

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:	2026/62/90144/E
Site Address:	Land off, Leak Hall Road, Denby Dale, Huddersfield, HD8 8NJ
Description:	Erection of detached dwelling with associated access and car parking
Recommending Officer:	Elenya Jackson

DECISION – Full 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 2-SEP-2026

Officer Report

Reference No. 2026/90144

Site Address: Land off, Leak Hall Road, Denby Dale, Huddersfield, HD8 8NJ

Proposal: Erection of detached dwelling with associated works

Site Description

Land off, Leak Hall Road, Denby Dale, Huddersfield, HD8 8NJ

The application site relates to a medium sized plot of land which is located 57m north of Wakefield Road in Denby Dale and south of Springfield Gardens.

The parcel of land is vacant and is enclosed on its northern and southern boundary by residential development. The parcel of land is enclosed in this matter as the dwellings to the north of the site have been recently constructed.

The application site is not located within a Conservation Area or in close proximity to any Listed Buildings but it is within an area at high risk of instability due to mining legacy and a bat alert layer.

Description of Proposal

The application is seeking planning permission for the erection of a two-storey detached property.

Planning permission is sought for the erection of one dwelling which would have a width of 11.8m and a depth of 11m (15.3m at ground floor due to a single storey rear projection). The dwelling would have a pitched roof with a maximum height of 8.7m and a front projecting gable end on the northern side of the property.

The proposal would be constructed out of stone and have a slate effect roof.

The ground floor of the dwelling would have an internal footprint of 112m² at ground floor level and the dwelling would have 5 bedrooms.

History of Negotiations/Amendments Received

Officers requested alterations to the elevations to ensure they were in-keeping with the surrounding area.

Relevant Planning History

N/A

Representations

The application was publicised by site notice, which expired on 30th April 2026. As a result of the above publicity, 7 representations have been received, four in objection, two in support, and one general comment

The comments raised are as follows:

- Drainage and existing culvert
- Previous site clearance being unsightly
- Previous site clearance and loss of trees
- Ecology
- Site design and future development
- Coal mining legacy
- Construction disturbance
- Landscaping

Parish/Town Council Comments

N/A

Local Ward Members

Not Applicable.

Consultation Responses

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

KC Highways (informal): No objections subject to conditions relating to reduction of the wall height.

The Coal Authority: No objections subject to conditions

KC Ecology: comments discussed below; conditions required relating to a CEMP.

Lead Local Flood Authority: objection as further information required.

The Environment Agency: No further comments

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 unallocated.

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 11** - Housing Mix and Affordable Housing
- **LP 20** - Sustainable Travel
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 28** - Drainage
- **LP 30** - Biodiversity & Geodiversity
- **LP 33** - Trees
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

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
- **Chapter 4** - Achieving Sustainable Development
- **Chapter 5** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 6** - Delivering a Sufficient Supply of Homes
- **Chapter 12** - Making Effective Use of Land
- **Chapter 14** - Achieving Well-Designed Places
- **Chapter 15** - Promoting Sustainable Transport
- **Chapter 17** - Pollution, public protection and security
- **Chapter 19** - Conserving and Enhancing the Natural Environment

Other Guidance Documents:

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

Assessment**1. Principle of Development****Housing Land Supply**

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 4 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development.

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

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

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

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF.

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.

The proposal seeks planning permission for the erection an additional dwelling within the built up area of Denby Dale, small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 14 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

It is considered that the principle of development would be considered acceptable; however, further assessment is required against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 14 (achieving well designed places) and states development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3..”

Kirklees Local Plan Policies LP1, LP2 and LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of

development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

Also relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

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

The proposed dwelling would be two storeys in height and would be of a contemporary design. The property would be constructed with materials not overly discordant to dwellings within the vicinity due to it featuring Yorkshire stone replicas, natural stone detailing and stone slates which officers consider would be appropriate for the property style and its integration in the street scene.

The proposed dwelling would also be set back from the public highway and as the plot is an in-fill dwelling, officers consider that its set back would result in the proposal generally respecting the existing building line and properties relationship to the street scene. In terms of footprint and massing, the property would not be large in scale within its plot as there is ample space for amenity space to the rear; however, as it is a stand alone dwelling located between development which faces north and south, it would not be considered out of keeping given that the surrounding area lacks a uniform character and there is already a degree of variation with regard to scale and design. Therefore, the proposed dwelling would have an acceptable impact within the existing street scene and against the neighbouring properties.

