policy LP30 outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

The application is supported by a Dusk Bat Emergence Survey which concludes that during the surveys, no evidence of bat roosts were identified in the site's existing house and garage, and therefore bats are likely to be absent from the site. As such, no further bat surveys or mitigation measures were considered necessary, other than recommendations for enhancements to include bat boxes within the new building or within the retained trees on site.

KC Ecology consider the aforementioned survey to be acceptable. However, the officer has noted that given the time of year in which the survey was undertaken, a Precautionary Working Method Statement (PWMS) for amphibians and an Invasive Species Survey should be conditioned.

The provision of a Biodiversity Net Gain (BNG) of 10% is now a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This is subject to limited exceptions. Unless exempt, every

planning permission granted pursuant to an application submitted after 12/02/2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has not put forward a case that the development is exempt from the 10% provision, nor do officers consider exemption applicable. In accordance with national guidance, the application is supported by an assessment confirming the pre-development biodiversity value of the on-site habitat, on the date of application.

The submitted Biodiversity Net Gain Assessment makes use of The Statutory Biodiversity Metric which demonstrates that the site's baseline value is 2.61 habitat units. To achieve the required 10% BNG at this application site, a post-development biodiversity value of at least 2.87 habitat units is required.

In accordance with The Act, due regard must be given to whether the proposed net gain (including enhanced areas of existing habitat) amounts to a significant enhancement. Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development's BNG, relative to the biodiversity value before development. The Act requires that the maintenance of these significant enhancements must be secured with a legal agreement, for a minimum of 30 years.

In this case, given the limited scope of works, and that the development would result in the loss of an existing garden space, with no detailed on-site measures being proposed, officers do not consider any on site habitats to be considered 'significant' and therefore a dedicated condition or Section 106 obligation regarding management (for a period of 30 years) is not deemed necessary.

KC Ecology have also requested conditions in relation to the submission of a CEMP: Biodiversity, and that there shall be no removal of hedgerows/tree during bird nesting session.

Trees and landscaping

Local Plan policy LP33 sets out that *"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..."*. Policies LP24, LP32 and LP35 are also relevant.

Initial plans showed all trees, bar one at the site frontage, to be for removal. These included mature, good quality trees. Given the concerns raised by KC Trees, an amended site layout has been submitted, and whilst this has reduced tree impacts, officers requested additional tree information to be submitted, which included an Arboricultural Impact Assessment and Method Statement, due to several significant incursions into the root protection areas of retained category A trees, and the working area being tight which could

result in accidental damage more likely to occur without adequate protective measures in place.

As such, KC Trees have reviewed the amended/additional information and consider this to be acceptable, subject to tree and landscape conditions being attached to the decision notice. This is to accord with policies LP24, LP32, LP33 and LP35 of the Kirklees Local Plan.

Contaminated land

A Preliminary Appraisal Report by Sirius Geotechnical Ltd, dated April 2025, ref: C10452, has been submitted in support of the application and has been reviewed by KC Environmental Health, who provided the following comments:

Officers note that the council's mapping indicates the site is not situated on potential contaminated land but there are nearby identified areas and the site is adjacent to a graveyard.

The report reviews historical Ordnance Survey mapping informing, the site comprised undeveloped land until the construction of the existing Vicarage in the early 1970s, and the site configuration has largely remained unchanged since this time. Significant historical features in the surrounding area include a church and associated graveyard immediately to the west, a coal pit located c. 120m to the south east, and a mill with associated mill pond (which was subsequently demolished/infilled) c. 40m north west.

The site history and environmental setting since 1854 have been listed, a site walk over was undertaken on the 1st of April 2025. Observations found an existing residential property with tarmacadam driveway, mature trees to site boundary with some recent felling evident. There were no visible signs of contamination or fly tipping present during the time of the walkover.

A summary of the Geological information is presented in table 2.4. It is anticipated that made ground may be present beneath the existing structure. We are informed the solid geology underlying the site is recorded as Lepton Edge Rock (LER), described by the BGS as 'a finegrained, cross-bedded flaggy sandstone' from the parent unit of the Pennine Lower Coal Measures Formation (PLCM). Information is presented demonstrating shallow coal may be present beneath the site.

Information summarised from the Envirocheck report demonstrates a number of small areas within 250m of site that may have been subject to historic filling describing as possible ponds

Potentially contaminative sources identified are listed as the following: - Localised made ground beneath and within the immediate vicinity of the existing residential property. Possible shallow unrecorded coal workings.

