

**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:	2026/62/90343/E
Site Address:	54, Victoria Street, Clayton West, Huddersfield, HD8 9NW
Description:	Erection of two detached dwellings with associated works
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: 11 May 2026

Officer Report – 2026/90343

54, Victoria Street, Clayton West, Huddersfield, HD8 9NW

Site Description

The application site is a corner plot situated at the junction of Chapel Hill and Victoria Street, positioned on the western side of Victoria Street and the northern side of Chapel Hill. It forms part of the wider curtilage of No.54 Victoria Street, a detached bungalow located immediately to the north.

The site currently consists of a mixture of hard and soft landscaping, with heavily vegetated boundary treatments that provide a sense of enclosure. Two mature sycamore trees, protected under Tree Preservation Order (TPO) reference 03/08, were located towards the western side of the site, but have now been felled through a tree works application. In addition, the site accommodates a number of lower-value trees and shrubs.

An existing vehicular access and dropped kerb are present on Victoria Street. The site slopes gently from south to north, with a modest cross fall across the plot. A distinct step in land levels is evident along the shared boundary with No.54 Victoria Street.

The site is not within a Conservation Area, does not form part of the curtilage of a listed building, and is not adjacent to any designated heritage assets.

Description of Proposal

The Scheme

The application seeks full planning permission for the erection of two detached single family dwellinghouses with associated parking, amenity space and bin storage. The dwellings would be two storeys in height with accommodation within the roof space, each providing 3 bedrooms.

Externally, the dwelling would be constructed from artificial Yorkshire stone walling, with a mixture of UPVC and PPC aluminium grey windows and doors, with coursed natural stone surrounds. The roof would see artificial stone slates. Each property would incorporate a pitched roof with a small canopy above the principal entrance, and a roof lights to the front and rear elevations.

Vehicular access would be taken from Victoria Street, with each dwelling served with a driveway providing stacked off-street parking spaces for two vehicles. Each dwelling would be served by a private rear garden and an individual bin storage area located close to the highway.

As part of the works, a section of the existing boundary wall along Chapel Hill would be reduced in height from 0.7m to 0.5m, and tactile paving would be

installed at the access onto Victoria Street to provide a crossing point which would be subject to a Section 184 Highways Agreement. The submitted drawings also indicate alterations to the adjacent bungalow at No.54 Victoria Street. However, these lie outside the red line boundary and do not form part of this proposal.

History of Negotiations and Amendments Received

There were no amendments or negotiations required.

Relevant Planning History

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

Ref: 2024/93082

Description: Work to TPO(s) 03/08

Decision: Refused (07.11.2024)

Ref: 2025/90657

Description: Construction of three dwellings with associated parking, amenity space and bin storage

Decision: Withdrawn (29.09.2025)

Ref: 2025/93107

Description: Work to trees TPO 03/08

Decision: Granted (28.11.2025)

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 and via the Council's website. The statutory publicity period expired on 3rd March 2026.

There were 5 letters of objection received, these are summarised as follows:

Visual Amenity

- Proposed three-storey dwellings considered overly dominant within the street scene
- Development would appear out of keeping with surrounding properties, which are predominantly lower in height (including bungalows and two-storey dwellings)

- Concerns that the scale, massing and design would harm the character and aesthetic of the area
- The elevated position and gradient of the road would exacerbate the visual prominence of the dwellings
- Development considered visually incongruous and likely to stand out negatively
- Site considered too small to accommodate two (or more) dwellings appropriately
- Proposal viewed as overly intensive and driven by maximising development yield
- Concern that internal layouts may result in substandard room sizes and poor-quality accommodation
- Suggestion that a single dwelling (or smaller-scale development) would be more appropriate

Residential Amenity

- Concerns regarding loss of daylight and natural light to neighbouring properties, particularly adjacent bungalows
- Potential overlooking and loss of privacy due to height and positioning of windows
- Overbearing impact arising from the scale and height of the proposed dwellings
- Impact on outlook for properties opposite and adjacent to the site

