

**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:	<b>2025/62/92634/E</b>
Site Address:	274, Cumberworth Lane, Denby Dale, Huddersfield, HD8 8QS
Description:	Demolition of existing dwelling, garage and ancillary outbuildings and erection of two dwellings with associated works
Recommending Officer:	Edward Cheseldine

**DECISION – Full Conditional 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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date:** 20-JAN-2026

## **Officer Report**

2025/92634 - 274, Cumberworth Lane, Denby Dale, Huddersfield, HD8 8QS

### **Site Description**

274 Cumberworth Lane is a residential bungalow with detached double garage and curtilage. The property is accessed by an unadopted road leading from Cumberworth Lane, that hosts two other dwellings. To the south of the application site is a new housing estate with properties built with stone exterior walls. To the north are open fields which are within the Green Belt.

The bungalow set to be removed is formed of white painted brick with a hipped roof. The other two properties on the lane have mixture of art-stone and brick external walling, they are 1-storey and 1.5-storey properties. The wider area is mainly residential.

The site is located within historic landfill buffer zone 2612 & 3161 and a bat and swift alert layer. It is located within the strategic green infrastructure network.

### **Description of Proposal**

The application is seeking planning permission for the demolition of an existing dwelling, garage and ancillary outbuildings and erection of two dwellings with associated works.

Each dwelling will be two and three storeys with a garage and entrance within a basement floor. They will be 10.00m(w) x 8.00m(d). The front elevation will have an eaves height of 6.80m and a ridgeline height of 9.65m. Landscaping works will take place to form the ground floor level. In terms of features, each dwelling will include a large gable-end on the front elevation, cross-pitched roof, integrated garage, solar panels and a single-storey flat roof projection on the rear. Access to the rear of the plot will be provided through by a stepped access. Finishing materials will be coursed stone and render on the rear and concrete roof tiles, standing seam will be used to clad dormers.

Each property will include two off-street parking spaces in front of the garage with a turning head set to be between the two properties, in addition the access road will be extended. They will be 5-bedroom properties.

### **Amendments/Negotiations**

Further information was requesting in terms of Biodiversity Net Gain. Additional space was requested for the rear garden area. The requested information/amendments were received and accepted.

### **Public Representations**

The application was advertised by way of a site notice, the final publicity date was 13-Nov-2025. As a result of the publicity, one representation was received.

The following comments were raised:

- We should have been consulted and informed of this proposal
- The lane is owned by three parties, and we have not given permission for a fourth
- The drain to these properties is already insufficient for the houses
- The height and scale of the property is disproportionate
- The access lane is not wide enough for large vehicles
- An increase in the number of vehicles accessing the road will be dangerous
- Construction will cause noise and dust pollution

### **Consultation Response**

The Mining Remediation Authority – No objection, subject to conditions

KC Ecology – No objection, subject to conditions.

KC Highways Development Management – Informal consultation on 29 October, no objection. Further details outlined in the *Highway Safety* section of this report.

KC Environmental Health – Informal consultation. No objection, subject to conditions for land contamination.

Denby Dale Parish Council – Objection, due to the over-bearing nature of the development on the surrounding properties in terms of height.

*Officer Comment:* These comments have been considered within the *Assessment* section of this report. The applicant has submitted site section plan reference 290-25-PL06 revC indicating the level the first-floor of the proposed dwellings within plot 2 will be relatively level with the ground floor level of 272 Cumberworth Lane. The dwellings are appropriately spaced from outlooks. When observed from the garden space of no.272, the dwellings will appear as two-storey dwellings. Officers would therefore consider the proposal would not result in an overbearing impact. A full assessment is outlined in the report below.

### **Relevant Planning History**

None relevant.

### **Policy & Legislation**

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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan Proposals Map.

### **Kirklees Local Plan (LP):**

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 11** – Housing Mix and Affordable Housing
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

### **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 6<sup>th</sup> 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 Health 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

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the

purposes of this application, no weight is given to the current consultation document.

