

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:	2025/62/92795/W
Site Address:	adj, 41, Ashbrow Road, Fartown, Huddersfield, HD2 1DX
Description:	Erection of retreat building
Recommending Officer:	Danielle Cooper

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 8th May 2026

Officer Report – 2025/92795

Site Description

adj, 41, Ashbrow Road, Fartown, Huddersfield, HD2 1DX

The development site is located on a 0.36Ha parcel of land to the south of Ashbrow Road.

The site comprises an existing retreat building and has its own garden measuring approximately 30m by 16m. The rest of the site, extending to the south and west of the retreat centre and its curtilage, is undeveloped and consists mostly of rough grass and scrub land, with some mature trees especially near the site margins.

There are four separate Area Tree Preservation Orders (TPOs) on the site and another two individually protected trees. Two of the Area TPOs are located on the western site boundary, and a belt along the north-eastern highway frontage, with other TPO trees on the southern boundary and the eastern boundary near the south-eastern corner.

The topography of the site differs, sloping downwards from north to south.

The surrounding area is predominantly residential in character.

The land to the east of the site is currently under construction for 5 dwellings as per application ref: 2022/90852.

Description of Proposal

The application is seeking permission for the erection of a retreat building providing 6 no. 2 bedroomed apartments for the medium to long term housing for families affected by domestic abuse. The building is proposed to the south of the existing car park.

The proposed building will be 16.64m x 14.84m overall with 6 no. 2 bedroomed apartments set out over 2 storeys. Height from ground to eaves would be a maximum of 7.6m at the rear and 5.7m at the front and it would have a hipped roof reaching to a further 3.8m above the eaves. This would make the overall maximum height 11.4m.

The proposed building is to be constructed in reconstituted stone and rendered walls with art stone detailing, with a concrete tiled, hipped roof. Entry to the building will be via stone faced porch to the north-west elevation with a

pitched roof over. Fenestrations will be uPVC double glazed window/ door units.

Vehicular and pedestrian access to the proposed building will be from Ashbrow Road via a relocated gated opening in the existing boundary wall. This gated access will lead to an enlarged car park area which in turn leads to pedestrian footway giving access to the buildings main entrance.

The car park will be enlarged to provide on site parking for the building. Garden areas will be located to each elevation of the building.

As the existing ground levels at the development site slope down from the existing road/ car park level, the proposed building is to be set down within the site. The finished floor level of the upper ground floor level will be set at a similar level to the car park, with the lower ground floor level set 3m below this. When viewed from the roadside/ car park, the building will appear to be single storey.

History of Negotiations

The agent was asked to provide a Preliminary Ecological Assessment and BNG assessment. The agent submitted the additional information which has been reviewed and is accepted by KC Ecology.

Relevant Planning History

The planning history for the site relates to the following:

2025/92839 - Discharge of details reserved by condition 14 (on-site micro-generation) on previous permission 2022/90852 for erection of mixed use development of retreat building and 5 dwellings with integral garages – Approved

2025/90821 - Discharge of details reserved by conditions 3 (Materials), 17 (Phase I Desk Study Report) and 18 (Phase II Intrusive Site Investigation Report) of previous permission 2022/90852 for erection of mixed use development of retreat building and 5 dwellings with integral garages – Approved

2022/90852 - Erection of mixed use development of retreat building and 5 dwellings with integral garages – Approved

This permission has commenced, and is extant, this is a consideration which is material to the determination of this case and where relevant is referenced to within the 'Assessment' section of this report.

2019/94110 – Erection of 7 dwellings – Withdrawn

2014/92363 – Outline application for residential development. Principle of development and means of access to the site were applied for, with all other matters reserved – Approved

Representations

The application has been advertised by site notice and press advertisement. Publicity expired on 28th November 2025. No representations have been received.

Consultations

The following consultations have been undertaken and their responses summarised as follows:

- KC Highways (informal) – No objections.
- KC Ecology – no objection subject to conditions.
- KC Trees – No objections. Replacement trees should be incorporated.
- KC Waste – No objection subject to conditions.
- KC Crime Prevention – No objection subject to conditions.
- KC Environmental Health – No objection subject to conditions.
- The Mining Remediation Authority – No objection.

The content of the consultation responses is discussed in greater depth in the 'Assessment' section of this report.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 within land designated as part of the Wildlife Habitat Network on the Local Plan proposals map and within the bat alert layer. There are a large number of trees within the site that are covered by a Tree Preservation Order.