A preliminary conceptual site model (PCSM) has been developed for the proposed future land use, a schematic is presented in Appendix A.

Contamination sources identified on the preliminary conceptual site model are considered largely to be restricted to potential localised areas of made ground beneath the existing residential property. Such made ground may contain elevated concentration of heavy metals, hydrocarbons, polycyclic aromatic hydrocarbons (PAH), elevated sulphates and pH, and asbestos which may pose a potential risk to human health via direct contact, ingestion and inhalation pathways. The nature of the risks should be further investigated through an intrusive ground investigation with sampling, analysis and generic quantitative risk assessment.

At this stage it is considered that no significant potential sources of hazardous ground gases have been identified on, or in the vicinity of, the site. The report acknowledges that unrecorded underground coal workings are present at shallow depth beneath the site (i.e. <30m bgl, considering it prudent to undertake rotary probing to determine the presence or absence of coal of workable thickness beneath the site. If shallow mine workings are present, then it is recommended that ground gas monitoring wells be installed, and a programme of monitoring be undertaken.

It is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages identified. We anticipate that the rotary probing will be undertaken as part of a robust Phase 2 intrusive investigation.

Given the above assessment, officers accept the submitted report, however it is recommended that full land contamination conditions (including a requirement for the submission of a Phase II report) be secured as part of this planning application.

Section 106 agreement

No Section 106 agreement is needed in connection with the proposed development.

6. Representations

As a result of the publicity, one representation was received. Officer responses to the comments are set out as follows:

- Acknowledge the property is current occupied

Response: This has been noted.

- Consider the impact on the current tenants.

Response: This has been noted.

- Ensure any approval includes conditions for fair notice and appropriate relocation support.

Response: This concern is outside the remit of planning.

- Concern regarding the level of publicity undertaken and residents having a fair chance to comment.

Response: The council has advertised the application via site notices and the press and has also undertaken a shorter consultation via neighbour notification letters. This consultation is considered adequate.

7. Conclusion

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

The proposal includes the demolition of the former vicarage and the re-development of the site to create 10 apartments for people with additional mental or physical health needs, enabling them to live independently. The development would result in an efficient and effective use of land, at a time when the council is unable to demonstrate a five-year land supply.

The design of the building is considered acceptable from a visual and heritage perspective, subject to appropriately worded conditions. The proposed development would secure an acceptable standard of amenity for future occupiers, while causing no significant material harm to nearby residents. Other material planning considerations such as highways, ecology and trees are also considered acceptable.

Recommendation: Approve (subject to conditions)

Report Dated: 18/03/2026

Decision Authorisation: Delegated Powers

Application Number: 2025/91121

Conditions and Reasons:

Compliance conditions

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

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved 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 in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority in response to evidence to be submitted in writing to the Local Planning Authority demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason: To prevent significant ecological harm to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

4. The development hereby approved shall be undertaken in accordance with all the mitigation and protection measures detailed in the appended Arboricultural Method Statement (pages 1-6) within the hereby approved Arboricultural Impact Assessment (reference: BTC3439 rev 2). For the avoidance of doubt, all works proposed shall be undertaken with full Arboricultural supervision.

Reason: To protect to viability of the retained trees and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework

Prior to development commencing

5. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include the following details:

- A timetable of all works;
- Hours of works;
- Point(s) of access for construction traffic;

- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction:
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, in the interests of highway safety, to ensure the highway is not obstructed, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30, LP35 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

6. Prior to the commencement of development (including vegetation clearance and ground works) a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following.

- Risk assessment of potentially damaging construction activities that refers to the most up-to-date site-specific survey information and specifically to nesting birds and invasive plant species;
- Identification of “biodiversity protection zones” where appropriate;

- 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);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works where appropriate;
- Responsible persons and lines of communication; and
- Use of protective fences, exclusion barriers and warning signs, where appropriate.

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

Reason. To protect biodiversity during construction by avoiding impacts to protected species and preventing the spread of non-native plants, and to accord with Policy LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to prevent or minimise biodiversity impacts are devised and agreed at an appropriate stage of the development process.