Highway Safety

- Site located adjacent to a junction on a steep hill, with existing poor visibility
- Existing highway conditions described as hazardous due to on-street parking on both sides
- Concerns that additional dwellings would increase traffic and exacerbate existing safety issues
- Difficulty for vehicles entering/exiting Chapel Hill due to restricted sightlines
- Risk of accidents increasing as a result of intensified use
- Concerns regarding construction phase impacts on an already constrained highway network
- Suggestions that parking restrictions or highway interventions (e.g. convex mirror, double yellow lines) are required
- Limited space within the site to adequately accommodate parking provision
- Likelihood of overspill parking onto surrounding streets
- Existing on-street parking pressures already significant
- Concern that visitor parking demand has not been accounted for

Consultation Responses

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

KC Ecology Team – No objection, subject to conditions relating to nesting birds, invasive species management, tree protection and biodiversity enhancement. The submitted BNG metric demonstrated a small onsite habitat net gain of 0.1752 units through habitat creation and enhancement.

The Coal Authority – No objection, however, given that the site lies within an area of potential risk from unrecorded shallow coal mining, they recommend conditions requiring intrusive site investigations and any necessary remediation to ensure the site is made safe and stable for the approved development. The conditions also require a signed declaration from a suitably competent person confirming site safety prior to occupation.

KC Highways Development Management - No objection, subject to conditions. The development would provide tandem off-street parking for two vehicles per dwelling, together with visibility improvements through the lowering of the boundary wall adjacent to Chapel Hill and the installation of tactile paving in the interests of pedestrian safety.

KC Tree Officer – No objection.

Denby Dale Parish Council - Objections due to the loss of light to adjacent properties, over-development of the plot, height of the proposal, highways issues in terms of sight lines and the ecological survey was also noted.

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

Allocation and Policy

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

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

- Bat Alert Zone
- Development High Risk Area (Coal)
- Tree Preservation Orders (TPO's) - 03/08/t69 and 03/08/t68

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
- LP3 Location of new development
- 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
LP33 Trees
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 5 Delivering a sufficient supply of homes
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

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

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)
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

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

1.1 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.

1.2 Principle of Housing Development

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.

The proposal would introduce a single dwelling within an established residential area, contributing modestly to local housing supply. Given the acknowledged housing land shortfall, the scheme is considered to support the strategic aims of Policies LP1, LP2 and LP3 of the Kirklees Local Plan, subject to detailed assessment against remaining material planning considerations and policies.

2. Visual Amenity

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 proposal seeks permission for the erection of two detached dwellings on land at the junction of Chapel Hill and Victoria Street. The dwellings would be two-storey in appearance with accommodation within the roofspace and would occupy a prominent corner position within the street scene. Plot 1 would be positioned circa 1.4m from the footpath on Chapel Hill, increasing towards the junction, whilst both dwellings would be set back between circa

2.7m and 4m from Victoria Street. Plot 2 would be positioned adjacent to the side elevation of No.54 Victoria Street, with a separation distance of circa 6.2m between side elevations.

In terms of siting and layout, whilst it is recognised that there is a change in ground levels between the application site and No.54 Victoria Street, together with some variation in building line, this part of Victoria Street is characterised by a varied pattern of development. The surrounding street scene includes a mixture of dwellings positioned hard against the back edge of the pavement, properties set further within their plots, bungalows and two-storey dwellings. Consequently, there is no strong or consistent established building line or scale that the proposal would appear materially at odds with.

The proposed dwellings would be read alongside the existing varied pattern of development within the locality and, whilst introducing additional built form on the corner plot, it would remain appropriately set back from the highway and would relate acceptably to neighbouring development, including No.54 Victoria Street. The stepped ridge arrangement would also assist in responding to the changes in site levels and would provide a transitional relationship between the scale of the proposed dwellings and the neighbouring bungalow.

The proposed dwellings would adopt a simple domestic form with dual pitched roofs and accommodation within the roofspace. The proposed elevations would incorporate simple fenestration detailing and modest projecting entrance canopies. Whilst some contemporary elements are proposed, including rear openings and aluminum framed features, these would primarily be limited to the ground floor rear elevations and would not appear visually harmful within the wider street scene. The submitted plans indicate the use of artificial Yorkshire stone walling and artificial stone slate roofing which, subject to a materials condition, are considered acceptable in the context of the surrounding stone built character of the area.

