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:	**2025/62/92440/W**
Site Address:	Lumb Lane Nurseries, Lumb Lane, Almondbury, Huddersfield, HD4 6SZ
Description:	Erection of four dwellings
Recommending Officer:	Danielle Cooper

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the 5th March 2026 Committee Report and recommendation annexed below in respect of the above matter as per the resolved decision of the District-Wide Planning Committee.

Julia Steadman

AUTHORISED OFFICER

Date: 09 March 2026

Decision Authorisation: Committee Decision

Committee: District Committee

Date of Committee: 5th March 2026

Application Number: 2025/92440

Officer Recommendation: Delegate approval of the application

Committee Decision: As per officer recommendation

Summary of Committee Decision

At the meeting of 5th March 2026 members resolved to approve the application on the basis of the conditions recommended within the committee report.

Having regard to the resolution of the Committee to approve, subject to the recommended conditions, it is recommended the decision is issued subject to conditions listed below.

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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 LP7, LP21, LP22, LP24, LP28, LP30, LP33 and LP35 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 2, 5, 8, 9, 11, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

3. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external walling and roofing materials to be used on the approved dwelling and garage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has

been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.
Reason: In the interests of visual amenity and to protect the green belt setting and historic environment to accord with Policy LP 24 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 12, 13 and Chapter 16 of the National Planning Policy Framework.

4. Notwithstanding the submitted details, all external windows and doors shall be constructed in timber or metal and shall be recessed between 100–150mm. A sample of the selected frame, together with a detailed section drawing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, and no alternative materials shall be used. The approved materials shall be retained and maintained for the lifetime of the development.
Reason: In the interests of visual amenity and the setting of the nearby Listed Buildings, to accord with Policy LP24 and LP35 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 12 and Chapter 16 of the National Planning Policy Framework.

5. 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, C, and E of Part 1 of Schedule 2 to that Order shall be carried out within the site without the prior written consent (via formal planning application(s)) of the Local Planning Authority.
Reason: To ensure that no large, overly dominant extensions or outbuildings are provided which would have an adverse harmful impact on the character and appearance of the street scene, result in overdevelopment of the site or create amenity issues to adjacent occupants of neighbouring properties, this is to accord with Policies LP2, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, and Principles 2 and 6 of the Housebuilders Design Guide SPD.

6. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained and maintained for the lifetime of the development.
Reason: In the interests of residential amenity of neighbouring occupiers, visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

7. The development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be

retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the planting of native trees and hedgerows. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.
Reason: To ensure that there is a well laid out scheme of healthy trees, hedgerows and shrubs in the interests of amenity and providing biodiversity measures to accord with Policy LP24 of the Kirklees Local Plan, principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

8. The approved stone boundary wall along the site frontage, as shown on the proposed site plan received on 05/12/2025, shall not exceed 900mm in height unless otherwise approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

9. The dwellings hereby approved shall not be occupied until all areas indicated to be private drives on the proposed site plan, received 05/12/2025, are laid 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 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.
Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

10. Prior to development commencing, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

a) Hours of works;
b) Details of construction access arrangements:
c) Construction vehicle sizes and routes;
d) Numbers and times of construction vehicle movements;
e) Locations of HGV waiting areas and details of their management;

f) Parking for construction workers;
g) Loading and unloading of plant and materials;
h) Storage of plant and materials;
i) Signage;
j) Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
k) Street sweeping;
l) Measures to control and monitor the emission of dust and dirt during construction;
m) Site waste management, including details of recycling/disposing of waste resulting from construction works;
n) Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
o) Artificial lighting used in connection with all construction-related activities and security of the construction site;
p) Site manager and resident liaison officer contact details, including information of their remit and responsibilities;
q) Means of engagement undertaken, and means of ongoing engagement proposed, with local residents, occupants and/or their representatives

The development shall be carried out strictly in accordance with the CMP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.
Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

11. A scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls adjacent to the existing highway together with any modification to the existing boundary retaining wall adjacent to Lumb Lane shall be submitted and approved by the Local Planning Authority in writing before the development commences. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

12. 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.
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.

The CEMP must also include the following specific plans / documents:

- Mitigation / precautionary measures for the Arkenley Lane LWS, Almondbury Common LWS, and Arthur, Molly Carr and Roaf Woods LWS.
- Pollution Prevention Plan for the watercourses and waterbodies (using good practice guidance such as CIRIA C532)

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

13. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), shall be submitted to, and approved in writing by, the Local Planning Authority. The Sensitive Lighting Strategy will demonstrate that the lighting will not impact upon ecological networks and/or sensitive features. External lighting shall be installed in accordance with the specifications and locations set out within the approved lighting scheme and retained thereafter.
Reason: In the interests of biodiversity and in accordance with Policy LP30 and Chapter 15 of the National Planning Policy Framework 2024.

