

**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:	2025/62/90926/E
Site Address:	rear of, 195, North Road, Ravensthorpe, Dewsbury, WF13 3AH
Description:	Construction of one pair of semi-detached dwellings with associated works
Recommending Officer:	Kerri Simpson

DECISION – CONDITIONAL FULL PERMISSION

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

Emma Thompson

AUTHORISED OFFICER

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Officer Report – 2025/90926

Rear of, 195, North Road, Ravensthorpe, Dewsbury, WF13 3AH

Site Description

The application site is located on the southern side of New Road, to the rear of No.195 New Road. The land currently forms an area of grass amenity space associated with the existing flats at No.195. Access to the site is taken directly from North Road, via a narrow passage positioned between the parking areas serving No's 191 and 197 North Road.

The immediate area is predominately residential in nature. The site is bounded by the two-storey residential properties at Nos. 191 and 195 North Road. To the west, it is bound by the two-storey dwelling at No.197 North Road, with Spring Place Gardens highway situated beyond. To the south, the site is enclosed by three-storey residential flats at Spring Place. Immediately to the east are parking spaces serving the flats on Spring Place Gardens, with the rear elevations of No's 2 – 8 Nevins Road located further east.

Description of Proposal

The Scheme

Planning permission is sought for the erection of a semi-detached pair of self-build dwellings on land to the rear of No.195 North Road. The scheme comprises two storey and half storey dwellings located towards the south-eastern side of the site. The dwellings would be constructed in coarse stone, with interlocking tiled pitched roofs incorporating rear dormers. The principal elevation would include individual entrance doors beneath a canopy feature.

Vehicular access would be taken from North Road via the existing narrow passage between No's 191 and 197 North Road. The proposal includes the creation of a shared forecourt/parking area at the northern side of the site providing dedicated off-street parking for both units and turning area. The plans also include provision for bin storage, cycle parking, and electric vehicle charging within the forecourt.

Private rear gardens would be provided to the east of each dwelling and additional soft landscaping, including lawned areas is indicated along the western and southern boundaries.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application to support the application:

- AT/24031/TS/2 Rev 2 - Highways Statement

- Biodiversity Gain Plan
- Pre-Development Plan Baseline Map
- Preliminary Ecological Appraisal and Roost Assessment

History of Negotiations and Amendments Received

During the course of the application, an amended transport statement, a Preliminary Ecological Appraisal and Roost Assessment, Biodiversity Net Gain (BNG) exemption information; and a correction to the application form to ensure that Certificate B is signed and notice served on the relevant landowners. The application was re-advertised accordingly.

Relevant Planning History

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

No.191 North Road

2015/90613 - Alterations to convert existing club to 5 flats and erection of one dwelling

No.193/195 North Road

2016/93060 – Erection of one pair of semi-detached dwellings (Granted 02.11.2017)

2015/90468 – Erection of 2 dwellings (Withdrawn 13.07.2016)

2008/93495 – Erection of detached dwelling (Granted 20.11.2008)

The Barclays Club, 189-191, North Road

2014/93673 - Erection of 2 dwellings with parking provision (Withdrawn 06.02.2015)

Representations

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

The application was publicised by way of site notice and via the Council's website. The statutory publicity period expired on 9th January 2026. There were 6 presentations received, 5 comments of objection in addition to one diagrammatical comment.

The matters raised through objections were regarding:

Highway Safety & Access

- North Road is a cul-de-sac with no turning point, already severely congested; refuse vehicles can only reverse and cannot turn.
- Proposed access relies on a narrow, single-width route, creating unsafe manoeuvres, especially with cars parked on both sides of the road and no pavements at Nos. 158–164.
- Transport Assessment drawings are said to be inaccurate, showing a right of way in the wrong place and omitting a wall that makes the shown exit impossible.
- Fire service access is a concern; residents report a fire engine would struggle to reach 193/195 or new dwellings.
- Access conditions may endanger residents due to conflicting traffic movements and lack of pedestrian safety.

