

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2025/62/93163/E
Site Address:	rear of, 7, Turnshaw Road, Kirkburton, Huddersfield, HD8 0RT
Description:	Erection of detached dwelling (within a Conservation Area)
Recommending Officer:	Elenya Jackson

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 17th March 2026

Site Description

The application site is currently utilised as a garage located to the north of 7 Turnshaw Road. The site is located 15.5m north of Turnshaw Road on a non-adopted track, 36m west of Kirkburton Library.

The immediate building group of the site is residential; however, to the west of the site is Kirkburton District Centre and as a result there are mixed use properties to the west of the site.

The site is within the Kirkburton Conservation Area in the Kirklees Local plan

Description of Proposal

This application has been received for demolition of an existing garage and the erection of an in-fill dwelling.

The proposal would have width of 8.6m and a depth of 7.1m and have a height of 7m.

The proposal would feature a pitched roof with a slate covering and stone walls.

The proposal would have two parking spaces and a paved section to the front of the dwelling.

History of negotiations/amendments received

Officers requested amended plans to change the design of the scheme following a discussion with Conservation and Design. The proposal was initially received with a box dormer which would not be considered acceptable in the conservation area.

Relevant Planning History

98/92939: Demolition of existing outhouse and erection of attached garage (within a conservation area). Conditional full permission.

Representations

The application was advertised by a site notice which expired on 26/02/2026.

One comment was received in response to this application. One representation was received with the following comments:

- There is no legal access for the proposed cottage
- The red line boundary includes land outside the ownership of the applicant

- Access arrangements would include land in other ownership
- Parking is currently available for neighbouring occupiers in proximity to the site
- The private drive would need to remain private and under current ownership and not used for alternative purposes

Amended plans were received during the course of the application; however, officers did not consider it necessary to re consult on the scheme as the principle of the scheme being for one dwelling has remained consistent. The scheme as initially publicised is considered to have adequately alerted the public to the nature of the development.

Consultation Responses

KC Conservation: Following verbal discussions recommendations provided in relation to the design. Subsequent amendments submitted to address the recommendations provided.

KC Ecology: No objections.

KC Highways: Following verbal discussions confirmed they have no objections.

The Mining Remediation Authority: Requested conditions are imposed on the application.

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 27th February 2019).

The site is located within the Kirkburton Conservation Area in the Kirklees Local Plan. The site also falls within an area known to be at risk of land instability as identified by the Mining Remediation Authority and within an area with a known presence of bats.

Kirklees Local Plan:

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 3 – Location of New Development
- LP 7 – Efficient and Effective Use of Land and Buildings
- LP 20 – Sustainable Travel
- LP 21 – Highways Safety and Access
- LP 22 – Parking
- LP 24 – Design

- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP 35 – Historic Environment
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and Unstable Land

National Policies and Guidance:

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

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

Chapter 2 – Achieving Sustainable Development
 Chapter 4 – Decision-Making
 Chapter 5 – Delivering a Sufficient Supply of Homes
 Chapter 8 – Promoting Healthy and Safe Communities
 Chapter 9 – Promoting Sustainable Transport
 Chapter 11 – Making Efficient Use of Land
 Chapter 12 – Achieving Well-Designed places
 Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
 Chapter 15 – Conserving and Enhancing the Natural Environment
 Chapter 16- Conserving and enhancing the Historic environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Supplementary Planning Guidance

Housebuilders Design Guide SPD (2021)

Kirklees Council has adopted supplementary planning guidance on new housing development which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)

Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to highway design

Assessment

Principle of development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Housing supply:

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but

this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

Heritage

The site is within a Conservation Area; as such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is considered relevant in this instance. This requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

Sections 72 of the Planning (Listed Building & Conservation Areas) Act (1990) are mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”*. This is mirrored in paragraph 208 in Chapter 16 of the NPPF.

Paragraph 203 goes on and states that Local planning authorities should consider:

“the desirability of sustaining and enhancing the significance of heritage assets... the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and; the desirability of development making a positive contribution to local distinctiveness” when determining these applications.

An analysis of whether harm to the significance of these heritage assets would occur will be assessed and discussed later in the report.

