

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:	2026/60/90116/E
Site Address:	Land at, Eastborough Crescent, Dewsbury, WF13 1PQ
Description:	Outline application for residential development (two 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.

Emma Thompson

AUTHORISED OFFICER

Date: 11-Mar-2026

Officer Report.

Reference: 2026/90116

Location: Land at, Eastborough Crescent, Dewsbury, WF13 1PQ

Proposal: Outline application for residential development (two dwelling)

Site Description.

The application site encompasses a parcel of grass land that is bounded by low level brick walls.

The site is enclosed by Eastborough Crescent and residential dwellings to the north, also dwellings to east and south with Ernest Street to the west. Beyond Ernest Street is a collection of commercial properties.

The topography of the site slopes towards the west.

The site is in low risk of ground instability due to previous coal mining works, a bat alert layer and within 250m of a landfill site.

Description of Proposal.

The application seeks outline approval for two dwellings with all matters reserved apart from access and layout.

The submitted block plan shows a pair of semi-detached dwellings set back beyond the build line of Eastborough Crescent by approximately 10m

Access to the site would be taken from Eastborough Crescent which is north of the application site. The plans show hardstanding to the front of the dwellings and 4 parking spaces with areas of soft landscaping surrounding. There are gardens to the rear.

History of Negotiations / Amendments Received.

Officers requested visibility splays were provided to support the application.

Relevant Planning History.

None.

Representations.

The application was advertised by site notice. Final publicity date expired 26th February 2026.

25 representations have been submitted. Two of these provided comments in support of the application:

- The redevelopment of the site for dwellings would remove anti-social behaviour

The material planning considerations raised are as follows:

- The objections raised the following concerns:
 - Loss of green space
 - Highway safety issues
 - Parking issues
 - Impact on residential amenity
 - Drainage
 - Impact on the character of the area
 - Overdevelopment of the site

These will be discussed later in the report.

Non material planning considerations raised are as follows:

- House prices
- Loss of views
- Application being speculative development

Consultation Responses.

KC Highways Development Management – In principle, the proposal is acceptable. Details of visibility splays required and waste storage details.

KC Ecology – Requested enhancement measures are secured via condition.

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.

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
- LP21** – Highways and access

LP22 – Parking
LP24 – Design
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality

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.

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

Chapter 2 – Achieving sustainable development

Chapter 11 – Making efficient use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

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

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Housebuilders Design Guide SPD (2021)

Assessment.

1) Principle of Development

The site is without notation on the Kirklees Local Plan. 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 2 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 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
- ii) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

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

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. 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. The judgement in this case is set out in the officer's assessment.

The site is unallocated and is located within an existing residential area adding weight to the suitability of the site for housing development.

The principle of dwellings at this application site is therefore considered acceptable subject to further assessment to ensure the scheme would not compromise highway safety, amenity and other material planning considerations.

As the application is submitted in outline, the development proposals would need to ensure the design and scale would meet the guidance as set out above and would be addressed at a reserved matters stage.

1) Impact on visual amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places).

The NPPF states,

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also 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.

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...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD, 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.”*

Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*

Principle 8 sets out that proposals should *“demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design. For all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings.”*

Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst 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 is seeking approval for access and layout, with matters relating to appearance, landscaping and scale being reserved. Under such an application, officers have to consider whether residential development on the site could be achieved without causing detrimental harm to the character and appearance of the area.

The proposal would require the replacement of a grassed area with two dwellings. Having reviewed the context of the area, there is a park 200m to the east of the application site and a grassed area 20m to the south. With regards to the park, it is therefore considered there are other areas in close proximity to the site which provide a greater contribution to the character of the area. The land forming part of this application has signs erected titled ‘no ball games’ and is not of high quality. Its location is constrained by residential development and the road it is considered not to make a substantial contribution to the character of the area and as such its loss cannot be resisted.

Principle 5 also sets out that buildings should front on to the street with well-designed frontages and prominent front doors. The development would be set back from the street scene and it is considered that this would not be a

significant concern for this application as the proposal has sufficient set back from the public realm to replicate the design of dwelling within the street scene.