In conclusion, the proposal is considered to be of an appropriate design, in terms of scale, massing and appearance as not to give rise to a detrimental impact on the character of the street scene or the surrounding area. As such, the proposal would comply with Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

3. 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 130 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 House Builders 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 floorspace of dwellings accords with the ‘Nationally Described Space Standards’ document (March 2015).

3.1 Neighbouring Amenity

No.1 Victoria Terrace and No.30 Chapel Hill

The dwellings located to the east of the proposed development are served by blank side gable elevations facing the application site. In view of the siting and orientation of the proposed dwellings, it is not considered that the development would result in any material loss of daylight or sunlight to these neighbouring properties. Furthermore, the proposal would not give rise to unacceptable levels of overlooking, loss of privacy, or an overbearing impact on the residential amenity of the occupiers of those dwellings.

No.54 Victoria Street

This neighbouring property is situated to the north of the application site, below the level of the application site and comprises a bungalow dwellinghouse. The proposed development would maintain a separation distance of circa 4m from the shared boundary, which exceeds the generally accepted minimum separation distance of 2 metres between the side elevation of a new dwelling and a shared boundary.

In respect of daylight and sunlight impacts, it is acknowledged that the proposed dwellings would be positioned on higher ground relative to the

neighbouring property. However, the proposed built form would not project beyond the rear elevation of the neighbouring bungalow and, whilst it would extend circa 3.3m beyond the front elevation, an assessment against the 45-degree guideline taken in plan form demonstrates that the proposal would not infringe this line when measured from the nearest habitable room windows.

Accordingly, having regard to the relationship between the properties, it is not considered that the proposal would result in any material loss of daylight or sunlight to the neighbouring occupiers. Furthermore, given the orientation and parallel relationship of the proposed dwellings to the side elevation of the bungalow, the development is not considered to give rise to an overbearing impact.

In terms of privacy and overlooking, whilst the nearest proposed dwelling at Plot 2 would contain side-facing windows orientated towards the neighbouring property, the ground and first floor windows would serve non-habitable rooms. In addition, the room in the roof window would primarily afford views across the roofscape of neighbouring properties to the north. It is also noted that the neighbouring bungalow is not served by side facing habitable room windows. In light of the above, it is not considered that the proposal would result in undue overlooking or any unacceptable loss of privacy to the occupiers of the neighbouring dwelling.

No's 21 to 25 (odds) Chapel Hill

The properties are situated to the south of the application site on the opposite side of Chapel Hill. The proposed dwelling at Plot 1 would present its side elevation towards the front elevations of Nos. 21 and 23 Chapel Hill. Plot 1 would include a ground floor side-facing habitable room window serving an open-plan kitchen/living/dining area, together with a roof-level window serving a non-habitable en-suite bathroom. A separation distance of approximately 20 metres would be retained between Plot 1 and No. 21, and approximately 19.7 metres to No. 23.

It is also noted that there is a variation in ground levels between the application site and these neighbouring properties, with Nos. 21 and 23 positioned at a slightly higher level. In view of this relationship, it is not considered that there would be any material overlooking between the respective ground floor habitable room windows. Furthermore, the roof-level window serving the non-habitable room would exceed the generally accepted minimum separation distance of 12 metres between habitable room windows and windows serving non-habitable accommodation. Accordingly, it is not considered that the proposal would result in undue overlooking or any unacceptable loss of privacy to the occupiers of these neighbouring dwellings.

In terms of daylight, sunlight and overshadowing, the proposed dwellings would be located to the north of these properties and would therefore fall outside the primary sun path. Having regard to their siting and separation distances, it is not considered that the development would result in any material loss of daylight or sunlight to the neighbouring dwellings, nor would it

give rise to undue overshadowing. Whilst the proposal would introduce a noticeable change to the character of the site, sufficient separation distances would be maintained such that the development would not appear overbearing when viewed from these neighbouring properties.

