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:	**2025/62/91687/W**
Site Address:	10, Peat Ponds, Salendine Nook, Huddersfield, HD3 3UA
Description:	Erection of replacement dwelling
Recommending Officer:	Joanna Rednall

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 1st October 2025

Officer Report

Site Description

10, Peat Ponds, Salendine Nook, Huddersfield, HD3 3UA

The application site comprises of a two-storey stone-built heavily fire damaged and vacant building which is accessed from Peat Ponds off Laund Road. The property sits at the end of the access lane and is surrounded by residential properties to the south and west. To the north and east is Heatherleigh recreation ground.

The site is not located within a Conservation Area and is not located adjacent to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the erection of a replacement dwelling.

The proposed dwelling is to be detached and two-storeys in height, providing living accommodation which includes a open plan kitchen/dining area, living room, utility, downstairs toilet, study/ single bedroom, 3 double bedrooms, main bathroom, and 2 en-suites.

The dwelling is to be constructed with natural coursed stone, with a blue slate roof and anthracite aluminium framed windows.

Garden/amenity spaces are to be provided to the side and rear of the property. With off-street parking shown on the driveway to the front of the dwelling for 3 vehicles.

History of negotiations/amendments received

Amendments have been sought in respect of amending the window design to the south-west elevation in the interests of visual amenity.

Relevant Planning History

2023/91560 – Erection of replacement dwelling.
Refused

2024/90171 – Erection of replacement dwelling.
Conditional full permission

Planning Enforcement

COMP/23/0029 – Alleged unauthorised building operations. Closed – no further action.

There is also relevant planning history at the adjacent site no. 6-8 Peat Ponds.

6-8 Peat Ponds

2023/93632 - Discharge conditions 3, 4, 5 (Phase I Desk Study Report/Phase II Intrusive Site Investigation Report/Ground Contamination Risk Assessment) on previous permission 2023/90555 for alterations to existing cottage, conversion and extension of an existing barn to form one new dwelling and erection of detached double garage with associated external works and landscaping. Pending consideration.

2023/90555 – Alterations to existing cottage, conversion and extensions of an existing barn to form one new dwelling and erection of detached double garage with associated external works and landscaping. Approved 14th July 2023.

Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via a site notice.

Final publicity date expired: 8th August 2025.

No representations were received as a result of the publicity.

Consultation Responses

KC Highways Development Management – No response received. Notwithstanding it is considered the LPA can progress the application to determination.

Parish/Town Council

N/A.

Planning Policy Background

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 application site is located within a Source Protection Zone (50K) and a bat alert area. It is also important to note that part of the site falls within land allocated as Urban Greenspace within Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP7 – Efficient Use of Land and Buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP34 – Conserving and Enhancing the Water Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP61 – Urban Green Space

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

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

Other Guidance Documents:

- Biodiversity Net Gain Technical Advice Note
- Housebuilders Design Guide SPD (2021)
- Kirklees Highways Design Guide (2019)
- Kirklees Waste Management Design for New Developments

<u>Summary of Principal Planning Issues</u>

1 – Principle of Development:

1.1 – Sustainable Development

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

The dimensions of sustainable development will be considered throughout this 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.

1.2 – Land Allocation (Urban Green Space)

The application site is partially located within an area defined as Urban Green Space within the Kirklees Local Plan. As such, Chapter 8 of the NPPF and Policy LP61 of the Kirklees Local Plan applies.

Policy LP61 of the KLP states the following: "*Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where: a) An assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or b) Replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or c) The proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space".*

The text supporting this policy outlines that: "*Green spaces close to where people live provide opportunities for sport, recreation and play providing enjoyment, encouraging healthy lifestyles and benefiting mental well-being. They are also an essential component of the quality and local character of areas, providing visual amenity and wildlife value*".

Paragraph 103 of the NPPF, which recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of local communities. Furthermore, within paragraph 104 of the NPPF, it is clear that existing open space, sport and recreational facilities should not be built on unless:

A) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
B) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a sustainable location; or
C) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

In this instance, and as outlined within the submitted Planning Statement this application would not result in the loss of urban greenspace, as the site within the red line boundary has always been used for residential purposes and has never been used as Urban Greenspace. The part of the site allocated as Urban Greenspace is covered with outbuildings and other structures, containers and piles of building materials that have remained on the site. The landscape / visual amenity contribution of the site is therefore not considered to be high in this case with the part of the site allocated as UGS being at the edge of a wider UGS allocation which is open and free from development. The part of the site which is allocated UGS does not have the appearance as such given the way it is currently developed.

