

# **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>2025/60/92869/E</b>                                                      |
| Site Address:         | Land at, Wellands Lane, Scholes, Cleckheaton, BD19 6EY                      |
| Description:          | Outline application for erection of residential development (two dwellings) |
| Recommending Officer: | Nicole Helliwell                                                            |

### **DECISION – CONDITIONAL OUTLINE APPROVAL**

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

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 11-May-2026**

## **Officer Report**

**Reference No.** 2025/62/92869/E

**Site Address:** Land at, Wellands Lane, Scholes, Cleckheaton, BD19 6EY

**Proposal:** Outline application for erection of residential development (two dwellings)

## **Site Description**

The application site relates to a parcel of land located east of Wellands Lane in Scholes, Cleckheaton. The site is allocated as greenbelt on the Kirklees Local Plan and is situated within a predominantly residential area. The surrounding dwellings are highly varied in age, size, style, and materials. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity.

## **Description of Proposal**

The applicant seeks outline planning permission for the erection of residential development at land at Wellands Lane with all matters reserved for approval at a later stage. Notwithstanding this, indicative plans have been submitted which indicate two two-storey detached dwellings with off street parking to the front and private outdoor amenity spaces to the rear. However, the size, design and layout is purely indicative and these details are not being assessed or determined at this time.

## **History of Negotiations/Amendments Received**

Additional information was sought during the course of the application to address comments from KC Ecology and KC Trees. This information has been reviewed and confirmed to be acceptable by consultees.

## **Relevant Planning History**

Not Applicable.

## **Representations**

The application was publicised by site notice which expired on 9<sup>th</sup> March 2026. As a result of the above publicity, two representations have been received. The comments made have been summarised below:

- Please note no notification for 20/11/2025 as quoted on the planning application has been received.
- Planning has already been granted for a large property in the garden area of 7 Town Gate, we feel that from a safety point another two large two-storey dwellings on green belt would be unacceptable.
- Entrance to this site is on the narrowest part of Wellands Lane, on a blind bend where there is no footpath. Access during build works and on completion would be dangerous in our opinion.

- There is nowhere for work vehicles to park either and deliveries will block the road.
- This area attracts a large number of group walkers, families, cyclists, dog walkers & horse riders who we feel would also be in danger from excess vehicles on the blind narrow lane.
- Property damage (boundary walls demolished) to ours and others on the lane has been experienced because of the narrowness of the lane, more development would aggravate this issue, again a safety point.
- The two 4 bedroom 2 storey houses will overlook our bungalow, which faces the front elevations of the houses.
- Plot 1 has a full height window, and plot 2 will overlook our lounge.
- The houses will overshadow/block light and invade our privacy.
- The local bus services are inadequate to cater for the needs of the working age people of these properties.
- The likelihood of multiple car ownership is high; there is the potential for 10 vehicles.
- Access is via a single track lane that is 9ft 6ins wide at this point, and just round a blind bend.
- The turn into and out of their drives will be tight and obstructive/dangerous to other lane users.
- Wellands lane is very popular with horse riders, pedestrians and dog walkers, and there are no pavements.
- Contrary to the answer given on page 8 of the application form, the whole of the site can be seen from the public lane and adjoining land used by the public.
- The applicant states that the relevant owners of the land to which the application relates (Nos.4, 2 & 2A Wellands Lane) were notified on 20.11.25. This is incorrect. None had been notified. They were first aware of this application when the notice was posted on the lamp post near the location of the land on 15.12.25.

### **Parish/Town Council Comments**

Not Applicable.

### **Local Ward Members**

Not Applicable.

### **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Highways Development Management – Revised drawings are required.  
KC Environmental Health – No objection subject to recommended conditions

KC Trees – No objection

KC Ecology - No objection subject to recommended conditions

The Mining Remediation Authority – No objection subject to recommended conditions

## **Policy**

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

The site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

### **Kirklees Local Plan Policies**

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 11** - Housing Mix and Affordable Housing
- **LP 20** - Sustainable Travel
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 33** - Trees
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 59** - Brownfield Sites in the Green Belt

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 5** - Delivering a Sufficient Supply of Homes
- **Chapter 9** - Promoting Sustainable Transport
- **Chapter 11** - Making Effective Use of Land

- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

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 Guidance Documents:**

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

### **Assessment**

#### **1. Principle of Development**

##### **Housing Land Supply**

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

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

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

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

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

The 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 officers assessment.