With regard to the siting of built form, Principle 6 of the Housebuilders Design Guide SPD sets out that, 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-metre distance from the side wall of a new dwelling to a shared boundary. Details of the scale and design of the dwelling have not been provided at this stage, however as the site is slightly elevated in relation to the properties to the rear (south) this will need to be taken into account at the reserved matters stage. Site sections should be submitted with any reserved matters application to demonstrate the height and scale of any proposed development sits well within the street scene.

The proposal would not be set 2m away from the boundary with no.19 Eastborough Crescent. However, from a visual perspective, the proposal would still retain spacing between the properties and would be set back from the principal elevation of no.19 which would prevent a terracing effect. It is considered that the development would therefore not be read as overly discordant to the street scene from this perspective.

Details in relation to scale and design are not being assessed or determined at this time, merely principle and therefore this cannot form a reason for refusal as part of the application.

The proposed layout demonstrates parking to the front of the dwellings, and it is therefore assumed this would be hard standing. Space either side of the parking area show soft landscaping which contributes positively to the area. Principle 12 sets out that: *'Any car parking provision should: Not dominate street frontages through parking arrangements that place cars at the front of all dwellings and with overly dominant integral garages at the front of dwellings;* This should be considered when submitting reserved matters taking into account the number of spaces that are required the number of dwellings and associated accommodation.

Principle 15 of the Housebuilders Design Guide SPD sets out that the design of rooflines should relate well to the site context, including topography, views and heights of buildings and roof lines. As such, it is considered that development should be in-keeping with neighbouring properties.

Officers have reviewed the plans provided in the context of the area. Dwellings within the vicinity typically face onto the street scene and benefit from a reasonable amount of amenity space.

It is considered that there would be space in the plot for the dwelling with additional space for amenity space. The design of the proposal at reserved matters stage would need to reflect the infill nature of the site and be read in the street scene as a sympathetic later addition.

No formal details of external materials have been submitted. At reserved matters stage, it would be appropriate to ensure that the materials are in keeping with neighbouring properties and the vernacular of the area.

Details of garden/amenity areas have been provided. It is considered that outdoor amenity space in conjunction with residential developments would be appropriate useable size in relation to the level of accommodation proposed and be private.

Details of landscaping are a reserved matter. Boundary treatments should be in keeping with existing forms established within the street scene.

With regard to boundary treatments, officers consider that a condition would be necessary relating to the forms of boundary treatment proposed at the site, as part of the scheme for residential development. This condition shall seek the submission of a scheme detailing the location, heights and materials of proposed boundary treatments. As well as this condition being imposed for reasons of visual amenity, it is also related to residential amenity, explored in the following section of this officer's report.

It is considered that the indicative plans provided demonstrate that the size of the plot is sufficient to accommodate dwellings in this instance, as the shape/layout of the plot would allow for sufficient spacing between neighbouring properties and would respect the built form of the area.

As the scale and appearance of the proposal are not being assessed at outline stage it is considered whilst the principle of residential development would be acceptable. Careful consideration should be given at reserved matters stage to ensure the development is in keeping with the local vernacular and that any proposal does not create a cramped/overdeveloped design. Should approval be recommended, as all matters are reserved matters, care would need to be taken to ensure that any future development does not appear incongruous or overbearing in relation to neighbouring properties. Appropriate landscaping should also be provided to enhance the area and not detract from its character and appearance.

Officers will be recommending conditions relating to materials, boundary treatments and site levels to ensure the proposal would be of appropriate design in the context of the area.

In conclusion, it is considered that residential development in principle could be appropriately designed to not cause harm to visual amenity to meet the aims of LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

3) Impact on Residential Amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for 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 Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. The text supporting Principle 6 of the Kirklees Housebuilders Design Guide SPD sets out recommended minimum separation distances, these being:

- 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 non-habitable rooms;
- 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-metre distance from the side wall of the new dwelling to a shared boundary.