This view is also supported by the Council's Planning Policy team who provided comments on the previously refused application in 2023 (ref: 2023/91560), noting that it is evident from aerial photographs that this part of the application site which encroaches into the Urban Green Space does not form part of the adjacent recreation ground and rather forms part of the residential curtilage of no. 10 Peat Ponds.

Given that the allocated Urban Green Space land set to be impacted upon by this development is not currently performing an open space function, it is not considered that erecting a replacement dwelling in this location would result in the loss of usable urban green space. The proposals are therefore not considered to conflict with Policy LP61 of the Kirklees Local Plan and therefore do not represent a departure from the development plan.

1.3 – Housing Density/Delivery

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.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

It is considered a higher density of development of the site would likely lead to issues in terms of design, impact on neighbouring amenity and parking/access problems. As such, in this case, there are considered to be circumstances which justify the proposed density of development. In this case, given the existing residential use of the site, and conclusions drawing in respect of the allocation within Urban Green Space, it is considered that the principle of redevelopment of the site for one dwelling is acceptable with regard to allocation of the land and the proposed density of development.

The conclusion section of this report provides the final conclusion in relation to the principle of development.

2 – Impact on Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 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 all proposals should promote good design by ensuring the following:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details…"

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -

'b) Planning policies and decision should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.

Policy LP11 of the KLP sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design to contribute to creating mixed and balanced communities.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states 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. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the 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;
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and be designed to front onto the street.

In terms of siting and layout, the proposed dwelling is to replace an existing property and will in part sit on the existing footprint of that property and within the footprint of outbuildings recently demolished. Whilst Officers would prefer to see a simple and linear building in this location which follows the built form of existing properties leading up from Peat Ponds, it is acknowledged that the site is somewhat restrictive in size and therefore by creating an 'L' shape with

a short rearward projection, and it does allow for additional living accommodation, and this type of design is also reflected within no 2A Peat Ponds located to the south and therefore would not be entirely incongruous in this location. The submitted site plan demonstrates ample space surrounding the dwelling, featuring a large parking area at the front that can accommodate three vehicles. This layout prevents a cramped development and avoids overdevelopment of the site.

In addition, officers acknowledge that the scale of the dwelling has been slightly increased from the previous approval (ref: 2024/90171), including an extended gable on the rear/northeast-facing elevation. Although modestly larger than the previously approved design, officers consider this minor enlargement would not cause a significantly harmful visual impact, as it does not substantially increase the overall massing of the building. The site plans indicate that the dwelling would still comfortably fit within the plot, and therefore, it was not deemed necessary to request amendments to reduce the overall massing of the new dwelling.

Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

In this instance the proposed roof comprises of standard pitched roof design which is considered to be sympathetic to the surrounding area and reflective of adjacent properties. In terms of the height of the dwelling, the ridge is to measure approximately 7m, this is 0.7m lower than the previously refused ridge height and is deemed to be acceptable in this location. Officers therefore consider the proposals to accord with Principle 15 of the above SPD.

Principle 14 of the Housebuilders design guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

The proposed windows and doors within the dwelling are generally simple and traditional in design, featuring stone surrounds. While large areas of glazing are proposed on the north-east elevation, the majority of windows are smaller in scale, traditionally styled, and evenly distributed across the building. During the assessment, officers raised concerns with the applicant’s agent regarding the window design on the south-west elevation, which is the most prominent when approaching from Peat Ponds. In response, the revised plans show a reduction in height of the first-floor openings, and one window has been divided into two to reflect the pattern of other openings on this elevation. As a result, officers do not consider the contemporary elements to be overbearing or detrimental to the overall simple character of the dwelling. The proposals are therefore considered to comply with Principle 14 of the above SPD.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

The proposed dwelling is to be constructed using natural coursed stone with a blue slate tiled roof. While the use of natural stone is welcomed, it is considered appropriate to attach a condition requiring the reuse of stone from the existing building on site, where possible. This will help ensure the new dwelling integrates with surrounding properties and maintains a visual connection with the existing site character. The proposals are therefore considered to comply with Principle 13 of the above SPD.

In conclusion, the proposed dwelling is considered to be of an acceptable size, scale and design in this location, and that it would not appear out of character or overly dominant within the general context of the site. On this basis, the proposals are deemed to accord with the requirements of Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Principles 2, 5, 6, 13, 14 and 15 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

In addition to the recommended conditions, a further condition is proposed to control the finished floor levels of the new dwelling. This will ensure they do not exceed 0.3 metres above those of the existing dwelling, thereby preventing any excessive raising of land levels and minimising visual impact.

