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:	**2025/60/91956/W**
Site Address:	adj, 92, Greenhead Lane, Dalton, Huddersfield, HD5 8EB
Description:	Outline application for erection of residential development (one dwelling)
Recommending Officer:	Elenya Jackson

DECISION – CONDITIONAL OUTLINE PERMISSION

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 11-Nov-2025

Officer Report.

Reference: 2025/91956

Location: adj, 92, Greenhead Lane, Dalton, Huddersfield, HD5 8EB

Proposal: Outline application for erection of residential development (one dwelling)

Site Description.

The site relates to land to the rear of 92 Greenhead Lane; the site currently functions as outdoor amenity space to serve the host dwelling and is enclosed by other residential dwellings.

The site is located within a residential area and a low risk coal area.

Description of Proposal.

The application seeks outline planning permission for the erection of one dwelling with all matters reserved.

The submitted 'block plan' provides an indicative layout which shows where parking could be located for the host dwelling, its rear amenity space and the indicative location of the proposed dwelling.

Access would be taken from the existing access point. Details of the width and bin collection point have not been provided but this will be discussed later in the report.

History of Negotiations / Amendments Received.

Officers requested clarification regarding the width of the existing driveway to ensure it could meet the requirements of KC Highways.

Relevant Planning History.

None

Representations.

Final publicity date expired 24th October 2024.

No representations were received as a result of site publicity.

Consultation Responses.

KC Highways Development Management – Informal consultation, requested that the access is widened to 4.5m and details of bin storage and collection are provided and that internal turning provided on site.

KC Environmental Health – Informal comments provided: Due to the site being in a low risk coal area, unexpected contaminated land conditions are required.

KC Ecology: A CEMP will be needed and if there is any site clearance required then a preliminary ecological appraisal will be required.

Policy.

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

The site is unallocated in the Kirklees Local Plan.

The site is within an area identified by the Mining Remediation Authority as being at low risk of ground movement as a result of former mining activity

The application site is located within an area with a known presence of bats.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP20 – Sustainable Travel
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP 52- Protection and improvement of environmental quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 2 – Achieving Sustainable Development

- Chapter 4 – Decision-Making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 8 – Promoting Heathy and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Housebuilders Design Guide SPD (2021)

Assessment.

1) **Principle of Development**

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
i) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

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 outof-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 officers assessment.

The proposal seeks planning permission for the erection of detached property within Dalton, Huddersfield and would assist in meeting the housing needs of the Council. This would be 'in line' with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

A more detailed assessment of the proposal's design and its impact on the surrounding environment is undertaken below.

1) **Impact on Visual Amenity**

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

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

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, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *"New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context."*

Principle 5 of this SPD states that: "*Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography."*

Principle 8 sets out that proposals should *"demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design. For all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings."*

Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whist Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The application is seeking approval for all matters to be dealt with at the reserved matters application stage (access, appearance, landscaping, layout and scale). Under such an application, officers have to consider whether residential development on the site could be achieved without causing detrimental harm to the character and appearance of the area.

Principle 5 also sets out that buildings should front on to the street with well-designed frontages and prominent front doors. The proposal would be set back from the street scene and it is considered that this would not be a significant concern for this application.

With regard to the siting of built form, Principle 6 of the Housebuilders Design Guide SPD sets out that, for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of a new dwelling to a shared boundary. Details of the scale and design of the dwelling have not been provided at this stage,

however as the site is slightly elevated in relation to the properties to the rear on Greenhead Avenue, this will need to be taken into account at the reserved matters stage.

Also relevant to siting, Principle 6 of the Housebuilders Design Guide SPD sets out that for two storey houses, 21 metres distance should be retained between facing windows of habitable rooms at the back of dwellings. This should be taken into consideration with regard to any windows proposed.

Details in relation to layout, scale and design are not being assessed or determined at this time, merely principle and therefore this cannot form a reason for refusal as part of the application.

Principle 15 of the Housebuilders Design Guide SPD sets out that the design of rooflines should relate well to the site context, including topography, views and heights of buildings and roof lines. As such, it is considered that development should be in-keeping with neighbouring properties..

Officers have reviewed the plans provided in the context of the area. Dwellings within the vicinity typically face onto the street scene and benefit from a reasonable amount of amenity space, however there are some newer dwellings at the head of Greenhead Avenue to the rear of the application site which break up this development pattern, and which the application property would also relate to.