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

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy

LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

#### Impact on Green Belt

The application site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. As such, Green Belt policies contained within the National Planning Policy Framework (NPPF) and the Kirklees Local Plan are relevant.

Paragraph 143 of the NPPF identifies five purposes of the Green Belt, these are as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- a) to prevent neighbouring towns merging into one another;
- b) to assist in safeguarding the countryside from encroachment;
- c) to preserve the setting and special character of historic towns; and
- d) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 states that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness (footnote 55). Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

Paragraph 154 of the NPPF states *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;
- a) *the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- b) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.*

- c) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- d) *limited infilling in villages;*
- e) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- f) *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*

The application relates to residential development and as such would not fall under exceptions a, b, c, d or f.

With regard to sub-paragraph e), Paragraph 19.31 of the Kirklees Local Plan outlines the Councils approach to assessing infilling in villages: *“Any application for infill development within the Green Belt will therefore be judged in the first instance on whether the settlement is a village for the purposes of Green Belt policy. If it is established that the site is within a village the plot should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built-up frontage.”*

The site is not located within a village and therefore does not fall under exception e.

LP59 of the Kirklees Local Plan outlines:

*“Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:*

- a) *in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
- a) *in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*
- b) *redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.”*

In the supporting text for LP59, Paragraph 19.33 of the Kirklees Local Plan states: *“The redevelopment of the site, either in the same use or for a new use, may be acceptable provided that the redevelopment is designed so as not to have any more impact on the openness of the Green Belt than the existing built form”*

Annex 2 of the NPPF defines Previous Developed Land as:

*“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.*

Based on the submitted information, the site cannot be classified as previously developed land, and therefore the proposal does not fall within the Green Belt exceptions for redevelopment under Paragraph 154(g) of the NPPF. However, the site could be identified as grey belt land.

Within the NPPF, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.’

Paragraph 155 of the NPPF states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a) The development would utilise Grey Belt land and would not fundamentally the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- a) There is a demonstrable unmet need for the type of development proposed (footnote 56);*
- b) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (footnote 57); and*
- c) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157.*

With regard to Paragraph 155(a), the LPA do not consider the land to be previously developed, however, an assessment must be made in regard to whether the proposal would not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143 in order to be considered grey belt.

Paragraph 143 of the NPPF also identifies five purposes of the Green Belt, these are as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- a) to prevent neighbouring towns merging into one another;
- b) to assist in safeguarding the countryside from encroachment;
- c) to preserve the setting and special character of historic towns; and
- d) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

#### Meeting Green Belt Purposes (Paragraph 155a)

Whilst scale, layout, appearance and landscaping are reserved matters, the indicative site plan demonstrates that the proposed dwellings would not strongly contribute to sprawl and is not considered that the development as submitted would fundamentally undermine the purposes of the Green Belt in accordance with Paragraph 155a.

#### Demonstrable Unmet Need (Paragraph 155b)

Paragraph 155(b) of the National Planning Policy Framework requires that *'there is a demonstrable unmet need for the type of development proposed'*. Kirklees currently has a 4.18 year housing land supply, which falls below the required five-year supply. As such, there is a demonstrable unmet need for housing within the Kirklees district.

#### Sustainable Development (Paragraph 155c)

The application site is located approximately 0.2 miles (2 minute drive) from Scholes Local Centre which offers a range of local facilities and services. The application site is considered to be within a sustainable location in terms of proximity to transport links, education facilities and services. Therefore, satisfying the requirements of Paragraph 155c of the NPPF.

#### Golden Rules (Paragraph 155d)

With regard to Paragraph 155 (d), the development would not constitute major development and therefore does not require justification to part d.

At present, officers do not consider the development of the land to result in any strong contributions of purposes (a), (b), or (d) and therefore, it can be considered 'grey belt' land and acceptable to be developed.

In relation to Paragraph 143(c) of the NPPF, it states that the Green Belt assists in safeguarding the countryside encroachment. It is important that new development does not result in encroachment of the countryside. The proposal would utilise Grey Belt land without undermining Green Belt purposes. Therefore, the proposed development is considered acceptable in principle,

and it is likely that the proposal as whole would not conflict with any of the green belt purposes as outlined within Paragraph 143 of the NPPF.