Conclusion

It is considered that the principle of the development would be acceptable however further assessment is required regarding the impact upon heritage, visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations.

Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 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 and Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

Officers have reviewed the application with Conservation and Design. Amendments were requested during the course of the application to change the dormer to two pitched roof dormers. The dwelling would be constructed from stone with a slate roof and the material palette is considered to be consistent with the wider area.

It is considered that the site has existing built form in this location as there is an existing garage on site and therefore a replacement building in this location would not interrupt spacing in the building group.

Dwellings that form the immediate building group are not uniform in appearance and it is therefore considered that the proposal would not appear overly out of keeping with the character of the area.

There is not a large amount of amenity space provided in support of the proposed dwelling; however, this is consistent with the dwellings within the immediate building group and would therefore not be inconsistent with the locality in this regard.

Details of boundary treatments have not been provided and shall be conditioned to ensure they are appropriate given the context of the area.

In addition, officers had considered the removal of permitted development rights from the property; however, as the proposal is in a Conservation area, it would not be able to implement class AA which would impact the proposals integration with the street scene. Other restrictions within permitted development legislation would largely limit other works to be undertaken in the event of any approval.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF. LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development

Officers consider that the harm caused to the significance of Conservation Area would be less than substantial. As a result of this harm, officers would be required to justify the works by assessing what the public benefits would be for the works to be undertaken.

It is considered that, the proposal would provide an dwelling within a sustainable location in Kirklees, as previously discussed, 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 therefore necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development.

It is considered that the design of the development would be visually appropriate in the site setting and therefore the limited harm would be offset by the public benefit of delivering additional housing in a sustainable location which is appropriate in the context of the area.

This conclusion is drawn on the basis the development is constructed in accordance with the details as submitted and that the finalised materials of construction are submitted to, and approved in writing by, the LPA prior to commencement of construction of the dwelling. Details of finalised boundary treatments are recommended to be controlled by a suitably worded condition which requires details to be submitted to the LPA for written approval.

Given the above, subject to condition, the proposal is considered to be in accordance with Policies LP24 of the Kirklees Local Plan and Chapters 12 of the NPPF.

Residential Amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. Further to this, The National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: “Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”

In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Builder’s Design Guide SPD goes into further detail with respect to Key Design Principle 6 on maintaining high standards of residential amenity.

The Old Barn: No 9 Turnshaw Road adjoins the application site to the North.
Overlooking: The proposal would not feature any side facing windows.
Overshadowing/loss of light/overbearing: The proposal would be located approximately 14m away from the front projection at no.9 It is considered due to the separation distance between the properties, no significant issues would be raised regarding overshadowing/loss of light or overbearing.

7 Turnshaw Road: adjoins the application site to the south.
Overlooking: The proposal would not feature any side facing windows.
Overshadowing/loss of light/overbearing: The proposal would be located to the north of no.7 and it is considered that due to the separation distance when coupled with the orientation of the dwellings would result in there being no significant issues raised regarding overshadowing/loss of light/overbearing.

143-147 North Road: adjoins the application site to the west.

Overlooking: The proposal would feature one rear facing window to a habitable room, and roof lights which also serve bedrooms. It is considered that as these are secondary windows, a condition can be added to ensure they are obscure glazed. On this basis it is considered no significant issues would be raised regarding overlooking. In addition a condition for the removal of permitted development rights so that further windows cannot be added later is recommended.

Overshadowing/loss of light/overbearing: The proposal would not immediately adjoin the rear of 143-147 as there is an access track between the properties. The scale of the proposal and distance sited is such that it is considered there would be no significant impact to these neighbouring occupiers in this regard.

The above conclusion is drawn on the basis of the submitted plans and a condition requiring the development to be undertaken in accordance with the plans as submitted is recommended to ensure no unacceptable building up of land levels or other alterations are undertaken.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site has residential properties in the wider area and the occupiers of these could potentially be disturbed by noise generated during the construction process. To avoid this, it is recommended that in this instance a footnote is imposed limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

In view of the above, it is considered that the development will be acceptable in neighbour amenity terms reasonably meeting the requirements of Policy LP24 of the Local Plan and of the Housebuilders Design Guide SPD (2021) in this regard.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees 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."

