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:	**2026/62/90868/W**
Site Address:	Land north of, 39, Hightown Lane, Holmfirth, HD9 3HY
Description:	Erection of detached dwelling (part within a Conservation Area)
Recommending Officer:	Danielle Cooper

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: 09 September 2026

Officer Report
2026/90868
Site Description
The application site relates to land located next to 39 Hightown Lane. The site is unmanaged and is overgrown land, consisting of grass and earth. Moving up the slope, vegetation becomes progressively denser, comprising a mix of shrubs, brambles, and semi-mature trees. The wider site is characterised by steeply rising levels from the road pavement to the north-western boundary, totaling approx. 10m in change of land level.
The site is part located within Holmfirth Conservation Area and the Green Belt.
The site is located within the Holme Valley Neighbourhood Development Plan – (HVNDP-LCA4) River Holme Settled Valley Floor.

Description of Proposal
The application seeks permission for the erection of detached dwelling (part within a Conservation Area).
The proposal comprises a detached stone dwelling with slate roof tiles that would be three storey in height from the front elevation and two storey from the rear elevation due to the steep topography of the site.
At street level, a garage fronts directly onto Hightown Lane. The principal entrance is positioned above street level, accessed via a front staircase from the pavement.
The proposal includes a bay window to the front elevation with roof lights, and 3 small dormer windows on the roofscape of the rear elevation. A first floor rear balcony is also proposed.
Amenity space is located to the rear of the site and will slope upwards.
2 on site parking spaces will be provided to the front of the property, with one on-site parking space provided for No. 41 Hightown Lane.
Bin storage will be provided to the side of the property.
The dwelling will provide three bedrooms arranged over 3 storeys, with a total internal floor area of 255m².
Certificate D has been signed, with notice of the application being published within the Huddersfield Examiner.
History of Negotiations
Following receiving comments from KC Conservation and Design, the scheme was revised to reflect the recommended comments to improve visual amenity of the proposed property. The agent was asked to submit a preliminary ecological appraisal, which was reviewed by KC Ecology and considered acceptable.

The case officer raised concern in regard to the scale and siting of the dwelling result in an overbearing impact to No. 39's rear residential amenity space. To address this concern, the agent reduced the overall height of the proposed dwelling and set the dwelling further away from the shared side

boundary with No. 39. The case officer considered the amendments to be acceptable.

Relevant Planning History

87/04787 - Outline application for residential development – Refused.

Representations

The application has been advertised by site notice and the press. Publicity expired on 23rd May 2026. Eleven letters of representation have been received. The comments have been summarised below:

4 Objections:

- Proposed development is out of scale and character with the surrounding built environment and is contrary to the Kirklees House Builders Design Guide and the Holme Valley Neighbourhood Development Plan.
- The proposed roof line is not in accordance with policy 2 of the Holme Valley Neighbourhood Development Plan.
- The proposal should follow the roof line of No. 39 Hightown Lane appears to create a more balanced and sympathetic addition to the road.
- Proposal will have an overbearing impact on neighbouring properties.
- Proposal will result in loss of outlook overshadowing and intrusive presence of the building in relation to neighbouring properties.
- Proposed window positioning will result in overlooking impacts to neighbouring properties.
- Concern of harmful impact on existing local wildlife, vegetation and trees.
- The scale of the proposed dwelling will have a significant impact on the adjacent highway and traffic.
- Construction of dwelling would result in excessive noise and disruption.
- Concern of bias from representations submitted.

3 General:

- Resident supports the proposal but asks further clarification in regard to drainage, environmental impact, construction process and local impact.
- Resident would like to understand whether an assessment regarding sunlight and daylight to nearby properties has been assessed.
- How potential overlooking impacts have been assessed.
- How highway related matters have been assessed, i.e. road safety and congestion.
- How does the development align with the NPPF in regard to environmental and residential amenity matters.

4 Support:

- Design and materials of the proposal is considered to be in keeping with the character and appearance of the street scape.
- Will make good use of the land, adding value to the street.
- Welcome that the proposal includes on site parking.

Holme Valley Parish Council: Support.

Only material planning considerations can be taken into consideration for the assessment of this application. The above comments will be addressed within the assessment of this application.

Consultation Responses

KC Highways – No objection subject to conditions.

KC Highway Structures – No objections.