### **Other Material Considerations**

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Gov UK Biodiversity Net Gain Technical Guidance (2023).
- Kirklees Housebuilders Design Guide SPD (2021).

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Environmental issues
- 5) Conclusion

#### Principle of development

##### *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 the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be assessed.

The site is UNALLOCATED on the KLP Policies Map. Policy LP2 states that:

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

##### *New Dwellings*

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that

housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. 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 assessment.

In this case, one additional unit would make a small contribution to that supply. Good design is a key aspect of sustainable development which contributes to creating better places. Therefore, a balance will be formed, within this assessment, against the benefits one additional dwelling would bring in respect of the constraints present on site in terms of design and access to comply with LP7.

#### Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful 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 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 2021, 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.”*

The application site is at the end of a row of residential dwellings with a mixed character. There is a mild gradient to the land as to slopes from north-west to south-east. The site is located adjacent to open fields which are within Green Belt land.

Principle 5 relates to the layout of the development in respect of the visual connection of surrounding areas, including working with topography. The transition from urban to open land should be considered as per principle 8. The design of windows and doors relate well to the street frontage and neighbouring properties is required by principle 14 of the Housebuilders Design Guide. Principle 15 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.

Block plans indicate two dwellings will be constructed within the land parcel. Dwellings will be formed with coursed stone with render on the rear elevation below cill level. They include integral garages. Dwellings will be two and three storeys, they will be landscaped by changing the ground levels. They will continue the line of development along the access road set adjacent to the bungalow properties.

The buildings sit on a relatively level building line with the adjacent properties continuing the natural pattern of development. The site is located on a natural valley landscape sloping from the north to the south. It is visible from aspects along Cumberworth Lane to the north. From this aspect, the buildings will appear as two storey dwellings, sitting adjacent to bungalow dwellings. The access lane which the dwellings sit on is a no through road serving as the

sole access for the existing dwellings. East Hill Way rests to the south, it is part of a housing estate, separated from the site by a high retaining wall and closed panel fencing. The application site, therefore, has limited public aspects from the south and east due to the closed nature of the access lane and land level changes. Proportionately, given the limited public views of the site from the front, these dwellings will predominately appear as two-storey dwellings set adjacent to bungalow properties due to their surroundings. Additionally, the fields to the north-west have a mild gradient sloping towards the south-west. Ridgelines of the proposed dwellings and the adjacent dwellings will appear relatively level from this aspect.

The placement of window openings and doorways relate well to the existing street scene. The road comprises of a mixed built group with differing styles and forms found within the existing dwellings on the road. The introduction of coursed stone and a different type of dwelling does not compromise the street's make-up due to the differences within the existing building group.

Due to the limited visibility of the development from the east to west, and its relationship when viewed from the north, when considered alongside the mixed building group and ridgeline height, the development accords with principles 2, 5, 8, 14 & 15 of the Kirklees House Builders Design Guide SPD, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

#### Impact on Residential Amenity

Section B and C of LP24 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 users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *"Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."* The SPD also provides advised separation distances for two storey dwellings:

- 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 a non-habitable room;
- 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 metres distance from the side wall of the new dwelling to a shared boundary.

The properties to be affected will be 272 Cumberworth Lane & 27 East Hill Way. All other properties are set an appropriate distance from the application site, therefore occupants of these dwellings will not be impacted, complying with Principle 6. To the rear is undeveloped Green Belt land. Outlooks from rear facing windows will not impact upon privacy.

#### *Impact on 272 Cumberworth Lane*

This dwelling sits to the east of the application site. It is a bungalow with a hipped roof with side facing windows. Dwelling 2 will be constructed 10.00m from the side projection of this building. There are no east facing windows proposed. A 2.0m closed panel fence will be erected between the proposed plot and 272 Cumberworth Lane. This will create privacy for both parties.

The proposed dwelling at plot 2 will be 2.40m from the shared boundary with 272 Cumberworth Street. The first-floor level of the proposed dwelling will sit relatively level with the ground floor level of no.272. A sufficient space has been left to mitigate the additional storey and roof form; therefore, it is not considered the construction of the proposed dwelling will result in an overbearing impact as it will appear as a two-storey dwelling when observed from the neighbouring garden space.