The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

## **1. Impact on Visual Amenity**

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Kirklees Local Plan Policies LP1, LP2 and LP24 all 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. Policy 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 133 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. Also 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.”*

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

The application seeks outline planning permission for residential development with all matters reserved. The size, design and layout is purely indicative, thus the details are not being assessed or determined at this time. However, consideration must be given as to whether residential development on the site could cause detrimental harm to the character and appearance of the area.

The application site is located within an established residential area characterised by bungalows and two storey dwellings of varying sizes, architectural styles, and materials. As scale, layout, appearance and landscaping are reserved matters, care would need to be taken to ensure that any future dwelling reflects the local vernacular and uses materials that currently exist within the local area. Furthermore, care must be taken to ensure the dwellings do not appear overbearing in nature in relation to neighbouring residential dwellings or constitute overdevelopment of the site. Appropriate landscaping should also be provided to enhance the area and not detract from its character and appearance.

With regard to layout and siting, Principle 5 of the Housebuilders Design Guide SPD 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. It is noted that layout is a reserved matter and therefore the plans submitted can only be used indicatively, however, the proposed dwellings would not be overly dominating and would generally respect the existing building line along Wellands Lane. The location of the dwellings within the plot would also allow for adequate private outdoor amenity space and sufficient space for off road parking. The plot is also considered large enough to accommodate two detached dwellings without the development appearing overly cramped, or causing undue harm to the character and appearance of the area.

It is therefore considered that a development which meets the policies of Chapter 12 of the NPPF, by contributing positively to the surrounding area, as well as Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan and Principles 2, 5, 6, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide could be achieved subject to appropriately designed dwellings being proposed at reserved matters stage.

## **2. Impact on Residential Amenity of Neighbouring Residents**

Sections B and C of Policy LP24 state 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(f) 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 Housebuilders Design Guide SPD also provides advised separation distances for residential properties:

- 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 applicant is seeking outline permission with all matters reserved for approval at a later stage. Therefore, a fully detailed assessment into the impact upon the amenities of neighbouring properties cannot be made at this stage. However, the neighbouring properties with the most potential to be impacted by the proposals are discussed below.

#### Impact on 4 Wellands Lane

4 Wellands Lane is detached bungalow located west of the application site. The submitted plans demonstrate that the plot 1 would occupy a position approximately 23.4m from the front elevation of no.4. Furthermore, plot 2 would be sited approx. 22.8m from the neighbouring property. Given that the separation distances retained would be substantial, it is considered that there would be no significant detrimental impact on the neighbour’s residential amenity as a result of the proposed development.

#### Impact on Clareville

Clareville is a two-storey detached property located south of the application site. The submitted plans demonstrate that a separation distance of approximately 21.5m would be retained between the proposed dwellings and the neighbouring

property. Therefore, the proposal would accord with the separation distances outlined within the SPD and officers consider that there would be no further harm to the neighbour's residential amenity with regard to overbearing, overshadowing, or overlooking impact.

Having considered the above factors, it is considered unlikely that the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and Paragraph 135(f) of the National Planning Policy Framework.

### **3. Impact on Residential Amenity of Future Occupiers**

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

*'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.*

Officers would wish to draw the applicant's attention to the Governments 'Technical Space Standards,' which outlines the minimum gross internal floor areas that dwellings of different sizes should achieve. The Council would wish to see the proposals to meet or exceed these minimum floorspaces within any future reserved matters application. It is also noted that any living accommodation provided within the roof space of the dwelling with a headroom which is less than 1.5m high will not be counted as useable internal floor area. The applicant should also ensure that all habitable rooms have access to at least one window. Nonetheless, Officers consider that residential development which is compliant with the Nationally Described Space Standards could be achieved at this site.

In terms of external amenity space, subject to the scale and layout of the dwellings as submitted within any reserved matters application, it is considered that should two dwellings be provided on the site, the proposed garden areas are likely to be appropriate in both size and location and would have areas that are private and would receive sunlight throughout the day. However, as the proposal is made in outline form, this will need to be assessed further within a reserved matters application at a later stage, but it is considered that an acceptable external amenity area could be devised.

Therefore, it is considered that a development which accords with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 135(f) of the National Planning Policy Framework could be achieved subject to an acceptable scale, design and layout being submitted at the reserved matters stage.

