
Report of the Head of Planning and Development**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 02-Feb-2023****Subject: Planning Application 2022/93520 Outline application for residential development adj, 47, Stile Common Road, Newsome, Huddersfield, HD4 6DE****APPLICANT**

M Sarwar

DATE VALID

21-Nov-2022

TARGET DATE

16-Jan-2023

EXTENSION EXPIRY DATE

10-Feb-2023

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Newsome

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: Refuse

1. The application site comprises a prominent open garden area supported by retaining walls at the junction of Newsome Road with Stile Common Road. Due to its: prominent location, shape and site constraints; built development here would appear cramped, contrived and incongruous and fail to sympathetically integrate with the character and appearance of the area. In addition, due to the constraints of the site, any development could not form a coherent building line with surrounding development. The proposal would therefore fail to reinforce or enhance local distinctiveness contrary to Policy LP24(a) of the Kirklees Local Plan, Principles 2 and 5 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.
2. The proposed development, due to its siting on a prominent, exposed, narrow and steeply sloping site, would fail to provide an adequate standard of useable, proportionate and private outdoor amenity space for future occupiers. This would be further constrained by the proximity of a busy road junction and bus stop. This would result in a poor living environment to future occupiers, contrary to Policy LP24(b) of the Kirklees Local Plan, Principle 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This is an outline planning application for the erection of a detached residential development with all matters reserved. Details of indicative site access have been provided.
- 1.2 The application is brought to the Huddersfield Sub-Committee for determination in accordance with the Council's Scheme of Delegation as the planning application has been submitted by an elected member of the Council.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to part of the domestic curtilage of No. 47 Stile Common Road, Newsome. It is a narrow, triangular plot which measures approximately 0.025ha, between Stile Common Road and the C996 Newsome Road. The narrowest part of the site is formed where the junction of the aforementioned roads converges.

- 2.2 The host dwelling, which is not part of the application site but indicated to be in the control of the applicant, is an extended two-storey detached property which has hard surfacing to the Stile Common Road frontage used for parking. There is a conservatory to the southeast side elevation and garden space to its north-east and south-east. It is prominently elevated above Newsome Road with a terraced garden and close boarded fencing fronting this road. There is a retaining wall supporting the site along Newsome Road. The application site forms part of the garden for the host property and is at a considerably lower ground level, accessed via a set of steps. The application site is also partly supported by the retaining wall fronting Stile Common Road.
- 2.3 The ground levels within the application site fall steeply from northeast to southwest. The rising and open nature of the land, and its position at a road junction, means it is in a prominent location within the highway when approaching from the south and southeast.
- 2.4 The site is laid out as a garden with ornamental trees, shrubs and patio. It is bounded by a stone wall and has streetlights and telegraph poles and other street furniture immediately adjacent to the stone walls. There is a bus stop on the Newsome Road side served by high frequency bus service.
- 2.5 The area is predominantly residential with semi-detached dwellinghouses north along Stile Common Road and detached dwellings to the north along Newsome Road. There is a block of student accommodation at 'The Beacon' to the southwest, a block of flats 'Stile 24' to the southeast and predominately semi-detached and terraced dwellinghouses to the south. Across Newsome Road to the east is a large playing field designated as Urban Greenspace.
- 2.6 The application site is not located within a Conservation Area nor located in close proximity to any listed buildings. The site is within a development high risk coal mining area. It is unallocated for development within the Kirklees Local Plan. It is within a Bat Alert layer and within the Strategic Green Infrastructure Network.

3.0 PROPOSAL:

- 3.1 The planning application is submitted in outline with all matters (access, scale, layout, appearance and landscaping) reserved for subsequent approval. Details of indicative access have been provided.
- 3.2 No indicative site layout plan has been submitted, only a 2.5m wide indicative access point from Stile Common Road to the northwest of the site.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 At the application site:

2006/92886 Erection of extension and alterations to dormer bungalow to form 2 storey dwelling – Planning Permission Granted and implemented.

4.2 Surrounding Area:

2020/91228 – Location: 48, Stile Common Road: demolition of existing dwelling and erection of residential development to form student accommodation with associated access and parking – Planning Permission Granted and implemented

2020/92067 – Location: former, Stile Common Infant & Nursery School, Plane Street, Newsome, Huddersfield, HD4 6DF. Erection of 30 dwellings – Planning Permission Granted.

