KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2025/60/92968/E**
Site Address:	29, Huddersfield Road, Mirfield, WF14 8AE
Description:	Outline application for erection of residential development (up to 10 dwellings), with all matters reserved except access
Recommending Officer:	Kerri Simpson

DECISION – OUTLINE CONDITIONAL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 05-Nov-2026

Officer Report – 2025/92968

29, Huddersfield Road, Mirfield, WF14 8AE

Site Description

The site is a circa 0.97 hectare area of land located on the southern side of the A Classified Huddersfield Road. The site currently comprises a two storey detached dwelling (29 Huddersfield Road) with associated two storey detached outbuilding with a large expanse of grass land to the south. There are a number of mature trees across the site.

The site is bounded to the north by the highway of Huddersfield Road with residential and commercial properties beyond, to the east by a group of residential properties, to the south by the Calder and Hebble Navigation (inland water) and to the west by Grade II Listed Buildings and their curtilage (including Grade II Listed Gates & Piers adjacent the highway) at No's 31 and 31A Huddersfield Road.

The site is subject to the following relevant planning policy constraints and designations:

- Strategic Green Infrastructure – River Calder Corridor (southern end of site)
- Circa 12m from Mirfield District Centre boundary (adjacent east of the site)
- Flood Zone 2 and 3 (southern end of the site)
- Bat Alert Zone
- Adjacent Wildlife Habitat Network (southern boundary)
- Development Low Risk Area (Coal)

The site is not located in a Conservation Area, nor does it fall under the Green Belt designation.

Description of Proposal

The Scheme

The application seeks outline planning permission for the erection of a residential development for up to 10 dwellings. The applicant seeks approval for access, with scale, layout, appearance and landscaping to be matters dealt with at reserved matters application stage.

The existing dwelling and associated outbuilding would remain in their existing uses, and no conversion or subdivision of these buildings is proposed as part of this application.

An indicative layout has been submitted to demonstrate one possible form of development within the site. The layout is illustrative only and does not form part of the matters for approval. The final number, siting and arrangement of dwellings would be determined through a subsequent reserved matters application, subject to the development not exceeding 10 new dwellings.

A new vehicular access is proposed from Huddersfield Road, with the existing access to be permanently closed and reinstated. The access works would also require the removal of several trees along the site frontage and works to the existing front stone wall.

History of Negotiations / Amendments Received

During the course of the application a Stage 1 Road Safety Audit, along with revised access layout (2510003 Rev P02 - Proposed Highway Works) was submitted to the Local Planning Authority for consideration to ensure the junction with Huddersfield Road can operate safely. In addition, a Preliminary Ecological Assessment was submitted to ensure that the ecological implications of the development could be properly considered and assessed. These matters are addressed within the body of this report.

Relevant Planning History

It is noted the site is partly within land the subject of a previous S106 agreement relating to application 2004/93139. The agreement related to works to Hurst Lane. Given the fact the proposal seeks access to be taken from Huddersfield Road to the north, it is considered little weight can be afforded the planning history. Application 2004/93139 related to the erection of a dwelling on land which is outside the boundaries of the application site, the subject of this proposal.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter.

The application has been publicised on the Council's website; by press notice and by site notice. The expiry date of the publicity period was the 9th January 2026.

Ten letters of objection have been received. The material planning matters raised are summarised as follows:

<u>Highway safety, traffic and access</u>

- Existing congestion on Huddersfield Road/A644, particularly at peak periods, is already significant.

- Concern that additional vehicle movements associated with the development would worsen congestion and increase the risk of collisions.
- Concerns regarding visibility and safe egress from the site onto Huddersfield Road.
- Concern regarding pedestrian safety, including children, elderly pedestrians and those crossing Huddersfield Road.
- Existing on-street parking, school pick-up/drop-off activity and HGV movements are said to exacerbate highway conditions.
- Hurst Lane is already subject to pressure from non-resident parking and further development could worsen this.
- Concerns regarding the cumulative impact of other developments and activities in the locality, including Moorlands Cricket Club and other nearby development.
- Concern that additional congestion could affect access and operation of the nearby fire station/emergency services.

Flood risk and drainage

- Part of the site lies within an area identified as being at risk of flooding and residents report historic and regular flooding of the lower parts of the site and surrounding area.
- Concern that residential development should be directed to Flood Zone 1 in accordance with the sequential approach.
- Objection to dwellings being shown indicatively within Flood Zone 2.
- Concern that raised floor levels could affect neighbouring properties through increased visual impact and potentially displacement of floodwater.
- Residents report waterlogging, surface-water flows from Hurst Lane and flooding affecting Lowlands Road and the canal towpath.
- Concern that additional hardstanding, buildings and altered drainage could increase surface-water flood risk.
- The suggestion that the canal provides an effective flood buffer is disputed by residents.

Ecology, biodiversity and trees

- Concern regarding loss of wildlife habitat and biodiversity associated with the existing grassland, floodplain and canal corridor.
- Concern that development close to the watercourse and its 10m riparian buffer could result in encroachment or degradation.
- Concerns that opportunities for on-site BNG and enhancement of the riparian corridor have not been fully explored.
- Objection to the loss of frontage trees and vegetation.
- Concern was raised that adequate arboricultural information, including a tree survey, Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, had not been provided at the time of the representation.
- Concern that the ecological and BNG information underestimates the environmental effects of the development.

Character, landscape and visual amenity

- Concern regarding the loss of an undeveloped green area adjacent to the Calder and Hebble Navigation.
- Development is considered by objectors to adversely affect views from and the character of the canal towpath.
- Concern that tree and vegetation loss would harm the character of Huddersfield Road and the wider area.
- Reference has been made to the cumulative visual impact of nearby development, including changes at No. 27 Huddersfield Road.
- Some representations consider the proposal to amount to overdevelopment or excessive intensification of the site.