Notwithstanding the above, National space standards require the following gross internal floor area for a three bed two storey dwelling:

- 2 Bedroom, 3-person dwelling set over 2storey's- 70square metres.
- 2 Bedroom, 4-person dwelling set over 2storey's- 79 square metres

The proposed floor plans for plot two show the proposal would have 2 bedrooms and therefore is required to have an internal floor space of a minimum of 70m² . The proposal would exceed this as it has an internal floor space of 85m².

The proposal would provide a limited area as private amenity space however this would be private and functional to some degree. Wider areas of public green space are available in the locality and as such it is considered that given limited amenity spaces are a characteristic of this locality and nearby alternative spaces refusal on the basis of amenity space provision is not considered to be able to be substantiated in this case given a level of private amenity space would be provided.

The proposed development, subject to conditions, is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policies LP24 and Chapter 12 of the National Planning Policy Framework.

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.

The proposal would create one dwelling in the place of an existing two car garage.

There is an existing access on site which the proposed plans demonstrate would be utilised.

The proposal has been reviewed with KC Highways who note the site is accessed via an existing private access however, should the application receive planning permission, it is considered necessary to impose conditions to ensure that the driveway is appropriately surfaced and drained in accordance with standard guidance to ensure the additional hard surface does not result in an increase in surface water run-off and flood risk.

Finally, details of bin storage for three bins and presentation points are required. Officers consider that this can be secured via condition.

The proposal is for a dwelling in a sustainable location close to local amenities and public transport links. The submitted red line boundary does not include any of the other dwellings in proximity to the site. On street parking takes place on Turnshaw to the part where there are no parking restrictions. This is in close proximity to the site, off street vehicular parking appears present for properties which utilise the access.

Representation has been provided in relation to parking being undertaken in proximity to the site. The application form submitted serves notice upon other land owners with certificate b of the application form signed.

The proposal would provide off street parking to serve the development, bin storage is also shown within the curtilage of the site. It is considered that the sustainable location, scale of the development and fact off street parking and bin storage can be provided is such that refusal on grounds of access and highway safety / parking impact could not be substantiated in this case.

Given bin storage is shown on the plan, on the basis any approval requires the development to be undertaken in accordance with the submitted plans, it is not considered necessary for a waste storage scheme to be submitted to the LPA for written approval.

Therefore, having taken into account the above, KC Highways Development Management consider the layout to be acceptable subject to the aforementioned conditions. This is to accord with Policies LP21 and LP22 of the KLP and the Councils Highways Design Guide.

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.

The proposal is for the erection of two dwelling. The details provided in the climate change statement are considered sufficient. This would comply with the aims of policies LP24 and LP51 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Biodiversity Net Gain/Bats/ Ecology

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 submitted bat survey identifies negligible roosting potential of the building for bats, this is accepted by the Council's Ecologist who confirms they have no objection to the proposal.

Officers have consulted KC Ecology on the application due to the application being supported by a Bat Survey and the findings have been considered acceptable and no conditions have been recommended.

In line with policy LP30 of the Kirklees Local Plan, officers consider it appropriate to add enhancement conditions which would include the provision of a bat box.

There have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, unless the development falls within one of several exemptions. In this case, the dwellings would constitute a self build and therefore biodiversity net gain is not required on site.

Officers will add a note to the decision notice regarding the dwellings being a self-build.

Contaminated land/Coal Mining Legacy:

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or results in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediate to ensure that sites are suitable for their intended use.

Part of the application site is located in a high risk coal area and a Coal Mining Risk Assessment has been provided in support of the application.

This has been reviewed by the mining remediation authority and conditions have been requested to ensure the proposal is not at risk of ground instability due to former mining activity.

Due to the site being partially located in a High Risk Coal area, It is considered that due to the potential risks from ground gases and combustible material which can impact human health, full contaminated land conditions

would be required. Including the submission of a phase one preliminary risk assessment, a phase II intrusive investigation, remediation strategy and finally a verification/validation report.

