

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

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

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2025/62/92993/E</b>
Site Address:	rear of, 9, Riley Lane, Kirkburton, Huddersfield, HD8 0RZ
Description:	Erection of detached dwelling with integral garage
Recommending Officer:	Elenya Jackson

**DECISION – REFUSED**

**I hereby authorise the refusal 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:** 13<sup>th</sup> January 2026

## **Officer Report**

### **Site Description**

This application relates to a plot to the rear of no.9 Riley Lane, Kirkburton. It appears to be part of the garden associated with no.9 Riley Lane. The land level drops considerably from the south-west of the site to the north-east of the site which is also Riley Lane. There is currently a pedestrian access presented to the north-east boundary abutting Riley Lane, which is a classified C Road on the Highways Register. The site consists of a mix of mature trees and bushes. The boundary treatment comprises dry stone walls, garden fences and trees.

The site and its surrounding area are purely residential characterised by stone built detached properties of various scale and design. To the east of the application site is the boundary of the Kirkburton Conservation Area.

### **Description of Proposal**

The development proposal is for the erection of a detached dwelling with an integral garage. The dwelling would be 12.0m wide, 5.8m deep and 9.8m high. It is proposed to be constructed in Yorkshire stone and grey concrete tiles.

There would be a garage measuring 4.8m by 5m located on the ground floor level. A hardstanding area would be provided to the front of the dwelling for parking and turning as well. The vehicle access would be located off Riley Lane with the bin storage area to the side of the proposed dwelling. There would be amenity space provided to the front as well as the rear of the proposed dwelling. The boundary treatment would comprise a mix of stone retaining walls and close-boarded fencing.

### **History of negotiations/amendments received.**

Officers did not enter into discussions regarding the application as a large number of alterations would be required to the scheme to make it acceptable.

### **Relevant Planning History**

2018/62/92806/E: Erection of detached dwelling with integral garage.  
Conditional full permission.

### **Representations**

The application was advertised by site notice. Final publicity expired 4/04/2025.

Two representations received raising the following concerns:

- Impact on light
- Impact of construction phase upon highway safety

## **Consultation Responses**

*KC Highways DM* (informal on 7/1/2025): Raise concerns about visibility splays

*KC Trees*: The 'Proposed Tree Removal Plan' shows that it would be necessary to remove 18 trees and a linear boundary group, as well as potentially threaten offsite trees on neighbouring properties. KC trees objects to the proposals as this development would have significant tree impacts, and the required documentation has not been submitted in support of the application.

*KC Ecology*: A number of protected species (including bats, birds, reptiles, amphibians, hedgehogs). The site is within 100m of multiple water bodies/watercourses and priority habitats (deciduous woodland). Further information is required prior to decision. Several records for protected and priority species and habitats are present within 1km of the site. A Preliminary Ecological Appraisal is therefore required prior to decision to assess the site habitats, the likely presence of protected and/or priority species, and the value of site habitats to protected and/or priority species.

*Mining Remediation Authority*: Object to the application due to the presence of a mine Adit on site.

## **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 unallocated on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

### **Kirklees Local Plan:**

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 21** – Highways and Access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity & Geodiversity
- **LP33** – Trees

- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

**In this case, the following SPDs are applicable:**

- Highways Design Guide SPD (adopted 4th November 2019)
- House Builders Design SPD
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

**National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development.
- Chapter 12 – Achieving well-designed places.
- Chapter 15- Conserving and enhancing the natural environment.

**Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity and historic environment
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline 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) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- b) 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 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

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. Having visited the site, officers are of the opinion that the site is contained within a residential setting, in a sustainable location.

As such, the principle of erecting a new dwelling in this location may be acceptable, meeting the requirements of Policies LP1 of the Local Plan and Chapters 2, 5 and 9 of the NPPF subject to assessment of other material planning considerations.

## 2 – Impact on visual amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better

places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...”

The NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.

In addition to this, the NPPF outlines 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.

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 and illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

Principle 15 of the Kirklees Housebuilders Design Guide SPD states that the design of the roofline should relate well to site context. Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area. It is considered that the proposal would feature a pitched roof which would not be out of keeping given the mixed appearance of surrounding development.

The proposed dwelling would be located adjacent to existing residential properties.

Due to the dwelling being an in-fill property, there is not a consistent building line along this side of Riley Lane which the development would follow. The proposed dwelling would be set back from the public realm which would reduce its prominence from the public realm and the retaining walls on site would be retained which would retain the sites relationship to the public realm.

Officers consider that the dwelling would visually appear as three storeys; however, the site would be excavated to facilitate the development which would reduce the proposals elevation in the street scene. Visually, the

proposal would be of similar scale to dwellings on the east of the site and would therefore integrate with existing development in the street scene.