Residential amenity

- Concern regarding loss of privacy to neighbouring properties.
- Concern regarding potential overlooking, overbearing impact, loss of outlook and loss of light arising from the eventual siting and scale of dwellings.
- Particular concern has been expressed regarding development to the south of existing properties and the potential effect of raised floor levels.
- Concern regarding noise, disturbance and construction impacts on neighbouring residents.

Infrastructure and local services

- Concern that additional housing would place further pressure on local roads, schools, healthcare services and other infrastructure.
- Objectors consider Mirfield and the immediate locality to already be under significant development and infrastructure pressure.

Submitted information and cumulative impacts

- Some objectors dispute the accuracy or conclusions of the applicant's supporting highway, flood risk and ecological information.
- Concern has been raised that the cumulative effects of existing and proposed development, rail works, traffic, parking and other activity in the area have not been adequately considered.
- Some representations consider that insufficient information has been provided to demonstrate that the development can be accommodated without unacceptable environmental or infrastructure impacts.

The material planning considerations raised are addressed within the 'Assessment' section of this report.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Highways Development Management Team - No objection, subject to conditions securing the required visibility splays and the closure of the existing Huddersfield Road access once the new access is brought into use. Works within the adopted highway would require separate Section 184 approval.

KC Ecology Team – No objection**,** subject to conditions. The Ecology Officer raises no objection in principle, subject to appropriate ecological mitigation, protection and enhancement measures. Further information is required in respect of BNG to demonstrate delivery of the statutory 10% net gain. Bat surveys would be required should future proposals involve works to the existing buildings identified as having bat roost potential.

Lead Local Flood Risk Authority (LLFA) – Objection/Further Information Required due to insufficient information regarding flood risk and drainage. The LLFA advises that a sequential approach should be adopted within the site, with all dwellings located within Flood Zone 1 and the higher-risk area available for attenuation where required. Further investigation of the Hurst Lane watercourse/outfall is required to demonstrate a feasible drainage solution. Subject to these matters being addressed, the LLFA indicates that the development could be supported. This is discussed in more depth within the 'Assessment' section of this report.

KC Tree Officer -No objection. Initial concerns were raised regarding the removal of trees T5 and T6 at the site frontage. However, officers agreed that the loss of the frontage trees could be addressed at the Reserved Matters Stage for Landscaping and suitable replacement planting could be secured by condition.

Environment Agency (EA) – No response received.

Canal & River Trust – General Advice. Raises concerns regarding the relationship of the indicative development with the canal, including its orientation, boundary treatment and the 10m strip adjoining the canal. Requests for these matters are appropriately addressed at Reserved Matters Stage, together with conditions relating to construction and environmental management and surface and foul water drainage.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

Allocation and Policy

The site is unallocated within the Kirklees Local Plan (adopted 2019).

The following legislation, policy and guidance is considered relevant to the determination of this application: -

Kirklees Local Plan

- **LP1** – Presumption in favour of sustainable development

- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP 11 -** Housing Mix and Affordable Housing
- **LP 20 -** Sustainable Travel
- **LP 21 –** Highway Safety and Access
- **LP 22 -** Parking
- **LP 24 -** Design
- **LP 26 -** Renewable and Low Carbon Energy
- **LP 27 –** Flood Risk
- **LP 28 -** Drainage
- **LP 30 -** Biodiversity and Geodiversity
- **LP 33 -** Trees
- **LP 31 -** Strategic Green Infrastructure Network
- **LP 35 -** Heritage
- **LP 53 –** Contaminated and Unstable Land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published August 2026, 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 3 Decision-making policies
- Chapter 4 Achieving sustainable development
- Chapter 6 Delivering a sufficient supply of homes
- Chapter 12 Making effective use of land
- Chapter 14 Achieving well designed places
- Chapter 17 Pollution, public protection and security
- Chapter 15 Promoting sustainable transport
- Chapter 18 Managing flood risk and coastal change
- Chapter 19 Conserving and enhancing the natural environment
- Chapter 20 Conserving and enhancing the historic environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)
The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.

Section 17 of the Crime and Disorder Act 1998 (as amended)
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

1.Principle of Development

Policy S3 of the National Planning Policy Framework 2026 (NPPF) establishes a presumption in favour of sustainable development and provides that proposal which accord with the development plan and relevant national decision-making policies should be approved without delay.

Policy LP1 of the Kirklees Local Plan (KLP) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, with the relevant dimensions of sustainable development considered throughout the proposal.

The proposals compliance with these policies are assessed in detail within the relevant sections of this report.

Housing Land Supply

The Council's latest published assessment of housing land supply identifies 4.18 years supply of deliverable housing sites. The Council is therefore unable to demonstrate a five-year supply of deliverable housing sites.

The National Planning Policy Framework (2026) seeks to significantly boost the supply of homes and requires Local Planning Authorities to identify and maintain a sufficient supply of deliverable housing sites. The Council's current housing land supply shortfall is therefore a material consideration which weighs in favour of the delivery of additional housing.

Policy LP3 of the Kirklees Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way. Policy LP7 of the Kirklees Local Plan supports the efficient and effective use of land.

The proposal seeks outline permission for the erection of up to 10 dwellings. The development would make a modest, but nevertheless tangible, contribution towards the supply of housing within the district. Having regard to the scale of the development proposed and the identified housing land supply shortfall, moderate positive weight is afforded to this benefit.

Annex A, Paragraph 1 of the NPPF confirms that the policies of the Framework are material considerations which must be taken into account in decision-making from the date of the publication. Annex A, paragraph 2 provides that development plan policies, or parts of those policies, which are materially inconsistent with the national decision-making policies of the Framework should be afforded very limited weight, unless they have been examined and adopted or made against the Framework. Other development plan policies should not be afforded weight simply by virtue of having been adopted prior to the publication of the Framework.