It is considered that there would be space in the plot for a dwelling with additional space for amenity space. The design of the proposal at reserved matters stage would need to reflect the infill nature of the site, and minimise the visibility of the proposal from the public realm and be read in the street scene as a sympathetic later addition.

No formal details of external materials have been submitted. At reserved matters stage, it would be appropriate to ensure that the materials are in keeping with neighbouring properties and the vernacular of the area.

Indicative details of garden/amenity areas have been provided. It is considered that outdoor amenity space in conjunction with residential developments should be of an appropriate useable size in relation to the level of accommodation proposed and be private.

Details of landscaping are a reserved matter. Boundary treatments should be in keeping with existing forms established within the street scene.

With regard to boundary treatments, officers consider that a condition would be necessary relating to the forms of boundary treatment proposed at the site, as part of the scheme for residential development. This condition shall seek the submission of a scheme detailing the location, heights and materials of proposed boundary treatments. As well as this condition being imposed for reasons of visual amenity, it is also related to residential amenity, explored in the following section of this officer’s report.

It is considered that the indicative plans provided demonstrate that the size of the plot is likely to be sufficient to accommodate a dwelling in this instance, as the shape/layout of the plot would allow for sufficient spacing between neighbouring properties, would respect the built form of the area, would integrate with existing development on site.

As the layout, scale and appearance of the proposal are not being assessed at outline stage it is considered whilst the principle of residential development could be acceptable. Careful consideration should be given at reserved matters stage to ensure the development is in keeping with the local vernacular and that any proposal does not create a cramped/overdeveloped design. Should approval be recommended, as all matters are reserved matters, care would need to be taken to ensure that any future development does not appear incongruous or overbearing in relation to neighbouring properties. Appropriate landscaping should also be provided to enhance the area and not detract from its character and appearance.

In conclusion, it is considered that residential development in principle could be appropriately designed to not cause harm to visual amenity to meet the aims of LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

2) **Impact on Residential Amenity**

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers.

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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

The text supporting Principle 6 of the Kirklees Housebuilders Design Guide SPD sets out recommended minimum separation distances, these being:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of the new dwelling to a shared boundary.

The proposal is for residential development, on land which currently serves as outdoor amenity space for 92 Greenhead Lane.

The application proposal is seeking outline consent with all matters reserved, therefore the impact the proposed development would have on the amenities of the occupants of the neighbouring properties cannot be fully assessed at this stage.

Given the relationship to neighbouring occupiers, consideration should be given at reserved matters stage to ensuring no openings serving habitable rooms are proposed in the side elevation of the dwelling to prevent overlooking harm to the neighbouring properties.

Impact on 92-90 Greenhead Lane:

Overlooking: The application is currently at outline stage, with all matters reserved and therefore, the specific location/orientation of the dwelling in the plot is not finalised. Officers consider that the proposal would need to be designed to maintain an acceptable separation distance or laid out in such a way that no concerns would be raised regarding overlooking from the rear of No. 90-92.

It is noted that the extent of outdoor amenity space to serve 92 Greenhead Lane would be reduced as a result of residential development to the proposed site. However, the retained amenity space would still be considered of an acceptable scale as there is space to the rear and a reasonable amount of amenity space to the front of the dwelling.

The other properties which have the potential to be impacted by the development are:

19-21 Greenhead Avenue: It should be noted that there is a substantial change in site levels between the application site and the properties on Greenhead Lane. Consideration would need to be given to residential amenity in terms of overbearing impact when the application reserved matters is submitted. Taking into account the change in levels, it is considered reasonable to impose conditions in this instance restricting the scale of the development to that of a single storey dwelling only, in addition to requiring section drawings through the site.

16-122 Hallas Grove

Consideration should be given to the final design of the proposal to ensure it would have an acceptable impact on the occupiers of these dwellings.

Upon any grant of permission, a condition shall be required regarding forms of boundary treatment to be installed at the site, as part of the scheme for residential development. This condition will request details of location, heights and materials for boundary treatments. In addition, a condition to control the

finished slab and floor levels of the dwelling (and therefore subsequent overall height / extent of engineering operations to the ground levels to accommodate the dwelling) is recommended. The inclusion of these conditions is considered to mitigate any potential harm of boundary treatments to the residential amenity of neighbouring properties, ensuring that they do not pose an overbearing impact, or overshadowing.

