

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:	2026/62/90197/W
Site Address:	adj, 84, James Street, Golcar, Huddersfield, HD7 4HT
Description:	Erection of detached single storey dwelling
Recommending Officer:	Kerri Simpson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 01 June 2026

Officer Report – 2026/90197

adj, 84, James Street, Golcar, Huddersfield, HD7 4HT

Site Description

The application site is located at the corner of James Street and Park Lane East and comprises an existing car park serving the flats at 84 James Street, together with a small area of associated land to the north adjacent Handle Street. The lower portion of the existing site provides eight marked spaces serving the flats, together with refuse storage for two flats (Flats 1 and 2), while the upper portion provides one car parking space, the formation of those elements were approved under application 2014/91176. A single storey structure is also located within the site, supporting an elevated patio area above, with access steps connecting to the surrounding residential properties.

The site occupies a slightly elevated position relative to James Street and is bounded to the south by a low stone wall adjacent the highways. To the east, the site is enclosed by timber fencing and stone walling, along with the aforementioned access steps. Beyond the eastern boundary, lies a single storey garage and outbuilding associated with No.61 Handel Street. To the north, the site adjoins 63 Handel Street, which occupies significantly higher ground. To the west is 84 James Street, the three – four storey block of circa eight flats. Residential properties 77 – 81 (odds) James Street are situated opposite the site to the south.

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

- Golcar Conservation Area
- Grade II Listed 86,88 and 90 James Street (to the west)
- Grade II Listed 77 and 79 Handle Street (to the northwest)
- Grade II Listed 46 Myrtle Road (to the south)
- Bat Alert Zone
- Twite Buffer
- Development Low Risk Coal

Description of Proposal

The Scheme

The application seeks full planning permission for the construction of a detached single storey, two bedroom dwelling. The dwelling would be positioned on the footprint of the existing raised patio area and would occupy the full width of that structure. Owing to the changes in ground level, the dwelling would be set circa 2.7m above the level of car park below and would have an overall height of circa 3.25m

The proposed dwelling would be served by a dedicated parking space and would be accessed via steps leading from the existing car park. Private amenity space is proposed at the lower car park level adjacent the dwelling.

The proposal also includes the reconfiguration of the existing parking arrangements serving 84 James Street. Following the alterations, eight car parking spaces would be retained to serve the existing flats, comprising seven spaces within the main car park area adjacent to James Street and one space within the northern part of the site adjacent to Handel Street. The proposed dwelling would have two spaces, with one within the main car park and the additional space adjacent Handel Street. These are marked on the proposed plans as an asterix.

External materials are proposed to comprise natural stone walling, aluminium windows and doors and a flat roof finished in a single ply membrane.

History of Negotiations and Amendments Received

Following concerns raised by officers regarding the loss of parking to the previously approved scheme under 2014/91176. The proposal as submitted would have resulted in the loss and/or displacement of parking to No.84 James Street. The applicant provided revised plans to demonstrate how parking arrangements can be addressed. This included a revised red line boundary. As a result of the material change, a full 21-day public re-consultation took place via site notice. The application has been assessed on the amended documents. The submitted Heritage Statement has been considered as supporting information in the assessment of this application.

Relevant Planning History

The most relevant planning history relates to the following planning applications:

2011/90596 – Change of use from public house to children's day nursery (within a conservation area) – Conditional Full Permission – 29/06/2011.

2014/91176 – Alterations to convert public house to 8 apartments (within a Conservation Area) – Conditional Full Permission – 15/09/2014.

2015/92702 – Non-material amendment to previous permission 2014/91176 for alterations to convert public house to 8 apartments (within a Conservation Area) – Approved – 20/11/2015.

2015/92703 – Discharge of condition 4 (windows) on previous application 2014/91176 alterations to convert public house to 8 apartments (within a Conservation Area) – Discharge of Conditions Approved – 23/10/2015

It is noted that the red line boundary associated with application 2014/91176 extended beyond No.84 James Street itself and included the wider areas of land to the south and north used for parking and refuse storage. Conditions 7

and 8 of that permission secured the approved refuse storage and parking arrangements serving the flats. Whilst No.84 James Street falls outside the application site and is identified within the blue line boundary of the current application, the proposed development would affect land previously approved to serve the flats. Accordingly, the implications of the development on the approved parking and refuse storage arrangements associated with No.84 James Street have been assessed as part of the determination of this application and, where necessary, appropriate conditions may be recommended.