The proposed materials would be stone and slate which is in-keeping with the character of the area; the site borders Kirkburton Conservation area and whilst it is considered that due to the separation distance between the site and the border the proposal would not impact the significance of the conservation area, it is considered that the use of natural materials would aid the proposal in assimilating with the wider area. To avoid any significant impact on the appearance of the development in the future, a condition shall be added to the decision notice to withdraw the permitted development rights for the erection of extensions and outbuildings within the application site marked in red on the submitted location plan.

For the reasons already given above and subject to the imposition of the recommended conditions, it is concluded that the development as proposed would be of a satisfactory quality in terms of its scale, materials (subject to condition) and design that would be in keeping with the surrounding development as well as the prevailing character of the area. There would not be any harm to the amenity of the street scene as a result of the development proposal.

### 3 – Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

#### 7a Riley Lane- adjoins the application site to the southeast.

Overlooking: The proposal would not feature any side facing windows and therefore no significant concerns would be raised regarding overlooking.

Overshadowing/loss of light: No.7a has several side facing windows which relate to bathrooms, a secondary bedroom window, and a kitchen diner. The application has been supported by a plan detailed 'separation distances' which demonstrates that the proposal would have an offset relationship with the side facing windows at 7a with six windows at ground floor level retaining an outlook which is not impacted by the development. In addition, it is considered that the windows for habitable rooms in 7a are also multiple aspect and would therefore have more than one source of light to the room.

Overbearing: It is considered that, the proposal would be set away from the shared boundary between the dwelling and would have an offset relationship. It is considered that the proposed dwelling would not raise any significant concerns regarding overbearing.

#### 9 Riley Lane: Adjoins application site to the south-west.

Overlooking: The proposal would be located 20m away from the rear of the main dwelling at no 9 (this does not include the glass conservatory to the rear. It is considered that, due to the change in ground levels between the properties, there would not be a direct relationship between any windows if

the proposal received planning permission. In addition, the windows on the second floor of the proposal at the rear would be for two bathrooms, a hallway and a secondary window to a bedroom which could be obscured should concerns arise. However, as there would not be a direct relationship in this instance, no significant concerns regarding overlooking would be raised. Overshadowing/loss of light/overbearing: The proposed dwelling would be located approximately 20m away from the rear of no.9 and set on lower ground; therefore, no significant issues would be raised regarding overshadowing/loss of light or overbearing.

It is considered that there would be a reasonable separation distance between the proposal and other neighbouring properties and therefore no additional properties would be impacted by the proposal.

#### Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

National space standards require the following gross internal floor areas:  
4Bedroom 5-person dwelling set over 3 storeys- 103 square metres.  
4Bedroom, 6-person dwelling set over 3storeys- 112 square metres.  
4Bedroom, 7-person dwelling set over 3 storeys- 121 square metres.  
4Bedroom, 8-person dwelling set over 3 storeys- 130 square metres.

The proposed dwelling would have four bedrooms and is therefore required to have a minimum space of 103m<sup>2</sup>. The dwelling would have a floor space of 168m<sup>2</sup> over three floors and would therefore meet this requirement.

Principle 17 of the House Builders Design Guide SPD states that all new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. External space should be able to accommodate activities such as playing, drying clothes, cycle, waste and recycling storage.

Due to the property having access to a reasonable amount of outdoor amenity space, the proposal is considered to accord with Principle 17 of the SPD.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 and LP52 of the Kirklees

Local Plan (b) in terms of the amenities of neighbouring properties, and the National Planning Policy Framework.

#### 4 – Impact on highway safety

With regards to Highway Safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

Officers have informally discussed the application with KC Highways on 7/11/2025.

The proposal would require the creation of a formal access to the north-east of the site. There is not currently an access in this location as this boundary is currently a retaining wall for the land associated with 9 Riley Lane.

Discussions with KC Highways have seen them confirm they object to the application on the basis insufficient visibility splays have been demonstrated to support the application. The visibility splays to the north-west would be intercepted by the retaining wall on site (although it is noted the intention to lower this wall to 1m in height) and the visibility splays to the north-east are considered to be incorrectly demonstrated.

Officers have reviewed the application in the context of the previous permission on site and acknowledge that a substandard visibility splay was previously demonstrated. Notwithstanding this, within the assessment of the previous proposal weight was afforded previous developments in the locality and fact the proposal would serve one dwelling.

