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:	**2026/60/92226/E**
Site Address:	Land at, April Court, Roberttown, Liversedge, WF15 7RB
Description:	Outline application for erection of residential development (one dwelling)
Recommending Officer:	Elenya Jackson

DECISION – CONDITIONAL OUTLINE PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 16-Oct-2026

Officer Report
Reference No. 2026/92226
Site Address: Land at, April Court, Roberttown, Liversedge, WF15 7RB
Proposal: Outline application for residential development (one dwelling)

Site Description

The application site relates to a parcel of land located to the north of April Court which is a cul-de-sac.

The site was formerly a vacant grassed area; however, post 2023, this has been used for the storage of vehicles.

The site is unallocated on the Kirklees Local Plan and is situated within a predominantly residential area at the end of a cul-de-sac. The neighbouring dwellings are generally red brick semi-detached properties which are consistent in plot size, style and age. The site is not located within a conservation area or near to any listed buildings.

Description of Proposal

The applicant seeks outline planning permission for the erection of residential development for one dwelling on a parcel of land at the end of April Court cul-de-sac

The applicant seeks approval for the principle of development on site with access; however, matters of layout, scale, appearance and landscaping to be reserved for approval at a later stage.

Notwithstanding this, indicative plans have been submitted which indicate one 3 bedroomed 2 storey detached dwelling with two off -street parking and a small amount of outdoor amenity spaces to the north and east. However, the size, design and layout is purely indicative and these details are not being assessed or determined at this time.

History of Negotiations/Amendments Received

No alterations requested

Relevant Planning History

There is a lengthy planning history dating between 1992 – 2008 which saw a number of refusals and some dismissed appeals for residential developments on the site. Following on from this an application in 2019 was granted permission for one dwelling. The planning history from 2019 onwards is listed below given it is considered to be the most relevant on the basis it has been determined in the most up to date planning policy context and also relates to a level of precedent for residential development of the land.

2019/93605**:** Erection of 1 dwelling. Conditional full permission.

2021/90564: Erection of one detached dwelling and erection of detached domestic garage. Refused & Appeal dismissed.

The reason for refusal stated the following:

> *The proposed development by reason of its scale and siting would have a significant overbearing and oppressive impact upon the residential amenity of the properties which are located to the east. To permit this development would be harmful to the amenity of the neighbouring properties, contrary to Policy LP24 of the Kirklees Local Plan, as well as the aims of Chapter 12 of the National Planning Policy Framework.*

The plans submitted as part of application 2021/90564 demonstrated the same dwelling the subject of the plans submitted as part of this application. However application 2021/90564 sought full planning permission.

By comparison to the previous refusal, the current application seeks outline planning permission for access only.

Representations

The application was publicised by site notice which expired on 15th October 2026.

2 representations received which raise the following summarised concerns:

- Impact on residential amenity in particular provision of natural light
- Any approval of outline shoud not allow unacceptable impact at reserved matters stage
- Planning history relevant in this case and needs to be considered

Parish/Town Council Comments

N/A

Local Ward Members

Not Applicable.

Consultation Responses

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

KC Highways Development Management Informal Verbal comments on 7/10/2026.

No objections subject to confirmation that the site can be serviced by KC Waste, all hard standing is appropriately surfaced.

Policy

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

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 11** - Housing Mix and Affordable Housing
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 53** - Contaminated and Unstable Land

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published August 2026, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 3** - Decision-Making
- **Chapter 4** - Achieving Sustainable Development
- **Chapter 5** - Meeting the Challenge of Climate Change
- **Chapter 6** - Delivering a Sufficient Supply of Homes

- **Chapter 12** – Making Effective Use of Land
- **Chapter 14** - Achieving Well-Designed Places
- **Chapter 15** - Promoting Sustainable Transport
- **Chapter 19** - Conserving and Enhancing the Natural Environment

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

Assessment

1. Principle of Development

Housing Land Supply

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

Paragraph 1 of Policy S3 of the National Planning Policy Framework (NPPF) advises that "*decisions on development proposals should apply a presumption in favour of sustainable development. This means:*

a. *Policy S4 in this Framework should be applied when considering development proposals within settlements;*
b. *Outside settlements, policy S5 should be applied; and*
c. *In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay."*

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local

Planning Authority cannot demonstrate a five year supply of deliverable housing land.

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

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

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF Paragraph 1 of Policy S3 which triggers a presumption in favour of sustainable development.

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

The proposal seeks outline permission for the erection of one dwelling within Liversedge and would assist in meeting the housing needs of the Council. This would be 'in line' with the aims of Chapter 6 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

It is necessary to consider planning applications for housing development in the context of NPPF Policies S3 – S5 of Chapter 4. The objective of the Policies in Chapter 4 are to meet development needs through sustainable patterns of development, including by maximising the potential for growth on suitable land within settlements.