Overall, the principle of residential development is considered acceptable subject to the detailed assessment of the relevant material planning considerations set out below. The contribution of up to 10 dwellings towards meeting the identified housing need attracts moderate positive weight in favour of the proposal.

Housing Mix

Policy LP11 requires the mix (size and tenure) of all dwellings to reflect local need. For the Dewsbury & Mirfield sub-area, the AHHM SPD (Table 8) sets out the following size expectations for market housing:

- 1 – 2 bed: 30 – 60%
- 3 bed: 25 – 45%
- 4+ bed: 10 – 30%

The application is submitted in outline, with layout, scale, appearance and landscaping reserved for subsequent approval. Accordingly, the final number of bedrooms and detailed housing mix have not been established at this stage.

Nevertheless, the site is considered capable of accommodating a mix of dwelling sizes broadly reflecting the proportions identified within the SPD. The detailed housing mix would therefore be assessed as part of any subsequent reserved matters application, having regard to Policy LP11 of the Kirklees Local Plan.

2.Impact on character and appearance of the area

Visual Amenity

Policy LP24 of Kirklees Local Plan seeks to ensure development is of a suitable design. Chapter 14 of the NPPF sets out the objective to promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *the form, scale, layout and details of all development*

respects and enhances the character of the townscape, heritage assets and landscape'.

The application is submitted in outline with access to the site for consideration only. Matters regarding appearance, landscaping, layout and scale are reserved matters for subsequent approval.

The site comprises undeveloped land situated to the south of existing residential development within the site. Residential development would inevitably alter the undeveloped character of the site; however, its detailed visual impacts would depend upon the eventual layout, scale, appearance and landscaping, which would be considered at reserved matters stage. From a visual amenity perspective, the submitted plans demonstrate that the site is of sufficient size to accommodate up to 10 dwellings together with associated amenity space, parking and landscaping without an inherently unacceptable form of development. However, detailed considerations should be given to the scale, layout and appearance of the dwellings taking into account the setting of the adjacent Grade II Listed Buildings.

The existing access would be closed and reinstated to full kerb height which would ensure an acceptable continuation of the existing public footpath, with new access formed more centrally across the site frontage. The development would result in the loss of a number of existing trees and shrubbery, including trees which presently contribute to the visual amenity of the site and surrounding area. This would result in some localised visual change. However, landscaping is a reserved matter and there remains opportunity for replacement and additional tree panting as part of the detailed scheme. Subject to appropriate replacement planting, the tree losses are not considered to result in an unacceptable impact on the character and appearance of the area.

Heritage Matters

The site lies adjacent to the Grade II Listed buildings of Old Water Hall (Nos. 31 and 31A) and associated gate piers, boundary walls and other curtilage features, which are considered designated heritage assets. In accordance with Policies LP35 and LP24 of the Kirklees Local Plan, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 20 of the National Planning Policy Framework, development proposals affecting heritage assets or their setting require careful assessment to ensure that significance is preserved or enhanced.

The Listed Buildings are in close proximity to the proposed development, and the proposed vehicular access would be adjacent to the Grade II Listed wall, gate and piers front Huddersfield Road at the adjacent site. These features are of historic interest and contribute to the setting of the heritage asset. The proposal would not include alterations to the historic wall to achieve appropriate visibility splays but would instead encompass works to the non-listed wall to the site frontage. The listed wall would remain in situ, avoiding harm to the heritage asset.

The detailed sitting, scale appearance and landscaping of the proposed dwellings are reserved for subsequent approval. Accordingly, the precise relationship between the new dwellings and the listed building has not been fixed at this stage. Any reserved matters submission would need to demonstrate that the detailed design, scale, positioning and landscaping of the development appropriately respond to the setting and significance of the adjacent designated heritage assets.

The access works are not considered to result in unacceptable harm to the character, visual amenity of the area nor heritage assets in accordance with Policy LP24 and LP35 of the Kirklees Local Plan and Chapter 14 and 20 of the NPPF.

3. Impact on Residential Amenity

Policy LP24(b) of the Kirklees Local Plan seeks to ensure that developments do not adversely affect the amenity of neighbouring properties. It requires proposals to consider privacy, overlooking, natural light and potential noise impacts, ensure that new development integrates sensitively with its surroundings. The policy also requires development to maintain a high standard of amenity for future and neighbouring occupiers.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that residential layout must ensure adequate privacy and maintain high standards of residential amenity to avoid negative impacts on light, outlook and avoid overlooking. The text supporting this principle states that: *"For two storey houses typical minimum separation distances are advised:*

- *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."*

Policy P3 of the NPPF seeks to ensure that development provides acceptable living conditions and does not give rise to unacceptable levels of pollution affecting neighbouring residents and occupiers.

The application is submitted in outline with access for consideration only. Matters regarding appearance, landscaping, layout and scale are reserved matters for subsequent approval. The precise relationship between the proposed dwellings and neighbouring properties, including their siting, height, finished floor levels, window positions and separation distances, would therefore be considered at reserved matters stage.

An indicative layout has been submitted to illustrate how residential development might be accommodated within the site. However, that layout shows a greater number of dwellings than the maximum of 10 new dwellings sought under this application and does not therefore represent the quantum of development which would be authorized by the outline permission. It should consequently be treated as illustrative only and not as an approved or fixed layout.

Notwithstanding this, the indicative layout assists in demonstrating the general spatial relationship between the developable part of the site and surrounding residential properties. The site is of sufficient size to allow a detailed scheme of up to 10 dwellings to respond appropriately to neighbouring properties through the sitting, orientation, scale and detailed design of the dwellings. In particular there is scope for substantial separation from properties to the south at Lowlands Road and from Nos 31 and 31A Huddersfield Road, while the relationships with properties along Hurst Lane and No.27 Huddersfield Road can be considered and refined through the reserved matters layout.