4.3 No pre-application advice was sought for the application site.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 None necessary.

6.0 PLANNING POLICY:

6.1 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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

Kirklees Local Plan (2019):

6.2 Relevant Local Plan policies are:

- 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
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP43 – Waste management hierarchy
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

6.3 Relevant guidance and documents are:

- Kirklees Highways Design Guide SPD (2019)
- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

National Planning Guidance:

6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and 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 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 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

6.5 The following national guidance and documents are also relevant:

- National Design Guide (2019) - The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. This would be pertinent at Reserved Matters stage, if outline planning permission is secured.

6.6 Climate change

On 12/11/2019 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.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised via letters delivered to addresses adjacent to the application site in accordance with Table 1 of the Kirklees Development Management Charter.

The period of publicity expired on 28/12/2022. As a result of the above publicity, no representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objections subject to conditions that nothing shall be planted or erected within a strip of land 2.4m deep measured from the carriageway of the site that exceeds 1.0m in height above the level of the adjoining highway. In addition, details of storage and access for collection of wastes from the premises to be approved prior to first occupation. Structural engineering measures will be required to ensure the public highway is not compromised. Site of the proposed 2.5m wide access point is located as far as possible from the Newsome Road and Stile Common Road Junction which would be the only acceptable point of access into the site.

Coal Authority – No objections subject to a pre-commencement condition requiring a scheme of intrusive investigations to be carried out on site to identify any risks and necessary remediation/mitigation works arising from coal mining legacy.

8.2 Non-statutory:

KC Highway Structures – No objections subject to further information supplied detailing the location and cross-sectional information together with the proposed design and construction details of all new retaining walls and/or modifications to existing retaining walls. Furthermore, there should be an easement strip of no less than 2.0m wide retained between the proposed buildings and the existing highway retaining walls for future maintenance/reconstruction.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.
- 10.2 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan 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.
- 10.3 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.
- 10.4 The site is not allocated for development on the Kirklees Local Plan Policies map. Policy LP2 of the Kirklees Local Plan states that:
- “All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*
- 10.5 This site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.
- 10.6 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
- 10.7 The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-

year supply position. Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. The supply of one housing unit would make a minor contribution to the housing delivery targets of the Local Plan. The application site is considered to be a brownfield site and, in accordance with paragraph 69 of the NPPF, support should be given to the development of windfall sites, "giving great weight to the benefits of using *suitable* sites within existing settlements for homes".

- 10.8 Policy LP7 of the KLP requires development to achieve a net density of at least 35 dwellings per ha, where appropriate. The application proposes 1 dwelling, which is a density of 40 dwellings per ha. This quantum of development could be said to be acceptable in principle but as will be discussed further in the report, Officers have significant concerns in relation to the site constraints and the suitability of the site for development.
- 10.9 In terms of the acceptability of the residential development within the site, this will be discussed below.

Sustainability and climate change

- 10.10 An assessment of the proposal's impact on climate change is limited given that it is an outline application with all matters reserved for future consideration. It is appreciated that the construction of new buildings has a footprint in terms of CO2 emissions. However, at this stage, no information in respect of the form of construction is provided. If approved, then at reserved matters stage, consideration could be given to the life cycle of building materials and whether it could be specified through the development contract that materials have a low embodied impact.
- 10.11 Energy efficiency would also be considered at the reserved matters stage for design and appearance. It is likely that as a minimum, a fabric-first approach would be adopted for the development.
- 10.12 In terms of access to public transport, the site is well served by frequent bus services, and approximately 820m distance to Newsome Local Centre and over 1 kilometre distance to Huddersfield Town Centre and Aspley Local Centre. It could be considered to be in a sustainable location using bus routes and the proximity of local facilities and amenities. This might be hampered by the topography of the area.
- 10.13 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations. Details of design, materials, and other more detailed aspects of the proposal relevant to climate change would be considered at Reserved Matters stage to assess how it would meet the aims of net zero, Principle 18 of the Housebuilders SPD, LP24d) of the Kirklees Local Plan and Chapter 14 of the NPPF.