Parking Provision

- Road already experiences severe parking pressure; residents often park on private land or nearby streets.
- Conversion of No. 191 into five flats (10 bedrooms) with only four parking spaces will further add to on-street parking.
- Existing parking for 193 & 195 would be removed; new dwellings do not meet Kirklees parking standards or provide visitor parking.
- Residents already struggle to find evening parking; congestion affects daily amenity.

Land Ownership & Rights of Way

- Plans reportedly misrepresent the right of way, showing it over land belonging to 191.
- Right of way for 193/195 is undefined and prescriptive, and increased use would be excessive and burdensome.

Overdevelopment & Character

- High density from recent changes (flats, new dwellings nearby) not adequately considered; area already congested.
- Proposal risks overdevelopment contrary to LP24 (scale, form, layout).

These matters have been comprehensively assessed in the body of this report.

Consultation Responses

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

KC Ecology Team – The Preliminary Ecological Appraisal is acceptable, with conditions recommended to secure mitigation for protected species (including bats, birds and hedgehogs) and a Construction Environmental Management Plan. The Ecologist does not object to the principle of self/custom build dwellings.

KC Highways Development Management - No objection subject to conditions requiring surfaced and drained parking areas.

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

Allocation and Policy

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

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

- Bat Alert Zone
- Potentially Contaminated Land
- Development High Risk Area (Coal) (access)
- Development Low Risk Area (Coal) (Development area)

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

Kirklees Local Plan

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of New Development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP26 - Renewable Energy
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated Land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

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

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Requiring well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

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

Legislation

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

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

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Visual Amenity
2. Residential Amenity
3. Highways Impacts

4. Contaminated Land
5. Flood and Drainage
6. Ecology and Biodiversity
7. Climate Change
8. Other matters
9. Representations
10. Conclusion

1.Principle of Development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favor of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Principle of Housing Development

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

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal

Policy LP3 of the Kirklees Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way.

This application is a resubmission of a previously approved scheme (ref 2016/93060). Although the earlier permission has now expired, the principle of residential development on this site has been established through that decision. Furthermore, the Council is currently unable to demonstrate a five-year supply of deliverable housing land, which is a significant material consideration that weighs in favour of the proposal. As such the principle of development is considered acceptable, meeting the aims of Policy LP3 of the Kirklees Local Plan; subject to the consideration of other relevant national and local planning policies as assessed below.

2. Visual Amenity

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

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

The area surrounding the application site contains a mix of buildings in terms of design, age and styles, with terraced, semi-detached and detached two storey properties. The proposed development would comprise a pair of semi-detached dwellings faced in artificial stone with artificial stone slate pitched roofs. The design and appearance of the development is commensurate to that of the surrounding locality. Dormers are incorporated into the rear elevation of the dwellings. Whilst limited in the vicinity of the site they are features that are usual of dwellings in urban environments. They are of a scale and design that is acceptable in the locality and therefore will not detract from the character.

The proposed dwellings would be orientated northeast – southwest providing parking and turning areas to the front and private amenity space to the rear of each plot. Much of the front space is occupied by hardstanding which is unavoidable for ensuring adequate levels of parking. Whilst limited green space would be retained this is, on balance, acceptable taking into account the site context and nearby areas of hard landscaping.

The layout is considered to provide an adequate level of amenity for future and existing occupiers and would not amount to overdevelopment of the site.

Due to the location of the site to the rear of properties on North Road, the development would have no impact upon the character of the street scene.

On this basis, the scheme is considered to be acceptable impact on visual amenity which accords with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Impact on Residential Amenity

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

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

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. The text supporting this principle states that:

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

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

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

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

Neighbouring Amenity

Nos. 195 North Road

This property is positioned to the northwest of the application site, and although the minimum distance between the buildings is approximately 7m at

one point, this occurs at an oblique angle between the corner of the proposed block and the corner of No.195. The dwellings are not directly opposite the rear elevation of No.195, and therefore the new building would not be located within the primary outlook of its main habitable room windows.