With regard to No. 25 Chapel Hill, the proposed dwellings would not be positioned directly opposite this property and would instead adjoin its rear amenity area. Given this relationship and the degree of separation involved, it is not considered that the proposal would have a material adverse impact on the residential amenity currently enjoyed by the occupiers of No. 25.

3.2 Amenity of future occupiers

Each dwelling would provide a Gross Internal Area of approximately 112 square metres, thereby exceeding the minimum requirement of 108 square metres for a three-bedroom, six-person dwelling arranged over three storeys, as set out within the Nationally Described Space Standards (NDSS). The proposed dwellings would be dual aspect in design, with all habitable rooms benefitting from access to vertical windows.

In terms of daylight, sunlight and outlook, it is considered that both Plots 1 and 2 would provide a good standard of amenity for future occupiers. It is acknowledged that the principal outlook from Bedroom 1 at Plot 1 would be partially towards the side elevation of Plot 2; however, this room would also benefit from rooflights, providing additional access to daylight and sunlight together with upward outlook.

The proposed dwellings would be broadly parallel in their side-to-side relationship, with consistent building lines maintained throughout. As such, it is not considered that either property would experience any significant adverse impacts in respect of daylight or sunlight. Whilst it is acknowledged that the side-facing ground floor kitchen window at Plot 2 is unlikely to receive substantial levels of direct daylight or sunlight, this window serves an open-plan living space which would principally benefit from larger rear-facing windows, thereby ensuring adequate levels of natural light overall.

With regard to privacy between the proposed dwellings, Plot 1 would contain two side-facing windows at ground floor level serving a hallway and a W/C respectively. The hallway window, serving a non-habitable space, would not directly face any windows within Plot 2. Whilst the W/C window would be partially opposite the kitchen window at Plot 2, the window would be obscure glazed and, when considered alongside the variation in ground levels and the separation distance between the properties, it is not considered that any unacceptable loss of privacy would arise.

At first floor level, there would be no material overlooking between the dwellings, as the side-facing window at Plot 1 serving the hallway would look towards the blank side elevation of Plot 2. At loft level, the window serving Bedroom 1 at Plot 1 would be partially opposite the en-suite window at Plot 2; however, given the changes in ground level and the proposed obscure glazing

to the en-suite window, it is not considered that this relationship would result in undue overlooking or loss of privacy.

Private amenity space would be provided to the rear of each dwelling, equating to approximately 38 square metres per property. Taken as a whole, the proposal is considered to provide a good standard of accommodation and residential amenity for future occupiers.

Conclusion on residential amenity impacts

The development demonstrates an acceptable relationship with neighbouring properties, provides adequate internal space and maintains a reasonable standard of amenity for future occupiers. The development therefore complies with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF 2024.

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.

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

The application seeks planning permission for the construction of two dwellings with tandem parking arrangements fronting Victoria Street, a two-way local access road subject to a 30mph speed limit. Victoria Street measures circa 5.6m in width and is served by footways on both sides together with street lighting. It is also noted that the highway is characterised by a steep gradient in the vicinity of the site, descending from the junction with Chapel Hill. Existing traffic calming measures, including speed tables, are present to the northeast of the application site.

The site has previously been subject to planning application reference 2025/90657, during which the Highways Team were formally consulted. At that time, it was noted that there were no recorded injury collisions at the southern end of Victoria Street or along Chapel Hill adjacent to the junction

with Victoria Street. Nevertheless, the Kirklees Highways Safety Team requested the provision of tactile paving at the pedestrian crossing point over Victoria Street at its junction with Chapel Hill. The tactile paving was required to accord with Kirklees Standard Details for textured footway surfaces at uncontrolled pedestrian crossings and to be secured through a Section 278 Agreement with the Council. This mitigation was considered necessary in the interests of pedestrian safety, having regard to the potential for conflict between manoeuvring vehicles and pedestrians crossing the highway.

The Highway Development Management Team have been consulted as part of the current application and have raised no objection to the proposed development. It is acknowledged that the scheme would provide tandem parking for two vehicles per dwelling, which is considered sufficient to serve a three-bedroom property and reflects parking arrangements commonly found within the surrounding street scene. The proposal also includes the reduction in height of the stone boundary wall adjacent to Chapel Hill to approximately 0.5m in order to achieve suitable visibility splays, together with appropriately positioned bin storage and the provision of tactile paving in the interests of highway safety.