Urban Design issues

- 10.14 This application seeks approval of the principle of development only. As such, if outline approval was obtained reserved matters of access, layout, scale, appearance and landscape would be submitted for consideration at a later date.
- 10.15 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which 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”.
- 10.16 Relevant design policies include LP2 and LP24 of the Local Plan. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; *“Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape”.*
- 10.17 Paragraph 129 of the NPPF states that design guides, such as the Council's Housebuilders Design Guide SPD, carries weight in decision-making and is a material planning consideration.
- 10.18 In addition to this, Paragraph 134 of the NPPF outlines that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. The equivalent reference sources would be the Kirklees Housebuilders Design Guide SPD and the National Design Guide.
- 10.19 Significant weight would be given to designs that comply with the SPD or are outstanding or innovative designs that promote high levels of sustainability or the standard of design in the area as long as they are still in keeping with the form and layout of their surroundings.
- 10.20 Principle 2 of the Housebuilders Design Guide SPD sets out 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.
- 10.21 The application site here is relatively constrained by its exposed, narrow and small triangular configuration which is steeply sloping both within the site and its wider context. It is in a visible and prominent location on a Classified C road junction. It is presently an open garden with mature shrubbery at its edges and a visual openness adding a softening effect to the predominately hard surfacing

of the surrounding roads. It is surrounded by existing two storey, large built forms set back from the highway situated on higher ground, or more recently built 4-storey apartment blocks.

- 10.22 Considering the topography within the immediate site, any proposed dwelling would, by necessity, need to be sited at a lower ground level with a design contrived to respond to site constraints, rather than a response to good design. It would appear visually jarring within the context of surrounding development.
- 10.23 Principle 5 of the Housebuilders Design Guide SPD states that buildings should be aligned and set-back to form a coherent building line. 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 its site topography.
- 10.24 The building line of Stile Common Road is consistent as is the building line of Newsome Road (north). The existing no. 47 largely respects this arrangement with its garden to the south culminating at the point where the two roads converge. This allows for landscape features to be viewed at the end of these streets working with its site topography in compliance with guidance in the SPD. The properties to the west side of Newsome Road leading north have landscaped gardens providing a continuation of this pleasing landscaped appearance aiding in No.47 to be an integrated development within the streetscene. The removal of this open land would obliterate this softening effect increasing both the prominence of no. 47 and further residential development within its garden.
- 10.25 To achieve a coherent building line with both road frontages, a proposed new residential dwellinghouse, if this could be designed, would appear considerably narrower and of smaller proportions to No.47 and the more recent apartment blocks close to the site. This would lead to a dwelling of overly cramped and constrained design within its small triangular plot. This would appear as an incompatible form of built development within the site failing to sympathetically integrate with the rest of the existing development within the locality and would appear visually jarring.
- 10.26 Given that the layout is a reserved matter, detailed considerations including the relation to townscape, layout, landscaping and other design matters, would be considered as part of a future reserved matters application. As noted above, there significant concerns with the principle of the proposed residential development at the cramped plot for the site.
- 10.27 To conclude, the site is prominent, constrained and limited in size. Development here would not sympathetically integrate with the character and appearance of the area and its landscape. The proposal would fail to reinforce or enhance local distinctiveness. The proposal is therefore contrary to Policy LP24(a) of the Kirklees Local Plan, Principles 2 and 5 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Residential Amenity