Kirklees Local Plan (KLP):

- **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 20** – Sustainable Travel
- **LP 21** – Highway Safety

- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 48** – Community facilities
- **LP 53** – Contaminated and Unstable Land

Supplementary Planning Documents

- Highways Design Guide
- Housebuilders Design Guide
- Biodiversity Net Gain Technical Advice Note
- National Design Space Standards

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 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed and Beautiful Places
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Assessment

1. Principle of Development

Paragraph 48 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the

policies in the Kirklees Local Plan would be approved without delay unless material considerations indicate otherwise.

The proposed retreat centre can be considered a community facility and as such Policy LP48 applies. Under this policy, community facilities should be provided in accessible locations (normally in town, local or district centres), and more generally proposals will be supported which protect, retain or enhance provision of such services meeting the needs of all members of the community. The site is not in or close to a town, district or local centre but is judged to be an accessible location. Furthermore, it would seek to enhance existing services offered on the site.

In addition to the above there is an extant permission on the site for the “Erection of mixed use development of retreat building and 5 dwellings with integral garages” under application 2022/90852. Therefore, the principle of a new retreat building on this site has already been established. There is a realistic option that the retreat building the subject of consent 2022/90852 could be constructed. The retreat building the subject of this application is sited upon the same area of land the retreat building approved by the extant consent is. As such in the event of any approval it would not be possible to complete the retreat building the subject of permission 2022/90852 (however the 5 dwellings granted by that permission would be able to be able to be constructed).

Given the planning history and the nature of the proposal, the principle of development of this site is considered acceptable although a more detailed assessment of the proposal’s design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 – Impact on visual amenity:

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

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. 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.

The site lies within an area dominated by residential development of two to three storeys height. The proposed retreat building would also be two storeys in height and designed to accommodate itself to existing ground levels. It would clearly not be of domestic scale in terms of footprint and overall bulk. It would however be set back some 24m from the public highway at its closest point, 8m from the nearest residential boundary to the west, 15m from the nearest residential boundary to the east and 14m to the nearest south residential boundary. It is considered that in this context it would not dominate, or appear out of character with, its surroundings, and its visual impact would be further softened by the presence of retained trees and other natural landscaping. Design details and the palette of materials would be appropriate to this setting. It is considered that the proposed retreat centre building would conserve the visual amenity and character of the area and would thereby support the aims of Policy LP24(a) and NPPF Chapter 12. This conclusion is drawn having cognisance of the fact that a retreat building of a similar design was approved under application ref: 2022/90852.

The proposed levels would be of a similar extent to that as approved by the extant consent. A condition requiring they are adhered to is recommended.

In conclusion, it is considered that the development would respect the character of the existing building and its surroundings, and subject to a condition requiring finalised details of materials to be submitted and approved by the LPA, and that the finished floor levels are adhered to, it is concluded the proposal would comply with the aims of LP24 of the Local Plan and the relevant parts of NPPF Chapter 12.

3 – 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.

There are no minimum separation distances for new development to be considered against existing development set out in the Local Plan. The Housebuilders Design Guide SPD does not apply to non-residential development but when considering the impact of non-residential development upon existing dwellings, the recommended separation distances can be treated as a guideline.

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.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards.

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

The proposed retreat building will be situated 9.1m from the nearest residential boundary to the west, 15m from the nearest residential boundary to the east, 14m to the nearest south residential boundary, and 17m from the existing retreat building. Given the separation distances in place, the proposed building is not considered to result in any detrimental overbearing or overshadowing impact. In addition to the above, given the separation distances in place along with mature hedging and trees being retained along the side and rear boundaries, the impact of overlooking is not considered to be significant and is therefore acceptable. This conclusion is drawn having regard to the fact a building of similar design could be undertaken in any event by virtue of the extant consent.

It is noted that under approval 2022/90852, the west-facing windows of the retreat building were required to be obscure glazed, serving non-habitable

spaces such as a hallway and toilet. In the current proposal, the west-facing windows would serve habitable rooms, including bedrooms.

The west facing elevation faces no.43 Ashbrow Road, which is a relatively recently constructed dwelling (constructed at some point since 2002). The plans of the approval for no.43 demonstrate non habitable windows facing the western elevation of the retreat and one secondary window serving a study. The main emphasis for no.41 in terms of habitable windows / outlook is in the north / south & west direction predominantly.