In this regard, suitably worded conditions are recommended requiring the tactile paving and reduced boundary wall to be implemented prior to first occupation of the development. Additional conditions are also recommended to secure the provision and ongoing retention of appropriate visibility splays free from obstruction for the lifetime of the development. An informative should also be attached advising the applicant that a Section 184 Agreement will be required for works within the adopted highway.

Subject to the recommended conditions, it is considered that the proposal would accord with Policies LP21 and LP22 of the Kirklees Local Plan, the Highways Development Management SPD and Chapter 9 of the National Planning Policy Framework. In particular, the proposal is not considered likely to result in an unacceptable impact on highway safety, nor would it give rise to a severe residual cumulative impact on the local highway network.

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 contaminated or potentially contaminated land. The site previously contained development associated

with residential use, and the redevelopment is for residential dwellings. Given the nature of the development and its location, it is considered proportionate to apply a precautionary condition requiring notification in the event that any unexpected contamination is encountered during any remaining groundworks.

The site lies within a Development High Risk Area as defined by The Mining Remediation Authority (MRA) (formerly known as the Coal Authority). The application is supported by a Coal Mining Risk Assessment (CMRA), which identifies the presence of a shallow coal seam encountered during foundation works and notes the low, but not discounted, risk from unrecorded shallow workings. The MRA has reviewed the submitted CMRA and raises no objection to the development, subject to the imposition of conditions securing intrusive investigations and any necessary remediation. As such, in line with the CMRA's consultation response, the recommended conditions will be imposed to ensure that the site is, or can be, made safe and stable for its intended use.

It is therefore considered that subject to a condition requiring the reporting of any unexpected contamination encountered during development, the cessation of works in any identified affected area and the submission of a remediation strategy if necessary; along with the recommended conditions from the Mining Remediation Authority for intrusive investigations, the proposal would be carried out in accordance with Policy LP53 and LP51 of the Kirklees Local Plan and Paragraphs 189 and 190 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 in Flood Zone 1 and is identified via the Environment Agency's flood risk mapping as being at very low - low risk of surface water flooding. As such, there is no requirement for a Flood Risk Assessment in this instance.

However, in accordance with Policy LP28 of the Kirklees Local Plan and the objectives of Chapter 14 of the NPPF, new development is still expected to incorporate sustainable drainage measures to ensure that surface water is appropriately managed and does not increase flood risk either on or off site. As such, a condition will be attached to the permission to ensure parking areas are constructed in a permeable material and appropriately drained.

Subject to conditions as detailed above, it is considered that the proposal would comply with Policy 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, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek 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 accompanied by a Preliminary Ecological Appraisal, Bat Roosting Potential Survey and BNG Statutory Metric, along with existing and proposed site plans. The information has been reviewed the Councils ecology office who notes that the site consists of vegetated gardens with introduced shrubs, hardstanding, bare ground, mixed native scrub, a built linear feature (wall) and 11 scattered trees. The proposed development would result in the permanent loss of areas of vegetation and the removal of 7 of the 11 trees on site.

The Bat Roosting Potential Survey identified that the two trees to be removed (T6 and T7) present no roosting opportunities for bats, and the stone wall onsite, assessed for crevice dwelling bats show no evidence of bats. The trees onsite are considered to have suitability for nesting birds and Schedule 9 listed species Rhododendron were observed onsite. In light of these findings, it is recommended that conditions are attached to ensure the removal of trees that may be used by breeding birds takes place outside 1st March and 31st August inclusive, to secure Construction Environmental Management Plan (CEMP), Hedgerow and Tree Protection, and a condition in relation to invasive species. While the ecology team recommended a condition to secure an Ecological Design Strategy (EDS), officers consider that given the limited scale of the development, the limited ecological sensitivity of the site and the inclusion of a CEMP condition along with other ecological/biodiversity conditions; the inclusion of an EDS condition in this instance would not be necessary or proportionate.