KC Conservation and Design – No objection subject to revisions to ensure the character and appearance of the new dwelling is acceptable within the setting of Holmfirth Conservation Area.

Officer comment: Revised plans have been submitted to address the conservations comments.

KC Ecology – no objection subject to conditions.

KC Trees – No objections.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Part of the site is located within Holmfirth Conservation Area and the Green Belt.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP35** – Heritage
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach

and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Housebuilders Design Guide SPD
- Biodiversity Net Gain Technical Advice Note
- National Design Space Standards

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

- Policy 1 Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 3 Conserving and Enhancing Local Heritage Assets
- Policy 10 Protecting Local Green Space
- Policy 12 Promoting Sustainability
- Policy 13 Protecting Wildlife and Securing Biodiversity Net Gain

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) last published August 2026 and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014 and revised most recently on the 27 February 2025, together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. The following chapters of the NPPF are considered applicable to this enquiry:-

- **Chapter3** – Decision making policies
- **Chapter4** – Achieving Sustainable Development
- **Chapter5** – Meeting the challenge of climate change
- **Chapter6** – Delivering a sufficient supply of homes
- **Chapter12** – Making effective use of land
- **Chapter13** – Protecting Green Belt land
- **Chapter14** – Achieving well designed places
- **Chapter15** – Promoting sustainable transport
- **Chapter17** – Pollution, public protection and security
- **Chapter18** – Managing flood risk and coastal change
- **Chapter19** – Conserving and enhancing the natural environment
- **Chapter20** – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact upon the character, appearance and heritage significance of the area
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1. Principle of Development

The National Planning Policy Framework which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

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 3 of Annex A.

Therefore, the council's inability to demonstrate a five-year supply of housing land or pass the Housing Delivery Test typically weighs in favour of housing development. Nonetheless, this must be balanced against any adverse impacts of granting the proposal.

Notwithstanding the above, it should be noted that Policy S4 (Principle of development within settlements) of the NPPF identifies exemptions to when the presumption of sustainable development applies, when the benefits of granting planning permission would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

Policy S4 details that where a site falls within the Green Belt, any development proposal must be assessed against the policies within Chapter 13 of the NPPF, in particular in this case is policy GB7.

Part of the application site is also located within Holmfirth Conservation Area. The heritage implications of this will be assessed in detail within the "Impact upon the character, appearance and heritage significance of the area" section of this report.

Green Belt

The application site is within the Green Belt as located on the Kirklees Local Plan. Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Policy GB7 of the NPPF states "*The following categories of development are not inappropriate in the Green Belt, and therefore should not be regarded as harmful to the Green Belt or be required to demonstrate very special circumstances:*

a) *Development which is for agriculture, horticulture and forestry, or which is solely for nature conservation, restoration and/or enhancement;*

b) *The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the original building40. In the case of proposals for a replacement building, it should be for the same use and not materially larger than the one it replaces;*

c) *Limited infilling in villages lying within the Green Belt;*

d) *Limited affordable housing for local community needs under policies set out in this Framework or the development plan (for instance, on a rural exception site);*

e) *The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential), which would not cause substantial harm to the openness of the Green Belt;*

f) *Certain other forms of development, provided the impact on the openness of the Green Belt is minimised, and there would not be a significant conflict with the Green Belt purposes. These are:*

I. *Mineral extraction and processing, engineering operations, and transport, electricity network, water and telecommunications infrastructure required in a Green Belt location);*

II. *Development brought forward under a Community Right to Build Order or Neighbourhood Development Order;*

III. *Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*

IV. The provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments.

g) Development where all of the following apply:

I. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

II. There is an evidenced unmet need for the type of development proposed41;

III. The development would be in a sustainable location, with particular reference to policy TR3 of this Framework42; and

IV. In the case of major development involving the provision of housing, the development proposed complies with policy GB8."

The application is for a new dwelling and as such would not fall under exceptions a, b, c, d, e or f.

However, the site could be identified as grey belt land, in line with policy GB7 (g).

The NPPF defines Grey Belt as:

> ***Grey belt**: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in policy GB2.*

Of note, the above includes both previously developed land and//or other land, which is taken to include greenfield sites, such as the enquiry site. Per the above, the relevant Green Belt purposes from GB2 are:

> a. Check the unrestricted sprawl of large built-up areas;
> b. Prevent neighbouring towns merging into one another;
> d. Preserve the setting and special character of historic towns; and

These are assessed below.