The orientation / siting of the proposed building has the potential to introduce a high level of openings in the western elevation which serve as secondary windows to habitable spaces (living room / kitchens) and also serve bedroom openings.

It is considered that a balance is required to be struck in this case between restricting the extent of views from the openings whilst still ensuring a suitable outlook for occupiers of the development proposal. The potential for views to be taken across amenity spaces and of neighbouring occupiers is greatly reduced if it is restricted to just the bedroom openings. Given their centrally sited position and the nature of the rooms they serve. It is therefore considered an appropriate balance in this case for any approval to restrict the secondary openings serving the living room / kitchens in apartments 1, 2, 4 and 5 upon submitted plans (AL)03 to be obscure glazed. On the basis of the inclusion of such a condition it is considered the proposal would not lead to unacceptable levels of overlooking to properties to the west. This conclusion is drawn having cognisance of extant permission and orientation of properties to the west.

It is noted that to the east views would be possible, although given the nearest dwelling is in excess of 21m it is concluded the impact in this regard would not be significant. Similarly, whilst the existing retreat building is 17m at its closest point, given the orientation of the buildings views would not be easily taken and coupled with the separation distance this relationship is considered to be acceptable.

The plans as submitted include a sectional drawing which demonstrates levels which are similar to that of the previously approved extant permission. A condition requiring the development is undertaken in accordance with these levels is therefore recommended to ensure the building is not increased in size / scale such that it has an oppressive / overbearing impact.

The proposed six apartments, arranged across the ground and first floors, are considered to be of an appropriate size, offering generous living accommodation and benefiting from adequate levels of natural light. Amenity space will also be provided on both sides of the building.

In conclusion it is considered that the retreat centre building would deliver an acceptable standard of living for future occupiers whilst not compromising

those of existing properties, in conformity with the aims of policy LP24(b) of the KLP.

4 – Impact on highway safety:

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.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

An informal discussion was held with KC Highways who consider the proposal acceptable as submitted.

The site is located to the south of Ashbrow Road. There is an existing vehicular access to the retreat building. The proposals would involve improving this access, providing sight lines of 2.4 x 43m on to Ashbrow Road, and creating a car park suitable for 13 vehicles by extending and formalising the existing car park. The layout would provide internal turning and there would be room for two vehicles to pass at the entrance.

The agent has provided information in regard to the current parking layout, stating that the existing retreat centre provides parking for 3 to 4 staff members and that no residents have cars. As such the current parking layout provides 6 tandem car parking spaces.

It is proposed that the additional 7 spaces would be provided for the existing 3 to 4 staff members working at the existing building and additional spaces in case any residents do have a car. As such the proposed parking layout is considered acceptable as shown and will facilitate the existing and proposed retreat buildings accordingly.

In conclusion, while it is acknowledged that the proposed development will substantially increase the car park's capacity, the evidence above demonstrates that the car park is not currently operating at full capacity. Combined with the site's accessible location and good links to public transport, the level of on-site parking is considered acceptable. This is subject to a condition requiring the access and extended car park to be fully constructed prior to the new retreat building being brought into use.

It is also considered necessary for the applicant to provide secure cycle storage facilities in the interests of promoting the use of low-impact methods of transport. This will be conditioned.

It is noted that a bin storage area is shown for the proposed retreat building and existing building. KC Waste have reviewed the proposal and has requested the following information to be submitted:

- details for bin storage, screening, BCPs, and RCV access.
- temporary waste collection arrangements if the site becomes occupied prior to completion.
- details of the management and maintenance of refuse storage areas by a designated private management company, including access for waste crews.

As no collection point has been provided and in line with comments provided by KC Waste, a condition is recommended to ensure bin storage and collection areas are provided and retained prior the development being occupied.

It is therefore considered that the proposal subject to the aforementioned conditions 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.

5 – Other matters:

Climate change

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

A climate change statement has been submitted confirming that the development will utilise locally sourced materials, incorporate adequate glazing to ensure high levels of natural daylight within habitable rooms, and give due consideration to the integration of renewable energy sources. Taken together, these measures demonstrate that the proposal would have an acceptable impact in relation to climate change, particularly when assessed against relevant building regulations and the commitment to local material sourcing. In regard of air quality mitigation, it is also considered necessary that one electric vehicle recharging point shall be installed within the car park of the retreat building. Subject to a condition requiring the provision of electric vehicle charging infrastructure the development is considered to comply with the requirements of Chapter 14 of the National Planning Policy Framework.