3 – Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

"Maintain appropriate distances between buildings' and *'…minimise impact on residential amenity of future and neighbouring occupiers'.*

Further to this, paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Paragraph 196 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that 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.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on no. 12 The Oaks

This neighbouring property is located to the west of the application site, approximately 11.1m away.

In terms of overlooking, although windows are proposed on the western elevation of the new dwelling, due to the orientation and slight setback of the proposed property in relation to No. 12, there would be no direct views into habitable rooms. As such, it is not considered that the development would result in an unacceptable loss of privacy to this neighbouring dwelling.

Turning to overshadowing, given the increased scale of the proposed dwelling from that previously approved on site, some additional overshadowing is anticipated. However, this would primarily affect the access road (Peat Ponds) during the morning hours. By late morning to early afternoon, any limited overshadowing may fall across the southern boundary of No. 12. This impact is considered minor and would not be sustained for a prolonged period. It is therefore not considered to result in significant harm to residential amenity.

With regard to overbearing, while it is acknowledged that the proposed dwelling represents a significant increase in scale compared to the existing two-storey building on site, it maintains an appropriate setback and separation distance from No. 12. As such, it is not considered to appear unduly dominant or overbearing when viewed from the neighbouring property. Taking into account the orientation, separation distances, and overall design, the proposed development is not considered to result in any unacceptable harm to the residential amenity of No. 12 Peat Ponds.

Impact on no. 6-8 Peat Ponds

This neighbouring property is located to the south of the application site, approximately 3.6m away. It is important to note that planning permission was granted in July 2023 for the conversion of the existing barn at no. 6-8 Peat Ponds into residential accommodation. Give the dwellings southern location, Officers have no concerns in respect to overshadowing or the loss of light. In terms of the proposals appearing overbearing in nature, the dwelling is to replace an existing two-storey property and is to be set on a similar footprint, given that the portion of the dwelling closest to no. 6-8 is to be similar in scale and size, with similar (albeit greater) separation distances to one another, Officers do not consider the proposed dwelling to appear overly dominant on this occasion. In respect of overlooking, it is noted that the previous scheme included two ground-floor windows on the south-west elevation, which were subject to a condition requiring obscure glazing. The internal layout of the dwelling has since been reconfigured, and it is considered that as a result, the previously required condition is no longer considered necessary upon any grant of planning permission for this application.

Impact on the amenity of future occupiers of the dwelling

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

Internally the proposed dwelling would have a GIA that would comfortably exceed the recommended minimum gross internal floor area for a two-storey 4 bedroomed dwelling and therefore would result in an acceptable standard of amenity for future occupiers. Taking into consideration outlook, light and privacy, all habitable rooms should benefit from at least 1 window and therefore would benefit from a suitable level of light and outlook.

In terms of outdoor amenity space, the proposed dwelling will benefit from amenity space to the side and rear, these spaces are considered to be reasonably sized and private, benefiting from sunlight throughout the day, all times of the year and given the sites close relationship to Urban Green Space, Officers consider the proposals to be acceptable in this instance.

In respect to potential impacts arising from noise, the Council's Environmental Health Officers were consulted on the previous proposals on site and raised no concerns in respect of noise pollution, but did note that noise during construction activities can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason an informative is to be included, should planning permission be granted, to limit the hours of operation for the site.

Finally, should planning permission be granted, to ensure that no development takes place to the dwelling which may have a detrimental impact on the residential amenity of adjacent neighbouring properties, it is recommended that permitted development rights are removed for development within Classes A, D and E of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

In conclusion, taking the above into account it is considered that the proposals would not result in significant or detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24(b) and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted house builders design guide SPD.

4 – Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways

grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the Housebuilders Design Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

The proposals seek to demolish the existing burned down dwelling and replace it with a new two-storey detached property. Access is to be provided to the dwelling down the existing access road off of Laund Road to the east.

In terms of parking, off-street parking is to be provided for 3 vehicles to the front/side of the dwelling within the driveway. Having regard to the Council's adopted Highway Design Guide SPD, this level of parking exceeds the typical requirement of 2 off-street parking spaces for a 3 bedroomed dwelling and is in a suitable and accessible location, therefore the proposed parking is deemed to be acceptable. Whilst Officers acknowledge that parking is shown to both the front and side of the dwelling and that this does not necessarily accord with Principle 12 of the Housebuilders Design Guide SPD, given the restricted nature of the site and that the dwelling seeks to replace an existing building in a similar location, it is considered reasonable that parking be provided to the front/side on this occasion. In addition, the dwelling will be set at the end of a private access road and therefore the parking is not considered to dominate the street in this location.