#### **4. Impact on Highway Safety**

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

##### Site Access

The access to the site is proposed from Wellands Lane which is a narrow single-track road approximately 3m wide subject to a 30mph speed limit. The proposal will widen Wellands Lane along the site frontage to approximately 4.5m. However, the width is still substandard, and it would be difficult for vehicles to turn and access the driveways safely. A width of 6m is normally the minimum required to allow for a vehicle to reverse into or out of a drive. A revised drawing showing that a width of 6m can be achieved or a tracking diagram showing that vehicles can access the drives safely should be provided at reserved matters stage should the indicative layout remain.

For a 30mph speed limit sight lines of 2.4m x 43m should normally be achievable and demonstrated on a suitable plan, any shortfall of this requirement should be in accordance with 85%ile wet weather speed readings (if below 30 mph). It is accepted, however, that due to the nature of Wellands Lane the speeds will be well below 30mph at this location and maintaining sightlines along the site frontage will be acceptable in this instance.

A revised drawing showing that sightlines of 2.4m x site frontage above 0.9m in height is clear of any obstruction should be provided at reserved matters stage should the indicative layout remain to ensure that the minimum visibility can be provided for vehicles leaving the site onto Wellands Lane.

The changes to the access within the adopted highway fronting the property, to provide a dropped kerb, will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

### Internal Layout

Parking for 3 cars per dwelling have been proposed and is acceptable. The approved vehicle parking areas will need to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

[www.communities.gov.uk/publications/planningandbuilding/pavingfrontgarden](http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgarden)  
[s](#)

### Waste Storage And Collection

No bin store and/or bin collection/presentation is shown on the proposed plans. A bin collection/presentation point should be located adjacent to the public highway and must not obstruct the highway or the parking spaces.

Details of the waste collection for the proposed dwelling should be provided, with the location of a waste collection presentation point being clearly marked on a drawing in such a location that is easily accessible to the collection team and where it will not obstruct the access or the highway for road safety reasons.

Details for waste storage requirements can be found in the document "Waste Storage and Collection Guidance for New Developments" which is available from [waste.planning@kirklees.gov.uk](mailto:waste.planning@kirklees.gov.uk). Or at <https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx>

In view of the above, it is considered likely that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

## **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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures with any future application.

#### Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, should the application be approved, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

#### Contaminated Land

A Phase I Desk Study Report prepared by Abbeydale Geoscience (dated September 2025, reference no. 25118-DS) has been submitted to support the application. The report confirms that intrusive investigations are recommended to confirm the chemical suitability of the existing soils for retention or reuse in any soft landscaping areas, and to confirm the ground conditions across the site for geotechnical design purposes. As such, KC Environmental Health have recommended contaminated land conditions.

#### Coal Mining Legacy

The application site falls partly within the defined Development High Risk Area. Therefore, within the site and surrounding area there are coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

The application is accompanied by a Phase I Desk Study Report prepared by Abbeydale Geoscience (dated September 2025, reference no. 25118-DS). Based on a review of relevant sources of coal mining and geological information, the report concludes that recorded deep coal mine workings are not considered pose a potential risk to the surface stability of the site. It does, however, conclude that there is a high risk of potential unrecorded shallow mine workings affecting the site

The Mining Remediation Authority's Planning & Development Team notes the conclusions of the report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial and mitigatory measures, in order to ensure the safety and stability of the proposed development. As such, the Mining Remediation Authority has no objection to the proposed development subject to the imposition of the recommended conditions.

### Biodiversity Net Gain

The application form states that the development, by being a self-build/custom build, would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation. Therefore, it is considered the proposal would be in accordance with Policy LP30 and LP33 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the NPPF.

### Ecology

The site consists of hardstanding, buildings, grassland with bluebells to the northwest of the site, fencing, bramble scrub, scattered trees – 2no (T1 and T2 were mature). A Preliminary Ecological Appraisal and Preliminary Roost Assessment has been provided as part of this application and KC Ecology's comments have been summarised below:

- Bats – the building holds negligible potential for roosting bats. No further actions / surveys are required. T1 was considered to potentially have suitable features for roosting bats; however, it is confirmed that T1 is to be retained. The site has suitability for commuting and foraging bats. Lighting measures and tree protection measures will be conditioned. Further recommendations considering works and timings have been added, which will be included into a CEMP.
- Reptiles / Amphibians – the site has low potential for reptiles and amphibians. Recommendations for works to minimise impacts has been provided , which will be added to a CEMP.
- Invertebrates – The site (particularly T1) offer potential for saproxylic invertebrates. Enhancement recommendations have been added.
- Rabbits / hedgehogs – the site offers opportunities for rabbits and hedgehogs – recommendations to minimise impacts have been added – which will be added a CEMP.
- Enhancements measures for bats, birds, invertebrates, hedgehogs, and biodiversity been recommended, which will be added to an EDS

### Trees

There are trees and hedges within and adjacent to the site of the proposed development. As such, an Arboricultural Report & Impact Assessment (dated January 2026, reference no. AWA7205) has been submitted to support the

application. KC Trees have reviewed the document and have confirmed that they have no objection to the proposed scheme.

There are no other matters considered relevant to the determination of this application.

## **6. Representations**

Two representations were received during the course of the application. The comments made have been summarised and addressed below:

- Please note no notification for 20/11/2025 as quoted on the planning application has been received.

**Officer Response:** *It was brought to the attention of the planning officer that notice had not been served on all landowners. As such, the planning application and publicity period was restarted to reflect this.*

- The two 4 bedroom 2 storey houses will overlook our bungalow, which faces the front elevations of the houses.

**Officer Response:** *A fully detailed assessment into the impact upon the amenities of neighbouring properties cannot be made at this stage. However, the neighbouring properties with the most potential to be impacted by the proposals have been discussed within the 'residential amenity' section of the report.*

- Planning has already been granted for a large property in the garden area of 7 Town Gate, we feel that from a safety point another two large two-storey dwellings on green belt would be unacceptable.

**Officer Response:** *The principle of development has been assessed within the report and is considered acceptable.*

- Entrance to this site is on the narrowest part of Wellands Lane, on a blind bend where there is no footpath. Access during build works and on completion would be dangerous in our opinion.

**Officer Response:** *A fully detailed assessment into the impact upon highway safety cannot be made at this stage. However, the proposals potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- There is nowhere for work vehicles to park either and deliveries will block the road.

**Officer Response:** *Impacts from construction are temporary and would not constitute a material planning consideration.*

- This area attracts a large number of group walkers, families, cyclists, dog walkers & horse riders who we feel would also be in danger from excess vehicles on the blind narrow lane.

**Officer Response:** *A fully detailed assessment into the impact upon highway safety cannot be made at this stage. However, the proposals potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- Property damage (boundary walls demolished) to ours and others on the lane has been experienced because of the narrowness of the lane, more development would aggravate this issue, again a safety point.

**Officer Response:** *This matter would not constitute a material planning consideration.*

- The houses will overshadow/block light and invade our privacy.

**Officer Response:** *A fully detailed assessment into the impact upon the amenities of neighbouring properties cannot be made at this stage. However, the neighbouring properties with the most potential to be impacted by the proposals have been discussed within the 'residential amenity' section of the report.*

- The local bus services are inadequate to cater for the needs of the working age people of these properties.

**Officer Response:** *This matter would not constitute a material planning consideration.*

- The likelihood of multiple car ownership is high; there is the potential for 10 vehicles.

**Officer Response:** *A fully detailed assessment into the impact upon highway safety cannot be made at this stage. However, the proposals potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

Access is via a single track lane that is 9ft 6ins wide at this point, and just round a blind bend.

**Officer Response:** *A fully detailed assessment into the impact upon highway safety cannot be made at this stage. However, the proposals potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- The turn into and out of their drives will be tight and obstructive/dangerous to other lane users.

**Officer Response:** *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- Wellands Lane is very popular with horse riders, pedestrians and dog walkers, and there are no pavements.

**Officer Response:** *Noted.*

- Contrary to the answer given on page 8 of the application form, the whole of the site can be seen from the public lane and adjoining land used by the public.

**Officer Response:** *The application site is visible from the highway. However, this matter would not constitute a material planning consideration.*

- The applicant states that the relevant owners of the land to which the application relates (Nos.4, 2 & 2A Wellands Lane) were notified on 20.11.25. This is incorrect. None had been notified. They were first aware of this application when the notice was posted on the lamp post near the location of the land on 15.12.25.