In terms of a loss of light and outlook, the application building will be 10.00m from the side projection of the neighbouring property. These windows serve a side elevation room. The distances between the built form are sufficient in allowing an acceptable level of light and outlook from these rooms.

There may be a loss of sunlight within the garden space in the afternoon/evening as the sun appears from the west. The building line is relatively linear, limiting the resultant loss of sunlight from the proposed dwelling. When considering the limited loss of sunlight cause by the proposed development, it is not considered the impact would so significant to reasonably justify a refusal in this regard.

#### *Impact on 27 East Hill Way*

27 East Hill Way sits to the south of the site, separated by an access road, closed panelled fencing and a retaining wall. Front facing windows of dwellings 1 & 2 will face towards this property. There is a distance of 11.50m from the front of the dwelling to the shared boundary. Considering there are no side elevation windows on 27 East Hill Way, there will be no impact to occupants within the dwelling. In terms of the rear garden space, there is a change to the level of land of the garden space in comparison to the adjacent land. The ground floor level is 3.65m from the top of the boundary treatment which mitigates an overlooking impact, when considering the distance between dwelling 1 and rear garden of 27 East Hill Way. The impact is acceptable.

Due to separation distance, the development will not result in an overbearing impact, a loss of light or a loss of outlook.

### Impact on Future Occupiers of the Proposed Dwellings

Principle 16 of the 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.”* *“The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.”*

Internal space standards are outlined within the Nationally Described Space Standard (NDSS). Space standards indicate a 3 storey dwelling with 5 bedrooms requires a minimum internal floorspace of 116m<sup>2</sup>.

Officers calculate the internal floorspace for the dwelling to be 169.90m<sup>2</sup> excluding the garage space, which meets the standards supplying a sufficient amount a living space for modern habitable standards. Plans illustrate double beds with minimal furniture; there is a suitable amenity of functionable space when accounting for doors and windows and additional storage. All rooms have sufficient natural light due to window layouts.

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.”*

Plot 1 will benefit from 45.60m<sup>2</sup> of rear outdoor space, plot 2 will benefit from 43.90m<sup>2</sup> of rear outdoor space. These areas will be separated by 2.0m closed panelled fencing to provide privacy. Both properties also benefit from front gardens. It is considered the proposal accords with principle 17 of the Kirklees Housebuilders Design Guide SPD.

Having considered the above factors, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbour occupants or the future occupiers of the dwelling. The proposal therefore complies with Policy LP24 of the KLP (b), Key Design Principles of the House Builders Design Guide SPD and Chapter 12 of the NPPF.

### Impact on Highway Safety

Policy LP21 states all proposals should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

Development includes the formation of parking and extension of the access road to create a turning head.

Verbal consideration was undertaken by KC Highways Development Management on 29 October concluding they had no objection to development. A turning-head suitable for a 3.5 ton van is required as the access lane is one way. They raised no objection to the intensification of use of the land. Additionally, the number of parking spaces provided complies with the Kirklees Highways Design Guide SPD when including the internal garage space. Suitable vehicle swept paths have been provided manoeuvring.

Based on the consideration of KC Highways Development Management, the improvements to the access and parking provided is suitable in according with LP21 & LP22 of the Kirklees Local Plan.

### Environmental Matters

#### *Contaminated Land*

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The site is located within a historic landfill buffer area (2612 & 3161). Due to the proximity to historic landfill sites ground remediation will be required, in order to satisfy the requirements of LP53 and paragraphs 196 & 198 of the NPPF, full land contamination conditions are recommended.

#### *Ecology & Biodiversity Net Gain*

Paragraphs 187, 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.

The applicant has submitted an Ecological Impact Assessment authored by Middleton Bell Ecology which included a bat survey that confirmed no bats were roosting in the buildings. KC Ecology found the report reasonable and acceptable.