The application site is also of a sufficient size to support a dwelling as proposed with a parking area to the front and a private outdoor amenity space to the rear. Furthermore, the development would not appear overly cramped, or cause any undue harm to the character and appearance of the area. Whilst the scale of the dwelling is deemed acceptable, it is considered appropriate and necessary to attach a condition (should planning permission be granted) removing permitted development rights for any additions to ensure the site does not become overdeveloped.

The submitted plans and application form provide limited information regarding the proposed boundary treatments. Therefore, in the interest of visual amenity and to ensure that a satisfactory appearance of development is achieved upon completion, a condition will be imposed requiring details of the position, height, and materials of all boundary treatments to be submitted to and approved in writing by the Local Planning Authority.

In addition, details of all materials are to be submitted and agreed with the LPA as offices do not currently have specific details at this time to assess if they would integrate within the street scene.

It is therefore considered that the proposal would not cause detrimental harm with regard to visual amenity and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD, and the aims of Chapter 14 of the National Planning Policy Framework.

2. Impact on Residential Amenity of Neighbouring Residents

Sections B and C of Policy LP24 state that alterations to existing buildings should: *“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*

Further to this, the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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

The Housebuilders Design Guide SPD also provides advised separation distances for residential properties:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

6 Springhead Gardens: Adjoins the application site to the north.

Overlooking: The proposal would be set on a lower level than the rear of no.6; however, it would feature several side facing windows. From reviewing the plans, officers consider that these would all be for non habitable rooms and could therefore be conditioned to be obscured.

Overshadowing/loss of light/overbearing: The proposal would be located to the south of no.6; however, officers consider that the proposal would also be on a lower level than the rear of no.6. Due to the orientation of the properties and the north-south topography, officers consider that any overshadowing would be limited in duration and not considered significant in this instance.

5 Old School Court: Adjoins the application site to the south.

Overlooking: The proposal would have side facing windows at ground floor level which would be adjacent to the side facing windows at no.5 which officers understand to be habitable rooms. It is considered that all the side facing windows on the proposal are secondary and it would not be unreasonable to condition them to be obscured.

Overshadowing/loss of light/overbearing: The proposal would be located to the north of no.5 and set off of the shared boundary. It is considered that due to the orientation and separation distance of the properties, no significant issues would be raised regarding overshadowing/loss of light or overbearing.

1 West View, 4 Leak Hall Road, 6 Leak Hall Road: Adjoins the application site to the east. As these properties are located across the road from the application site, it is considered that this would be a typical relationship for a street scene and no significant issues would be raised regarding the residential amenity of the occupiers of these dwellings.

Officers consider it necessary to add a condition preventing the addition of further side facing windows to ensure no overlooking relationships are created on site.

3. Impact on Residential Amenity of Future Occupiers

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

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

National described space standards require the following gross internal floor area for a two storey dwelling:

- 5 Bedroom, 6-person dwelling set over 3 storeys - 116 square metres
- 5 Bedroom, 7-person dwelling set over 3 storeys - 125 square metres
- 5 Bedroom, 8-person dwelling set over 3 storeys - 134 square metres

The proposed floor plans show that the dwelling would have 5 bedrooms spaces and is therefore required to have a minimum internal floor space of 116m². The submitted plans confirm that the dwelling would have an internal floor space of approx. 234m². It is therefore considered that the proposal would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers. It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light. Furthermore, off road parking is proposed east of the dwelling and an area of private outdoor amenity space is also proposed east of the application site. For these reasons, it is considered that the proposal would provide an acceptable standard of living for future occupants and would accord with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council’s Housebuilders Design Guide SPD, and the National Planning Policy Framework.

4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Policy TR6 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

KC Highways Development Management have been informally consulted as part of the application. Initially it was requested that visibility splays were provided; however, as the plans have been updated to show the wall to the

front of the site would be reduced to allow for better visibility, this is considered acceptable.

The amount of car parking would be ample and would be in-line with the recommended spaces within the Kirklees Highway Design Guide SPD.

To further support sustainable travel, lowering of emissions, Policy LP20 and LP24, the installation of an electric vehicle charging point should be considered. The proposal does not raise significant issues for road safety or network functionality in accordance with policy LP21 with impact likely to be neutral in movement terms once completed. On this basis, KC Highways Development Management have raised no objection to the scheme.

Officers note that bin presentation points have not been provided on the plan and this shall therefore be conditioned to ensure this does not result in bin blight or obstruction of the highway.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within the Council's Highways Design Guide SPD, and Chapter 15 of the National Planning Policy Framework.