Ecology

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

A BNG assessment has been provided and reviewed by the Ecology officer. The site will attain a net gain of 0.14 (11.99%) habitat units and 0.01 (33%) hedgerow units. This will be through the creation and enhancement of onsite and offsite low-medium distinctiveness habitats. 1.10 habitat units and 0.02 hedgerow units will be created onsite; and 1.31 habitat units and 0.16 hedgerow units will be created offsite. As such the report and metric is considered acceptable by Ecology.

Since the extant consent there has been a change to the law in terms of the required for BNG (in law) and that a scheme to secure this is secured by condition (in law). It is recommended an informative is in place upon any grant of permission which sets out the requirements of Biodiversity Net Gain legislation. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

It is noted the previous S106 agreement in place for the extant permission, this permission is under construction and as such the requirement to satisfy the planning obligation has been triggered. Therefore it is considered appropriate that no such deed of variation is required in this case. This conclusion is drawn on the basis that BNG is secured through the updated legislative process and any discharge of the condition in law can have regard to any BNG undertaken in relation to the site by virtue of the extant consent.

As such, it is not considered necessary for any further condition to be in place upon any grant of permission given the statutory requirements in relation to biodiversity and the fact that the provision of the measures set out in the submitted ecological assessment would meet the requirements of the aforementioned policy.

Therefore, subject to inclusion of the recommended informative note, the proposal is considered to be acceptable in this regard.

A Preliminary Ecological Assessment has been submitted and has been reviewed by KC ecology and deem the assessment reasonable and acceptable.

The submitted PEA makes recommendations for birds, bats, invertebrates, amphibians, reptiles, and hedgehogs. As such a construction environmental management plan is recommended to be conditioned to ensure biodiversity is protected during the construction phase.

It is also noted that PEA makes recommendations for enhancements for birds, bats, invertebrates, amphibians, reptiles, and hedgehogs, which will be conditioned to require submission of an ecological design strategy to ensure suitable mitigation and enhancement measures are in place.

Given the above, an informative will be included to advise 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.

As the report makes recommendations for reptiles and amphibians, KC Ecology consider it necessary to condition a Precautionary Working Method Statement (PWMS). This is to ensure clearance of the site is completed with care.

Invasive species yellow archangel (Sch 1 listed) has been observed onsite and therefore a full invasive species survey and management plan will be required to be submitted and will be conditioned.

To protect existing habitats surrounding the site, an artificial lighting strategy condition will be imposed also if the applicant decides to install any external lighting.

The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD

Contaminated Land and Coal

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 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 in a Coal Referral Area which means that the site could be at a 'high risk' from ground stability issues as a result of coal mining legacy. A Coal Mining Risk Assessment was submitted with the application. The Mining Remediation Authority considers that the content and conclusions of the Assessment demonstrate that the application site is safe and stable for the proposed development. No conditions are therefore required in order to ensure compliance with Policies LP53 and Chapter 15 NPPF in this respect.

KC Environmental Health have reviewed the proposal and the submitted Phase 1 Environmental Desk Study, which describes the proposed development as: - "the erection of mixed-use development of retreat building and 5 dwellings with integral garages." - which is the previous approval on the site. It is also noted that the submitted Ground Investigation Report by Soil and Structures (21st December 2024, 20459 001 V01), is not accepted by Environmental Health due to the insufficient site investigation and

characterisation at site. It is therefore noted that the report is based on limited access to the site, as yet potential unidentified made ground and unknown specifics on a cut and fill operation.

As such an updated Phase 1 Preliminary Risk Assessment Report is required to be submitted prior to commencement of development. This would be secured by condition, as well as further conditions requiring submission of a phase II land quality assessment, remediation strategy and verification of the site (as necessary) is submitted as part of this application.

As such, subject to the inclusion of aforementioned conditions the proposal complies with policy LP53 of the Kirklees Local Plan.