Purpose a) To check the unrestricted sprawl of large built-up areas

Planning Practice Guidance states assessment areas that make a weak contribution are likely to include those not adjacent to a large built-up area, or which are adjacent to a large built-up area but contain or are largely enclosed by significant existing development. Assessment areas that contribute moderately are likely to be adjacent to a large built-up area, but include

features that weaken the land's contribution to this purpose, such as physical features that could restrict and contain development. It goes on to say the land may be partially enclosed by development, such that new development would not result in an incongruous pattern, that the site contains existing development, or is subject to urbanising influences. Areas that contribute strongly are likely to be free of development and lack physical features that could restrict and contain development. They are also likely to be adjacent to a large built-up area and if developed, result in an incongruous pattern of development.

The site is situated within Holmfirth, located just outside of the town centre amongst a row of residential properties. The nearest next town is Meltham situated around 4.6m to the north east, Huddersfield situated around 8.1km to the north, and Penistone situated 14km to the south-east. As the proposal is for one new dwelling located on land situated between two existing residential properties ensuring the development is contained with only the rear part of the site being situated within the green belt, it is considered that the proposed development will not result in sprawl of towns or villages located close by. It does not form part of a settlement edge that would influence the outward spread of an urban area. On this basis, the land is considered to make only a weak contribution to Green Belt Purpose (a)– to check the unrestricted sprawl of large built-up areas.

Purpose b) To prevent neighbouring towns merging into one another

The site is a small parcel situated between two properties and is visually and functionally contained with site boundaries in the form of stone walls and shrubbery, and is capable of development that would not affect wider landscape buffers and open fields that provide a clear physical and visual separation between Holmfirth, and other towns and villages in the wider area.

The site forms part of a row of residential properties and its individual contribution to preventing the merging of towns is limited. On this basis, the site is assessed as making only a weak contribution to Green Belt purpose (b). A well-considered redevelopment of the site in isolation would not materially affect the visual or perceived separation between towns or lead to any realistic sense of coalescence.

Purpose d) To preserve the setting and special character of historic towns

The land is not located within or adjacent to a historic town, nor does it contribute to the setting or character of any such settlements. On this basis, the site is considered to make no contribution to Green Belt Purpose (d) - to preserve the setting and special character of historic towns.

It is therefore considered that the land does not strongly contribute to any of the purposes in Paragraph 143 (a), (b) or (d) of policy GB2.

Meeting Green Belt Purposes – Development (Paragraph 155a)

As set out in the preceding Green Belt purpose assessment, the site makes only a weak contribution to Purposes a and b and no contribution to Purpose d. This indicates that the site forms a small, visually and physically contained parcel of land within a small cluster of existing residential properties within the Green Belt, and that its development would not undermine the Green Belt's ability to perform those purposes strategically over the plan area.

In respect of Purpose (c) (safeguarding the countryside from encroachment), the proposed development relates to a parcel of land that is located in between two residential developments. The proposal will therefore be dwelling contained by the site boundaries. On this basis, although the development would be some localised visual change, the proposal would not result in material encroachment or fundamentally undermine the purposes of the Green Belt taken together across the plan area, The proposal therefore satisfies policy GB7 (g) of the NPPF.

ii) that there is an evidenced unmet need for the type of development proposed

Footnote 41 of the NPPF directly relates to this test. It states that:

> *in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Test result was below 75% of the housing requirement over the previous three years; and in the case of traveller sites means the relevant local planning authority cannot demonstrate a five year supply of deliverable traveller sites*

Officers can confirm that the council is currently unable to demonstrate a 5-year supply of deliverable housing sites, and the Housing Delivery Test was below 75%. Therefore, having regard to footnote 41 of the NPPF, there is currently a demonstrable unmet need for the type of development proposed (housing) in this case.

iii) that the development would be in a sustainable location, with particular reference to policy TR3 of this Framework;

TR3 reads:

> *1. So that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:*
>
> > *a. Development proposals which could generate a significant amount of movement, in the context of the area within which*

they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;

b. Opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use;

c. Any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach;

d. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account – including taking opportunities to avoid or mitigate any adverse environmental effects, and to secure net environmental gains such as reductions in air pollution; and

e. In rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.