Consideration must also be given to the amenity of future occupiers of the development. As the permission would be limited to a maximum of 10 new dwellings, there is considered to be sufficient scope within the site for an appropriately designed layout to provide acceptable levels of privacy, outlook, daylight and private amenity space for future residents.

The proposed access itself would not result in any material effects upon neighbouring residential amenity in respect of privacy, overlooking, outlook, daylight or sunlight. Its use would introduce additional vehicle movements; however, no specific amenity concern arising from the access has been identified which would render the development unacceptable.

Overall, having regard to the size of the site and the maximum quantum of development proposed, it is considered that a detailed scheme of up to 10 new dwellings could be accommodated whilst safeguarding the residential amenity of existing and future occupiers. The detailed relationships would be subject to assessment at reserved matters stage. The proposal is therefore considered capable of complying with Policy LP24 of the Kirklees Local Plan and Policy P3 of the NPPF.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 15 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.

The Kirklees Highways Design Guide SPD provides further guidance on the detailed design of access points, private drives, internal layout dimensions, visibility splays, turning space, and the number of parking spaces required based on dwelling size.

Access is the only matter for consideration as part of this outline application. The site is currently served by existing vehicular access from Huddersfield Road. The proposal would introduce a new vehicular access in a different position along the site frontage, with the existing access permanently closed and the redundant footway crossing reinstated.

The proposed access has been designed to provide suitable visibility onto Huddersfield Road. This requires the existing frontage wall to be set back behind the visibility splays, with the area within the splays kept clear of obstruction. The access works would also require the removal of a number of existing frontage trees, the impact of which is considered separately within the "tree" section of the report.

A Stage 1 Road Safety Audit was submitted during the course of the application, and the access details were subsequently revised. The Highway Authority has reviewed the amended arrangement and raises no objection, subject to conditions requiring the visibility splays to be provided and maintained and ensuring that the existing access is permanently closed once the new access has been constructed and brought into use.

The development would result in additional vehicular movements to and from the site. However, the Highways Development Management Team has raised no objection to the proposal and has not identified any concern in respect of traffic generation or highways capacity.

As layout is reserved for subsequent approval, the detailed internal road arrangements, parking and turning provision would be considered at reserved matters stage. To ensure the construction of the internal access roads is acceptable a condition would be included to ensure details of sections, drainage details, lighting, signing and surface finishes is recommended to be included. Furthermore, to ensure that waste collection arrangements are satisfactory a condition is recommended to ensure the finalised details are submitted to the LPA for written approval. These conditions are considered to be necessary given that, whilst layout is a reserved matter, these issues relate to access considerations which must be taken into account at this stage. It is considered appropriately worded conditions ensure these matters can be suitably controlled by the LPA such that a suitable scheme achieved at a subsequent reserved matters / discharge of conditions stage.

Subject to the recommended conditions, the proposed access is considered to provide a safe and suitable means of access to the development without resulting in an unacceptable impact on highway safety, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

5. Ecology and Biodiversity

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the

Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 19 of the NPPF (August 2026) seeks to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

A Preliminary Ecological Appraisal has been submitted in support of the application. The Council's Ecology Officer has reviewed the assessment and considers the survey work and ecological baseline to be reasonable and acceptable. The nearest designated site lies approximately 733 metres to the south and is considered sufficiently distant that the proposed development would not result in any direct impact upon it. The River Calder lies immediately to the south of the site and priority deciduous woodland is present within approximately 200 metres.

The site itself comprises a mixture of buildings, vegetated garden, hedgerows, hardstanding, trees, grassland, ruderal vegetation and bramble scrub. The Ecology Officer notes that the majority of the existing habitats are likely to be affected by residential development. A number of the larger trees within the site nevertheless have ecological value and, where possible, should be retained and appropriately protected during development. Detailed landscaping is a reserved matter and there remains opportunity for retained vegetation to be incorporated into the final layout together with new habitat creation and enhancement.

The site also provides suitable habitat for nesting birds, hedgehogs, reptiles and amphibians, while the nearby canal may be used by transient otter. The Council's Ecology Officer has advised that these matters can be appropriately addressed through precautionary working measures secured within a Construction Environmental Management Plan for Biodiversity. A sensitive lighting strategy is also recommended given the value of the site boundaries and adjoining habitats as potential bat commuting and foraging corridors. These measures can be secured by planning condition, together with an ecological design strategy addressing appropriate habitat and species enhancements.

With regard to bats, the ecological assessment identifies the stables within the site as having low bat roost suitability and the hall building as having moderate suitability. The Ecology Officer has therefore requested one presence/absence survey for the former and two surveys for the latter, undertaken during the appropriate survey season, and has advised that such surveys should ordinarily be completed prior to determination. However, the present application is submitted in outline with access only for determination and does not itself seek permission for demolition, conversion or other works to these buildings. Any

future works affecting the buildings would therefore need to be considered as part of the subsequent detailed proposals, when the potential effects upon protected species would need to be fully addressed.

The application is subject to the statutory requirement to provide a minimum 10% biodiversity net gain. A Biodiversity Net Gain Assessment and statutory biodiversity metric have been submitted and reviewed by the Council's Ecology Officer. The ecological baseline calculations have been validated. A 10 metre buffer is shown between the proposed works and the adjoining watercourse, and the Ecology Officer has accepted that watercourse units do not therefore need to be included within the metric. The submitted metric identifies a loss of approximately 7.77 habitat units arising from the development. The Ecology Officer advises that approximately 8.55 habitat units and 0.19 hedgerow units would be required to achieve the statutory 10% net gain.