In terms of daylight and sunlight, the proposed building lies to the southeast rather than directly south of No.195. The main rear windows of No.195 face broadly south-west, and the proposed dwellings sit outside of the sun path for most of the day. Given the angled relationship, the intervening open forecourt area, and the fact that the closest point does not align with a principal window, the development is not expected to lead to a material loss of daylight or sunlight to No.195. The proposal would not breach the 45-degree or 25-degree guidelines when assessed from the relevant neighbouring habitable room windows.

With regard to outlook and enclosure, the introduction of built form into the site would be noticeable; however, the offset siting prevents the building from appearing unduly dominant. The massing of the proposed dwelling would be perceived mainly in the peripheral field of view rather than directly ahead of No.195's primary windows. As such the proposal would not give rise to an overbearing impact or unacceptable sense of enclosure.

In terms of privacy, the principal windows of the proposed dwellings are orientated northeast – southwest, with only limited openings facing towards No.195. As a result, there would be no direct line of sight between opposing habitable room windows. Any views towards No.195 would be oblique and as such, it is not considered that there would be any undue loss of privacy.

Nos. 191, 189 and 187 North Road

This property is positioned to the north of the proposed dwellings with a circa 21m separation distance between the side elevation of the proposed dwellings and the rear elevation of this neighbour. The proposal would have one side facing habitable room window serving a kitchen/dining room. The separation would satisfy the 21m requirement for facing windows of habitable rooms at the back of dwellings set out the Housebuilders Design Guide SPD. As such, it is not considered that the proposal would result in a detrimental impact on the amenity of these neighbours.

No.197 North Road and Flats at Spring Place Gardens

No.197 North Road is located to the northwest of the proposed dwellings and sits at a distance of circa 21m from the dwellings. There are no principal elevations of the proposed dwellings directly opposite this neighbour, and the combination of the separation distance and the offset relationship would ensure that the proposal would not give rise to amenity concerns for occupants at No.197.

With regard to the flats at Spring Place Gardens, the rear elevation of the block would sit approximately 11m from the southern boundary of the application site at the closest point. Although this relationship is relatively tight, the boundary in this location benefits from dense mature vegetation and several established trees which together provide a substantial level of natural screening. This screening, combined with the orientation of the buildings and the positioning of the proposed dwellings within the plot, is considered sufficient to prevent a loss of amenity.

Amenity of future occupiers

The submitted plans show that the proposed dwellings would be 2 bedroom 4 person dwellings with an additional study. Each dwelling would have a Gross Internal Area of circa 128sqm, exceeding the minimum requirement of 79sqm across two storeys. Each bedroom would also meet the minimum internal area requirements. The proposed study's measure circa 7.29sqm and, while providing useful additional space, it falls below the 7.5sqm minimum set out in the Described Space Standards (NDSS) for a single bedroom. Its size and proportions in this instance are considered to align with their intended use as a study rather than a habitable bedroom.

Overall, the dwellings would exceed the minimum requirements of the Nationally Described Space Standards (NDSS). Each dwelling would have a logical layout, with good access to natural light and outlook. As such, it is considered that the proposals would provide an acceptable standard of accommodation in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

4. Highway Impacts

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

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

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

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

The application site is accessed via an established private access from north Road, which also served existing residential properties. North Road is a short residential cul-de-sac where on-street parking occurs and where localised congestion can arise at times; these conditions form part of the existing baseline against which the proposal has been assessed along with the site's planning history.

Under permission 2015/90613, the former club at No.191 North Road was converted to five flats, and a new dwelling was erected forming No.197 North Road. That permission secured off-street parking spaces to serve the resultant six residential units and accepted the shared access arrangement from North Road in highway terms. Subsequently under permission 2016/93060, a pair of semi-detached dwellings were approved on the application site, confirming that the principle of additional residential development utilising the same established access arrangement had previously been found acceptable. Whilst these earlier permissions are material considerations, the current proposal has to be assessed against the current adopted Local Plan and the National Planning Policy Framework 2024, with the historic permissions informing the lawful baseline and functional operation of the access rather than determining policy compliance.