KC Ecology recommended a condition be attached for a Construction Environment Management Plan (CEMP) to be submitted. Development is restricted to an existing curtilage of a residential dwelling, in which all existing areas will be developed. The site is bounded by wooden fencing, which will

contain construction, it is therefore not considered to be necessary to apply a condition for a CEMP in this instance.

In terms of a habitat uplift, it is recommended a condition be attached that a swift brick is installed on the western elevation of plot 1 to comply with LP30 should planning permission be approved.

The development site forms part of the Strategic Green Infrastructure Network. Mobile species which are unable to fly or climb are unlikely to be prevented from dispersing across the site and through gardens by the boundary treatments. Terrestrial based species may be blocked by boundary treatments. The largest species of note which may use the surrounding habitats and would benefit from access to gardens is the hedgehog. In the event that planning permission be approved, it is recommended that a condition be attached that two, 13cm x 13cm hedgehog holes are installed on all fence boundaries that are installed. These holes should be placed at least 4.00m apart.

In terms of Biodiversity Net Gain (BNG) 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 BNG report and metric show a net loss of habitat units. This includes v low to low distinctiveness habitats. It is noted that 0.04 habitat units will be created on site with a low distinctiveness habitat consisting of a vegetated garden 0.01-0.02 habitat units are required in order to meet the statutory 10% BNG requirements. It is mentioned by the applicant that this is likely to be achieved offsite.

There will be a net gain onsite of 0.07 (258.96%) hedgerow units with medium distinctiveness habitats.

Given the onsite habitat net gains, habit uplift conditions and a condition in law it is considered that the proposal would be acceptable in terms of ecology / BNG and the strategic green infrastructure network.

### *Historic Coal Legacy*

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The application is accompanied by a Coal Mining Risk Assessment report (October 2025, prepared by RB Geotechnical). The report does identify a potential risk of instability to development at the site from possible unrecorded shallow coal mine workings. Accordingly, it goes on to make appropriate recommendations for the carrying out of intrusive ground investigations, in the

form of the drilling of rotary boreholes, in order to establish ground conditions and to identify any unrecorded shallow coal workings.

The Mining Remediation Authority requested conditions are applied to conduct further land intrusive investigation, which are recommended to be attached should planning permission be approved.

#### *Construction Site Working Times*

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote is recommended to be attached should planning permission be approved.

#### *Electric Vehicle (EV) Charging Points*

The requirements for EV charging points are set out within the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group, therefore a secondary planning condition is not necessary.

#### *Climate Change*

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.

Development incorporates solar panels and an air source heat pump for both properties reducing their reliance on non-renewable energy. A climate change statement has been submitted as part of the application which details the intended measures to be incorporated. The measures are sufficient in providing mechanisms to reduce the carbon budget of the proposed dwellings. It is recommended the level of noise output is controlled by a restrictive condition to comply with LP52.

#### **Representations**

It has been considered whether the objections brought forward would have a material weight in the determination of this planning application.

Material weight has been considered for the following, with thorough assessments contained in the paragraphs above;

#### Visual Amenity

- The height and scale of the property is disproportionate

*Officer Comment: The height and scale of the properties is assessed within the 'Visual Amenity' section of the report. It is considered the design of the dwellings is acceptable complying with relevant national and local policy.*

### Highway Safety

- The access lane is not wide enough for large vehicles
- An increase in the number of vehicles accessing the road will be dangerous

*Officer Comment: KC Highways Development Management raised no concern with the intensification of use or access to the development site.*

### Pollution

- Construction will cause noise and dust pollution

*Officer Comment: The scheme does not meet the threshold for a Construction Management Plan set by local planning policy. Contamination and dust pollution is restricted through regulatory functions outside the planning system.*

### Drainage

- The drain to these properties is already insufficient for the houses

*Officer Comment: The public sewage system is maintained by Yorkshire Water, who have separate policies relating to their maintenance.*

### Other matters

- We should have been consulted and informed of this proposal

*Officer Comment: The application was advertised by a site notice located on the nearest public lamppost on Cumberworth Lane with publicity expiring on 13-Nov-2025. The publicity meets the legal requirements as set out in the Council's Development Management Charter*

- The lane is owned by three parties, and we have not given permission for a fourth

*Officer Comment: Land ownership is a civil matter not a material planning consideration .*

### **Conclusion**

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

## Recommendation

## Approve

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.
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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP30, LP33, LP51, LP52, LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.
3. 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:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.
4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (3) 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 198 of the National Planning Policy Framework.
5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (3) 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 198 of the National Planning Policy Framework.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (4). 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 198 of the National Planning Policy Framework.