2. The Connectivity Tool (https://www.gov.uk/guidance/connectivity-tool) should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development.

In regards to TR3(2), the site's score is 67 on the connectivity tool which shows that the site is located within a fairly sustainable location. This is because the application site is situated within a well built up area, located close to Holmfirth Town Centre, which is within reasonable walking distance of amenities, including schools, shops, and public transport services.

Taking into account the sites setting, the site proximity to local facilities and services, and the limited scale of development, it is considered that the development would be in a reasonably accessible and sustainable location, satisfying policy GB7 (g)(iii) of the NPPF.

Principle of development – Conclusion

The land makes a weak to moderate contribution to Green Belt purposes (a), (b) and (d) due to its small scale and previously built nature. While the change

of the land to residential use would result in domestication through additional glazing and associated activity, the scale, massing and footprint of the development would remain similar to existing structures. The proposal dwelling would also be well confined, safeguarding the wider countryside from encroachment given that the site is clearly bounded by stone walls.

There is a demonstrable unmet need for housing in the borough due to the lack of a five year housing land supply, and the site is in a reasonably sustainable location.

Taking these factors together, the proposal is considered satisfy policy GB7 (g) of the NPPF and is therefore acceptable in principle.

2. Impact upon the character, appearance and heritage significance of the area

Policies DP3 and DP4 contained in Chapter 14 of the NPPF and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the council's Housebuilders Design Guide SPD and the National Design Guide.

Local Plan policy LP24 sets out that "Good design should be at the core of all proposals in the district …" and that proposals should promote good design by ensuring "the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape".

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), River Holme Settled Valley Floor (LCA4).

Policy 2 of the HVNDP states that *"proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings" and [proposals] "should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets…".*

Policies HE4, HE5, and HE6 contained in Chapter 20 of the NPPF are also relevant to the proposal to ensure the significance of conservation areas are proposed. Policy HE6 (5) states that *"Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss".*

Policy LP35 of the Kirklees Local Plan reflects these national objectives, seeking to preserve or enhance the significance of designated heritage assets and ensuring that development proposals are informed by a clear understanding of their historic and architectural importance.

The front section of the site is located within Holmfirth Conservation Area.

The proposal comprises a detached stone dwelling with slate roof tiles that would be three storey in height from the front elevation and two storey from the rear elevation due to the steep topography of the site. At street level, a garage fronts directly onto Hightown Lane, and the principal entrance is positioned above street level, access via a front staircase from the pavement. A shared access landing is also positioned to the western side boundary.

It is noted that the dwellings within the immediate street scene are predominantly two-storey in scale, although a number of properties, particularly those located to the north-east of the application site, occupy higher ground levels and consequently appear more prominent within the streetscape. The proposed dwelling, by virtue of its three-storey form, would introduce a different scale of development to the immediate vicinity. However, as demonstrated on the submitted site plan and elevations, soft landscaping is proposed along the site frontage, including grassed areas and climbing plants, which would help to soften the visual appearance of the ground floor and reduce the perceived massing of the development within the street scene. To ensure a high-quality frontage treatment, a condition is recommended requiring the submission and approval of a detailed landscaping scheme, including specifications for trees and planting.

It is also acknowledged that the proposed ridge and eaves heights would be greater than those of No. 39 and marginally greater than those of No. 41. Nevertheless, it is noted that the chimney of No. 41 exceeds both the proposed ridge and chimney heights. Furthermore, given the set-back position of the proposed dwelling relative to No. 39 and the site's topographical characteristics, it is not considered that the increased ridge and eaves heights would result in the dwelling appearing unduly dominant. As such, the proposal would not cause harm to the character or appearance of the street scene or the wider conservation area.

In addition, the surrounding area is characterised by a varied range of dwelling types, architectural styles and designs. In this context, the proposed detached dwelling is not considered to appear incongruous or out of character with the established pattern of development within the streetscape.

The proposed dwelling will be positioned to the rear of No. 39 Hightown Lane and will align with the established building line of No. 41 Hightown Lane. Consequently, the siting of the dwelling is considered to be visually acceptable within the street scene.

The proposal includes on-site parking located to the front of the dwelling, serving both the future occupants of the proposed dwelling and No. 41 Hightown Lane. Although front parking is not generally favoured, the proposed arrangement would reduce the level of on-street parking along Hightown Lane. On balance, it is therefore considered that the proposed parking layout would not result in unacceptable visual harm and is acceptable in this instance.