- 10.28 Section B of LP24 of the Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. Further to this, Paragraph 130 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.29 Principle 6 of the Kirklees Housebuilders Design Guide SPD states that:
“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”
- 10.30 As all matters are reserved, the layout, appearance and scale of the development would need to be designed to ensure that the proposal would not harm the outlook, privacy and natural light currently enjoyed by neighbouring residents, in particular properties to the west and the east of the site at the Beacon and Stile 24. Given its position and adequate separation distances to these properties, a scheme could be designed to avoid material harm to the occupiers of these properties. If it is sensitively designed, this may be similarly of low impact to No. 47 to the north. In addressing these matters, this may affect how the proposal would visually integrate with other built development thereby emphasising its contrived nature. This would be assessed at reserved matters stage to ensure compliance with Policy LP24, Principle 6 of the SPD and Chapter 12 of the NPPF.
- 10.31 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development anticipated, this would not unacceptably impact on the amenities of nearby residents.
- 10.32 With regards to the future amenity of the occupiers, considering the potential impacts of noise from the adjacent bus stop served by frequent bus routes on Newsome Road and its vehicular traffic, this could impact on amenity. As such, a noise report would be required to be submitted with a detailed scheme to determine the existing noise climate, predict noise climates in gardens, bedrooms and other habitable rooms and to provide attenuation/design if necessary, to protect the amenity of the future occupants from road traffic noise.
- 10.33 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 (NDSS), these are not currently adopted in the Kirklees Local Plan.”* Although the Government’s NDSS standards are not adopted in Kirklees, they are recognised as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.

- 10.34 Officers consider that there may be space on the site to accord with Principle 16 of the Kirklees Housebuilders Design Guide SPD so that the future occupiers benefit from an adequate standard of amenity internally subject to submission of reserved matters. In designing a dwelling to comply with the NDSS, this could exacerbate the incongruous appearance of development on this prominent and constrained site.
- 10.35 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.”*
- 10.36 With regard to Principle 17, the proposal would result in the loss of garden space for No.47 however it would still retain proportionate terraced rear garden. For the new dwelling, considering the context of the exposed and steeply sloping nature of the site and the requirement to limit the height and position of boundary treatment along Stile Common Road for highway safety reasons, it is considered that a usable and private amenity space would be difficult to achieve. Its position adjacent to a high frequency bus stop may also offer a poor sense of privacy for the future occupiers. As such, any dwellinghouse on this tight and narrow plot would likely fail to achieve any functional, proportionate and useable private outdoor amenity space on either side given its context and setting.
- 10.37 The proposed development, by virtue of its siting on a prominent, exposed, narrow and steeply sloping site, would fail to offer an adequate standard of useable, proportionate and private outdoor amenity space which cannot achieve adequate screening due to its position at a junction between Stile Common Road and Newsome Road adjacent to a busy bus stop. This would result in inadequate levels of privacy and will provide a poor living environment to future occupiers. The proposal is therefore contrary to Policy LP24(b) of the Kirklees Local Plan, Principle 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

Highway issues

- 10.38 Local Plan Policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe. NPPF Chapter 9 requires the Council to consider the potential impacts of development on transport networks, and encourages walking, cycling and public transport use.
- 10.39 The proposed development would be located on a residential garden plot site adjacent to No. 47 Stile Common Road with indicative access off the same road. West of the site is The Beacon, a student accommodation block, and its driveway. The indicative access point is not directly opposite this driveway.

- 10.40 The indicative access point would be 2.5m wide and located as far away as possible from the junction of Stile Common Road and Newsome Road, off Stile Common Road.
- 10.41 KC Highways DM have raised no objection to the indicative access in principle, considering it to be the only acceptable point of access to serve the site. Specific details of the access would be required at reserved matters stage. This would include detail on the size and precise location of the access point, the layout of parking space, turning points and manoeuvring within the steep slope. Should permission be granted, this could be conditioned appropriately. Such conditions would be in accordance with Policies LP21 and LP22 of the Local Plan, Principle 12 of the Housebuilders Design Guide SPD and Chapter 9 of the NPPF.
- 10.42 KC Highways DM considers a condition would be required to prevent anything that exceeds 1.0m in height above the level of the adjoining highway to be planted or erected within a strip of land 2.4m deep measured from the carriageway edge of Stile Common Road. This would be along the full frontage of the site. This would maintain adequate visibility for highway safety and access. This would be reasonable and necessary in the interests of highway safety.
- 10.43 Details for the storage and access for the collection of wastes would also be required by condition in accordance with Principle 19 of the Housebuilders Design Guide SPD. This would be both in the interests of highway safety and visual amenity.
- 10.44 The KC Highway Structures team have been consulted as there is a retaining wall adjacent the highway on Newsome Road. In addition, the boundary to Stile Common Road could also provide a form of retaining structure to Stile Common Road itself. Pre-commencement conditions are recommended to support the continuing and safe function of the retaining wall(s) and in compliance with Policy LP53 of the Local Plan and Chapter 15 of the NPPF.
- 10.45 The recommended conditions require, in short, the design and construction details of retaining walls, and modifications to existing retaining walls to be submitted and approved before development commences.
- 10.46 KC Highways Structures also recommend an easement strip of not less than 2.0m wide be retained between any built development and the existing highway retaining wall on Newsome Road to facilitate access for their future maintenance and reconstruction.
- 10.47 These recommended conditions would serve to further restrict the available developable land within the site, in addition to land required for access and parking.
- 10.48 The number of vehicular journeys for one dwelling would be of low impact and the site benefits from convenient and regular public transport service via bus. The topography of the site may deter occupants from walking to Local Centres, however bus links may aid increased use of public transport. The provision of cycle storage facilities and an electric vehicle charging point, could be secured via condition in accordance with Policies LP20, LP51 and LP24 of the Local Plan.