**Officer Response:** *It was brought to the attention of the planning officer that notice had not been served on all landowners. As such, amended ownership certificates were provided in relation to the application and the planning application and publicity period was restarted to reflect this.*

- Plot 1 has a full height window, and plot 2 will overlook our lounge.

**Officer Response:** *A fully detailed assessment into the impact upon the amenities of neighbouring properties cannot be made at this stage – this is an outline application with all matters reserved. Indicative drawings have been provided at this stage. However, the neighbouring properties with the most potential to be impacted by the proposals have been discussed within the ‘residential amenity’ section of the report.*

## **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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation:     Approve**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2025/92869

**Officer Recommendation:** Approve

**Conditions and Reasons**

1. Approval of the details of access, layout, scale, appearance and landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.

**Reason:** No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to layout, scale, appearance and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

**Reason:** No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

5. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

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

**Reason:** This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

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

**Reason:** This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

10. No above ground development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
- a) any remediation works and/or mitigation measures to address land instability arising from past 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, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

**Reason:** This condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

11. 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:** This condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

12. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- a) Identification of "biodiversity protection zones"
- b) 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)
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) Use of protective fences, exclusion barriers and warning signs.

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

**Reason:** This pre-commencement condition is necessary 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.

13. No works shall commence until 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), has been drafted and agreed with the council. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented, subject to any variations approved in writing by the planning authority. All external lighting shall be installed strictly in accordance with the specifications and locations set out within the Lighting Strategy.

**Reason:** This pre-commencement condition is necessary 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.

14. A Hedgerow and Tree Protection Plan detailing measures for the protection of trees and hedgerows during the works shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of works on site, including site clearance and delivery of materials. Hedgerow and tree protection measures will include temporary fencing for the protection of hedgerows in accordance with BS 5837:2012. The root protection fencing will define the works exclusion zone around hedgerows and trees. Activities liable to be harmful to hedgerows and trees are prohibited within this exclusion zone, unless agreed in writing with the LPA. The approved hedgerow and tree protection measures will remain in place until the completion of development or unless otherwise agreed in writing with the LPA.

**Reason:** This detail is required prior to development commencing on site to protect to viability of the trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

15. No works shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement 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.
- a. Review of site potential and constraints.
- b. Detailed design(s) and/or working method(s) to achieve stated objectives.
- c. Extent and location/area of proposed works on appropriate scale maps and plans.
- d. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- e. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- f. Persons responsible for implementing the works.
- h. Details of initial aftercare and long-term maintenance.
- g. Details for monitoring and remedial measures.
- h. Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details, and all features shall be retained in that manner thereafter.

**Reason:** This pre-commencement condition is necessary 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.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that

Order (with or without modification)) no development included within Classes A through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual amenity and to avoid overdevelopment in accordance with Policy LP24 of the Kirklees Local Plan and 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:** Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from: <https://www.gov.uk/guidance/get-a-permit-to-deal-with-coal-or-coal-mines>

**NOTE:** If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Mining Remediation Authority. Further information regarding Incidental Coal

Agreements can be found  
<https://www.gov.uk/government/publications/incidental-coal-agreement>

**NOTE:** In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

**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:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**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 the works may be carried out.

**Plans and specifications schedule:**

| Plan Type  | Reference                     | Revision | Date Received |
|------------|-------------------------------|----------|---------------|
| Site Plans | 24016-BAS-00-00-DR-A-01100-S4 | P1       | 02/01/2026    |

|                                                                 |                               |   |            |
|-----------------------------------------------------------------|-------------------------------|---|------------|
| Plot 1 – Plans and Elevations (INDICATIVE ONLY)                 | 17041-BAS-00-XX-DR-A-20100-S4 | - | 02/01/2026 |
| Plot 2 – Plans and Elevations (INDICATIVE ONLY)                 | 17041-BAS-00-XX-DR-A-20100-S4 | - | 02/01/2026 |
| Phase I Desk Study Report                                       | 25118-DS                      | - | 02/01/2026 |
| Arboricultural Report & Impact Assessment                       | AWA7205                       | - | 30/01/2026 |
| Preliminary Ecological Appraisal & Preliminary Roost Assessment | -                             | - | 19/03/2026 |

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 have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. Additional information was also received during the course of the application to address comments from KC Ecology, and KC Trees which was considered acceptable. The agent has confirmed their agreement to the pre-commencement conditions.

**Dated: 11/05/2026**