Subject to the imposition of conditions, it is considered that the proposal will reasonably satisfy the requirements of Policy LP53 of the Council's adopted Local Plan and of Chapter 15 of the National Planning Policy Framework in land contamination terms.

Representations:

One representation was received which raised the following concerns:

- There is no legal access for the proposed cottage
- The red line boundary includes land outside the ownership of the applicant
- Access arrangements would include land in other ownership
- Parking is currently available for neighbouring occupiers in proximity to the site
- The private drive would need to remain private and under current ownership and not used for alternative purposes

Access and highway considerations, including parking, are taken into account in part 4 of the Assessment section of this report. Certificate B has been signed regarding the application. The legalities surrounding whether a right of access exists or the right for parking in proximity to the site is a civil matter between the relevant land owners. The lawful implementation of any permission (and how this is legally achieved) is a material consideration which is of limited weight in this case given it appears entirely possible for the relevant legal agreement(s) between the relevant parties to be achieved.

Conclusion:

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/62/93163/E

Officer Recommendation: Approve

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of residential amenity and highway safety and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP35 and LP52 of the Kirklees Local Plan, principles within the Council's Housebuilders SPD and policy within Chapters 2, 12, 15 and 16 of the National Planning Policy Framework.

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

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can

commencement on the construction of the development hereby approved.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

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

approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

8. Other than demolition works, the development hereby approved shall not be undertaken until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure land stability. The submitted scheme shall include:

- a) details of a scheme of intrusive investigations that has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

- b) any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance. The construction of the development hereby approved shall be undertaken in accordance with the approved scheme which shall be retained thereafter.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework

9. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

10. One bird box shall be incorporated into the dwelling hereby approved; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light. The bat and bird boxes

shall be provided prior to first occupation of the dwellings hereby approved and thereafter be retained for the lifetime of the development.

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

11. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external materials including walls, roofs, doors, windows, surfacing, rainwater goods and colour finishes to be used have been submitted to and approved in writing by the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development. The development shall not be brought into use until the approved scheme has been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity to accord with Policy LP 24 and LP35 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and policies contained within Chapter 12 of the National Planning Policy Framework.

12. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with policy LP22 of the Kirklees Local Plan and policies contained within Chapter 12 of the National Planning Policy Framework.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows, doors or other openings, other than those shown on the approved plans, shall, at any time, be formed within any elevation of the approved dwelling.

Reason: To safeguard the privacy of the adjoining properties, in accordance with the requirements of Policy LP24 of the Kirklees Local

Plan. and the provisions of the Housebuilders Design Guide SPD (2021).

14. Notwithstanding the submitted plans and information, details of the position, height, and materials of all new boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first erected. The development shall then be completed in accordance with the approved details and thereafter retained.

Reason: In the interest of visual amenity, in accordance with Policies LP24 and LP33 of the Local Plan as well as the aims of chapters 7 and 9 of the National Planning Policy Framework.

15. The development shall not be occupied until all windows and roof lights in the western (rear) elevation of the dwelling hereby approved have been obscure glazed to a Pilkington level 4 or equivalent. The obscure glazing shall thereafter be retained for the life of the development.

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, the adopted SPD on House Extensions and Alterations and Policies within Chapter 12 of the National Planning Policy Framework.

NOTE: All Bats and their roosts are fully protected under the EC Habitats Directive, transposed into UK legislation by the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017. It is an offence to A) Kill, injure or take a bat. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a bat. It is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any bats or evidence of bats be found at site. All contractors on site should be made aware of this requirement.

NOTE: The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015. The first occupation hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.*

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE - The removal of any remaining vegetation should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

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.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan, site plan and elevations	25002D-05-P03		3/03/2026

Plan Type	Reference	Version	Date Received
Proposed site plan	25002D-10-P03		20/01/2026
Bat Survey dated 13 th January 2026			20/01/2026
Coal Mining Risk Assessment	CMRA 00435		20/01/2026
Flood Risk Assessment dated 22 nd October 2025			20/01/2026
Climate change statement			20/01/2026
Design and access statement	25002		20/01/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local 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 requested alterations to the design of the proposal following discussions with conservation.