- 10.49 It is considered that an acceptable scheme could be achieved on the site in the interests of highway safety, in principle, although the requirements to achieve this may further exacerbate the incongruous form and appearance of development on the site. In principle the scheme might comply with Policies LP20, LP21, LP22, LP24 (d), LP51 and LP53 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD, the Council's Highway Design Guide and Chapter 9 of the NPPF.

Representations

- 10.50 No representations have been received on this proposal with access to be considered and all other matters to be addressed at the reserved matters stage.

Other Matters

Coal

- 10.51 This site is within a defined development area at high risk from previous coal mining activities. As such, a Coal Mining Risk Assessment was submitted and assessed by the statutory consultee: The Coal Authority.
- 10.52 The Coal Authority raise no objections but recommended that no development shall commence until a scheme of intrusive investigations have been carried out to establish site specific risks and any recommended actions to undertake in terms of mitigation or remediation measures necessary to be reviewed.
- 10.53 In addition, The Coal Authority recommended that a signed statement or declaration is prepared by a suitably competent person to confirm that the site is or has been made safe and stable for the approved development is submitted with the findings and methods of the intrusive site investigations.
- 10.54 With these recommended conditions in place, the risks posed by coal mining legacy within a high development risk area could be sufficiently managed for public safety and to comply with LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Trees

- 10.55 There are no trees of significant amenity for the locality within the site and no tree within the site is formally protected.

Biodiversity

- 10.56 A net biodiversity gain would need to be demonstrated in accordance with Local Plan Policy LP30, Principle 9 of the Housebuilders Design SPD and chapter 15 of the NPPF. Given this is an outline application with all matters reserved, such a biodiversity net gain has not yet been demonstrated by the applicant. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric. The site is within the Strategic Green Infrastructure Network. Policy LP31 states, inter alia, that in the SGIN priority will be given to enhancing the green infrastructure networks.

- 10.57 Given the scale of proposed development within the Bat Alert Layer and Strategic Green Infrastructure Network, a biodiversity net gain would need to be demonstrated at the reserved matters stage through details of landscape and appearance and potentially by a stand-alone condition attached to the outline planning permission. With this, the development could comply with Policies LP30 and LP31 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the NPPF.

11.0 CONCLUSION

- 11.1 The application site is unallocated for development within the Kirklees Local Plan. Whilst the principle of residential development could be supported, the question here is whether it would be considered a sustainable form of development given its site constraints.
- 11.2 To conclude, while weight has been afforded to the supply of one housing unit and the minor contribution to the housing delivery targets of the Local Plan, this would not outweigh the conflict with Principles 2, 5, and 17 of the Kirklees Housebuilders Design Guide SPD and the National Design Guide, Local Plan Policy LP24 and Chapter 12 of the NPPF. It would not constitute a sustainable form of development, failing to achieve good standards of design. It would not achieve a good standard of private amenity space for future occupiers due to its exposed nature within a narrow plot adjacent to a frequent use bus stop and this cannot be mitigated due to highway and retaining wall conditions necessary to ensure safety and visibility on the highway. The proposal is therefore recommended for refusal.

Background Papers:

Application and history files.

[Link to planning application](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/93520)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/93520>

Certificate of Ownership – Certificate A signed and dated.