The dwelling would also maintain adequate separation from the side boundaries, preserving a sense of openness and ensuring that the spacious character of the site is retained.

The proposed dwelling is considered to be in keeping with the character and appearance of the surrounding residential development, particularly the adjacent pair of semi-detached dwellings. The design incorporates features such as a chimney, stone heads and cills, and a front bay window, which reflect the architectural detailing found in the immediate area. The proposed fenestration arrangement is also considered acceptable and would provide a well-balanced appearance.

The three proposed rear dormer windows are modest in scale and are not considered to dominate the rear roof slope. As such, they are regarded as subordinate additions that would maintain the overall proportions and character of the dwelling. Similarly, the proposed single-storey rear extension and balcony are considered visually acceptable given their modest scale and limited prominence.

The dwelling would be constructed using natural stone with stone slate roof coverings. These materials are considered appropriate, as they are consistent with those found within the immediate street scene and complement the character, appearance, and established material palette of the Holmfirth Conservation Area. A planning condition will be imposed requiring the submission and approval of samples of all external materials, including those proposed for the dormers, to ensure a high-quality finish that respects the character and appearance of the surrounding area.

The proposed boundary treatments to the front include black railings, and fencing is proposed to the rear of the site. It is considered that the proposed boundary treatments are acceptable and raise no visual concern.

It is therefore considered that the proposal would not cause significant harm to the visual amenity of the surrounding area or conservation area. The proposal is therefore considered to be in accordance Policy LP24 and LP35 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide SPD and policies within Chapters 14 and 20 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section 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."*

Policy P3 of the NPPF requires development to provide acceptable living conditions for existing and future occupiers and, amongst other matters, not give rise to unacceptable impacts on daylight and sunlight for neighbouring

residents. Regard should also be had to potential impacts arising from noise, artificial light and other forms of pollution where relevant.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *"Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."* The SPD also provides advised separation distances for two storey dwellings:

- 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.

The residential properties mostly likely to be affected by the proposed development are No.s 39 Hightown Lane and 41 Hightown Lane.

No. 39 Hightown Lane is the neighbouring property located to the south-west of the application site. The property occupies a higher ground level than the application site, with its rear garden positioned at an elevated level. The proposed dwelling would be set approximately 2.9m to 3.6m from the shared side boundary with No. 39.

Whilst it is acknowledged that the proposed dwelling would introduce additional built form when viewed from the rear garden of No. 39, the orientation of the properties, with No. 39 situated to the south-west of the site, means that the development would not result in any unacceptable overshadowing impacts. Furthermore, having regard to the separation distance from the shared boundary and the relative levels between the sites, it is not considered that the proposal would appear unduly overbearing when viewed from No. 39's rear garden area.

The proposal also includes a first-floor rear balcony. The balcony would be enclosed by side screening walls with an overall height of approximately 1.5m and, as such, it is not considered that its use would give rise to any harmful overlooking or loss of privacy that would warrant refusal of the application. In addition, the principal outlook from the balcony would be directed towards the proposed dwelling's own rear garden.

The proposed south-west facing side windows would serve a utility room and en-suite bathroom. In the interests of safeguarding the privacy of both neighbouring and future occupiers, a planning condition will be imposed requiring these windows to be fitted with obscure glazing and thereafter retained as such.

No. 41 Hightown Lane is the neighbouring property located to the north-east of the application site. The proposed dwelling would be positioned approximately 2.7m from the side elevation of No. 41 and 1m from the shared side boundary. Given that the proposed dwelling would align with the blank side elevation of No. 41, it is not considered that the development would give rise to any unacceptable overbearing impact or loss of light through overshadowing.

The proposed rear extension would project approximately 1.7m beyond the rear elevation of No. 41. However, due to the limited projection and relationship between the properties, it is not considered that this element of the proposal would result in any significant overbearing or overshadowing effects.

The proposal also includes a first-floor rear balcony. The balcony would be enclosed by side screening walls with an overall height of approximately 1.5m and, therefore, it is not considered that its use would lead to any harmful overlooking or loss of privacy that would warrant refusal of the application. Furthermore, the principal outlook from the balcony would be towards the proposed dwelling's rear garden area.