Representations

Consultation for the application has been carried out in accordance with the Council's Development Management Charter 2024 and Article 15 of Town and Country Planning (Development Management Procedure) (England) Order 2015.

The application was publicised by way of site notice, press notice and via the Council's website. The statutory publicity period expired on 22nd June 2026.

There were three letters of objection received, matters raised were regarding:

- Loss of existing refuse storage serving No.84 James Street
- Insufficient parking provision and increased pressure on on-street parking
- Alleged private access rights/easement over part of the site
- Inaccuracies with submitted plans (including labels and details)
- Concerns regarding publicity and notification of the application

Consultation Responses

The following consultation responses were received:

KC Conservation Team – No objection, considers the proposal to be of an appropriate scale, design and appearance for its Conservation Area setting, subject to suitable materials and detailing. Recommends that refuse storage details be secured by condition.

KC Waste Strategy Team – Clarification is sought regarding the replacement of existing bin storage serving 84 James Street. Details of refuse, recycling storage, screening, collection points and collection arrangements are advised to be secured by condition.

KC Ecology Team – No objection subject to conditions. They advise that a PEA is not required. Tree protection measures and sensitive lighting strategy conditions were recommended to safeguard ecological interests. The proposal is exempt from BNG as it is upon previously developed land/ hard standing.

KC Highways Development Management Team - No objection, however there are concerns about the red line boundary adjacent to Handel Street. The parking space for the flats has been reduced and while there would be a loss of visitor space, there is ample off-street parking to mitigate.

Allocation and Policy

The site is unallocated within the Kirklees local Plan (Adopted 2019)

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

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP7 Efficient and effective use of land and buildings
- LP20 Sustainable travel
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP26 Renewable and Low Carbon Energy
- LP28 Drainage
- LP30 Biodiversity and Geodiversity
- LP35 Heritage
- LP43 Waste Management Hierarchy
- LP52 Protection and Improvement of Environmental Quality
- LP53 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. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

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 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change

- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

Supplementary Planning Documents / guidance

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

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017
Biodiversity Net Gain Technical Advice Note 2021

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

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.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Visual Amenity
2. Residential Amenity
3. Highways Impacts
4. Contaminated Land
5. Flood and Drainage
6. Ecology and Biodiversity
7. Climate Change
8. Other matters
9. Representations
10. Conclusion

1. Principle of Development

Sustainable 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 favor of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Housing Land 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

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

The application site is located within the built-up area of Golcar and comprises previously developed land within an established residential setting. The

proposal would make effective use of an underutilised parcel of land and would contribute towards the delivery of housing within the borough.

The principle of residential development in this location is therefore considered acceptable, subject to the proposal satisfactorily addressing all other material planning considerations, including its impact on the character and appearance of the Golcar Conservation Area, neighbouring amenity, highway safety, drainage, ecology and waste storage arrangements.

1. Impact on Visual Amenity, the Conservation Area and Heritage Assets

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision-makers to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Policy LP35 of the Kirklees Local Plan seeks to ensure that development proposals preserve and, where appropriate enhance the significance, character and appearance of heritage assets and their settings. These objectives are reflected within Chapter 16 of the National Planning Policy Framework.

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development; it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Of key importance, Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’.

The Housebuilders Design Guide SPD seeks to ensure that new residential development responds appropriately to its surroundings and contributes positively to local character and visual amenity.

The site lies within the Golcar Conservation Area, the significance of which derives in part from its steep hillside setting, organic settlement pattern, extensive use of natural stone and slate, and the network of retaining walls, steps and footpaths which respond to the areas topography.

The proposed dwelling would occupy an existing raised platform adjacent to a substantial stone retaining wall and the apartment building at No.84 James Street. Whilst the proposal would introduce additional built development onto the site, the dwelling would remain modest in scale, comprising a single storey structure containing two bedrooms. Due to its limited height, relationship with the adjoining apartment building and the sites stepped land levels, the dwelling would appear subordinate to surrounding development

and would not appear unduly prominent within the street scene or wider landscape.