5. Other Matters

Climate Change

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

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures and a note will be added to the decision notice regarding the addition of ev charging points.

Construction Noise

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

Biodiversity Net Gain

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

Ecology

A Preliminary Ecological Appraisal has been provided with the application. Officers have consulted with KC Ecology who recommend that a condition relating to a Construction Environment Management Plan (CEMP) (Biodiversity) should be included in any decision notice to ensure the proposal does not harm any species or habitats on site.

Officers recommend an enhancement condition is added to the application relating to a bat box and a bird box to ensure the proposal accords with LP30 of the Kirklees local plan.

As it is still illegal to intentionally kill, injure, or take any wild bird, or to damage or destroy their active nests any clearance of vegetation which could support breeding birds should be undertaken outside of the breeding bird season (March-September). Reasonable enhancements, such as the inclusion of bird or bat boxes within the new building, as well as hedgehog highways, should be included as a condition of any consent.

Contaminated Land/Coal Mining Legacy

Policy P2 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

The site is located within an area at high risk of instability as a result of the coal mining legacy of the area. For these reasons, officers have consulted with The Mining Remediation Authority who have requested two pre-commencement conditions are added to the application to ensure the site is safe for occupation. These are recommended to be attached should planning permission be approved.

In addition, as there is the potential for gas and combustible materials on site, it is considered necessary to add full contaminated land conditions to the application to ensure the site is safe for occupation.

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 17 of the National Planning Policy Framework in land contamination terms.

Flood Risk

Chapter 18 of the NPPF seeks to direct development away from areas at risk of flooding and ensure that new development does not increase flood risk elsewhere. It also requires that surface water is managed using SuDs where possible and that developments are supported by appropriate drainage infrastructure, taking into account ground conditions and pollution risk.

Policy LP28 of the Kirklees Local Plan reflects these national objectives, requiring all new development to incorporate appropriate foul and surface water drainage arrangements, including SuDs where feasible, and to ensure that any such infrastructure does not increase flood risk or lead to pollution on or off site.

There is currently a culvert on the site of which no details have been provided during the course of the application. Officers have consulted with the Lead Local Flood Authority who have submitted an objection to the application. Their comments read as follows:

'The development site is crossed by a culverted watercourse of unknown depth, size and condition. The developer is required to conduct a CCTV

survey of the culvert and its exact route, depth, size and condition determined. This information is to be provided to the LLFA to determine if there will be any risk to the culvert during the construction period. The LLFA confirms that there is no requirement to attenuate the surface water flows from the development, however it is expected that these flows will be connected to the culvert and not to the public combined sewer in Leak Hall Road. Details of the method of connection will need to be provided for LLFA comment’.

Officers consider that these details can be secured as a condition for prior to ground works commencing and to require these prior to determination would be unnecessary due to the scale and nature of the development.

Subject to this condition, the proposal is considered acceptable in the context of chapter 17 of the National Planning Policy Framework.

Trees

Policy LP33 of the Kirklees Local Plan states that ‘The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks’.

Officers have consulted with KC Trees who have provided the following comments:

‘The site is not within a Conservation Area, and there are no TPOs affecting the site. No tree survey has been carried out. From a desk-based study there was previously established boundary hedgerows and vegetation within the site. The vegetation was removed at some time between July 2025 and March 2026. This is poor practice as all UK planning applications must consider trees and hedges as a material consideration. KC trees would like to see a robust landscaping plan, including tree planting to be produced to adequately compensate for loss of canopy cover and associated benefits. The planting should be comprised of ecologically valuable, native species’

As site clearance has been undertaken, officers consider that subject to the aforementioned conditions, the proposal would be considered to accord with LP33 of the Kirklees Local Plan.

6. Representations

Seven representations were received during the course of the application raising the following concerns:

- Drainage and existing culvert

Officer response: *Officers have consulted with the EA and the LLFA and conditions are recommended to be added to the application to ensure it would not result in any significant issues relating to drainage.*

- Previous site clearance being unsightly

Officer response: *This is noted however any previous site clearance and resultant land condition is not a material planning consideration in this regard.*

- Previous site clearance being unsightly loss of trees

Officer response: *This matter has been addressed in the report above within the Other Matters section of the assessment.*

- Ecology

Officer response: *This matter has been addressed in the report above within the Other Matters section of the assessment.*

- Site design and future development

Officer response: *The application is assessment on its merits as submitted not an future speculative development.*

- Coal mining legacy

Officer response: *This matter has been addressed in the report above within the Other Matters section of the assessment.*