The proposed rear-facing windows would overlook the future occupiers' own garden and therefore raise no concerns in respect of overlooking. The proposed north-eastern side-facing windows would serve the kitchen and dressing room. As these windows would face the blank side elevation of No. 41, they would not result in any unacceptable overlooking or loss of privacy.

The proposed boundary treatments will include fences that will be a maximum of 2m in height from the existing floor level as allowed under permitted development.

Due to the elevated position of the dwelling, the proposed front windows will provide views across the roof scape of the adjacent dwellings located adjacent the front elevation and as such raises no concern to the loss of privacy.

To ensure residential properties are protected from noise, the applicant should be made aware of construction hours in order to protect residential amenity and will be added by informative.

The outlined details accord with Principle 6 of the Kirklee Housebuilders Design Guide, and Policy LP24 b) of the Kirklees Local Plan.

Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this,

Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The proposed dwellings (2.5 storey, 3 bed), measure 255sqm and therefore meets the required 99/108sqm recommendations as set out within the NDSS for such a dwelling. The proposed garden, whilst sloped is still considered to be a good size for a dwelling of this scale. It is considered the proposed windows would have sufficient outlook and natural light for the amenity of future occupants. Accordingly, the living accommodation provided within these bedrooms is considered acceptable.

Taking the above into consideration the impact on residential amenity is considered acceptable on balance and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 17 of the National Planning Policy Framework.

4 – Impact on highway safety:

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 15 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.

KC Highways have reviewed the proposal.

Access is to be taken from Hightown Lane a non-adopted shared surface street. The existing access is considered to be accepted, already serving a number of residential dwellings.

A three-bedroom dwelling is proposed on the site, and the Kirklees Highways Design Guide SPD states that at least 2 on-site spaces are required for dwellings with 2-3 bedrooms. The proposal shows 3 on site parking spaces to the front of the dwelling and within the integral garage which is accepted. The proposed garage is of adequate internal size to meet the minimum 6 x 3m to allow accommodation of a car and storage of cycles and other items. The

proposed two exterior driveway parking spaces are of adequate width, but shorter in length than recommended 5.0m where there is to be a retractable garage door. This means that there would be a slight overhang into paved area in advance of the driveway spaces. However, given the circumstances at this location of a shared private street with on-street parking, KC Highways consider it unlikely to pose a significant hazard. Given this, the case officer considers the proposed parking spaces as submitted to be acceptable as the proposal does not raise significant issues for road safety or network functionality to meet policy LP21 given the low-speed environment and general level of on-street parking within the shared space.

The proposed vehicle parking areas will need to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas). This will be conditioned as such.

The existing hard surfaced area and store will be retained by No. 41 Hightown Lane which is accepted, given that there will be no material difference.

Given the topography of the site, KC Highways have stated that the gradients of the new driveway should not exceed 8% to ensure it is safe and accessibly. This will be conditioned as such.

The submitted block plan shows space for bin storage which will be dragged from the first-floor level to the street and then collected off of Hightown Lane which is accepted. It is noted that the bins will have to be dragged up and down a steep access, however it is considered that this arrangement is acceptable and would not warrant a refusal.

An informative will be inserted to encourage the installation of electric charging vehicle points to support sustainable transport.

KC Highway structures were also consulted on the proposal and raised no objection to the proposed development.

Subject to the aforementioned conditions, it is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 15 of the NPPF.

5 – Other matters:

Climate change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan

predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The submitted climate change statement notes that materials to construct the dwelling will be locally sourced, along with the dwelling being thermally insulated and heated and will have a ground air source heat pump which will reduce the dwelling's carbon footprint. The proposed development would therefore comply with Chapter 5 of the National Planning Policy Framework.

Ecology

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The submitted application form outlines that the application falls under the self-build exemption and therefore, BNG is not required under this application.

As there are a number of trees onsite that may serve existing habitats, a Preliminary
Ecological Appraisal was requested to be submitted by KC Ecology.

A Preliminary Ecological Appraisal (PEA) (Rachel Hacking Ecology, June 2026) was therefore submitted and reviewed by KC Ecology. The report details that the habitats onsite are predominately grassland and developed land and suggests that the site has been cleared prior to the ecological survey. As a result it is considered that mitigation, compensation and enhancement measures should be secured as a condition. As such a biodiversity enhancement management plan and construction environmental management plan will be conditioned to be submitted in order to protect existing wildlife.