The current proposal provides on-plot parking for the two dwellings within the application site, together with sufficient space for vehicles to manoeuvre and exit in a safe manner. The level of parking provision accords with the Council's adopted standards set out in the Highways Design Guide SPD. The access point onto North Road remains unchanged, and the submitted layout and Transport Statement demonstrates that vehicles can access the site without introducing unsafe manoeuvres on the adopted public highway.

Representations have raised concerns regarding parking congestion, the accuracy of submitted drawings, land ownership and rights of access, and the ability for vehicles to safely manoeuvre. It is noted that some of existing parking spaces associate with the approved and implemented developments at No.191 and No.197 North Road are illustrated differently to the approved 2015 layout. However, the highway assessment has been undertaken with reference to the approved layout and the observed operation of the site, rather than solely on the illustrative positioning shown on the current drawings. On this basis, it is considered that the established 6m spacing adjacent to the parking bays and an appropriate running width along the access would be retained, and that the proposal would not materially affect the ability for vehicles to retain use of the existing spaces nor adversely impact manoeuvrability. The discrepancies identified are therefore not considered to undermine the acceptability of the proposal in highways terms.

Concerns have also been raised regarding land ownership and private rights of access. In this regard, the agent has provided evidence confirming that notice was served on the relevant adjoining landowners under Certificate B (dated 20th November 2025), and the Local Planning Authority subsequently undertook public consultation to reflect this. The statutory notification requirements have therefore been satisfied. Matters relating to the existence,

extent or enforceability of private rights of access represent civil issues which fall outside the scope of the planning process.

The proposal would generate a modest level of additional vehicle movements associated with two dwellings. Having regard to the provision of on-site parking and the scale of the development, it is not considered that the development would materially impact existing congestion or result in on-street parking intensification. Any informal or unauthorised parking by third parties on private land represents a management matter outside the remit of the planning system and does not form part of the assessment in this instance.

Refuse collection and servicing arrangements would continue to operate in a manner consistent with the surrounding residential properties. With regards to access for emergency vehicles, the retained access arrangement is already established and serves existing residential development and having regard to the modest scale of the proposal and the absence of any objection from the Highway Authority, it is not considered that the development would give rise to any unacceptable constraints to emergency or service access in highway terms.

Further, the Highways Development Management Team raise no objection to the proposals, concluding that there are no highways or transport reasons that should prevent the granting of planning consent for the proposals. It is recommended that a condition is attached to the decision to ensure that parking areas are surfaced and drained in accordance with guidance on the permeable surfacing of front garden published May 2009.

Taking all the above into account, the proposal is considered to provide safe and suitable access arrangements, appropriate parking provision, and would not result in an unacceptable impact on highway safety or the operation of the highway network. The development therefore complies with Policies LP21 and LP22 of the Kirklees Local Plan and Paragraph 116 of the National Planning Policy Framework (December 2024).

5. Contaminated Land

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or results in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediate to ensure that sites are suitable for their intended use.

The site lies within an area designated as potentially contaminated land due to its previous use as a colliery. Environmental Health reviewed the previous application for this development and concluded that, due to these constraints,

the site is sensitive to land contamination. They advised that conditions were necessary to secure a Phase 1 desktop study and, if required, Phase 2 Intrusive Investigations (if necessary), together with a remediation strategy and verification report if required. No Phase 1 or Phase 2 assessments have been submitted with the current submission, and it is therefore necessary to reimpose the same conditions.

The site also falls within a defined Development High Risk Area as identified by the Coal Authority. However, whilst there may be both recorded and unrecorded mining features within the application site, the specific part of the site where the dwellings are proposed falls outside the defined Development High Risk Area. As such a Coal Mining Risk Assessment is not required.