The current submission seeks approval for outline permission with access and layout agreed, other matters to be dealt with at reserved matters application stage (appearance, landscaping and scale).

27-29 Battye Street: adjoin the applicant site 18.3m to the south.

Overlooking: The proposal would not allow for the usual separation distance of 21m between the rear of the properties. It is acknowledged there is an existing reduced relationship between 19 Eastborough Crescent and the rear of 31-33 Battye Street; however, it is considered that this was established under a different policy context and therefore does not set precedence for the street scene.

Officers consider that attention should be paid to the separation distances between neighbouring dwellings and the proposed units. As previously indicated, there would not be the required 21m between the application site and properties on Battye Street and this would need to be factored into future designs of the proposed dwellings.

To ensure the proposal would not result in significant concerns relating to overlooking.

Therefore, subject to these details being taken into consideration, the dwellings would not raise any significant concerns regarding overlooking.

Overshadowing/loss of light/overbearing: It is considered that due to the separation distance between the properties, there is unlikely to be any significant concerns raised regarding overshadowing/loss of light or overbearing.

19 Eastborough Crescent: adjoins the application site to the east.

Overlooking: This is an outline application with all matters reserved with the exception of layout and access. It is considered that a scheme could be designed on site which did not raise any concerns regarding overlooking.

Overshadowing/loss of light/overbearing: There is one side facing window at 19 Eastborough Crescent which serves a bedroom. As previously outlined, this application is for layout and access and therefore the design of the dwellings has not been provided. It is considered that a scheme could be achieved on site which does not raise any significant concerns regarding overshadowing/loss of light or overbearing. However, as previously detailed, the proposal would need to be supported by site sections and levels at reserved matters stage. A condition will therefore be added to the application to this effect.

It is considered that due to the separation distance between the plot and neighbouring dwellings, the residential amenity of occupiers of other neighbouring dwellings would not be significantly impacted by the development.

As part of any application seeking reserved matters consent details of the forms of boundary treatment to be installed at the site, as part of the scheme for residential development including location, heights and materials for boundary treatments could be provided. In addition, details of the finished slab and floor levels of the dwelling (and therefore subsequent overall height / extent of engineering operations to the ground levels to accommodate the dwelling) will need to be provided.

Given these details could be provided at the reserved matters stage it is not considered necessary for inclusion of conditions requiring submission of these details as a condition of outline consent.

An informative will be included in relation to construction hours / noise and separate powers available to the Council to protect the amenity of residential properties.

Future Amenity of the Occupiers:

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

Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be*

considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”

Nationally described space standards set out the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. Officers consider that residential development which is compliant with the NDSS may be achieved at this site and the proposed dwellings should be compliant with the NDSS dependent on the number of storeys and bedrooms proposed.

In terms of external amenity space, it is considered that, it is possible to provide a suitable private amenity space to serve the dwelling. This would be assessed further at the reserved matters application stage.

In conclusion, the amenity impact of residential development on the application site could be acceptable from a residential amenity perspective.

3) Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

The application is seeking approval for outline permission with all other matters to be dealt with at reserved matters application stage such as appearance, landscaping and scale and therefore access is to be agreed at outline stage.

It is noted that the submitted location plan shows a proposed access point off Eastborough Crescent as such KC Highways have reviewed the proposal.

KC Highways requested visibility splays were provided to support the application. The visibility splays have been demonstrated on an updated site plan and have been considered acceptable.

The proposal would result in an intensification of the site; however, parking provision is provided on site and the site is currently inaccessible by vehicles;

therefore, the proposal would not result in the displacement of any vehicles onto the highway.

In line with the Kirklees Council Highways Design Guide SPD, new 2 to 3 bedroom dwellings would be required to provide a minimum of two off street car parking spaces and a 4+ bedroom dwelling would be required to provide three off-street spaces and finally, a 1-2 bedroom apartments provide one space (3+ bed two spaces).

The proposed site plan shows four parking spaces which may or may not be suitable depending on the scale of accommodation as set out above.