14. Prior to the commencement of development, a detailed Precautionary Working Method Statement (PWMS) in respect of reptiles and amphibians shall be submitted to and approved by the local planning authority. In order to minimise risk and avoid harm to reptiles and amphibians, the PWMS shall include (but not be limited to) toolbox talks provided by a suitably qualified ecologist, attendance of an ECoW (Ecological Clerk of Works) as required, and careful hand search around potential reptiles and amphibians features. In the event of encountering a reptiles or amphibians, all work must cease until the ecological clerk of works and Natural England are contacted for advice on the best way to proceed lawfully. All contractors working on site should be made aware of this advice and provided with the contact details of the ecological clerk of works.
Reason: In the interests of biodiversity and in accordance with Policy LP30 and Chapter 15 of the National Planning Policy Framework 2024.

15. The development hereby permitted shall not commence, including any demolition, until a survey of the site by an appropriately qualified and experienced ecologist is undertaken within the application site and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive. This badger survey should be undertaken immediately prior to the commencement of works, and no more than 3 months prior to the commencement of the works. If any badger activity is detected during this survey, a suitable course of action shall be submitted to and approved in writing by the Local Planning Authority before any works commence to prevent harm to this species.
Reason: To ensure that the development does not result in any adverse impact upon protected species or biodiversity in accordance with Kirklees Local Plan Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. No works shall commence on-site prior to the completion of an invasive species survey and appropriate removal and / or management plan and agreed in writing with the council.
Schedule 9 of the Wildlife and Countryside Act 1981 lists non-native species that are considered harmful to native biodiversity and habitats in the UK. It is illegal to release, plant, or allow these species to grow in the wild.
Reason: In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.

17. 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. 196 and 197 of the National Planning Policy Framework

18. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 17 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. 196 and 197 of the National Planning Policy Framework

19. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 18. 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. 196 and 197 of the National Planning Policy Framework

20. 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. 196 and 197 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. 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
Bank/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: We note that parking is proposed at this development. We would encourage any electric vehicle charging points installed as part of this development to meet the requirements of the *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. The applicant should note the information in the recommended Electric Vehicle Charging Points Footnote.
The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable
electrical requirements in force at the time of installation.
Approval of EVCPs under the Building Regulations may also be required, and the
applicant should contact their Building Control Provider for further information in
relation to Approved Document S.

NOTE: The applicant is reminded that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist. It is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 to disturb or harm protected species or their habitats. Failure to comply with the legislation could result in prosecution.

NOTE: Badgers are protected under the Protection of Badgers Act 1992. Under this legislation it is an offence to kill or injure a badger; to damage, destroy or block access to a badger sett; or to disturb badger in its sett. The Act also states the conditions for the Protection of Badgers licence requirements.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway and the changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with

the highway without such permission is an offence which could lead to prosecution.

NOTE: It is a requirement of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 that a Biodiversity Net Gain Plan is submitted to, and approved in writing by the Local Planning Authority.

Plans and specifications schedule:-

Plans / Documents submitted for application 2025/92440

Plan Type	Reference	Version	Date Received
Location plan	2524-0101-P02		01/09/2025
Proposed Site Layout	2524-0301-P10		05/12/2025
Proposed Street Scene	2524-0401-P03		27/11/2025
Plots 2, 3 and 4 Plans and Elevations	2524-0304-P05		05/12/2025
Plot 1 Plans and Elevations	2524-0302-P04		27/11/2025
Plans and Elevations	2524-0305-P01		10/02/2026
Built Heritage Statement			01/10/2025
Built Heritage Statement: Supplementary Statement			01/10/2025
Climate Change Statement			01/09/2025
Sustainability statement			30/09/2025
Phase 1 Desk Study Site Investigation Report	G25267		06/10/2025
Preliminary Ecological Appraisal (PEA) Survey Report	SQ-3705		05/12/2025
Badger Survey Report			05/12/2025
Biodiversity Net Gain Report	SQ-3571.B		03/12/2025
The Statutory Biodiversity Metric			03/12/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. A revised scheme was submitted by

the agent reducing the number of dwellings from 5 to 4. The new scheme showed 1 detached property and 3 terraces.

Following consultee comments made by highways and conservation, the agent amended the design of the proposed dwellings as well as addressed highway comments in regard to installing a 1m pathway along the site frontage.

The revised scheme was considered acceptable when read in conjunction with the conditions imposed on this decision notice.

Report Dated: 05/03/2026