7. 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.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

8. No development shall commence until (excluding demolition of existing structures and site clearance);
  - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

9. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably

competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

10. The finished floor and slab levels of the development shall be in accordance with those shown on submitted drawing ref 290-25-PL06 revC. The development shall not be brought into use until the finished floor and slab levels approved by this condition have been completed. The approved finished floor and slab levels shall be so retained for the lifetime of the development.

**Reason:** In the interests of visual amenity and the amenity of neighbouring occupiers to accord with Policy LP24 of the Kirklees Local Plan, principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

11. The external building materials of the dwellings hereby approved shall be accord with the material keys identified on drawings 290-25-PL03revC & 290-25-PL05revC.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles of the Kirklees Housebuilders Design SPD (2021) and the aims of chapter 12 of the National Planning Policy Framework.

12. One integral swift nest box shall be incorporated into the south-west facing elevation of dwelling no.1 during the construction phase; it shall be located away from sources of light and be sited at least 4 metres above ground level. The integral swift nest box shall be provided prior to first occupation of the dwelling to which it relates and thereafter retained.

**Reason:** To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

13. The development shall not be occupied until the W/C/bathroom windows in the dwelling hereby approved dwellings have been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

**Reason:** To protect the privacy of future and neighbouring occupiers and to accord with Policy LP24 of the Kirklees Local Plan the Key Design

Principles of the Kirklees Housebuilders Design and the aims of the National Planning Policy Framework.

14. The boundary treatments of the development shall be in accordance with those detailed within submitted drawing ref 290-25-PL01 revG. The development shall not be brought into use until the boundary treatments details upon submitted drawing ref 290-25-PL01 revG have been completed. The boundary treatments shall be thereafter retained and maintained for the lifetime of the development in accordance with the details upon drawing ref 290-25-PL01 revG.

**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, 6 & 8 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

15. Notwithstanding the submitted plans two 13cm x 13cm holes shall be formed within each of the boundary fence hereby approved including the fence boundary separating the pair of dwellings. These holes shall be formed at ground level at intervals of at least 4.00m and retained thereafter.

**Reason:** To provide a habitat uplift for the development and to accord with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. Prior to the occupation of the development hereby approved the driveway, turning head and access road shall be laid out in accordance with the approved details indicated on drawing ref 290-25-PL01 revG and maintained and retained for the lifetime of the development.

**Reason:** In the interests of visual amenity and traffic safety and to comply with LP21, LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

17. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives and access road on 290-25-PL01 revG 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.

18. The combined noise from the air source heat pump equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity and to comply with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 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:** • 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:** 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:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

**Plans and specifications schedule: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	273A-24-PL07	revA	03 October 2025
Proposed Site Plan	290-25-PL01	RevG	18 December 2025
Proposed Elevations – Plot 1	290-25-PL03	RevC	03 December 2025
Proposed Elevations – Plot 2	290-25-PL05	RevC	03 December 2025
Proposed Floor Plans – Plot 1	290-25-PL02	RevE	03 December 2025
Proposed Floor Plans – Plot 2	290-25-PL04	RevC	03 December 2025
Ecological Impact Assessment / BNG Report	MBE/ECO/2025/013/01	-	03 October 2025
Highway Statement	2445	-	03 October 2025
Coal Mining Risk Assessment	RBG485	-	03 October 2025
Planning Statement	-	-	03 October 2025
Climate Change Statement	-	-	03 October 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 2024 and otherwise actively engaged with the applicant in dealing with the application. Further information was requested in terms of Biodiversity Net Gain. Additional space was requested for the rear garden area. The requested information/amendments were received and accepted.