Future Amenity of the Occupiers:

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."*

Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

Officers consider that residential development which is compliant with the NDSS could be achievable at this site. In terms of external amenity space, it is considered that it is possible to provide a suitable private amenity space to serve the dwelling. This would be assessed further at the reserved matters application stage.

The site is constrained; however it is considered there is potential for a building to be able to be constructed which has a suitable impact upon the residential amenity of neighbouring occupiers and the amenity of future occupiers of the dwelling. The submitted plans are noted, however these are indicative. Whilst it may be possible for a dwelling to be designed such that it has openings in the roof space which do not impact on neighbouring occupiers, this is a matter which would be fully addressed as part of any reserved matters application for scale, appearance and layout.

In conclusion, the principle of residential development on land adjacent to 92 Greenhead Lane is acceptable from a residential amenity perspective such that the aforementioned policies would be complied with. However, careful consideration at the reserved matters stage will be required to ensure no adverse harm is created.

3) Impact on 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 115 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 above 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.

Internal Layout:

The submitted proposed block plan shows the proposed driveway for the new dwelling and location of parking for host dwelling.

There is no layout to be agreed as part of this application as the proposed scheme is indicative and the application is all matters reserved.

The approved vehicle parking areas will need to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.
www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

Access:

The existing access is proposed to be utilised.

KC Highways has been consulted on the above application; the comments received state that the access is required to be 4.5m wide for the first 5m into the site to allow for the passing of two vehicles. Details of vehicle tracking within the site would be required to show vehicles exiting and entering the site in a forward facing gear and parking provision for each property would be required which is in line with the Kirklees highway design guide and bin storage and presentation points would need to be demonstrated on a plan. Finally, details of the site visibility splays for the access would be required as the proposal would represent an intensification of the existing access.

Officers have approached the agent who has confirmed that there is between 4.8m and 5.8m between the side of the dwelling and the boundary wall which would enable there to be sufficient space for two vehicles to pass each other along the access.

Any alterations made to the highway will need to be constructed under the section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges).

It is considered necessary to add conditions requesting the above information to be submitted at reserved matters stage as the layouts provided are indicative at this stage.

It is considered that, subject to the submission of the aforementioned details, the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

4) Other Matters

Air Quality

Policy LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the NPPF seek to ensure that new development does not result, directly or indirectly, in an increase in air pollution.

It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval.
This is now controlled by Part S of the Building Regulations which came into force in June 2022 and would not be repeated as a planning condition.

Foul & Surface Water Drainage

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

Given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure, it is considered that foul and surface water drainage can be suitably accommodated as part of the development.

Ecology

Chapter 15 of the National Planning Policy Framework is 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 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

Given that the site currently functions as outdoor amenity space and would feature some site clearance of land that is currently used to serve No. 92 Greenhead Lane, officers consider it necessary to secure ecological enhancement measures, which can be controlled via condition upon any grant of permission. Subject to condition the proposal is concluded to accord with Policy LP30 of the KLP and Chapter 15 of the NPPF.

The application has been reviewed by KC Ecology who have commented that a construction environmental management plan would be required to ensure the development does not result in harm to any bats, birds or hedgehogs on site.

KC Ecology also requested a preliminary ecological appraisal should there be any site clearance. The design and access statement confirms that no trees will be impacted on site that there would be no site clearance and therefore a condition is considered necessary relating to protecting the root protection zone of the trees on site.

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 has been highlighted to be a self build as per the exceptions listed under The Biodiversity Gain Requirements (Exemptions) Regulations 2024. A metric has been provided to demonstrate the baseline for the site to date; however, as the proposal is highlighted to be a self build, no further details are required to be provided to support this application unless details are provided to the contrary.

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 application’s, 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.

As part of this application, a Climate Change Statement was submitted, which set out several mitigation measures.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change, as it would have to be constructed to modern building standards.

Contaminated Land/ Coal Mining legacy

The site is located within a low risk coal area and as such, the application has therefore has not been supported by a coal mining risk assessment.

As a result, it is considered necessary to add an unexpected contaminated land condition to the application, to ensure the proposal would accord with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the NPPF.

5) Conclusion

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

This application has been assessed against relevant policies in the development plan and other materials considerations. It is considered that the development is acceptable in principle and is therefore recommended for approval.