- Construction disturbance

Officer response: *This matter has been addressed in the report above within the Other Matters section of the assessment.*

- Landscaping

Officer response: *This matter has been addressed in the report above within the Visual Amenity section of the assessment.*

7. Conclusion

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

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

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2026/90144

Officer Recommendation: Approve
Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP51, LP52, LP53 and LP59 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. No development (excluding demolition) shall commence until; a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from 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. This should include the submission of the approved site layout plan to illustrate the exact location (and grid co-ordinates) of the mine entry and its calculated zone of influence (no build exclusion zone) to illustrate how this feature relates to the approved layout. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This is a pre-commencement condition in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

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

Reason: This is a pre-commencement condition in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

5. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following: a) Summary of potentially damaging activities b) Identification of "biodiversity protection zones" c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements) d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. **Reason:** This is a pre-commencement condition in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

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

Reason: This is a pre-commencement condition in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

7. Prior to the commencement of any groundworks, other than those required for a site investigation report, a Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

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

Reason: This is a pre-commencement condition in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. 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 two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: This is a pre-commencement condition in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the development hereby permitted shall be first occupied until such time as the remediation measures have been completed for 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.

Reason: This is a pre-commencement condition in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

11. No development shall commence until a scheme for surface water drainage and culvert protection has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority (LLFA). The submitted details shall include:

- A CCTV survey of the existing culvert, including confirmation of its exact route, depth, size and condition.
- Details of the proposed surface water drainage arrangements for the development, including all associated hardstanding areas.
- Details of the proposed connection of surface water drainage to the culvert, including the method of connection. Surface water shall discharge to the culvert and not to the public combined sewer in Leak Hall Road.

- A method statement detailing measures to protect the culvert from heavy construction traffic and other construction-related activities during the development phase.

The approved scheme shall be implemented in full and maintained thereafter in accordance with the approved details.

Reason: This is the pre-commencement condition to ensure the safe occupation and protect the future users and in accordance with the Kirklees Local Plan and chapter 18 of the National Planning Policy Framework.

12. No development shall commence on the superstructure of the dwelling hereby approved until details of all external walling and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed in accordance with the approved details. 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 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 12 of the National Planning Policy Framework

13. Before the development commences, any retaining walls adjacent to the existing highway including any modification to the existing retaining wall adjacent to Leak Hall Road shall be submitted and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: This pre-commencement condition is in the interest of highway safety and to comply with Policy LP21 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14. One bat box and 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 dwelling hereby approved and thereafter be retained.

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 17 of the National Planning Policy Framework.

15. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwelling hereby approved, full details

of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. These shall include provision for a hedgehog highway. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: This pre-commencement condition is in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A-AA through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to avoid overdevelopment in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

17. Prior to development commencing on the superstructure of the dwelling hereby approved, details of bin presentation points and access for collection of wastes from the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: To ensure adequate waste storage facilities are provided in the interests of visual and residential amenity and highway safety to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan, Kirklees Waste Management Design Guide for New Developments and policies contained within chapters 14 and 15 of the National Planning Policy Framework

18. 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, the Council's adopted Housebuilders Design Guide SPD (2021) and policies within Chapter 12 of the National Planning Policy Framework.

19. In first installation, the windows in the side elevations of the structure shall be obscurely glazed to a Pilkington level of four or equivalent and fixed shut to a height of 1.7m. 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.

20. Notwithstanding the submitted plans and information, prior to first occupation of the dwelling, the boundary wall to the east of the site shall be reduced to 0.9-1m height. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: This pre-commencement condition is in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapter 12 and 15 of the National Planning Policy Framework.

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

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

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

NOTE: In accordance with Wildlife and Countryside Act 1981 it is an offence to intentionally kill, injure, or take any wild bird, or to damage or destroy their active nests. In addition, certain species are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Therefore, the removal of 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, the ecologist should advise on suitable species-specific works exclusion zones. The exclusion zones should be

regularly monitored by the ecologist and remain in place until the young have fledged the nest, or the nests are otherwise deserted.

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

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: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

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

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Location Plan	A10		19/01/2026
Exiting Site Plan	A01	B	19/01/2026
Proposed Site Plan	A02	A	29/05/2026
Proposed Elevations	A04	A	29/05/2026
Proposed Floor Plans	A03	A	29/05/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. Officers requested alterations to the elevations to ensure they were in-keeping with the surrounding area. The agent has confirmed their agreement to the pre-commencement conditions.