Architecturally, the proposal adopts a contemporary approach, incorporating a simple rectangular form with extensive glazing to the principal elevation. Whilst this differs from the more traditional architecture within the Conservation Area, the constrained nature of the site limits opportunities for side and rear openings and the overall design remains simple and well proportioned. The proposed flat roof form would assist in integrating the building into its surrounding context when viewed from higher land levels.

The proposed use of natural stone is considered appropriate given the prevailing character of Conservation Area. Subject to a condition requiring details of the stonework, coursing, pointing and window reveals, the development would reflect the established material palette of the area and respond positively to local distinctiveness. The proposed dwelling would also sit comfortably alongside the existing retaining walls and established built form which characterise this part of Golcar.

It is recognised that a number of Grade II Listed Buildings are located within the wider area. However, these designated heritage assets are separated from the application site by intervening development and would not share a direct visual or functional relationship with the proposed dwelling. Having regard to the modest scale, siting and limited visibility of the proposal, it is not considered that the development would result in harm to the setting or significance of any nearby heritage assets.

The Conservation Officer raises no objection to the proposal and concludes that, subject to appropriate detailing and consideration of refuse storage arrangements, the development would preserve the character and appearance of the Conservation Area.

Taking all of the above into account, it is considered that the proposal represents a well-designed form of infill development that responds appropriately to the sites levels, established built form and historic context. It is considered that the development would preserve the character and appearance of the Golcar Conservation Area, preserve the setting of nearby Listed Buildings and comply with Policies LP24 and LP35 of the Kirklees Local Plan, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapters 12 and 16 of the National Planning Policy Framework.

2. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Housebuilders Design Guide sets out 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 text supporting this principle states that:

“For two storey houses typical minimum separation distances are advised:

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

Principle 17 of the Council’s adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floor space of dwellings accords with the ‘Nationally Described Space Standards’ document (March 2015).

Impact on No.84 James Street (Flats)

The proposed dwelling would be attached to the existing block of flats at No.84 James Street and positioned above and behind a side facing bedroom window serving one of the flats, with a parking space proposed adjacent to that window and a new private amenity space circa 5.3m from the window.

Outlook

In terms of outlook from the side facing bedroom window, the existing outlook from this window is already heavily influenced by surrounding built form, walls and hardstanding. The proposal would alter the outlook available from the window due to the presence new parking spaces and the private amenity space but would not result in an unacceptable overbearing impact or material loss of outlook, given the existing site circumstances.

Privacy

The principal windows serving the proposed dwelling would be directed at a level above this window, and towards the highway of James Street rather than

this neighbouring habitable room window. No details have been submitted with respect to boundary treatment, as such, given the proximity of the proposed amenity space to the window, it is recommended that a condition is attached to the decision to secure appropriate boundary treatments to reduce the potential of overlooking. Subject to appropriate conditions, it is not considered that the proposal would result in unacceptable overlooking or loss of privacy to occupiers of this flat or building.

Noise and Disturbance

Two parking spaces are proposed adjacent to the side-facing bedroom window. Whilst occupiers may experience some additional noise associated with vehicle movements, car doors and general comings and goings, such additional activity would be limited in scale and typically expected in this type of residential environment. Furthermore, the window already overlooks an area used for parking, informal bin storage and access, and the proposal would not materially alter the established character or function of this part of the site. On balance, the level of noise and disturbance arising from the proposed parking arrangement, would not be so materially different that it would warrant refusal.

The proposed amenity space would also be located opposite the side facing window, at present, with no physical boundary between the two areas although it should be noted that boundary treatment details are to be secured by condition. Occupiers of the proposed dwelling would inevitably make use of this space and some associated noise and activity would arise. However, the area surrounding the window already functions as a shared parking, access and to some degree a servicing area. As such, as existing the window does not benefit from the level of noise typically associated with a garden facing window. Having regard to the nature of the existing environment and the private amenity space arrangement, on balance, it is not considered that the use of the amenity space would result in such a level of noise and disturbance that would warrant refusal either.