If any lighting is to be erected, this will need to be agreed with Local Planning Authority to ensure any lighting will not impact upon ecological networks and/or sensitive features. This will be conditioned as such.

The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD.

Contaminated Land

Chapter 17 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 identified as on a 200-250 historic landfill buffer. As such it is considered necessary that a Phase 1 Preliminary Risk Assessment and Phase 2 Ground Investigation Report, and where necessary Phase 3 Remediation Strategy will be conditioned.

This approach allows for potential risks identified to be addressed through suitably worded pre-commencement conditions, ensuring the development would be safe and suitable for its intended use.

The application site falls within the defined Development Low Risk Area and as such raises no concern in this regard.

As such, subject to the inclusion of aforementioned conditions the proposal complies with LP51 and LP52 of the Kirklees Local Plan.

Flood risk and drainage

Chapter 18 of the NPFF 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 18 of the NPPF.

Trees

Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. This Policy sets also out that where trees loss is deemed to be accepted, developments will be required to submit a detailed mitigation scheme.
KC Trees have been consulted with and have stated that all species currently on the site wouldn't be considered high enough in amenity value to warrant a TPO and therefore their removal to facilitate the development would be deemed acceptable.

There are some more established trees to the rear of the plot which should be retained where possible however they lie outside of the Conservation area. The proposed development is not considered to result in the removal of these trees and therefore raises no concern.

As such, there are no objections to the proposed development.

6 – Representations:

The application has been advertised by site notice and the press. Publicity expired on Eleven letters of representation have been received. The comments have been summarised and addressed below:
4 Objections:

- Proposed development is out of scale and character with the surrounding built environment and is contrary to the Kirklees House Builders Design Guide and the Holme Valley Neighbourhood Development Plan.
- The proposed roof line is not in accordance with policy 2 of the Holme Valley Neighbourhood Development Plan.
- The proposal should follow the roof line of No. 39 Hightown Lane appears to create a more balanced and sympathetic addition to the road.

Officer comment: The above comments have been addressed within the visual amenity section of this report.

- Proposal will have an overbearing impact on neighbouring properties.
- Proposal will result in loss of outlook overshadowing and intrusive presence of the building in relation to neighbouring properties.
- Proposed window positioning will result in overlooking impacts to neighbouring properties.

Officer comment: The above comments have been addressed within the residential amenity section of this report. It is however noted that revised plans were submitted to remove the mass of the development away from the shared side boundary with No. 39 Hightown Lane.

- Concern of harmful impact on existing local wildlife, vegetation and trees.

Officer comment: This comment is noted and is assessed within the ecology and tree section of this report.

- The scale of the proposed dwelling will have a significant impact on the adjacent highway and traffic.

Officer comment: This comment is noted and has been addressed within the highway safety section of this report.

- Construction of dwelling would result in excessive noise and disruption.

Officer comment: Matters relating to noise and general disruption of construction works are not a material planning consideration and therefore do not bear weight to the assessment of this proposal.

- Concern of bias from representations submitted.

Officer comment: This comment is noted, however the representations submitted are considered acceptable.

3 General:

- Resident supports the proposal but asks further clarification in regard to drainage, environmental impact, construction process and local impact.

Officer comment: This comment is noted and has been assessed within the appraisal of this report.

- Resident would like to understand whether an assessment regarding sunlight and daylight to nearby properties has been assessed.
- How potential overlooking impacts have been assessed.

Officer comment: The above comments are noted and have been fully assessed within the residential amenity section of the report.

- How highway related matters have been assessed, i.e. road safety and congestion.

Officer comment: This comment is noted and has been addressed within the highway safety section of this report.

- How does the development align with the NPPF in regard to environmental and residential amenity matters.

Officer comment: This comment is noted and has been assessed within the appraisal of this report.

4 Support:

- Design and materials of the proposal is considered to be in keeping with the character and appearance of the street scape.
- Will make good use of the land, adding value to the street.
- Welcome that the proposal includes on site parking.

Officer comment: The above support comments are noted.

Holme Valley Parish Council: Support.

Officer comment: The above comment is noted.

7 – Conclusion:

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

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

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2026/90868
Officer Recommendation: Approve
Conditions and reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and 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 4, 6, 12, 14, 17, 18, 19 and 20 of the National Planning Policy Framework 2026.

3. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external walling and roofing materials (including dormer materials) to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.
Reason: In the interests of visual amenity to accord with Policy LP24 and LP35 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapters 14 and 20 of the National Planning Policy Framework.

4. The development shall not be brought into use until a scheme detailing soft landscaping, tree/shrub planting, including the indication of all existing trees and
hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include specifications for trees and planting. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Reason: To ensure that there is a well laid out scheme of healthy trees, hedgerows and shrubs in the interests of amenity, providing biodiversity measures, to accord with policies LP24 and LP30 of the Kirklees Local Plan, principles 7 & 9 of the Housebuilders Design Guide, and policies within Chapter 14 of the National Planning Policy Framework.

5. The development shall not be occupied until the south-facing side windows (serving a utility room and en-suite bathroom, have been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.
Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

6. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on the Proposed Site Plan Drawing No. OP-1300-PL-700-04, rev 6, received 27/08/2026, are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.
Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 14 and 15 of National Planning Policy Framework.

7. Notwithstanding the approved plans, the gradient of the drives shall not exceed 1 in 12.5 (8%).
Reason: To ensure the free and safe use of the highway and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 14 and 15 of the National Planning Policy Framework.

8. 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), shall be submitted to, and approved in writing by, the Local Planning Authority. The Sensitive Lighting Strategy will demonstrate that the lighting will not impact upon ecological networks and/or sensitive features. External lighting shall be installed in accordance with the specifications and locations set out within the approved lighting scheme and retained thereafter.
Reason: In the interests of biodiversity and in accordance with Policy LP30 and Chapter 19 of the National Planning Policy Framework 2024.

9. A Biodiversity Enhancement Management Plan (BEMP) must be provided to the LPA prior to the commencement of above ground works on-site. The content of the BEMP shall include the following:

•Purpose and conservation objectives for the proposed enhancement measures
• Detailed designs to achieve the stated objectives
• Location of the proposed enhancement measures
• Persons responsible for implementing the enhanced measures
• Details of initial aftercare and long-term maintenance.
Reason: In the interests of biodiversity and in accordance with Policy LP30 and Chapter 19 of the National Planning Policy Framework 2026.

10. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

a. Summary of potentially damaging activities
b. Identification of "biodiversity protection zones”
c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
d. The location and timing of sensitive works to avoid harm to biodiversity features.
e. The times during construction when specialist ecologists need to be present on site to oversee works.
f. Responsible persons and lines of communication.
g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
Reason: In the interests of biodiversity and in accordance with Policy LP30 and Chapter 19 of the National Planning Policy Framework 2026

11. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (11) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of the National Planning Policy Framework.

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (12) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of the National Planning Policy Framework.

14. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been
approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of the National Planning Policy Framework.

15. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (14). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning
Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of 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 Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38, 184 or 278 agreement of the Highways Act 1980, or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof

- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

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

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

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

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan	OP-1300-PL-700-01	4	27/08/2026
Proposed Site Plan	OP-1300-PL-700-04	6	27/08/2026
Proposed Floor Plans	OP-1300-DR-200-01	5	27/08/2026
Proposed Elevations	OP-1300-DR-200-02	5	27/08/2026
Proposed Front Elevation 3D View	OP-1300-VS-700-01	2	27/08/2026
Proposed Rear Elevation 3D View	OP-1300-VS-700-02	3	27/08/2026
Proposed Site Section 1	OP-1300-SE-700-01	2	27/08/2026
Proposed Site Section 1	OP-1300-SE-700-02	2	27/08/2026
Design & Access Statement			30/03/2026
Planning Statement		01	30/03/2026
Climate Change Statement			10/04/2026
Preliminary Ecological	RHE.4677		26/06/2026

Appraisal			

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, 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. Following receiving comments from KC Conservation and Design, the scheme was revised to reflect the recommended comments to improve visual amenity of the proposed property. The agent was asked to submit a preliminary ecological appraisal, which was reviewed by KC Ecology and considered acceptable.

The case officer raised concern in regard to the scale and siting of the dwelling result in an overbearing impact to No. 39's rear residential amenity space. To address this concern, the agent reduced the overall height of the proposed dwelling and set the dwelling further away from the shared side boundary with No. 39. The case officer considered the amendments to be acceptable.