The Ecology Officer has requested an outline Biodiversity Net Gain Plan demonstrating how the required gain would be achieved, with as much provision as practicable delivered on site. However, the application is submitted in outline with access only for consideration, with layout and landscaping reserved. The precise extent and location of habitat retention, creation and enhancement cannot therefore be established at this stage and will be informed by the detailed layout and landscaping proposals at reserved matters stage. There is considered to be sufficient scope for biodiversity net gain to be incorporated, with any residual requirement to be met through appropriate off-site provision or credits where necessary. The development would be subject to the statutory biodiversity gain condition requiring the submission and approval of a Biodiversity Gain Plan prior to commencement.

Accordingly, subject to the subsequent detailed design of the scheme, the statutory biodiversity gain requirements and the ecological mitigation and enhancement measures identified above, it is considered that the proposal would be acceptable in ecological terms and accord with Policy LP30 of the Kirklees Local Plan and Chapter 19 of the NPPF.

6. Pollution Control

Chapter 17 of the NPPF, relating to pollution, public protection and security, and Policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The site is not identified on the Council's GIS as comprising contaminated or potentially contaminated land. However, the historical use of the wider site is not fully known and, given the scale of the site and the proposed residential end use, the potential for previously unidentified contamination cannot be entirely ruled out.

It is therefore considered reasonable and necessary to impose conditions requiring a Phase 1 desk study and preliminary risk assessment, with any subsequent intrusive investigation, remediation and verification undertaken

where identified as necessary. Subject to these measures, the development is not considered likely to give rise to unacceptable risks from land contamination.

The site lies within a Development Low Risk Area in respect of former coal mining activity. A Coal Mining Risk Assessment is therefore not required. The Coal Authority's Standing Advice would apply and would be included on the decision notice as an informative.

Subject to compliance with these conditions, contamination and coal mining risks can be satisfactorily addressed in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 17 of the NPPF.

7. Flood Risk and Drainage

Chapter 18 of the NPPF seeks to minise risks to development from all sources of flooding, ensuring that development does not increase flood risk elsewhere and incorporates sustainable drainage systems where appropraite. Policies LP27 and LP28 of the Kirklees Local Plan is also relevant to flood risk and drainage.

The southern part of the application site lies within Flood Zone 2, with a strip adjacent the canal within Flood Zone 3, whilst the remainder of the site lies within Flood Zone 1. The application is submitted in outline with access only for determination, with layout, scale, appearance and landscaping reserved for subsequent consideration.

A Flood Risk Assessment has been submitted. The Lead Local Flood Authority initially objected on the basis that the submitted information did not sufficiently demonstrate a sequential approach within the site and that it was unclear how the development would ultimately be drained. The original indicative layout showed residential development extending into the area of Flood Zone 2, with mitigation proposed in the form of raised finished floor levels. The LLFA advised that flood risk should first be avoided through the siting of development rather than addressed principally through mitigation.

A revised indicative layout has subsequently been submitted which demonstrates that the proposed dwellings can be accommodated within Flood Zone 1, thereby directing the more vulnerable residential use to the area of lowest flood risk. The LLFA has indicated that this represents the appropriate approach to development of the site. Whilst the precise layout is not for determination at this stage, it is considered appropriate to secure by condition that all dwellings are located within Flood Zone 1.

The site access which is presently for determination is itself located outside Flood Zone 2. An internal turning area is shown extending into Flood Zone 2 on the indicative layout; however, this forms part of the illustrative internal arrangement and is not a matter being approved under this application. The detailed internal road layout, access and escape arrangements would therefore require consideration as part of the reserved matters and would need to demonstrate compliance with the applicable flood risk policies and sequential approach at that stage. Current national guidance confirms that the location of

buildings and access/escape routes is relevant to the application of the sequential approach.

The LLFA has also raised concerns regarding the eventual surface water and foul drainage arrangements. In particular, constraints have been identified in relation to infiltration and the LLFA does not support reliance upon pumped surface water drainage. The Hurst Lane watercourse has been identified as a potential gravity surface water outfall and the LLFA has requested further investigation of its location and condition.

However, the final number and arrangement of dwellings, extent of impermeable surfacing, attenuation requirements and detailed drainage infrastructure are not finalised at this stage and will necessarily be informed by the reserved matters layout. Given that only access is presently for determination, it is considered premature and disproportionate to require the detailed drainage solution, including investigation of a particular outfall, to be fully resolved prior to determination of the outline application for access only.

There is sufficient land within the site for attenuation and other drainage infrastructure to be incorporated into the detailed layout, including within the lower part of the site where appropriate. The LLFA has also identified a potential means of achieving a gravity outfall. There is therefore no evidence to indicate that the site is incapable of being satisfactorily drained. A detailed surface water and foul drainage scheme, including identification and investigation of an appropriate outfall, attenuation requirements, discharge arrangements and future management and maintenance, can appropriately be secured by conditions prior to commencement of development. Policy LP28 itself anticipates the use of SuDS and requires development to demonstrate that appropriate water and wastewater infrastructure can be provided.

Should the eventual drainage requirements, flood risk constraints or associated infrastructure reduce the developable area of the site, this would inform the detailed layout and quantum subsequently brought forward at reserved matters stage. The outline application seeks permission for up to 10 dwellings and does not establish a requirement for the full quantity of dwellings to be delivered irrespective of the detailed site constraints.

The Environment Agency was consulted on the application, but no response was received. The Canal & River Trust has also provided advice in relation to the relationship with the adjoining canal and drainage, which would be addressed through the detailed design and appropriate conditions.