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

In this case, the principle of development is considered acceptable only, and the proposal shall now be assessed against all other material planning

considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2. Impact on Visual Amenity

Kirklees Local Plan Policies LP1, LP2 and LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring: “a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…”

The NPPF offers guidance relating to design in Chapter 14 (achieving well designed places) whereby Paragraph 1 of NPPF Policy DP3 states: “Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features

Paragraph 3 of NPPF Policy DP3 states that “Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan.”

Also relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design. Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: “New residential development proposals will be expected to respect and enhance the local character of the area by:
Taking cues from the character of the built and natural environment within the locality. Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.
Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

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

The application seeks outline planning permission for residential development with all matters reserved besides access. The size, design and layout is purely indicative, thus the details are not being assessed or determined at this time. However, consideration must be given as to whether residential

development on the site could cause detrimental harm to the character and appearance of the area.

The application site is located within an established residential area characterised by semi-detached dwellings which are of similar scale and architectural styles.

From reviewing the history of the site, officers understand that under application 2019/93605 the principle of a two storey house on site was previously approved. As the history of a site is a material planning consideration, officers consider it reasonable to assess that a two storey dwelling could be accommodated on site.

The proposal has been supported by indicative drawings at this stage that are not being considered as the proposal is for all matters reserved except for access; however, it is considered that the indicative scheme is largely similar to the 2021/90564 application which was refused and subsequently dismissed at appeal.

It is considered that as the principle of a two storey dwelling has previously been established on site, a development which meets the policies of Chapter 14 of the NPPF is possible to achieve on site and a scheme which contributes positively to the surrounding area, as well as Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan and Principles 2, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide could be achieved.
At the reserved matters stage the layout, scale, appearance and landscaping would be the subject of determination of any such application and would need to demonstrate a suitable scheme. It should be noted the scheme shown in the submitted indicative drawings is unlikely to be considered supportable and would likely be concluded to be unacceptable for the same reason as detailed for application 2021/90564 earlier in this report.
Given the matters reserved in this case, conditions requiring materials / finished floor levels of the site / dwelling are not recommended for inclusion in this case given they could form part of the submission for reserved matters.

3. Impact on Residential Amenity of Neighbouring Residents

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design.

Chapter 17 of the NPPF seeks to ensure an acceptable impact of development proposals in relation to residential amenity. Policy P3(2)(b) seeks to ensure developments do not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that:
"Residential layouts must ensure adequate privacy and maintain high

standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."

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

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

The applicant is seeking outline with approval for access with layout, scale, appearance and landscaping to be reserved for approval at a later stage. Therefore, a fully detailed assessment into the impact upon the amenities of neighbouring properties cannot be made at this stage. However, the neighbouring properties with the most potential to be impacted by the proposals are discussed below.

11-19 Lumb Lane: adjoin the application site to the north. As the proposal is for access only, the full extent of the impact of the development on the wider occupiers of the site is not under consideration. However, providing the proposal retains appropriate separation distances and does not feature any overlooking habitable windows an acceptable scheme is considered to be achievable on site.

218-218 Huddersfield Road: adjoin the application site to the south-east. As the proposal is for access only, the full extent of the impact of the development on the wider occupiers of the site is not under consideration. However, providing the proposal retains appropriate separation distances and does not feature any overlooking habitable windows an acceptable scheme is considered to be achievable on site.

Having considered the above factors, it is considered that a development of the site for one dwelling which would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and policies within Chapter 17 of the National Planning Policy Framework would be achievable.

At the reserved matters stage the layout, scale, appearance and landscaping would be the subject of determination of any such application and would need

to demonstrate a suitable scheme. It should be noted the scheme shown in the submitted indicative drawings is unlikely to be considered supportable and would likely be concluded to be unacceptable for the same reason as detailed for application 2021/90564 earlier in this report. Notwithstanding this point, the planning history demonstrates a dwelling which can be acceptably achieved on site, and it is considered therefore that in this case outline consent on the basis of access only is acceptable with matters relating to scale, layout and appearance (and subsequent residential amenity impact) being a requirement for consideration at the Reserved Matters application stage.

4. Impact on Residential Amenity of Future Occupiers

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

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

The Governments 'Technical Space Standards,' which outlines the minimum gross internal floor areas that dwellings of different sizes should achieve. The Council would seek to ensure the proposals meet or exceed these minimum floorspaces within any future reserved matters application. It is also noted that any living accommodation provided within the roof space of the dwelling with a headroom which is less than 1.5m high will not be counted as useable internal floor area. The applicant should also ensure that all habitable rooms have access to at least one window. Nonetheless, Officers consider that residential development which is compliant with the Nationally Described Space Standards could be achieved at this site.

In terms of external amenity space, an indicative layout has been provided but is not for determination at this state and any future reserved matters subject to the scale and layout of the dwelling as submitted within any reserved matters application. Attention should be paid to the size of any future amenity space to ensure it is appropriate for the size of the dwelling and in-keeping with the character of the area.

Therefore, it is considered that although the development has been received with all matters reserved besides access, a development which accords with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and the National Planning Policy Framework may be possible on site and would accord Policies LP24 and LP52 of the Kirklees Local Plan, Chapters 14 of the National Planning Policy Framework.

5. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 4 of TR6 of the NPPF states that development proposals should be refused if they would have a severe adverse impact on the transport network or an unacceptable impact on highway safety.

The indicative plans show capacity for the minimum required two parking spaces

Although layout of the site is not agreed at this stage, it is noted that the site is accessed from an adopted road that is not classified and the site arrangement is considered to be sufficient to support safe entry and egress to and from April Court and prevent vehicle conflict at the access point.

Internal Layout and refuse

At this stage these details are indicative however, the dwelling would need to be served by bin storage and provision which can be added as a condition to the application.

Officers consider it appropriate to condition the details of boundary treatments to ensure they do not result in any obstruction of visibility on site.

Parking

It is acknowledged that the proposal is for access only at this stage. However, the dwelling is shown on the application form to have three bedrooms and would therefore be required to have two on-plot parking spaces as the Kirklees Highways Design Guide recommends that dwellings with four or more bedrooms should provide three parking spaces. However, as scale and internal layout are not fixed at this stage, the level of provision shown is considered acceptable in principle, subject to consistency with the final number of bedrooms. Should any parking shortfall arise in the future scheme this would need to be addressed through a revised layout or reduced scale.

No dedicated cycle parking is currently shown within the layout; however, given the size of the plots and the potential for rear garden access, it is considered feasible for secure cycle storage to be accommodated within each curtilage. Therefore, a condition will be attached to the decision to ensure compliance with national and local planning policy in this respect.

The proposed access is considered acceptable, the development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan, the Kirklees Highways Design Guide SPD and Chapter 15 of the NPFF subject to conditions.

6. Other Matters

Climate Change

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

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures with any future application.

Construction Noise

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

Coal Mining Legacy

The application site falls within the defined Development low Risk Area. Therefore, officers would consider it appropriate to add an unexpected contaminated land condition if permission was to be granted,

Biodiversity Net Gain

The application form states that the development, would impact less than 25m2 of habitat and would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation. Therefore, it is considered the proposal would be in accordance with Policy LP30 and LP33 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the NPPF.

Ecology

No ecological information has been provided with the application. The proposals are small scale, but from a desk assessment it appears that there are trees in close proximity to the site, as such, a bat and breeding bird informative is recommended to be included in any decision notice.

There are no other matters considered relevant to the determination of this application.

7. Representations

Two representations have been received which raise the following concerns:

- Impact on residential amenity in particular provision of natural light
- Any approval of outline shoud not allow unacceptable impact at reserved matters stage
- Planning history relevant in this case and needs to be considered

Officer response: The application is for outline permission at this stage with matters pertaining to layout, scale, appearance and landscaping to be reserved for approval at a later stage. From reviewing the site history, it is considered that a scheme with an acceptable impact on the residential amenity of neighbouring residents could be achieved on site.

8. Conclusion

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

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

Recommendation: Approve
Decision Authorisation - Delegated Powers
Application Number: 2026/92226
Officer Recommendation: Approve.
Reasons

1. Approval of the details of layout, appearance, scale and landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.

Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to appearance, layout, scale and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

5. The residential development hereby approved shall not exceed a maximum number of one dwelling.

Reason: For the avoidance of doubt as to what is authorised by this permission and to ensure that the development conforms to the approved outline planning permission and stays within the assessed level of development.

6. The development shall not be brought into use until all areas to be hard surfaced for access and parking have been and 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 (ISBN 9781409804864) as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for access and parking.

Reason: In the interests of visual amenity, highway safety and to mitigate flood risk. To accord with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan

7. The development hereby approved shall not be brought into use until a scheme detailing all boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of location, heights and materials. The boundary treatments shall be installed prior to the development being brought into use. The boundary treatments shall be thereafter retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity and residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapter 14 of the National Planning Policy Framework.

8. In the event that contamination not previously identified by the developer is encountered during the development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) 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 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework

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

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

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. You are required to consult the Local Highway

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

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

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

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

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

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

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

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences

work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Careful consideration should be given at reserved matters stage to ensure the proposed development takes into consideration the character of the surrounding area and all other material planning considerations in line with the Kirklees Local Plan, Housebuilder's Design Guide SPD and the NPPF

NOTE: The applicant is advised that any works to create or alter a vehicular access to the public highways, including the installation or alteration of dropped kerbs, will require a separate application to the Council as the Local Highways Authority. Approval under the Highways Act 1980 must be obtained prior to any such works commencing.

NOTE: Careful consideration should be given at reserved matters stage to ensure the proposed development takes into consideration the character of the surrounding area and all other material planning considerations in line with the Kirklees Local Plan, Housebuilder's Design Guide SPD and the NPPF. The submitted plans demonstrate an indicative layout and scale of the site but these have not been agreed at this stage.

Plans and specifications schedule:

Plan Type	**Reference**	**Revision**	**Date Received**
Location Plan			17/08/2026
Design and access statement			17/08/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No additional information was requested.