Impact on No.63 Handel Street

This neighbour is located to the north of the proposed dwelling, and its ground level would be situated circa 0.5m above the roof level of the resultant dwelling. There would be no windows facing this neighbour, nor would the dwelling be of a scale that would lead to material harm to the daylight/sunlight provision of this dwelling as such, it is not considered that the proposal would result in an adverse impact on the amenity of this neighbour.

Impact on No.61 Handel Street

This neighbour and its curtilage is located to the north/east of the application site. The main dwelling is located circa 7m from the proposed dwelling, is set back circa 4.2m from its front building line and is situated on a slightly higher ground level. Given the retained separation distance, the modest height of the development and the topography it is not considered that there would be a

loss of daylight/sunlight nor would it appear overbearing to the neighbouring dwelling. Similarly, there would be no proposed habitable windows facing this dwelling, as such it would not result in a loss of privacy.

It is recognised that there is a single storey outbuilding adjacent the eastern boundary of the application site which is served with roof lights, together with associated neighbouring garden amenity space. The proposed dwelling would include south-facing windows, with the proposed W/C window partially overlooking the rooflights, however, this can be acceptably mitigated through a condition requiring obscure glazing.

Whilst the proposal would increase built form and the height of the retaining wall along this part of the boundary, it would infill an area already positioned between an existing three storey building, a substantial retaining wall and existing stepped stone structure. Having regard to the existing site levels, surrounding built form and the limited extent of the increase in height, it is not considered that the proposal would result in a detrimental loss of daylight/sunlight, overshadowing or have an overbearing impact to the neighbouring outbuilding or garden amenity space.

Impact on 77 – 81 (Odds) James Street

The proposed dwelling would be positioned circa 2.7m above the existing car park, as such, would be opposite the first floor windows of the adjacent dwellings with a front elevation to front elevation relationship. However, the proposal would retain a separation distance of circa 28m from these neighbours, exceeding the minimum recommended separation distance of 21m set out in the Housebuilders Design Guide SPD. As such, it is not considered that the proposal would result in a detrimental impact on the amenity of these neighbours.

Amenity of future occupiers

The proposed dwelling would have a gross internal floor area of approximately circa 64sqm across one floor level and would contain two bedrooms. The GIA would exceed the minimum floor space requirement for a two bedroom 3 person dwelling (61sqm). The proposed layout would provide a high level of accommodation with good levels of natural light and outlook to the majority of habitable rooms. It is noted that the 2nd bedroom is served by a single roof light, however, the rest of the house is well served with daylight/sunlight.

Externally, there would be a sufficient quantity commensurate to the scale of the dwelling, it is noted that the amenity space is unorthodox in that it is located at a lower level than the dwelling adjacent the car park, while it would not traditionally to the rear of the dwelling, it would be a provision nonetheless and subject to conditions pertaining to boundary treatment the quality of the private amenity space would be acceptable. As such, the proposal would comply with Principle 16 of the Housebuilders Design Guide SPD, the NDSS, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

4. Highway Impacts

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

These policies are underpinned by Chapter 9 of the NPPF which requires that development proposals ensure safe and suitable access for all users, mitigate any significant impacts on the transport network, and provide adequate opportunities for sustainable travel.

Parking

Part of the application site currently functions as a parking area serving the flats at No.84 James Street. The existing parking and refuse arrangements for the flats were considered under application 2014/91176 which secured the provision of parking and bin storage associated with the conversion/use of the building as flats. Condition 8 of that permission required parking for the development to be provided in accordance with drawing number GA01 Rev A which showed a total of 9 spaces, with 8 of those on the southern portion of the site off James Street and 1 space on the northern portion off Handle Street. Condition 7 required the approved bin storage areas to be provided and retained, this included bin storage abutting the southern corner of the building at No.84 James Street.

The current application proposed a reconfiguration of the existing parking layout to facilitate the construction of the proposed dwelling, associated amenity space and parking provision. The submitted plans demonstrate that eight parking spaces would be retained to serve the existing flats at No.84 James Street, comprising 7 spaces in the southern portion of the site and 1 space in the northern portion, together with 2 dedicated parking spaces for the proposed two-bedroom dwelling. It is acknowledged that the northern parking area is achieved by an existing route outside the current application red line boundary. However, this parking space forms part of the established parking arrangement previously approved under application 2014/91176 and the current proposal does not alter the existing access arrangements.