Trees

There are four separate Area Tree Preservation Orders (TPOs) on the site and another two individually protected trees. Two of the Area TPOs are located on the western site boundary, and a belt along the north-eastern highway frontage, with other TPO trees on the southern boundary and the eastern boundary near the south-eastern corner

KC Trees have reviewed the proposal and submitted tree reports. Given that a building has been granted permission in a similar place under planning approval 2022/90852, KC Trees are satisfied and have stated that the removal of T9 to facilitate the proposal is acceptable as long as replacement tree planting is provided which will be recommended by condition.

The protection of existing trees via protected fences, exclusion barriers and warning signs will be conditioned through a requirement to submit a construction management plan.

As such, subject to condition, the proposal development is considered acceptable, complying with Policy LP33 of the Kirklees Local Plan.

Crime

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to '*do all that it reasonably can to prevent crime and disorder in its area*'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 96 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Policy LP24 sets out that proposals should promote good design by ensuring the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features.

KC Crime Prevention have reviewed the proposal and consider it is necessary to recommend that the proposed development does not commence until a scheme has been submitted which details installation of CCTV and other security measures. It is considered these measures can be secured prior to the use being undertaken, subject to inclusion of an appropriately worded condition the proposal is considered to be acceptable in this regard.

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.

To ensure appropriate drainage is in place to serve the car park, a condition shall be included which requires construction of the car park from permeable material or that it drains to a permeable part of the site.

6 – Representations:

None

7 – Conclusion:

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

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

Decision Authorisation - Delegated Powers

Application Number: 2025/90413

Officer Recommendation: Approve

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.

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, LP20, LP21, LP22, LP24, LP28, LP30, LP33 & LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 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 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.

Reason: In the interests of visual amenity to accord with Policy LP 24 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 12 of the National Planning Policy Framework.

4. The development hereby approved shall not be occupied until all areas indicated to be private drives and parking areas 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.

5. Notwithstanding the approved drawings, the development shall not be brought into use until secure, covered, cycle parking facilities have been provided in accordance with a scheme which has first 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 implemented. The approved scheme shall thereafter be retained and maintained for the lifetime of the development.

Reason: To comply with the Council's sustainability objectives set out in the National Planning Policy Framework and Policies LP21 and LP22 of the Kirklees Local Plan.

6. Notwithstanding the approved drawings, the development shall not be brought into use until a scheme which details the storage and access arrangements for the collection of wastes from the site has been submitted to, and approved in writing by, the Local Planning Authority. The works comprising the approved details shall be completed and provided prior to the development being brought into use and retained thereafter free of obstructions and available throughout the lifetime of the development.

Reason: To ensure acceptable waste arrangements are in place for storage and collection of wastes to accord with policies LP20, LP21 & LP24 of the Kirklees Local Plan and policies within Chapters 2, 9 and 12 of the National Planning Policy Framework.

7. Development shall not commence 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 in relation to trees.

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: In the interests of biodiversity and in accordance with Kirklees Local Plan Policy 30 and policies within Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition required to ensure acceptable biodiversity protection arrangements are in place prior to, and during, the construction phase of the development.

8. 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.

9. Development shall not commence until the submission of a scheme which details the undertaking of an invasive species survey which has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall also include details of the removal and / or management of any invasive species so identified within the survey. The development shall be undertaken in accordance with the approved scheme and shall not be brought into use until the scheme approved by this condition has been completed.

Reason: To ensure the development is undertaken such that it does not lead to the spread of invasive species in the interests of biodiversity and in accordance with Policy LP30 and policies within Chapter 15 of the National Planning Policy Framework 2024. This is a pre commencement condition required to ensure invasive species controls are in place prior to construction works being undertaken.

10. Development shall not commence until a detailed Precautionary Working Method Statement (PWMS) in respect of reptiles and amphibians has been 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. The submitted scheme shall detail actions in the event of encountering a reptiles or amphibians, including that all work must cease until the ecological clerk of works and Natural England are contacted for advice on the best way to proceed lawfully and that all contractors working on site are made aware of this requirement and provided with the contact details of the ecological clerk of works. The construction phase of the development shall be undertaken, in its entirety, in accordance with the Precautionary Working Method Statement approved by this condition.

Reason: To ensure the development is undertaken such that it has an acceptable impact upon reptiles and amphibians in the interests of biodiversity and in accordance with Policy LP30 and policies within Chapter 15 of the National Planning Policy Framework 2024. This is a pre commencement condition required to ensure controls for the protection of reptiles and amphibians are in place prior to construction works being undertaken.