7. Prior to development commencing, a detailed design scheme detailing foul, surface water and land drainage, including agreed infiltration to ground or, if not viable, agree discharge rates indirectly or directly to watercourse, attenuation for the critical 1 in 100 (plus an allowance for climate change) rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure adequate provisions are in place at the appropriate stage.

8. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed, and such approved scheme shall be retained thereafter.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure adequate provisions are in place at the appropriate stage.

9. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- Phasing of the development and phasing of temporary drainage provision;
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented; and
- The strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100%. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per hectare, unless otherwise agreed with the Lead Local Flood Authority.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure adequate provisions are in place at the appropriate stage.

10. Prior to development commencing (excluding demolition and works required to undertake a site investigation report) a Phase II Intrusive Site Investigation Report by a suitably competent person 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.

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 10, further ground works 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 the National Planning Policy Framework.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 11. 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 two 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 the National Planning Policy Framework.

13. Prior to the commencement of development, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The BEMP shall include the specification, position and location of:

- One bat box;
- Planting of fruit trees and flower beds for bats and birds;
- One swift box; and
- Fencing to allow for the movement of hedgehogs.

The development shall be implemented in accordance with the approved BEMP and all measures and features shall be retained in that manner thereafter.

Reason: To secure mitigation and compensation for the ecological effects resulting from loss of habitat, in line with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain are agreed at an appropriate stage of the development process.

14. Prior to the commencement of development, a detailed Precautionary Working Method Statement (PWMS) in respect of amphibians shall be submitted to and approved by the local planning authority. In order to minimise risk and avoid harm to amphibians, 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, and careful hand search around potential amphibians features. In the event of encountering amphibians, all work must cease until the ecological clerk of works and Natural England are contacted for advice on the best way to proceed lawfully. All contractors working on site should be made aware of this advice and provided with the contact details of the ecological clerk of works.

Reason: In the interests of the biodiversity of the site and in accordance with Policy LP30 of the Kirklees Local Plan with the Wildlife and Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure the works would not cause harm to protected species.

15. Prior to the commencement of development an invasive non-native species survey shall be conducted and submitted and approved in writing by the Local Planning Authority. Should the survey identify any invasive species within the site, a mitigation plan should be provided, to detail the containment, control, and removal of the species on site. Thereafter the development shall be undertaken in accordance with the approved scheme.

Reason: To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure ecological measures are capable of being fully integrated into the construction phase.

16. Prior to the commencement of development, full details of landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- Soft landscaping works to include planting plans; plant schedules noting species, plant sizes and proposed numbers/densities where appropriate; any new trees showing their species, spread and maturity and new planting plans with written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants (including the location, number, species, size and planting density);
- An implementation, management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees; and
- The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 5-year period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the Local Planning Authority.

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP33 and LP35 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure landscaping is agreed at an appropriate stage of development.

Prior to above ground works commencing

17. Notwithstanding the submitted plans, prior to the commencement of superstructure works, details of all windows and doors (including materials, details of cills, lintels and 100mm to 150mm deep reveals) for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

18. Notwithstanding the submitted plans, prior to the commencement of superstructure works, details/samples of all external materials to include natural slate to the roof, natural stone to the front elevation (including the small side elevations) and a buff brick to the side and rear elevations and the protruding 2m high external walls, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be built in accordance with the approved materials and retained thereafter.

Reason: In the interests of visual amenity, to preserve and enhance the setting of the adjacent heritage asset, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the National Planning Policy Framework

19. Prior to above ground works commencing, a Crime Mitigation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall detail the development's measures to mitigate and protect from crime, having due regard to boundary treatment, lighting, glazing specification, means of locking, alarms, and vehicle storage. Thereafter the development shall be undertaken in accordance with the approved details, prior to the occupation of the approved dwellings.

Reason: To mitigate the harmful impacts of crime, and the perception of crime, in the interest of residential amenity and to comply with Policy LP24 of the Kirklees Local Plan

Prior to the occupation of dwellings

20. Before the development hereby approved is first brought into use, the boundary treatments hereby approved shall be installed along the eastern and southern boundaries and retained thereafter.

Reason: In the interests of residential amenity, to protect the privacy of the nearby residential properties and the future occupiers in accordance with Policy LP24 of the Kirklees Local Plan and the National planning Policy Framework.