Whilst the LLFA's formal objection has not been withdrawn, the Local Planning Authority has had regard to the matters raised and to the outline nature of the application. The revised indicative layout demonstrates that residential development can be directed to Flood Zone 1, whilst the detailed drainage solution is dependent upon matters reserved for subsequent approval and can be appropriately controlled by condition. On this basis, it is considered that the outstanding drainage matters do not justify withholding outline planning permission.

Subject to conditions requiring residential development to remain within Flood Zone 1 and securing appropriate surface water and foul drainage

arrangements, the proposal is considered acceptable in respect of flood risk and drainage and would accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 18 of the NPPF.

8. Trees

Policy LP33 of the Kirklees Local Plan seeks to protect trees and woodland which have significant amenity, landscape or biodiversity value and requires development proposals to retain and integrate existing trees where appropriate. Where tree loss is necessary, appropriate replacement planting should be secured.

Chapter 19 of the National Planning Policy Framework, and in particular Policy N3, also recognises the contribution trees make to biodiversity, climate change mitigation and adaptation, and the character and quality of the built environment, and seeks appropriate provision for the long-term maintenance of existing and newly planted trees.

None of the trees within the site are protected by a Tree Preservation Order (TPO). However, this does not in itself reduce their planning value, and their contribution to the character and visual amenity of the site and Huddersfield Road frontage remains a material consideration.

An Arboricultural/Tree Survey has been submitted in support of the application. The proposed access would require the removal of T3, G4, T5 and T6 trees as specified by the survey. T3 comprises a young cedar, whilst G4 comprises a group of two Laburnums. Both are identified within the tree survey as Category C features of low visual amenity value. Their loss would result in some reduction in existing tree cover but would not, in isolation, result in significant harm to the character of the area.

Greater consideration is required in relation to T5 and T6. T5 is a semi-mature Sycamore of circa 700mm stem diameter which occupies a prominent position on the Huddersfield Road frontage and contributes positively to the established treed character of the site. The Council's Tree Officer identified its visual prominence and noted that the removal of this tree would need to be weighed against the benefits of the development. T6 is a mature Pear tree which also contributes to the established character of the site. It is positioned immediately adjacent to the route required to form the proposed access and the associated construction works would extend materially into its Root Protection Area. The Tree Officer considered that the position of the new access, could result in the decline of the tree along with a potential future hazard.

There is an existing access to the site; however, this would not provide an acceptable means of access to serve the proposed residential development having regard to highway safety requirements having regard to the required highway safety and visibility standards. The proposed access arrangements has therefore been developed to provide a safe and suitable means of access, including the necessary visibility requirements.

The loss of T5 and T6 in particular, is therefore afforded weight in the assessment and is not treated as neutral simply because planting can be

provided. However, access is the only detailed matter for determination under this outline application, and the proposed access arrangement has been developed having regard to highway safety requirements, including Road Safety Audit process. The tree loses are consequently directly associated with the provision of the access necessary to serve the development rather than arising from the illustrative residential layout. In addition, the identified aboricultural harm must be weighed against the benefits of the proposal, including the delivery of additional housing in a highly accessible location close to Mirfield Town Centre and within a district where the Council cannot currently demonstrate a five-year housing land supply.

The submitted plans retain T1(Ash), T2(Horse Chestnut) and T7(Sycamore), together with other existing vegetation where practicable. Layout and landscaping remain reserved matters, allowing the detailed scheme to respond further to retained trees and incorporate new planting. The access plan also identifies replacement tree planting and reinstatement of boundary hedgerow. A specific condition would secure appropriate replacement planting, including suitable species, size, location and establishment measures, together with protection of retained trees during construction.

On balance, the loss of T3, G4, T5 and T6 would result in a degree of localised arboricultural and visual harm, with particular weight given to the contribution of T5 and T6 to the established character of the site. However, the proposed access is required to provide a safe and suitable means of access to the development, with the existing access not capable of meeting the necessary highway safety requirements. Other established trees within the site would be retained and appropriate replacement planting and landscaping can be secured. The proposal would also deliver additional housing in a highly accessible location close to Mirfield Town Centre and within a district where the Council is unable to demonstrate a five-year supply of deliverable housing land. Taken together these considerations are considered sufficient to outweigh the localised harm arising from the identified tree loss.

Accordingly, subject to conditions securing the protection of retained trees and appropriate replacement planting, the proposal is considered acceptable in arboricultural terms and would accord with Policy LP33 of the Kirklees Local Plan and Chapter 19 of the NPPF. Having regard also to the approach to development within settlements set out at Policy S4 of the NPPF, the identified arboricultural harm would not substantially outweigh the benefits of the development and would not justify withholding outline planning permission in this instance.

9. 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.

The NPPF 2026 places greater emphasis on tackling climate change through the planning system, with Chapter 16 setting out national policies for climate change mitigation and adaptation. These seek to support the transition to net

zero, reduce greenhouse gas emissions and ensure that development is resilient to the current and future impacts of climate change. These principles are also reflected in the formulation and application 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.

Given the outline nature of the application, detailed climate change mitigation measures have not been provided at this stage. Such measures, including energy and water efficiently and low-carbon technologies, can be appropriately incorporated into the detailed design at reserved matters stage. The proposal is therefore considered acceptable in this regard.

10. Other Matters

Section 100ZA of the Town and Country Planning Act 1990, provides that pre-commencement conditions may only be imposed with the written agreement of the applicant. The Local Planning Authority is satisfied that the following conditions are necessary, relevant, enforceable and reasonable, and that the matters they address need to be resolved prior to the commencement of development.