The statutory requirements for Biodiversity Net Gain under the Environment Act 2021 apply to new development proposals where baseline habitat conditions can be established prior to commencement. The submitted BNG information has been reviewed by the Council's Ecology Officer, who considers the baseline and post development calculations to be acceptable. As a result of the development there would be an onsite net gain of 0.1752 habitat units through the creation and enhancement of very low to medium distinctiveness units. Subject to a planning condition requiring the submission of a Biodiversity Gain Plan prior to commencement, the application is acceptable from a biodiversity perspective.

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. Trees

Policy LP33 of the Kirklees Local Plan seeks to protect and enhance existing trees, woodlands and hedgerows, particularly those of significant amenity value, and ensures that new development integrates appropriately with existing natural features. Where harm to trees is unavoidable, appropriate mitigation or compensation is required.

Paragraph 136 of the NPPF requires planning decisions to recognise the importance of trees, and to ensure that they are retained wherever possible.

The Council's Tree Officer previously raised an objection to the earlier scheme on arboricultural grounds. It was noted that the site contained two mature sycamore trees located adjacent to the western boundary, both of which were protected by Tree Preservation Order (TPO) reference 03/08. Whilst the submitted Arboricultural Impact Assessment identified the trees as Category U specimens due to the presence of honey fungus (*Armillaria mellea*) and therefore recommended their removal, the Tree Officer acknowledged that the trees nonetheless provided significant amenity and environmental value to the local area.

Following a site visit and review of the submitted evidence, the Tree Officer accepted in principle that the removal of the protected sycamores, together with five additional Category C trees on the site frontage, could be justified subject to appropriate replacement planting. However, concern was raised regarding the relationship between the proposed dwellings and the required replacement trees. In particular, it was advised that any replacement trees would need to be capable of reaching a similar scale and canopy spread to the existing sycamores in order to preserve the long-term amenity value protected by the TPO.

The Tree Officer considered that the siting of the proposed dwellings encroached too far into the area required for the future growth of replacement trees and would likely result in pressure from future occupiers to heavily prune

or remove those trees due to shading and overhanging canopies affecting the rear gardens. As such, the previous scheme was considered to conflict with Policies LP24 and LP33 of the Kirklees Local Plan, which seek to secure good design through the retention of valuable trees and resist development which would directly or indirectly threaten trees of significant amenity value.

A Tree Works application was submitted under application reference 2025/93107, where consent was given to fell TPO's 03/08/t69 and 03/08/t68 (Sycamore trees). The consent acknowledged the poor condition of the trees, including the presence of honey fungus, and accepted their removal subject to a comprehensive replacement planting scheme. Under this permission, the applicant is required to replace the felled trees with two Common Hornbeam trees, measuring between 1.5m and 2m in height when planted and located within 1-2m of the original trees within two years of the respective decision date. Evidence is also required to be submitted to the Local Planning Authority to demonstrate this has been carried out, with long term maintenance secured by various conditions.

The two replacement Common Hornbeam trees have been shown on the proposed site plan, in a position that corresponds with the previously approved tree works application. The Council's tree officer has reviewed the submitted details accompanying the proposal for two new dwellings, raising no objection given the proposed dwellings would be sited a sufficient distance from the replacement trees as not to result in pruning or removal pressures by future occupants. The proposal would include the planting of additional trees for BNG purposes and a comprehensive scheme of soft and hard landscaping would be secured by condition.

Accordingly, subject to the imposition of these conditions, the proposal is considered to appropriately safeguard existing trees of amenity value in accordance with Policy LP33 of the Kirklees Local Plan and Paragraph 187 of the National Planning Policy Framework.

9. Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. 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.

The application is supported by a climate change statement which outlines a series of design and construction measures intended to mitigate the environmental impacts of the development. These include enhanced thermal insulation, triple glazing and low energy fittings. Materials have been locally sourced where possible, with demolition waste reduced as hardcore fill to reduce embodied carbon. Design measures such as optimised window positioning and avoidance of solar shading support passive energy efficiency. Surface water runoff is to be managed through mitigation measures noted on the plans and water stress addressed via rainwater harvesting and recycling features.

Taken together, 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.