Officers propose a condition is added to the application to ensure the driveway is surfaced appropriately.

Waste storage and collection:

Each dwelling will be required to show bin storage for three 240L bins. A bin collection/presentation point should be located adjacent to the public highway. The bin collection/presentation point must not obstruct the adopted highway or the private access road.' This should be shown on any reserved matters submission and a condition will be added to the application to this effect.

KC Highways consider the proposed development acceptable in principle; however the waste storage will be subject to further specific detail and assessed at the reserved matters stage.

It is noted that electric charging vehicle points would be a requirement of building regulations for a dwelling.

As such, it is considered that the proposed access point for the new residential site for 1 dwelling is acceptable and would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

4) Other Matters

Foul Sewage:

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

The site is located within flood risk zone 1 and given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure, it is considered that foul and surface water drainage can be suitably accommodated as part of the development via soakaways.

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 result 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, remediated to ensure that sites are suitable for their intended use.

The site is designated potentially contaminated land due to its former uses, its proximity to other commercial/industrial sites and its location within 250m of a former landfill site which may have been infilled. As such it is recommended that a condition is attached to the decision to secure, a Phase 1 Contaminated Land Report (desktop study and site walkover) prior to commencement of development. If the agreed Phase 1 report identifies potential contaminated land risks, then a Phase 2 Intrusive Survey Report and if necessary, a Remediation Strategy report will be required for approval before any ground works commence. If ground gas monitoring is necessary as part of the Phase 2 investigation the Phase 2 Report will not be considered acceptable unless all of the gas monitoring has been completed in accordance with current guidance.

The Council would expect the applicant to demonstrate that any contamination at the site has been remediated to satisfactory standard before the new use commences. A verification report by a competent person would be required. Where imported materials are to be used, a 'Verification Report' by a competent person shall be required for any topsoil or subsoil that has been imported onto the site

The implementation of these conditions is deemed to be sufficient to comply with the aims of LP53 of the Kirklees Local Plan and Chapter 15, and Paragraph 196 and 197 of the NPPF.

The site is located within 250m of a landfill site. Full contaminated land conditions are required with gas monitoring to ensure the site is safe for occupation.

It is considered that with the inclusion of this condition, the proposal will ensure that any future development complies with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Ecology:

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the self-build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG

to be provided in respect of the aforementioned legislation. Should this not be the case, a full metric will be required to be provided in line with Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

The following policies are relevant:

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

A Preliminary Ecological Assessment has been submitted and has been reviewed by KC ecology who deem the assessment reasonable and acceptable.

Officers have been requested to recommend a condition relating to biodiversity enhancement on site.

It is therefore considered that the proposal will accord with policy LP30 of the KLP and Chapter 15 of the NPPF.

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 application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

A Climate Change Statement has been submitted. Locally sourced materials are detailed within the statement, at reserved matters stage, further information to how the scheme will be environmentally sustainable will need to be provided.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change.

5) Representations

The application was advertised by site notice. Final publicity date expired 26th February 2026.

23 Objections have been submitted raising the following concerns:

Loss of green space:

Officer comment: The site is unallocated on the Kirklees Local Plan and has not been identified as of ecological merit. The site is in a sustainable location surrounded by residential development and the principle of developing the site would therefore be acceptable.

Highway safety issues

Officer comment: KC Highways have reviewed the application and appropriate visibility splays have been demonstrated. Therefore, no significant issues would be raised regarding highway safety.

Parking issues

Officer comment Parking for the proposed dwellings has been accommodated on site as part of the site layout. The number of bedrooms each dwelling could have would be delimited by the number of parking spaces. Therefore, no significant issues would be raised regarding parking.

Impact on residential amenity

Officer comment: Matters relating to impact on residential amenity have been assessed within the the 'Residential Amenity' section of this report.

Drainage

Officer comment: This comment is noted, however as the site is not located within flood risk zone and the proposal is of a minor scale, for only two dwellings, there are no concerns to flood risk and increased surface water.