It is acknowledged that during the determination of 2014/91176, Highways Development Management advised that parking should be provided at a rate of 1 space per one-bedroom flat together with 1 visitor space per 4 units, resulting in a requirement for 10 spaces. However, only 9 spaces were approved, with the shortfall considered acceptable having regard to the availability of on-street parking in the surrounding area. The current proposal

would retain one parking space for each of the existing flats but would result in the loss of the remaining visitor parking provision previously available within the site. Whilst no visitor parking would remain within the red line boundary, it is recognised that substantial lengths of James Street benefit from unrestricted on-street parking. On balance, it is considered that sufficient parking capacity exists within the surrounding highway network to accommodate visitor parking demand.

The proposed dwelling would generate only a limited number of additional vehicle movements. Having regard to the scale of the development, the retention of parking provision for the existing flats, the provision of 2 parking spaces for the proposed dwelling and the continued availability of on-street parking within the locality, the proposal is not considered to result in an unacceptable impact on parking provision, highway safety or the operation of the surrounding highway network.

Accordingly, the development is considered acceptable in highway terms and would comply with Policy LP21 and LP22 of the Kirklees Local Plan.

Waste/Refuse

Refuse storage arrangements for the existing flats at No.84 James Street were considered under application 2014/91176. Condition 7 of that permission required bin storage to be provided in accordance with the approved plans, which identified dedicated refuse storage areas serving the flats both within the southern and northern parts of the site.

It is acknowledged that the bins for the flats are currently informally stored adjacent to the retaining wall beneath the location of the proposed dwelling. The approved refuse storage arrangements secured under the earlier permission would be affected by the proposed dwelling and associated reconfiguration of the site but would be limited to the bin storage areas related to Flats 1, 2, 4 and 6 as described on the bin storage plan referenced in Condition 7 of the 2014 application. As such, the development would necessitate revised refuse storage arrangements for the existing flats as well as provision for the proposed dwelling. This would ensure that satisfactory refuse storage arrangements are provided and retained for both the affected existing flats and the proposed dwelling.

Conclusion on parking and refuse/waste

Subject to conditions requiring the parking layout to be provided prior to the first occupation of the dwelling and revised refuse storage arrangements to be submitted, approved and implemented, the proposal is not considered to result in an unacceptable impact on parking provision, highway safety or waste management arrangements in accordance with Policies LP21, LP22 and LP24 of the Kirklees Local Plan, Chapters 9 and 12 of the National Planning Policy Framework.

5. Contaminated Land

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.

The application site is not identified as being within a potentially contaminated land designation and no contamination constraints have been identified in relation to the proposed development. The site is located in the development low risk area in respect of coal mining legacy issues.

Having regard to the nature of the site, the scale of development proposed and the absence of identified contamination constraints. It is considered proportionate to recommend an unexpected contamination condition to address any unforeseen contamination encountered during development. With respect to coal mining legacy issues, the Coal Authority Standing advice applies.

Subject to the recommended condition, officers are satisfied that the site can be made suitable for the proposed end use and the proposal is therefore considered acceptable in accordance with Policies LP53 and LP51 of the Kirklees Local Plan and Paragraphs 196 and 197 of the NPPF.

6. Flood and Drainage

Chapter 14 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.

The site is located within Flood Zone 1, with a very low risk of fluvial and pluvial flooding and a very low risk of surface water flooding. Having regard to the scale and nature of the development, which comprises the replacement of an existing dwelling within an established residential plot, the proposal is not considered to give rise to flood risk concerns. The development is therefore considered to accord with Policy LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

7. Biodiversity and Ecology

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15 of the NPPF (December 2024) seeks to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

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

The application has been reviewed by the Council's Ecology Officer. No objection has been raised in principle.