The following pre-commencement conditions are recommended:

- Provision of the approved visibility splays and setting back of the frontage wall;
- Submission and approval of a detailed surface water drainage scheme;
- Submission and approval of foul drainage details;
- Preliminary Risk Assessment (Phase I) in respect of land contamination;
- Phase II intrusive investigation, where required;
- Remediation Strategy, where required;
- Hedgerow and Tree Protection Plan;
- Construction Environmental Management Plan (CEMP:Biodiveristy);
- Wildlife-sensitive lighting scheme; and
- Ecological Design Strategy (EDS):
- Submission and approval of scheme for internal roads
-

Written agreement to the imposition of the above pre-commencement conditions was received from the applications agent on 22nd September 2026 via email**.**

These conditions are considered necessary to ensure that highway safety, drainage and flood risk, land contamination, retained trees and hedgerows, and ecological interests are appropriately addressed before works which could prejudice those matters take place.

11. Representations

Nine letters of objection have bene received. The representations have been considered in full and are addressed as follows:

Highway Safety, Traffic and Access

Concerns have been raised regarding existing congestion on Huddersfield Road, additional vehicle movements, visibility, pedestrian safety, on-street parking, Hurst Lane and the potential effect on emergency service access. A Stage 1 Road Safety Audit and revised access details were submitted during the course of the application. The Highways Development Management Team has reviewed the amended access arrangement and raises no objection, subject to conditions securing the required visibility splays and permanent closure of the existing access once the new access is brought into use. No separate concern has been identified by the Highways team in respect of traffic generation or highway capacity. Detailed parking, turning and internal road arrangements would be considered at reserved matters stage.

Flood Risk and Drainage

Concerns regarding historic flooding, waterlogging, development within Flood Zone 2, raised floor levels, surface water and drainage are acknowledged. The southern part of the site lies within Flood Zones 2 and 3. A condition is recommended requiring all dwellings to remain within Flood Zone 1. The detailed drainage solution has not yet been established; the application is in outline with access only for determination and detailed surface and foul water drainage schemes would be secured by conditions prior to commencement. For the reasons set out in the flood risk and drainage assessment, these matters are not considered to justify withholding outline permission.

Ecology, Biodiversity and Trees

Concerns regarding habitat loss, effects on the canal corridor, the 10m riparian buffer, biodiversity net gain and the loss of frontage trees have been considered. The Council's Ecology Officer raises no objection in principle subject to ecological mitigation, protection and enhancement measures. A 10m buffer to the adjoining watercourse is identified and detailed landscaping remains reserved. The proposal is subject to the statutory biodiversity gain requirements, with the detailed means of delivering the required gain to be established through the subsequent Biodiversity Gain Plan and detailed scheme.

The proposed access would require the removal of T3, G4, T5 and T6. The loss of T5 and T6 in particular would result in localised arboricultural and visual harm; however, this has been weighed against the need to provide a safe and suitable access and the wider benefits of the development. Retained trees would be protected and replacement planting secured through the reserved matters landscaping scheme and planning condition.

Character, Landscape and Visual Amenity

The development would alter the existing undeveloped character of the southern part of the site and would be visible in the context of the canal corridor. However, layout, scale, appearance and landscaping are reserved matters, and the submitted layout is indicative only. The site is considered capable of accommodating up to 10 new dwellings without an inherently unacceptable form of development, subject to an appropriate detailed design and landscaping scheme at reserved matters stage. The visual effects of the frontage tree loss have been considered separately and would be mitigated through replacement planting.

Residential Amenity

Concerns regarding overlooking, loss of privacy, overbearing impact, loss of light and disturbance have been considered. The precise siting, scale, finished floor levels, window positions and separation distances of the proposed dwellings are reserved for subsequent approval. The application adequately demonstrates that sufficient separation can be achieved between the proposed development and existing neighbouring properties and that an acceptable detailed scheme can reasonably be accommodated. Construction-related disturbance can be controlled through existing environmental legislation and the recommended conditions where appropriate.

Infrastructure and Local Services

Concerns regarding additional pressure on roads, schools, healthcare services and other local infrastructure are noted. The proposal is for a maximum of 10 new dwellings and no objection or requirement for specific mitigation has been identified by relevant consultees in respect of education or healthcare infrastructure. Highway and drainage implications have been considered separately within the report. The scale of development is not considered, on the evidence available, to give rise to an unacceptable impact upon local infrastructure sufficient to justify refusal.

Submitted Information and Cumulative Impacts

Concerns regarding the accuracy and adequacy of the applicant's supporting information and the cumulative effects of other development and activity in the locality have been considered. The application has been assessed on the basis of the information submitted, together with consultation responses from the relevant technical consultees and the amendments received during the course of the application. Where outstanding detailed matters remain, these either relate to reserved matters or are capable of being appropriately controlled by condition. The information available is considered sufficient to enable the Local Planning Authority to determine the outline application.

12. 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 the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation: Delegated Powers

Application Number: 2025/92968

Officer Recommendation: Approve

Conditions

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

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

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

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

5. The development hereby approved shall comprise no more than 10 new dwellings.
   Reason: To define the scope and maximum quantum of the outline permission and ensure that the detailed development remains within the parameters assessed by the Local Planning Authority.

5. Before development commences, the wall to the site frontage shall be set back to the rear of the proposed visibility splays as shown on approved plan number 2510001 – P02 and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.
   Reason: In the interests of highway safety and to ensure adequate visibility is provided and maintained at the access, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. No part of the development shall be brought into use until the existing access from Huddersfield Road has been permanently closed [and any redundant footway crossings removed and the footway reinstated] and the new access has been constructed.
   Reason: In the interests of highway safety and to ensure that the development is served by a safe and suitable access, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. All dwellings hereby permitted shall be located wholly within Flood Zone 1. The layout submitted pursuant to the reserved matters shall demonstrate compliance with this requirement.
   Reason: To ensure that the development follows a sequential approach to flood risk and that the more vulnerable residential development is directed to the area of lowest flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 18 of the NPPF.

8. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge method, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an itinerary of maintenance tasks with schedules. No part of the development shall be

occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 18 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

9. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed, and such approved scheme shall be retained thereafter**.**

   Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 18 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

10. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall detail: - phasing of the development and phasing of temporary drainage provision. - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented. - the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed in writing with the LPA. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage

scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority**.**

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 18 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

11. 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), prepared 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 Policy P2 the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to Condition 12, groundworks other than those required for site investigation shall not commence until a Phase II Intrusive Site Investigation Report, prepared 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 Policy P2 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

13. 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, prepared 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 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 Policy P2 of the National

Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

14. Remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. If remediation cannot proceed in accordance with the approved strategy, or contamination not previously considered is identified or encountered, groundworks in the affected area, other than investigation works, shall cease and the Local Planning Authority shall be notified. Works shall not recommence until any necessary revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. The revised measures shall thereafter be implemented as approved.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

15. Following completion of any measures identified in an approved Remediation Strategy, a Verification Report prepared by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. No affected part of the development shall be occupied until the relevant remediation measures have been completed and the Verification Report has been approved.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

16. A Hedgerow and Tree Protection Plan detailing measures for the protection of trees and hedgerows during the works will be submitted to and approved by the LPA 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 Trees in relation to design, demolition and construction – Recommendations. Any alternative fencing type or position not in accordance with BS 5837:2012 will be agreed in writing by the LPA prior to the start of development. 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: In the interests of biodiversity and in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 19 of the NPPF.

17. The landscaping details submitted pursuant to the reserved matters shall include replacement tree planting to mitigate the loss of T3, G4, T5 and T6 associated with the approved access works. The details shall include the number, species, size and location of replacement trees, together with planting specifications and establishment and maintenance measures. The approved replacement planting shall be carried out during the first available planting season following completion of the access works or occupation of the first dwelling, whichever occurs first. Any replacement tree which, within five years of planting, dies, is removed, becomes seriously damaged or diseased shall be replaced during the next available planting season with a tree of the same species and size unless otherwise agreed in writing by the Local Planning Authority.
Reason: To mitigate the arboricultural and visual effects of the tree loss required to facilitate the approved access and secure appropriate replacement planting in accordance with Policy LP33 of the Kirklees Local Plan.

18. No development 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 shall include:

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

- Pollution Prevention Plan for the watercourses and waterbodies (using good practice guidance such as CIRIA C532)

Reason: In the interests of biodiversity, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 19 of the NPPF.

19. No works are to commence unless 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: To protect bat commuting and foraging habitat and other ecologically sensitive features in accordance with Policy LP30 of the Kirklees Local Plan and Policy N2 of the National Planning Policy Framework.

20. No development 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.
g) Details of initial aftercare and long-term maintenance.
h) Details for monitoring and remedial measures.
i) 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: To secure appropriate ecological enhancement measures and in accordance with Policy LP30 of the Kirklees Local Plan and Policy N2 of the National Planning Policy Framework.

21. Prior to the commencement of development (including ground works), a scheme detailing the proposed internal roads shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage details, street lighting, signing, surface finishes and the treatment of sight lines. No part of the development shall be brought into use until the roads for that part of the development have been completed in accordance with the approved plans and details or unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

22. No part of the development hereby approved shall be brought into use a scheme which details bin storage and collection points for the development has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include height and materials of the bin stores and the hard surfaced areas provided for the storage and collection of bins. Thereafter, the bin stores, storage areas and collection points shall be constructed in accordance with the approved scheme, made operational before the dwelling to which they relate is first occupied and shall be retained thereafter.
Reason: To ensure satisfactory arrangements are implemented in relation to waste, in the interests of visual and residential amenity and highway safety and to accord with Policies LP21 and LP24 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and the and policies within Chapter 15 of the National Planning Policy Framework.

23. The development shall not be brought into use until a scheme which details arrangements for the future management and maintenance of the green amenity spaces (outside of private gardens) and the use of any

private management company for this purpose. No part of the development shall be brought into use until the arrangements for the future management and maintenance of green amenity spaces has been secured.
Reason: In the interest of visual amenity and highway safety and to accord with Policies LP21 & LP24 of the Kirklees Local Plan and policies within Chapters 14 and 15 of the National Planning Policy Framework.

NOTE: Careful consideration should be given at reserved matters stage to ensure the proposed development takes into consideration the character of the surrounding area and all other material planning considerations in line with the Kirklees Local Plan, Housebuilder's Design Guide SPD and the NPPF.

NOTE: Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours, Saturdays With no noisy activities on Sundays or Public Holidays.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38, 184 or 278 agreement of the Highways Act 1980, or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

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 2026. 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 invalid

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: 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 prior to the commencement of development.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	2533 - 0101	R02	21/04/2026
Site Plan	HA_033_Old Water Hal		21/04/2026
Proposed Highway Works	2510003	P02	19/08/2026
Visibility Splays	2510001	P02	26/03/2026
GG 119 Road Safety Audit Response Report	25100 Old Water Hill Stage 1 RSA Issue 01	-	18/08/2026
Drainage Strategy for Residential Development at Old Water Hall, Mirfield	0344_ABB_102	2533	09/04/2026
Flood Risk Assessment	-	-	10/11/2025
Preliminary Ecological Appraisal (PEA) Survey Report)	SQ-4050	-	11/02/2026
Highways Statement		-	07/11/2025
Design and Access Statement	-	-	07/11/2025

Plan Type	Reference	Version	Date Received
Ecological Statement of Biodiversity Net Gain – Baseline	-	-	07/11/2025
Tree Survey in accordance with BS5837:2012	250905	-	07/11/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. During the course of the application, a Stage 1 Road Safety Audit and amended access plan were submitted and considered.

Report Dated: 04/11/2026