10. Other Matters

Pre-commencement conditions

In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant was notified of the intention to impose these conditions and provided with an opportunity to comment and confirmed their agreement in writing on 8th May 2026. The conditions are therefore considered reasonable, necessary, and compliant with the relevant legislation.

11. Representations

There were 5 letters of objection received and matters are addressed below:

Visual Amenity

Concerns were raised regarding the scale, height and appearance of the proposed dwellings, including that the development would appear overly dominant and out of keeping within the street scene. However, the surrounding area is characterised by a varied pattern of development, including bungalows and two-storey dwellings with differing building lines and relationships to the highway. The stepped ridge design and use of traditional materials would assist the development in integrating into the street scene. Furthermore, the proposal would provide adequate amenity space, parking and internal accommodation standards, and is therefore not considered to represent an overdevelopment of the site.

Residential Amenity

Concerns regarding overlooking, loss of privacy, overbearing impacts and loss of daylight and sunlight have been carefully considered. The proposal would maintain acceptable separation distances to neighbouring properties and has been designed having regard to surrounding land levels. The development would not infringe the 45 degree guideline in relation to the nearest neighbouring bungalow and several side-facing windows would either serve non-habitable rooms or be obscure glazed. As such, it is not considered that the proposal would result in any unacceptable impact on neighbouring residential amenity.

Highway Safety

Objections were raised regarding highway safety, parking pressures and the site's proximity to the junction of Chapel Hill and Victoria Street. However, the Highway Development Management Team have raised no objection to the proposal. The development would provide off-street parking for two vehicles per dwelling together with highway mitigation measures, including improved visibility splays and tactile paving. Subject to conditions, it is not considered that the proposal would result in an unacceptable impact on highway safety or parking provision within the surrounding area.

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: 2026/90343

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions

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

For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 4, 5, 9,11, 12, 14 and 15 of the National Planning Policy Framework, and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

1. The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the Local Planning Authority has been obtained for any proposed change or variation. **Reason:** In the interest of visual amenity in accordance with Policy LP24 of the Kirklees Local Plan, the Kirklees Housebuilders Design Guide Supplementary Planning Document and the aims of chapter 12 of the National Planning Policy Framework 2024.
2. No further development 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.

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 public safety and to ensure the stability of the land for development, in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

3. 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:** In the interests of public safety and to ensure the stability of the land for development, in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

4. 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.

5. The areas indicated for vehicle parking on the approved plan no '682 A12 Rev A Site Plan as Proposed' shall be laid out, surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded, and made operational prior to the first use of the development hereby approved. These areas shall thereafter be retained free of obstruction and used for their intended purpose for the lifetime of the development. **Reason:** In the interests of highway safety and to achieve a satisfactory layout to mitigate surface water flood risk and in accordance with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, Principle 12 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework 2024.
6. Notwithstanding the submitted details, prior to the first occupation of the development hereby approved, the tactile paving at the pedestrian crossing over Victoria Street at its junction with Chapel Hill and the lowering of the boundary wall adjacent to Chapel Hill to a height not exceeding 0.5 metres shall be fully implemented in accordance with drawing no. no '682 A12 Rev A Site Plan as Proposed' and in

compliance with Kirklees Council Standard Details for textured footway surfaces at uncontrolled pedestrian crossings, unless agreed otherwise in writing by the Local Planning Authority.

The tactile paving and lowered boundary wall/visibility splay shall thereafter be retained and maintained as such for the lifetime of the development and kept free from obstruction. **Reason:** In the interests of highway safety, to ensure safe pedestrian crossing provision and adequate visibility at the junction, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of National Planning Policy Framework 2024.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, enlargements, roof alterations, outbuildings or other alterations to the dwellinghouse falling within Classes A, B, C, D or E of Part 1 Schedule 2 shall be carried out without the prior grant of planning permission by the Local Planning Authority. **Reason:** In the interests of safeguarding the character of the area and to protect the amenity of neighbouring occupiers, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework 2024.
8. 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
 - a) Identification of "biodiversity protection zones"
 - b) Pollution Prevention Plan for the watercourse (using good practice guidance such as CIRIA C532)
 - 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 15 of the National Planning Policy Framework 2024.