Recommendation: Approve
Decision Authorisation: Delegated Powers
Application Number: 2025/60/91956/W
Officer Recommendation: Approve

Conditions and Reasons:

1. Approval of the details of Access, Appearance, Layout, Scale and Landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.
   Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

1. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to Access, Appearance, Layout, Scale and Landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
   Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
   Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
   Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

4. 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 Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP30, LP51 & LP52 of the Kirklees Local Plan, Principles within the Housebuilders Design Guide Supplementary Planning Document and policies within Chapters 2, 4, 5, 8, 9, 11, 12, 14 & 15 of the National Planning Policy Framework.

5. The residential development hereby approved shall relate to a single storey dwelling only.
   Reason: In the interests of visual and residential amenity, taking into account the physical constraints of the site and to protect the amenity of occupiers of adjacent properties, in accordance with Policy LP24 of the Kirklees Local Plan, Principles 2, 6, 16 & 17 of the Council's adopted Housebuilders Design Guide and guidance within Chapter 12 of the National Planning Policy Framework.

6. Development shall not commence until a scheme of details for the provision of ecological enhancement measures at the site outlined in red on the approved location plan has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include:

- details of the location, both within the site and upon dwelling(s) and design one integrated swift box per dwelling;and
- location and design of access holes for hedgehogs (i.e. “hedgehog holes”) within any fences throughout the site.

The details shall be provided for before the dwelling is first occupied and retained thereafter.
Reason: This is a pre-commencement condition in the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. Development shall not commence until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which details all materials of construction. The submitted scheme shall include all external facing and roofing materials. The dwelling shall be constructed from these materials, which shall thereafter be retained.
Reason: This is a pre-commencement condition to ensure that the new dwelling is sympathetic to the surrounding built form, in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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

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

Reason: This is a pre-commencement condition to ensure the proposal would be developed in accordance with Policy LP30 of the Kirklees Local Plan and chapter 15 of the ~~NPPF~~ National Planning Policy Framework.

9. Development shall not commence until a scheme detailing site sections, and the finished slab and floor levels of the dwelling hereby approved, together with corresponding existing and finished ground levels and of surface and land drainage associated with any works, has been submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling shall be carried out in accordance with the details so approved and the occupation of the dwelling hereby approved shall not take place until the works relating to the building have been completed. The approved levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.
   Reason: This is a pre commencement condition required in the interests of visual and residential amenity to accord with Policy LP24 of the Kirklees Local Plan, Principle 15 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

10. Prior to development commencing protective fencing in accordance with British Standard BS 5837 shall be erected around all ~~and~~ trees to be retained on the site.
    Reason: This is a pre-commencement condition in order to protect visual amenity and the long term viability of the trees and to accord with Policies LP30 and LP33 of the Kirklees Local Plan.

11. In the event that contamination not previously identified by the developer is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
    Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with

those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with Policy LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework

12. The development hereby approved shall not be brought into use until a scheme detailing the installation of all boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of location, heights and materials. The boundary treatments shall be installed prior to the development being brought into use. The boundary treatments shall be thereafter retained and maintained for the lifetime of the development.
Reason: In the interests of visual amenity and residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

13. The development shall not be brought into use until all areas to be hard surfaced for access and parking have been and out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for access and parking.
Reason: In the interests of visual amenity, highway safety and to mitigate flood risk. To accord with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan.

14. Before the development is first brought into use, details of a bin storage shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be implemented before the development is first brought into use and retained thereafter.
Reason: In the interests of access and highway safety and the visual amenity of the vicinity in accordance with Policies LP24, LP21 and LP22 of the Kirklees Local Plan.

NOTE: The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015. The first occupation hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years.

NOTE: Conditions 7-11 are pre-commencement conditions to ensure the site is suitable for occupation prior to the development commencing on site.

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: Noisy construction related activities shall not take place outside the hours of:
07:30 to 18:30 hours Monday to Fridays
08:00 to 13:00 hours, Saturdays
With no noisy activities 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 Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: The applicant is advised that under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2018, the developer is required to take account of the timing of works in relation to

the bird breeding season. An inspection to check for the presence of nesting birds is advised if demolition and/or site/vegetation clearance works are likely to take place during the bird breeding season (1st March to 31st August inclusive).

Plans and Specifications Schedule:

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan		-	9.09.2025
Proposed site Plan	01	-	9.09.2025
Existing site plan	02	-	9.09.2025
Design and Access Statement	-	-	9.09.2025
Climate change statement			9.09.2025

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 Planning Authority has, 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. No alterations required.