In the assessment of the previous proposal, the case officer report sets out the following:

*‘The application site is adjacent to a classified C road. Therefore, it must provide a suitable turning facility to allow vehicles entering and exiting the site in forward gear. The proposed site plan indicates a hardstanding area to the front of the dwelling, which could be used for parking as well as turning. It would not cause disruptions to the flow of traffic nor would it give rise to unacceptable risk to highway safety in this respect. It is acknowledged that the visibility splay as shown on the submitted plan is substandard when assessed against guidance in Manual for the Streets. However, there are already a number of examples of access points with poor visibility in the vicinity of the application site including nos.7, 7a and 12 Riley Lane and nos.1, 2, 3 and 4 Netherfield Close. In this instance, the proposed access would only serve a single dwelling, which would not result in a marked increase in traffic generation. The proposal is not considered to result in any adverse impact on highway safety and efficiency over and*

*above what is already caused as a result of the development approved at nos.7 and 7a in 2002.'*

Whilst there has been a change in the policy context against which the proposal is assessed it is considered that, on balance, there has not been such a policy context change to justify refusal in this case on the basis of the visibility splays proposed, particularly in light of the previous approval.

Bin presentation points have not been provided to support the application; however, officers consider that these could be secured via condition and would not warrant a reason for refusal in this instance.

Officers consider that the proposed scheme fails to demonstrate that it would accord with policy LP21 of the Kirklees Local Plan.

## 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 pre-dates 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.

As the application is for one dwelling, it is considered that these matters would be adequately addressed via building control should the proposal receive permission.

### Biodiversity/Ecology/Bats

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

The site is located within a bat alert layer on the councils GIS system. The proposal has not been supported by a preliminary ecological appraisal or any roost assessments for bats and it is unknown if the site has been the habitat of any protected flora and fauna.

It is considered that there is insufficient ecological information to assess the proposals impact and therefore the proposal would fail to accord with policy LP30 of the Kirklees Local Plan. Officers consider that these details could be provided, but as officers have identified other concerns with the proposals impact, these details have not been requested.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is not considered to benefit from any qualifying exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Whilst the submitted application form states the proposal would benefit from the de minimus exemption, this is not the case.

KC Ecology have reviewed the supporting information and considered that by virtue of a lack of accurate and updated information, an assessment of how 10% biodiversity net gain will be achieved is not possible and as such, if granted planning permission, there is no guarantee if 10% biodiversity net gain will be achieved.

Since the previous approval there has been a change in circumstances in relation to requirements for development proposals to demonstrate the biodiversity value of a site and for net gains to be provided. In the absence of further information relating to ecological matters, it is not considered possible for the LPA to undertake a full and proper assessment of the development proposal in this regard in this case.

#### Coal Mining legacy/Contaminated Land

The site is located in a high risk coal area, in response to this, officers have consulted The Mining Remediation Authority on the application.

Their comments are as follows:

*'The Coal Authority records indicate that a mine entry (CA adit ref: 419412-004) is present within the site and as a result of this feature a recorded shallow roadway lies beneath the site. The Coal Authority hold no treatment for this mine entry and therefore should be considered as an untreated feature. In addition, the site lies within an area of probable historic unrecorded shallow coal mining. These coal mining features present a significant risk to public safety and surface stability to the proposed development'.*

As a result, The Mining Remediation Authority object to the layout of this application.

Due to the aforementioned points, it is considered that the proposal does not adequately demonstrate the land can be developed safely and securely in relation to land stability and fails to satisfy the requirements of Policy LP53 of the Council's adopted Local Plan and policies within Chapter 15 of the National Planning Policy Framework in land contamination terms.

It is noted that within their response the Mining Remediation Authority make reference to the previous application, advising the following:

*'We note that the Coal Authority were consulted on a previous application for this site: 2018/62/92806/E - Erection of detached dwelling with integral garage which was also accompanied by the above Report. Based on the recommendations made by the report author, at that time, we raised no objections to the proposed development, subject to the LPA imposing a suitably worded condition to secure the undertaking of intrusive site investigations to confirm the extent of any shallow coal mine working beneath the site and as the report authors considered that based on the Coal Authority's recorded position of the mine adit (recorded on the site boundary) and the orientation of this is south-westerly, this would be away from the proposed development area and excavations to confirm that this does not extend within the site would be required.'*

*However, since the above Report was prepared (2019) our data has been updated and the mine adit is now recorded as being present within the application site and whilst its orientation remaining in a south westerly direction, the risks that this feature presents, including the shallow roadway, could significantly affect the safety and stability for the proposed development. Accordingly, as the applicant is seeking full planning permission and therefore the layout is being considered by the LPA we consider that the site investigations for the mine adit are carried out prior to determination so that its exact location and condition is confirmed.'*

In light of this it is considered there has been a change in circumstances since the previous approval which is such that insufficient information now accompanies the application in this case to enable a full assessment of the development to be undertaken in light of land stability issues as a result of former mining activity.