9. A Hedgerow and Tree Protection Plan detailing measures for the protection of trees and hedgerows during the works shall be submitted to and approved by the LPA prior to the commencement of works on site, including site clearance and delivery of materials.

Hedgerow and tree protection measures will include temporary fencing for the protection of hedgerows in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. Any alternative fencing type or position not in accordance with BS 5837:2012 will be agreed in writing by the LPA prior to the start of development.

The root protection fencing will define the works exclusion zone around hedgerows and trees. Activities liable to be harmful to hedgerows and trees are prohibited within this exclusion zone, unless agreed in writing with the LPA. The approved hedgerow and tree protection measures will remain in place until the completion of development or unless otherwise agreed in writing with the LPA. **Reason:** This is a pre-commencement condition in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.

10. No works shall commence on-site prior to the completion of an invasive species survey and appropriate removal and / or management plan and agreed in writing with the council. The survey must be undertaken at the optimal time of year; between May and September. Schedule 9 of the Wildlife and Countryside Act 1981 lists non-native species that are considered harmful to native biodiversity and habitats in the UK. It is illegal to release, plant, or allow these species to grow in the wild. **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 15 of the National Planning Policy Framework 2024.
11. Prior to the first occupation of the development hereby approved, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation and thereafter retained and maintained in accordance with the approved

details. **Reason:** To ensure a satisfactory appearance of the development and to safeguard visual amenity in accordance with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

12. Prior to the first occupation of the development, a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed and thereafter retained for the lifetime of the development. **Reason:** In the interests of visual amenity and securing a high standard of design, in accordance with Policy LP24 of the Kirklees Local Plan, Principle 8 of the adopted Housebuilders Design Guide Supplementary Planning Document, and Chapter 12 of the National Planning Policy Framework 2024.

NOTE: Any retaining features affecting the highway will require formal technical approval by the Council as the Highway Authority. It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the highways structures team for works near or abutting highway and any retaining structures. We would recommend providing details of all proposed retaining features and underground storage facilities (including pipes) to Farhad Khatibi (structures team leader 01484 221000) at the earliest opportunity, who will be able to advise you of the necessary requirements in more detail.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway and any works within the adopted highway will need to be constructed under the correct legal agreement of the 1980 Highways Act. The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. 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: Please note that the granting of planning permission does not override any private rights of ownership, and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

NOTE: If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Mining

Remediation Authority. Further information regarding Incidental Coal Agreements can be found at: www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

NOTE: In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

NOTE: The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

NOTE: The applicant is reminded that if bats, nesting birds or other protected species are identified during works, all activity in the affected area must cease immediately and advice sought from a suitably qualified ecologist. No vegetation or tree removal should take place between 1st March and 31st August inclusive unless checked by a qualified ecologist beforehand. Attention is drawn to the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, under which it is an offence to disturb, injure or destroy protected species or their habitats.

NOTE: It is a requirement of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 that a Biodiversity Net Gain Plan is submitted to, and approved in writing by the Local Planning Authority prior to the commencement of development.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Site Location Plan	682-A10	Rev B	05/02/2026
Site Plan as Existing	682-A01	Rev C	05/02/2026
Site Plan as Proposed	682-A12	Rev A	14/04/2026
Floor Plans & Section As Proposed	682-A14	-	05/02/2026
Elevations As Proposed	682-A15	-	05/02/2026
Street Scene To Victoria Road As Proposed	682-A17	-	07/05/2026
Preliminary Ecological Appraisal	-	-	14/04/2026

Plan Type	Reference	Version	Date Received
Bat Roosting Potential Survey	22902/AWe	-	05/02/2026
BNG Small Sites Metric	-	-	14/04/2026
Pre-Development Plan Baseline Map and Post- Development Plan Post-Development Map	-	-	14/04/2026
Coal Mining Risk Assessment	C4893/24/E/7470		05/02/2026
Arboricultural Impact Assessment	AIA.2 -2482-1		05/02/2026
Climate Change Statement			05/02/2026

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. No amendments were requested.

Report Dated: 8th May 2026