21. Notwithstanding the submitted plans and information, one electric vehicle recharging point shall be installed within the dedicated parking area for the site and made operational, before any of the units hereby approved are first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

22. The development hereby approved shall not be brought into use until the front (northern) boundary wall, has been re-aligned and reduced to 0.9m in height within the site entrance in order to achieve the sightlines as shown on the approved visibility splay plan (ref: 415.064946.00001-D100 rev A). The boundary wall shall thereafter be retained at this height.

Reason: To ensure adequate visibility in the interests of highway safety, to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

23. The development shall not be brought into use, until the bin store hereby approved, has been built and made operational. The bin store shall be retained, managed and maintained thereafter.

Reason: To ensure satisfactory arrangements are implemented in relation to waste, in the interests of visual and residential amenity and highway safety and to accord with Policies LP21 and LP24 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and the National Planning Policy Framework.

24. The development shall not be brought into use, until details of suitable cycle storage facilities/shelters (capable of accommodating 10 bicycles) 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: To comply with the council's sustainability objectives and to meet the requirements set out in Policy LP22 part g of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of cycle parking are agreed at an appropriate stage of the development process.

25. Prior to the occupation of the hereby approved development and following completion of any measures identified in the approved Remediation Strategy pursuant to condition 12 (or any approved revised Remediation Strategy) a Verification Report in respect of those remediation measures by a suitably competent person 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 the National Planning Policy Framework.

Note: Biodiversity Net Gain

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

- 1) A biodiversity gain plan has been submitted to the planning authority; and
- 2) The Local Planning Authority has approved the plan.

The biodiversity gain plan must include:

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

NOTE: This permission is subject to conditions requiring the submission of further and/or amended information prior to commencement of development or at other points during the development process. To assist in the prompt discharge of conditions, you may wish to submit separate Discharge of Conditions applications for each of those conditions that require submissions. This may be particularly advisable where your submissions are likely to require extensive consultation, consideration of complex technical matters, and/or negotiation. Alternatively, grouping submissions relevant to a specific topic, or interrelated topics (for example, pursuant to highways-related conditions) under a single application, and/or grouping submissions pursuant to pre-commencement, pre-superstructure and pre-occupation conditions, may assist prompt discharge. For further advice on conditions-stage submissions, please contact the case officer.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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: No construction related noise shall be audible beyond the site boundary outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours Saturdays, with no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

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

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es). This process will involve entering into a Section 38 or 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development. 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: 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: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must

comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	2929-01	-	23/04/2025
Proposed floor plans	2929-03	F	23/04/2025
Tree constraints plan	2062.Arb	1	23/04/2025
Proposed elevations	2929-04	E	16/06/2025
Topographical survey	2929-10	-	16/06/2025
Swept path analysis: Deliveries	415.064946.00001-TR102	A	17/10/2025
Site access visibility assessment	415.064946.00001-D100	A	17/10/2025
Proposed site layout plan	2929-02	J	17/10/2025
CGI image – View from road	-	-	23/04/2025
CGI image – View from graveyard	-	-	23/04/2025
Transport Statement	415.064946.00001	A	23/04/2025
Design and Access Statement	By HB Architectural Services (dated March 2025)	-	23/04/2025
Tree Assessment Plan	2062.AIA	1	23/04/2025
Arboricultural Survey	2062.Arb	1	23/04/2025
Climate Change statement	-	-	23/04/2025
Preliminary Appraisal Report – part 1	C10452	0	23/04/2025
Preliminary Appraisal Report – part 2	-	-	23/04/2025
Preliminary Appraisal Report – part 3	-	-	23/04/2025
Preliminary Appraisal Report – part 4	-	-	23/04/2025
Preliminary Appraisal Report – part 5	-	-	23/04/2025
Preliminary Appraisal Report – part 6	-	-	23/04/2025

Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment	2062a	2	16/06/2025
Planning statement	By Peacock & Smith	-	16/06/2025
Dusk Emergence Bat survey	2062b	1	19/06/2025
Amended Drainage statement	By AMA dated December 2025	-	03/12/2025
Arboricultural Impact Assessment (including a Method statement)	BTC3439	2	16/01/2026
Boundary treatment plan	2929-09	C	18/03/2026

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, amendments to access and the height of the front boundary wall (to achieve suitable visibility) have been sought under this application, as has additional drainage and tree information and a revised boundary treatment plan. The applicant's agent agreed the pre-commencement conditions in writing on 09/03/2026.