11. Development shall not commence until an ecological design strategy (EDS) detailing mitigation and enhancement to be undertaken as part of the development has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and nature conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.

- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be completed in accordance with the approved details prior to the development being brought into use and all features shall be retained thereafter.

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. This is a pre-commencement condition to ensure habitats and species are protected and appropriate biodiversity mitigation and enhancement measures are secured.

12. 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. 189 and 190 of the National Planning Policy Framework

13. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (12) 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. 189 and 190 of the National Planning Policy Framework.

14. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (13) 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. 189 and 190 of the National Planning Policy Framework.

15. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (14). 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. 189 and 190 of the National Planning Policy Framework.

16. 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. 189 and 190 of the National Planning Policy Framework.

17. The development shall not be brought into use until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which sets out all measures to minimise the risk of crime and meet the specific security needs of the application site and the development. The submitted scheme shall include details of the following measures:

1. Provision of a video surveillance and/or Closed Circuit (CCTV) system
2. Provision of intruder alarms which meet the requirements of BS EN 50131 (Intrusion and hold-up systems) and EN 50136 (Alarm transmission systems and equipment).
3. Access control measures

The approved scheme shall be completed before the development is brought into use and retained thereafter.

Reason: to ensure that prior to the commencement of development safety and security measures have been agreed in pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and to accord with policy LP24 of the Kirklees Local Plan, HFT5 of the Council's adopted Hot Food Takeaway SPD and the policies contained within Chapter 12 of the National Planning Policy Framework.

18. The development shall not be brought into use until a new tree planting scheme has been submitted to and approved in writing by the Local Planning Authority. All new trees so approved by the new tree planting scheme approved by this condition shall be planted in the first available planting season following the issuing of the written approval of the scheme by the Local Planning Authority. The approved scheme shall be retained and maintained for the lifetime of the development. Any new tree becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

Reason: To ensure a scheme which ensures the long term retention of trees is agreed in the interests of visual amenity and to accord with policies LP24 and LP33 of the Kirklees Local Plan and policies contained within Chapter 12 of the National Planning Policy Framework.

19. A minimum of one electric vehicle recharging point shall be installed within the car park serving the development hereby approved before any part of the development is first brought into use. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In accordance with the aims of Policy 24(d & v) of the Kirklees Local Plan and government guidance on air quality mitigation, outlined within the Planning Practice Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

20. The finished floor and slab levels of the development shall be in accordance with those shown on submitted drawing 25-012/ (AL)04. 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, unless otherwise approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to what is being approved by this permission and to ensure that the development harmonises with its surroundings, in the interests of the visual and residential amenity to accord with the aims of Policies LP24 of the Kirklees Local Plan and principles 1, 6 and 2 of the Housebuilders' Design Guide SPD.

21. The windows in the western elevation of the retreat centre which are to the northern and southern most parts of that elevation, serving the rooms annotated 'Living Room / Kitchen' for apartments 1, 2, 4 and 5 upon submitted drawing ref: (AL)03 shall be non-opening or top-opening only and shall be fitted with grade 5 obscure glazing before the development is first brought into use. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General

Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows of this type shall be retained at all times.

Reason: So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

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.

NOTE: 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.

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 (Kirklees Street Scene: 01484 221000) regarding 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: 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: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

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 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan	(EX)01		23/10/2025
Proposed Site Plan	(AL)01		24/10/2025
Proposed Site Plan	(AL)02		24/10/2025
Proposed Floor Plans	(AL)03		23/10/2025
Proposed Elevations	(AL)04		23/10/2025
Design & Access Statement	25-012/ D&A Statement		24/10/2025
Climate Change Statement	25-012/ Climate Change Statement		24/10/2025
Arboricultural Impact Assessment	17829-B/AJB		23/10/2025
Arboricultural Method Statement	17829-C/AJB		23/10/2025
Biodiversity Impact Assessment	FE198/BIA01		23/10/2025
Biodiversity Metric			23/10/2025
Ecology Report – Supplementary Ecology Information	FE198/SEI01		23/10/2025
Coal Mining Risk Assessment	C2205/21/E/3386		23/10/2025
Ground Investigation Report	001revV01		23/10/2025

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.

The agent was asked to provide a Preliminary Ecological Assessment and BNG assessment. The agent submitted the additional information which has been reviewed and is accepted by KC Ecology.