### Highways Structures

Officers have informally consulted KC Highways Structures on the proposal as there is an existing retaining wall on the north-eastern boundary of the site and excavation would be required to facilitate the development. No details have been provided regarding the condition of the retaining wall or the alterations required to facilitate the creation of an access.

KC Highway structures have requested clarification on if the retaining wall would be reduced to 1m to accommodate the required visibility splays on site, in which case a “before” and “after” dilapidation condition survey of the existing dry stone wall by a suitably qualified and experienced engineer and moreover, will be required to rectify any damage to the wall attributable the development at their cost. Or if the applicant intends on removing the existing dry stone retaining wall down to its footing and replace it with a new wall with a retained height not exceeding 1.0m, a suitably scaled and dimensioned X-sectional detail would need to be provided to support the application.

Given the response of the structures team it is considered that in the event of any grant of permission an appropriately worded condition be included which ensures land stability is not detrimentally impacted upon as a result of alterations to highway structures.

### Flood Risk

Following the 2025 update to the modelled flood maps. The site is located in flood zone one and no further details would be required.

### Trees

Policy LP33 of the Kirklees Local Plan refers to trees and states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Officers have consulted with KC Trees during the application process and received the following comments:

‘ The ‘Proposed Tree Removal Plan’ shows that it would be necessary to remove 18 trees and a linear boundary group, as well as potentially threaten offsite trees on neighbouring properties. KC trees objects to the proposals as this development would have significant tree impacts, and the required documentation has not been submitted in support of the application’.

It is noted that in the determination of the previous approval in 2019 KC Trees stated they had no objection. The same tree removal plan has been submitted as part of this application. Since the previous approval the site has seen a number of clearance works and tree removals.

Whilst weight is afforded the response of the KC Trees Team, given the extent of removals which have been undertaken and the fact the mature tree to the site frontage would not be significantly impacted through the works which are proposed. Furthermore the conclusions of the previous approval are taken into account and in light of the fact there is a lesser extent of trees at site. As such it is concluded that the proposal is acceptable in terms of impact upon trees.

Therefore, the proposal would fail to accord with LP33 of the Kirklees Local Plan and chapter 15 of the NPPF.

## 6 - Representations

Two representations were received in response to the site publicity which raised the following concerns:

- Impact on light  
Officer response: Officers have assessed the application with regard to its impact on light. It is considered that the windows on adjoining properties would not be significantly impacted by the proposal should it receive planning permission.
- Highway objection during construction  
Officer response: It is considered that any impact on local amenity during the construction would be limited due to the development being limited to one dwelling. It is therefore considered that it would not be reasonable to refuse consent on such a basis in this instance.

## 7 – Conclusion

This application has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

The National planning policy framework has introduced a presumption in favour of sustainable development. The policies set out in the National planning policy framework 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 not constitute sustainable development and is therefore recommended for refusal.

### **Recommendation**

### **Refuse**

### **Decision Authorisation - Delegated Powers**

**Application Number:** 2025/62/90583

**Officer Recommendation:** REFUSE

### **Conditions and Reasons**

1. The application provides insufficient information to adequately assess the ecological impact of the proposed development. Given the failure to submit a preliminary ecological appraisal, a roost assessment to demonstrate whether protected species would be affected by the development and correct details relating to biodiversity net gain, a full and proper assessment in relation to policy LP30 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy

Framework as well as the requirements within Schedule 7A of the Town and Country Planning Act 1990 cannot be undertaken.

2. By reason of the presence of an untreated mine entry, probable unrecorded coal mining legacy and the extent of the submitted detail the proposal fails to demonstrate that the land can be made safe for the intended use in relation to land stability and a full and proper assessment in relation to policy LP53 of the Local Plan and policies within Chapter 15 of the National Planning Policy Framework cannot be undertaken.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	P02	A	18/11/2025
Proposed site sections	P06	A	18/11/2025
Proposed site plan	P09	A	18/11/2025
Proposed elevations	P05	A	18/11/2025
Proposed site elevations	713 P02		18/11/2025
Proposed Tree Removal Plan	716 P01		18/11/2025
Separation distance plans	715 P02		18/11/2025
Coal Mining risk assessment	January 2019		18/11/2025
Coal authority findings	2018		18/11/2025
Mine entry interpretation	2017		18/11/2025
Flood Risk Assessment	2 <sup>nd</sup> august 2018		18/11/2025
Design and Access Statement	2018		18/11/2025

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 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. Officers did not request revisions to the scheme during the course of the application due to the extent of the additional details required to allow for a full assessment in this case.