The site consists predominately of existing hardstanding and is considered to be of limited ecological value. Whilst there are no trees or hedgerows within the application site requiring protection during construction, it is acknowledged that there are trees and woodland vegetation beyond the site boundaries, particularly to the east, which may provide ecological value and habitat connectivity. Ecology have advised that external lighting has the potential to impact surrounding ecological features and species, including foraging and commuting bats. As such, a condition is recommended requiring sensitive external lighting strategy to be submitted and approved by the Local Planning Authority prior to the installation of any external lighting.

With regards to Biodiversity Net Gain, the development falls within the existing footprint of build development/hardstanding and is therefore considered exempt from the mandatory Biodiversity Net Gain requirements under Schedule 7A of the Town and Country Planning Act 1990 (as amended).

As such, subject to conditions, the proposal is considered to comply with Policy LP30 of the Kirklees Local Plan. An informative will be added to the condition to advise the applicant of their responsibilities in relation to protected species in accordance with the Wildlife Act and Chapter 15 of the NPPF.

8. 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.

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

Policy LP26 further supports this by encouraging development that contributes to climate change and adaptation through layout, design, orientation, and use of low-carbon technologies.

A Climate Change Statement has been submitted confirming the dwelling would be constructed to current Building Regulations Standards, which would secure appropriate energy efficient measures in relation to insulation, thermal performance and glazing. The applicant has advised that materials would be sourced locally where possible in order to reduce transport-related emissions associated with construction. Whilst limited in scale, the measures proposed are considered proportionate to the replacement of a single dwelling and these measures demonstrate a proactive approach to addressing climate change and align with the aims of Chapter 14 of the NPPF, Policies LP24(d) and LP26 of the Kirklees Local Plan and the wider aims of the Council.

9. Other Matters

Prior to the issuing of any planning permission, the Local Planning Authority is required to obtain the written agreement of the applicant to any conditions imposed on a pre-commencement basis in accordance with the Town and Country Planning (Pre-Commencement Conditions) regulations 2018.

There were no pre-commencement conditions required. The following conditions are recommended:

- Time limit (compliance)
- Approved plans (compliance)
- Materials (natural coursed stone), flushed/recessed pointing and sedum roof (compliance/prior to occupation)
- Submit details of private amenity space boundary treatment (prior to occupation)
- Parking spaces laid (prior to occupation)
- Obscure glazed window to W/C (prior to occupation)
- Submit details of refuse and recycle storage arrangements (prior to occupation)
- Unexpected Contamination (Compliance)

10. Representations

There were three letters of objection received, the concerns are addressed as follows:

Loss of existing refuse storage serving No.84 James Street

The concerns regarding the loss of existing refuse storage serving No.84 James Street are noted. However, it is recommended that revised refuse and recycling storage arrangements can be secured by condition to ensure satisfactory provision for both No.84 James Street and the proposed dwelling.

Insufficient parking provision and increased pressure on on-street parking

The concerns regarding insufficient parking provision and increased pressure on on-street parking are noted. However, as set out within the Highways Impact section of this report, the proposal would retain parking provision serving No.84 James Street together with dedicated parking for the proposed dwelling, and sufficient on-street parking capacity is considered to remain available within the locality. The Highways Development Management Team raised no objection. The proposal is not considered to result in an unacceptable impact on parking provision or highway safety.

Alleged private access rights/easement over part of the site

The concerns raised regarding access rights and alleged easement over land adjacent to the site are noted. However, matters relating to landownership, private access rights and easements are civil matters between the relevant parties and do not in themselves form material planning considerations in the determination of this application.

Inaccuracies with submitted plans (including labels and details)

Concerns were raised regarding inaccuracies within the submitted plans, including neighbouring property labelling. However, the application has been assessed having regard to the submitted plans, site observations and the Councils GIS mapping records. These discrepancies are not considered to materially affect the assessment of the proposal.

Concerns regarding publicity and notification of the application

The application has been advertised in accordance with statutory and local requirements by way of press notice and site notice, with an additional round of consultation undertaken by site notice during the application process. The latest consultation period expired on 22nd June 2026, and sufficient opportunity has been provided for representations to be made.

11. Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2026/90197

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission. **Reason:** To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
1. The development hereby permitted shall be carried out in complete accordance with the plans and specification 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, and to accord with Policies LP1, LP2, LP7, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP35, LP52 and LP53 of the Kirklees Local Plan, and Chapters 2, 4, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework 2024.
2. The external walls of the dwelling hereby approved shall be constructed in natural coursed stone to match the adjacent buildings in terms of colour, texture, size and coursing. All pointing shall be flush or slightly recessed and finished in mortar to match the existing surrounding stonework. Any sedum roofs shall be installed prior to the first occupation and retained thereafter. **Reason:** In the interest of visual amenity and the character of the Golcar Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 12 and Chapter 16 of the National Planning Policy Framework 2024.

3. All new windows and door opening within the dwelling hereby approved shall be set back within reveals by a minimum depth of 150mm from the external face of the wall and retained thereafter. **Reason:** In the interests of high-quality design and to preserve the character and appearance of the Golcar Conservation Area in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework 2024.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2025 (or any order revoking and re-enacting that order with or without modification), no development shall take place within the curtilage of the dwellinghouses hereby approved which falls within Schedule 2, Part 1, Classes A, B,C,D,E,F and Schedule 2, Part 2 Classes A and B without the prior written consent of the Local Planning Authority. **Reason:** In the interest of visual amenity and so as to preserve the character of the Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapter 12 and Chapter 16 of the National Planning Policy Framework 2024.
5. The parking spaces shown on drawing no. 25_813 103 A, titled As Proposed_ Site + Location Plan, shall be laid out, surfaced and clearly marked out and made available to use prior to the first occupation of the dwelling hereby approved. The parking spaces shall thereafter be retained and kept available for use by occupiers of the dwelling hereby approved and No.84 James Street, unless otherwise agreed in writing by the Local Planning Authority. **Reason:** To ensure satisfactory parking provision in the interests of highway safety, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework 2024.
6. The window in the Southern Elevation serving the WC as shown on drawing no. 25_813 101 A, titled As Proposed_ Floor Plans + Elevations, shall be fitted with obscure glazing prior to the first occupation of the dwelling hereby approved and shall thereafter retained as such. **Reason:** In the interest of safeguarding neighbouring residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework 2024.
7. Prior to the first occupation of the dwelling hereby approved, details of all boundary treatments associated with the private amenity space, including any walls, fences, gates or screening, shall be submitted to approved in writing by the Local Planning Authority. The approved boundary treatments shall be installed prior to the first occupation and retained thereafter. **Reason:** In the interests of residential amenity of neighbouring and future occupiers and visual amenity and to accord

with Policy LP24 of the Kirklees Local Plan, principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework 2024.

8. Prior to the first occupation of the dwelling hereby approved, details of refuse and recycling storage arrangements for the dwelling and No.84 James Street shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority. **Reason:** To ensure satisfactory refuse and recycling arrangements in accordance with Policies LP24 and LP43 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework 2024.
9. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been drafted and agreed with the council. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented, subject to any variations approved in writing by the planning authority. All external lighting shall be installed strictly in accordance with the specifications and locations set out within the Lighting Strategy. **Reason:** In the interests of biodiversity and in accordance with Policy LP30 and Chapter 15 of the National Planning Policy Framework 2024.
10. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either:
 - a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or,
 - a) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance

with the approved Remediation Strategy and a Validation Report in respect of those works has been 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 the National Planning Policy Framework.

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) regarding 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: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays with no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

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 applicant is reminded that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist. It is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 to disturb, or harm protected species or their habitats. Failure to comply with the legislation could result in prosecution.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
AS EXISTING_ SITE + LOCATION PLAN	25_813 102	A	16/04/2026
AS PROPOSED_ SITE + LOCATION PLAN	25_813 103	A	16/04/2026
AS PROPOSED_ FLOOR PLANS + ELEVATIONS	25_813 101	A	16/04/2026
CLIMATE CHANGE STATEMENT	-	-	27/01/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 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. Amendments were secured to address officer concerns regarding parking and site layout, including submission of revised plans and a revised red line boundary, which were subject to further consultation. The proposal has been assessed on the basis of the amended scheme.

Report Dated: 29.06.2026