In terms of bin storage and presentation/collection points, whilst these have not been identified on, there is sufficient space for bin storage within the site and the roadside collection will be as the existing arrangement. Although there will be a long drag distance from the proposed dwelling to the collection point, as outlined above Officers accept that the site did previously hold a residential property and there are several other residential dwellings on the same access road, therefore this would be a similar arrangement and is deemed to be acceptable on this occasion.

For the aforementioned reasons, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 contained within the National Planning Policy Framework.

5 – Other Matters:

<u>Permitted Development Rights</u>

Given, the size of the dwelling on the plot, its relationship with surrounding residential properties, and the discussions had throughout the planning process under previous application and previous refused applications, it is considered necessary to remove permitted development rights for extensions, outbuildings and alterations to the roof (dormer windows) within the property to avoid any future loss of residential amenity and to ensure the site doesn't not result in overdevelopment or detract from the character and appearance of the streetscene. This would be in accordance with Policies LP1, LP2, LP11 and LP24 of the Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 6, and 15 of the Housebuilders Design Guide SPD.

Source Protection Zone

Policy LP34 of the Local Plan relates to conserving and enhancing the water environment. Noting that proposals must:

"1. Ensure no deterioration of water courses or water bodies (including groundwater) by conserving and, where practicable, enhancing:

a. the natural geomorphology of watercourses, including reinstating watercourses to their natural state through removal of modifications resulting from past industrial uses; b. water quality; and
c. the ecological value of the water environment, including the functionality of habitat networks.

2. Ensure Source Protection Zones are protected from contamination as a result of the proposal in line with national guidance.

3. Dispose of surface water appropriately (in accordance with the Local Plan drainage policy) adhering to the following networks in order of preference:

a. to an infiltration based system wherever possible (such as soakaways);
b. discharge into a watercourse with the prior approval of the landowner, navigation authority or Environment Agency, where applicable. To comply with part 1 of this policy this must be Kirklees Local Plan - Strategy and Policies 137 13 Natural environment following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse;
c. discharge to a public sewer. Proposals are encouraged to:

4. Make positive progress towards achieving 'good status or potential' under the Water Framework Directive in surface and groundwater bodies.

5. Manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling as well as considering water availability from surface water and groundwater sources.

6. Improve water quality through the incorporation of appropriately constructed and maintained Sustainable Drainage Systems and surface water management techniques taking into account the sensitivity of groundwater".

Within the supporting text paragraph 13.44 highlights that The Environment Agency has published Source Protection Zones which seek to protect abstractions used for providing the drinking water supply. Generally, the closer an activity is to the Source Protection Zone, the greater the risk of contamination. It is therefore important that Source Protection Zones are protected from contamination as a result of the proposals in line with national guidance to ensure the continuing protection of the water supply in these zones.

The application site is located within a Source Protection Zone 50k, typically, Officers would therefore consider it necessary to attach a condition to the decision notice regarding the finding of unexpected land contamination however, given that land contamination conditions have already been reccommended (discussed below) this is considered to be sufficiently covered already and therefore the proposals would comply with Policy LP34 of the KLP and Chapter 15 of the NPPF.

Contaminated Land

With regard to land quality, paragraphs 187, 196 and 197 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The Council's Environmental Health Officers were consulted on the previous proposals on site and note that according to their records, that a burial plot exists within the curtilage of the site. Due to the burial plot within the site, evidence of burning on site and the historic use of the site for storage of a variety of materials ENVH have concerns that the site may be contaminated. The end use of the proposed development is classed as sensitive and as such they recommend conditions to ensure the land is made safe and suitable for the proposed use. This is considered to be sufficient to mitigate against any possible contaminated land on site and therefore accords with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

With regard to conditions related to construction practices concerning the burial plot, the applicant's agent confirmed in an email dated 3rd September 2025 that the burial plot has been exhumed and relocated to Hey Lane Cemetery. Officers accept this information and, therefore, do not consider it necessary to impose a condition requiring the burial plot to be fenced off during construction.

Trees

Local Plan Policy LP33 relates to trees, within this policy it states that the Council will not recommend approval for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Whilst it is acknowledged that the site did previously have several mature trees within it, these do appear to now have all been felled and therefore an assessment into the impact the proposals would have on trees is no longer required.

Biodiversity

Paragraphs 192, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 9 of the Housebuilders Design Guide SPD is also of relevance.