In light of the above, and subject to conditions requiring the submission of site investigation and remediation details, together with an informative as recommended by the Coal Authority, the development is considered acceptable in respect of ground conditions and coal mining legacy. The proposals therefore comply with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework.

6. Flood and Drainage

Chapter 14 of the NPF 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 application site is located within Flood Zone 1 and is not identified as being at risk of either fluvial or surface water flooding. The proposal is therefore considered acceptable in flood risk terms, with no requirement for a site-specific flood risk assessment, in accordance with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7. Biodiversity and Ecology

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

Chapter 15, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

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

A Preliminary Ecological Appraisal has been submitted which identifies potential habitats on site for breeding birds, bats, hedgehogs and other species. The Councils Ecology Officer has reviewed the submission and considers it acceptable to subject to mitigation enhancements measures being secured. This also includes a Construction Environmental Management Plan (CEMP) covering measures to protect habitats during construction, pre-commencement bat surveys, a sensitive lighting strategy, and ecological enhancements such as bird and bat boxes, hedgehog highways and planting of native species. These will be secured by condition.

With regards to Biodiversity Net Gain (BNG), the development claims to be a custom build, which would make it exempt as set out in Schedule 7A of the Town and Country Planning Act 1990 (as amended). The application form identifies pre-development biodiversity value of 2.27 units. However the applicant has subsequently confirmed that the proposal constitutes a custom build residential development and has submitted signed supporting statements from Orange Design Studio on behalf of the applicant and another involved party confirming that the dwellings are being commissioned as a sole/main residence for each party, that the intended occupiers have been actively engaged in the design process, and that the development is not intended for speculative sale or short-term occupation. The submitted statements also confirm that the internal layout has been specifically designed to for each occupant. On this basis of the evidence submitted, the application has adequately demonstrated that the proposal would be exempt from the requirement to deliver 10% Biodiversity Net Gain and is not required to demonstrate measurable BNG. The previously stated biodiversity baseline figure is therefore not determinative in this instance.

To ensure that the exemption remains valid, a planning condition is recommended to secure the use of the dwelling as custom build units and to prevent speculative sale or occupation in conflict with the exemption.

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

8. Climate Change

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

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

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

No Climate Change Statement has been submitted with the application. Nevertheless, the scale of the proposal is such that opportunities for significant on-site renewable generation or large-scale energy efficiency interventions are limited. Standard requirements through the Building Regulations will secure a baseline level of energy efficiency. Furthermore, conditions recommended elsewhere in this report (relating to drainage, ecology, biodiversity and materials) will assist in addressing the impacts of climate change through sustainable design, drainage management and habitat management.

On balance, while the absence of specific Climate Change Statement is a shortcoming, the development is not considered to conflict with the aims of Chapter 14 of the NPPF, Policies LP24(d) and LP26 of the Kirklees Local Plan and the wider aims of the Council.

9. Other Matters

Pre-commencement conditions

In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant was notified of the intention to impose these conditions and provided with an opportunity to comment and confirmed their agreement in writing on 30th January 2026. The conditions are therefore considered reasonable, necessary, and compliant with the relevant legislation.

10. Representations

There were 6 letters of representation received, comprising 5 objections and one comment containing images. The matters raised are addressed as follows:

Highways access and Safety

Concerns were raised that North Road is a short residential cul-de-sac with no turning point and is already subject to congestion. It was also suggested that the access to the application site is narrow and operates effectively as single-width, which in the view of objectors creates unsafe manoeuvres particularly when vehicles are parked on both sides of the road and given the absence of footways outside nearby properties (Nos. 158–164). Additional concerns questioned the accuracy of the submitted highways information (including the position of the right of way and omission of a wall), and residents also raised the ability for emergency vehicles (including fire appliances) to access existing and proposed dwellings.