Impact on the character of the area

Officer comment: This comment is noted, however the scheme is at outline stage and details of the proposals appearance would be satisfied at reserved matters stage. The proposal is for residential development in a residential area and it is considered likely that an visually acceptable scheme could be achieved on site.

Overdevelopment of the site

Officer comment: The Kirklees local plan does not have a maximum density; however, it does have a minimum density of 35 dwellings per hectare and that higher densities will be sought in principal town centres and in areas close to public transport interchanges. It is considered that the footprint of the proposed dwelling is similar to neighbouring development.

Concern of loss of privacy

Officer comment: Matters relating to impact on residential amenity have been assessed within the 'Residential Amenity' section of this report.

6) 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 materials considerations. It is considered that the development is acceptable in principle and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2026/60/90116/E

Officer Recommendation: Approve

Conditions and Reasons:

1. Approval of the details of 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: This is a pre-commencement condition to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase

Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

1. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to Appearance, 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.

2. 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.

3. 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.

4. 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 Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP30 & LP51 of the Kirklees Local Plan, Principles within the Housebuilders Design Guide Supplementary Planning Document and policies within Chapters 2, 4, 5, 8, 9, 11, 12, 14 & 15 of the National Planning Policy Framework.

5. The residential development hereby approved shall not exceed a maximum of two dwellings.

Reason: For the avoidance of doubt as to what is authorised by this permission to ensure that the development conforms to the approved outline planning permission as well as the impact upon residential amenity of neighbouring occupiers and visual amenity of the wider locality to accord with policy LP24 of the Kirklees Local Plan, Principles 2, 6, 16 & 17 of the Council's adopted Housebuilders Design Guide and policies within Chapter 12 of the National Planning Policy Framework.

6. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent

person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. **Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

10. 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.

11. Development shall not commence until a scheme of details for the provision of ecological enhancement measures at the site outlined in red on the approved location plan has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include:

details of the location, both within the site and upon dwelling(s) and design one integrated swift box per dwelling. The details shall be provided for before the dwelling is first occupied and retained thereafter.

Reason: This is a pre-commencement condition in the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

12. Development shall not commence until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which details all materials of construction. The submitted scheme shall include all external facing and roofing materials. The dwelling shall be constructed from these materials, which shall thereafter be retained.

Reason: This is a pre-commencement condition to ensure that the new dwelling is sympathetic to the surrounding built form, in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

13. Development shall not commence until a scheme detailing site sections, and the finished slab and floor levels of the dwelling hereby approved, together with corresponding existing and finished ground levels and of surface and land drainage associated with any works, has been submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling shall be carried out in accordance with the details so approved and the occupation of the dwelling hereby approved shall not take place until the works relating to the building have been completed. The approved levels shall be so

retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: This is a pre commencement condition required in the interests of visual and residential amenity to accord with Policy LP24 of the Kirklees Local Plan, Principle 15 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

14. The development hereby approved shall not be brought into use until a scheme detailing the installation of 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 12 of the National Planning Policy Framework.

15. 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.

16. Before the development is first brought into use, details of a bin storage and presentation points shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be implemented before the development is first brought into use and retained thereafter.

Reason: In the interests of access and highway safety and the visual amenity of the vicinity in accordance with Policies LP24, LP21 and LP22 of the Kirklees Local Plan.

NOTE: The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015. The first occupation hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years.

NOTE: Conditions 7-13 are pre-commencement conditions to ensure the site is suitable for occupation prior to the development commencing on site.

NOTE: Contaminated Land

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: Construction Site Working Times

Noisy construction related activities shall not take place outside the hours of:

07:30 to 18:30 hours Monday to Fridays

08:00 to 13:00 hours, Saturdays

With no noisy activities 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.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	001	A	14/01/2026
Proposed Block Plan	-	-	9/03/2026
Climate Change Statement	-	-	14/01/2026

Preliminary Ecological Appraisal Report	23465/KK	-	14/01/2026
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Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. Officers requested visibility splays were demonstrated on a site plan.