The application site is located within a Bat Alert Area and the proposals relate to the demolition and replacement of an existing fire damaged building. Whilst the Council's Ecology officer has not been consulted under this current application, they were previously consulted under a similar application in 2023 whereby they raised no objections to the proposed scheme as the site in its current form provides minimal ecological value and is in a poor state of disrepair, and therefore provides negligible suitability for roosting bats. However, they did recommend a condition for the inclusion of a bird and bat box should planning permission be granted to ensure a biodiversity net gain is delivered. Subject to the above condition, the proposals are considered to accord with Chapter 15 of the NPPF, LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the self build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation. The submitted application form sets out this is the exemption considered to apply in this case.

Climate Change

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

determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

The application is supported by a Climate Change Statement, this statement outlines that the proposed dwelling would have low energy lighting and would maximise thermal insulation levels within the external walls, floor and roof where possible. Contractors and materials are to be sourced locally with materials ordered, as and when, to reduce waste. Water butts will be used where possible to store and reuse rainwater for the watering of the garden areas. Given the above, it is considered that the proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 – Conclusion:

The NPPF has introduced a presumption if 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, subject to conditions, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve subject to conditions.

Decision Authorisation - Delegated Powers

Application Number: 2025/91687

Officer Recommendation: Approve.

Conditions:

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

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
   Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP7, LP11, LP21, LP22, LP30, LP34, LP51 and LP61 of the Kirklees Local Plan, Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18, and 19 of the Housebuilders Design Guide SPD and Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Notwithstanding the approved plans and information, 1 new bat tube similar to the Schwegler Type 1FR bat boxes, shall be installed to the hereby approved dwelling during the period of construction works on the south-eastern elevation at least 4 metres above ground level and not directly above any doors or windows. Once installed the bat tube shall be thereafter retained.
   Reason: To enhance opportunities for biodiversity at the site and to accord with national policies set out in Chapter 15 of the National Planning Policy Framework, Principle 9 of the Housebuilders Design Guide SPD and Policy 30 of the Kirklees Local Plan.

4. Notwithstanding the submitted plans and information, 1 new sparrow terrace (or equivalent) shall be installed to the dwelling hereby approved during the period of construction works on the south-eastern elevation at least 4 metres above ground level and not directly above any doors or windows. Once installed the bird box shall be thereafter retained.
   Reason: To enhance opportunities for biodiversity at the site and to accord with national policies set out in Chapter 15 of the National Planning Policy Framework, Principle 9 of the Housebuilders Design Guide SPD and Policy 30 of the Kirklees Local Plan.

5. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
   Reason: This pre-commencement condition is required to ensure that the site is safe prior to the occupation of the dwelling hereby approved in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

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

whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

10. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, D or E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on hereby approved Location Plan with Land Registry Overlay drawing no. 2824 LOC, received 20th June 2025 without the prior written consent of the Local Planning Authority.
Reason: To avoid any future detrimental impacts arising on both residential and visual amenity. This would be in accordance with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 6 and 15 of the Housebuilders Design Guide SPD.

11. The external walls and roof of the hereby approved dwelling shall use reclaimed natural stone taken from the existing building where possible, and blue slate roof tiles. If additional stone walling materials are required, the materials shall be of natural stone which in all respects matches those used in the construction of the existing building. The materials of construction shall thereafter be retained.
Reason: To ensure the satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policies LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Housebuilders Design Guide SPD, as well as Chapter 12 of the National Planning Policy Framework.

12. Prior to the development being brought into use, areas to be used for pedestrian access, vehicular parking and vehicular turning shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained with such surfacing and for use as pedestrian access, vehicular parking and vehicular turning throughout the lifetime of the development.
Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework.

13. The finished floor levels of the dwelling hereby approved shall be no more than 0.3m higher than those of the ground floor of the existing dwelling.

Reason: To ensure the satisfactory appearance of the development on completion in the interests of visual amenity and residential amenity, to accord with Policy LP24 of the Kirklees Local Plan, Principles 2, 6 and 15 of the Housebuilders Design Guide SPD, as well as Chapter 12 of the National Planning Policy Framework.

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

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location Plan with Land Registry Overlay	LOC	-	20/06/2025
Existing Site Plan	(100)01	-	20/06/2025

Proposed Site Plan	(100)02	-	20/06/2025
Proposed Plans Elevations and 3D Views	(100)03B	-	28/08/2025
Planning Statement dated June 2025	-	-	24/06/2025
Climate Change Statement	-	-	20/06/2025
Application form	-	-	20/06/2025

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. Amendments have been sought in respect of amending the window design to the south-west elevation in the interests of visual amenity.

Low coal