The site is served by an established private access from North Road, previously accepted through earlier permissions. The proposal retains the existing access and provides a shared forecourt with adequate on-site manoeuvring, supported by the submitted Transport Statement showing vehicles can access without unsafe movements on the adopted highway. Although representations highlight discrepancies on plans, the highways assessment was based on the previously approved layouts of implemented permissions and observed operation of the access, and any discrepancies are not considered to affect acceptability. Highways Development Management raises no objection, and, given the modest scale of two dwellings, it is concluded there would be no unacceptable impact on highway safety by reason of the proposed development.

Parking Provision

Objectors raised concerns that the street already experiences significant parking pressure, with overspill parking affecting residents and nearby streets. Particular concern was also expressed about additional demand arising from the approved/implemented residential changes in the vicinity (including No. 191), and that the proposal would remove existing parking arrangements for Nos. 193/195 and fail to meet the Council's parking expectations (including visitor parking).

The proposal includes dedicated on-site parking for the two dwellings within the shared forecourt and confirms that the level of provision accords with the Council's adopted standards set out in the Highways Design Guide SPD. It is considered that the two dwellings would generate only a modest increase in vehicle movements and, because on-plot parking is provided, it would not materially increase on-street parking or exacerbate existing congestion to an unacceptable degree. It is also noted that informal or unauthorised parking on private land is a management/civil issue outside the planning assessment, and Highways have no objection subject to a condition requiring the parking areas to be appropriately surfaced and drained.

Land Ownership and Rights of Way

Representations raised issues about the location and depiction of the right of way and concerns that use of the access would be intensified in a way that could affect existing users (including Nos. 193/195).

During the application process, the applicant corrected the application documentation to ensure Certificate B was signed and notice served on relevant landowners, and the application was re-advertised accordingly. It should be noted that the existence, extent, or enforceability of private rights of access are civil matters that sit outside the planning process; the planning decision must focus on whether the development provides a safe and functional access arrangement in highway terms.

Overdevelopment and Character

Objectors considered that recent changes in the surrounding area have increased density and congestion, and that the proposal would amount to overdevelopment, conflicting with the intent of LP24 relating to form, scale and layout.

The surrounding area contains a mix of residential types, and the proposed pair of semi-detached dwellings would be of a design and appearance commensurate with the locality. Due to the rear plot location, the development would have no material impact on the street scene, and the proposed layout parking/turning to the front with private gardens to the rear is considered to provide an adequate standard of amenity without constituting overdevelopment. It is also noted that a previous permission for a pair of semi-detached dwellings on this site is a material consideration supporting the established acceptability of residential development here, subject to current policy considerations.

These matters are addressed in the assessment section of this report.

11. Conclusion

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

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

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2025/90926

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission. **Reason:** To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
1. The development hereby permitted shall be carried out in complete accordance with the plans and 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, 2, 3, 7, 11, 21, 22, 24, 26, 28, 30, 51, 52 and 53 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework, and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.
2. No dwelling shall be occupied until the external shell comprising the external walls and roof of the semi-detached pair hereby approved has been completed in full. **Reason:** In the interest of securing a cohesive and unified form and to preserve the character of the area, and in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 and 13 of the National Planning Policy Framework.
3. Notwithstanding the submitted information, prior to the construction of any external walls or roof covering, samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved materials. **Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 13 of the adopted Housebuilders Design Guide Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework 2024.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2025 (or any order revoking and re-enacting that order with or without modification), no development shall take place within the curtilage of the dwellinghouses hereby approved which falls within Schedule 2, Part 1, Classes A, AA, B,C,D,E,F and Schedule 2, Part 2 Classes A and B without the prior written consent of the Local Planning Authority. **Reason:** In the interest of visual and neighbouring amenity in accordance with Policy LP24 of

