

**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:	<b>2023/60/91179/W</b>
Site Address:	Land adjacent to, 137, Meltham Road, Lockwood, Huddersfield, HD4 7BG
Description:	Outline application for erection of one dwelling
Recommending Officer:	Katie Chew

**DECISION - REFUSED**

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

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 12-Sep-2023**

## **Officer Report**

### **Site Description**

Land adjacent to, 137, Meltham Road, Lockwood, Huddersfield, HD4 7BG

The application site relates to a portion of land located to the south of no. 137 Meltham Road. The site is currently overgrown and lacks maintenance however some of the mature trees and planting have recently been removed from the site. To the north and south of the site are residential dwellings, to the west is mature planting and trees and to the east past Meltham Road is Lockwood Cemetery.

To the north of the site is a public footpath.

The site is not located within a Conservation Area and is not located in close proximity to any listed buildings.

### **Description of Proposal**

The application seeks outline planning permission for the erection of one dwelling. All other matters such as access, scale, layout, appearance and landscaping are reserved.

The submitted details are limited however, a site plan has been provided which shows a medium sized plot of land located in between nos. 137 & 139 Meltham Road. Given the restricted nature of the site it is considered reasonable to assume that access would need to be taken from Meltham Road to the west. Within the submitted Design & Access Statement it is outlined that the applicant envisages the construction of a modestly sized detached dwelling with parking facilities on this site. No details are provided in respect of car parking, landscaping, amenities areas etc.

### **History of negotiations/amendments received**

Following comments received from the Council's Ecologist a bat scoping survey was requested alongside details relating to biodiversity net gain and impacts on the Kirklees Wildlife Habitat Network.

### **Relevant Planning History**

There is no relevant planning history at the site, but there is relevant history at adjacent sites.

#### **139 Meltham Road**

2013/90161 – Erection of detached dwelling with car parking. Approved 11<sup>th</sup> June 2013.

### **Representations**

Final publicity date expires:

Neighbour Letters – Expired 7<sup>th</sup> June 2023.

Site Notice – Expired 15<sup>th</sup> June 2023.

Press Notice – Expired 23<sup>rd</sup> June 2023.

2 comments have been received to date; this is summarised below.

- The applicant has stated that the soil is not contaminated however the site has presence of Japanese knotweed. The contaminated soil must be disposed of responsibly and spreading to adjoining land must be prevented.

**Officer note:** Noted. Given the conclusions drawn within the principle of development section of this report, this has not been investigated further by Officers. However, should a subsequent planning application be submitted to the Council the applicant should provide details of this, and the Council's Ecology team will be notified.

- The bus stop is directly in front of the land where the proposed erection is planned, the applicant should consider how the access to the bus stop will be guaranteed without obstruction during construction.

**Officer note:** Noted. The Council's Highways Officers have been consulted and their comments can be found under the consultation responses and highway safety sections of this report.

- Work has started on site as the applicant has chopped 3 mature trees down.

**Officer note:** Noted. Unfortunately, as these trees are not protected by a TPO the applicant is able to remove trees within the site without needing permission.

- The area is not untidy and unkept it forms part of a habitat for deer's, bats, badgers and nesting birds.

**Officer note:** Noted.

- Concerns in respect of access due to the road bending to the right, this is a blind spot, whereby speeding vehicles come along Meltham Road and there is poor visibility due to cars parked outside their houses.

**Officer note:** Noted. The Council's Highways Team has been consulted on the proposals, their comments can be seen under consultation responses and highways safety sections of this report.

- There is a BT telegraph pole adjacent to the site, this would cause obstruction and is a hazard for the driveway.

**Officer note:** Noted. The Council's Highways Team have been consulted on the proposals and their comments can be found under the consultation responses and highway safety sections of this report. The applicants would be responsible for going through all necessary procedures for re-siting utilities – outside the scope of this application.

**Officer note:** The application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site being located adjacent to a Public Right of Way which runs to the north. The additional information was not re-publicised as it did not fundamentally alter the scheme applied for.

### **Consultation Responses**

**KC Ecology Unit** – Comments received 30<sup>th</sup> May 2023. No objection in principle however, the applicant should engage with a suitably qualified ecologist to undertake a bat scoping survey of the trees on the site. The applicant should also demonstrate how negative impacts to the Kirklees Wildlife Habitat Network are to be avoided and how a biodiversity net gain is to be achieved post-development.