the Kirklees Local Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

5. Unless otherwise agreed in writing, prior to the development being brought into use, the approved vehicle parking areas shall 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)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained. **Reason:** In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.
6. The dwellings hereby approved shall be constructed and first occupied as self/custom-build homes and occupied as the sole or main residence of the individuals commissioning the build. The dwellings shall not be sold, leased, or otherwise disposed of on the open market prior to first occupation. **Reason:** To ensure the development remains eligible for exemption from mandatory Biodiversity Net Gain in accordance with the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and to ensure compliance with national policy.
7. Prior to the first occupation of the development, a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed and thereafter retained for the lifetime of the development. **Reason:** In the interests of visual amenity and securing a high standard of design, in accordance with Policy LP24 of the Kirklees Local Plan, Principle 8 of the adopted Housebuilders Design Guide Supplementary Planning Document, and Chapter 12 of the National Planning Policy Framework 2024.
8. Prior to the first occupation of the development, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation and thereafter retained and maintained in accordance with the approved details. **Reason:** To ensure a satisfactory appearance of the development and to safeguard visual amenity in accordance with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.
9. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been drafted and agreed with the council. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be

implemented, subject to any variations approved in writing by the planning authority. All external lighting shall be installed strictly in accordance with the specifications and locations set out within the Lighting Strategy. **Reason:** In the interests of biodiversity and in accordance with Policy LP30 and Chapter 15 of the National Planning Policy Framework 2024.

10. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. **Reason:** This is a pre-commencement condition to ensure adequate site investigations are undertaken at an appropriate time, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.
11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 8, 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:** This is a pre-commencement condition to ensure adequate site investigations are undertaken at an appropriate time, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.
12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9, 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:** This is a pre-commencement condition to ensure that adequate remediation measures are undertaken at an appropriate time, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.
13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. 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:** This is a pre-commencement condition to ensure that adequate remediation measures are undertaken at an appropriate time, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 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 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. **Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework 2024.

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

- a) Summary of potentially damaging activities
- a) Identification of "biodiversity protection zones"
- b) 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)
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) 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 ecology, in accordance with Policy LP30 of the

Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. Prior to the commencement of development, a Biodiversity Enhancement and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of measure to enhance biodiversity on site, which shall as minimum provide for:

- Two bat boxes
- Two bird boxes for buildings
- Two bird boxes for trees
- A planting scheme should be implemented within the scheme to create a trees and hedgerows. Plantings should comprise native species of high biodiversity value

The approved measures shall be implemented in accordance with the approved details prior to first occupation of the development and retained thereafter. **Reason:** To ensure the development delivers measurable biodiversity enhancements on site, in the interests of biodiversity and ecological connectivity, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

17. Prior to the first occupation of the development, details of refuse and recycling storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of bin storage areas and the method of refuse presentation for collection. The approved arrangements shall be implemented in full prior to first occupation and thereafter retained for the lifetime of the development. **Reason:** To ensure satisfactory refuse storage and collection arrangements are provided in the interests of visual amenity, residential amenity and highway safety, in accordance with Policies LP24 and LP21 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapters 9 and 12 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 Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021.

Reports must be prepared in accordance with the following guidance:

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

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

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

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

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

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

NOTE: The applicant is reminded that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist. It is an offence under the Wildlife and Countryside Act

1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 to disturb, or harm protected species or their habitats. Failure to comply with the legislation could result in prosecution.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	(EX)001	Rev A	04/11/2025
Parking Allocation	(70)001		04/11/2025
Block Plan	(20)002		01/04/2025
Proposed GA	(20)001		01/04/2025
Highways Statement	AT/24031/TS/2	Rev 2	20/11/2025
Preliminary Ecological Appraisal and Roost Assessment			06/10/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. During the course of the application, amendments were received comprising an updated/amended transport statement, the submission of a Preliminary Ecological Appraisal and Roost Assessment, and the provision of Biodiversity Net Gain (BNG) exemption information. In addition, the application documentation was corrected to ensure Certificate B was signed and notice served on the relevant landowners, and the application was re-advertised to reflect these changes. The amendments are considered acceptable, addressing the requested highways and ecological information and the corrected Certificate B, and have been assessed accordingly

Report Dated: 3rd February 2026