**Officer note:** Following receipt of the above comments, a Bat Scoping Survey and information relating to the KWHN and biodiversity net gain was requested from the applicant. Additional information was provided by the applicant's agent in the form of an Ecological Fundamentals Report, received 4<sup>th</sup> August 2023. This additional information was assessed by the Council's Ecologist, alongside site visits that determined that the site is of minimal ecological value, and that the proposed scheme will have minimal ecological impacts. However, a condition is recommended should planning permission be granted requiring integral bat and bird nesting features to be provided within the proposed building in the interests of biodiversity net gain.

**KC PROW-** No comments have been received within statutory timescales.

**KC Trees** – Comments received 26<sup>th</sup> May 2023. No objection as the trees have already been cleared from within the redline boundary.

**KC Highways Development Management** – Comments received 27<sup>th</sup> July 2023. No objections in principle however, details will be required in terms of the relocation of the existing telegraph pole, amendments to the bus stop, and associated boarder kerbs and clearway marking, provision of 1 electric vehicle charging connection per dwelling, location of bin storage and collection points, provision of suitable sight lines, confirmation of the size of the dwelling and number of parking spaces required, and finally a layout showing the location of the proposed parking spaces and a swept path analysis to show that the vehicles can turn and leave the site in forward gear.

## **Parish/Town Council**

N/A.

## **Local Ward Members**

None.

## **Planning Policy Background**

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 27<sup>th</sup> February 2019).

The application site is located within a Bat Alert Area, Green Belt, Strategic Green Infrastructure Network, and Wildlife Habitat Network Combined Area. It is also important to note that there is a Public Right of Way located to the north of the site.

### **Kirklees Local Plan (LP):**

- **LP1 – Achieving 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 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP28 – Drainage**
- **LP30 – Biodiversity & Geodiversity**
- **LP31 – Strategic Green Infrastructure Network**
- **LP33 – Trees**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP59 – Brownfield Sites in the Green Belt**

### **Other Guidance Documents:**

- Kirklees Highway Design Guide (2019)
- Nationally Described Space Standards
- National Design Guide
- Housebuilders Design Guide SPD (2021)

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

### **Summary of Principal Planning Issues**

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

#### **1. Principle of Development**

##### 1.1- 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 this 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.

##### 1.2 Land Allocation: Green Belt

The site is allocated as Green Belt in the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, with one such purpose being to 'assist in safeguarding the countryside from encroachment'. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very

special circumstances'. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in paragraphs 149 and 150 of the NPPF.

Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 sets out that the following exceptions:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Policy LP59 of the Local Plan is also important to note as this relates to brownfield sites in the Green Belt. This policy states that proposals for infilling

within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:

- a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;
- b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and
- c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.

*Whether the proposal is inappropriate development in the Green Belt*

In relation to the above exceptions listed, the proposals seek to erect a new dwelling on land argued to be infill brownfield/previously developed land.

Criterion g of paragraph 149 of the NPPF allows for the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. The definition of previously developed land as set out in the NPPF glossary includes land which is or was occupied by a permanent structure. This excludes land which was previously developed but where the remains of a permanent structure or fixed surface structure have blended into the landscape.

Within the submitted Design & Access Statement it is noted that the site is currently unused and generally overgrown. The applicant believes that the proposal is infill development as a historical map from 1933 (included within the D&A) shows that housing was previously present on the site. Whilst Officers note that housing may have previously existed at the site in 1933, by 1955 historical maps show that this was demolished, and the land has been left undeveloped since that time. From undertaking a site visit, it was clear to see that there was some rubble visible, this was small in scale and would not account for the demolition of a whole dwelling. Therefore, Officers are of the opinion that the proposals would not result in previously developed land on this occasion as the remains of a dwelling have been removed/blended into the landscape, now resulting in greenfield land at this site.

For the above reasons, Officers consider the development to constitute inappropriate development in the Green Belt with reference to paragraph 149 criterion g as well as policy LP59 of the Kirklees Local Plan. Paragraph 147 of the NPPF outlines that 'inappropriate development is, by definition, harmful to the Green Belt', whilst Paragraph 148 states that Local Planning Authorities should ensure that 'substantial weight' is given to any harm to the Green Belt. Given this conclusion, it is necessary to now consider whether any other additional harm would accrue, and whether there are very special circumstances to outweigh such harm.

*Whether there would be any other harm to the Green Belt, including visual amenity*

In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. As outlined above, the proposal would increase the amount of built development at the site and therefore would have an impact upon the openness of the Green Belt as a result of this.

Whilst it is acknowledged that there is mature planting outlining the site to the east, the proposed introduction of this large structure in what is a currently undeveloped piece of land is considered to clearly and significantly undermine both spatial and visual aspects of openness. It is also noted that the site is located adjacent to a Public Right of Way to the north and set on a main road (B6108) connecting the site to neighbouring settlements, therefore the site would be openly visible from public vantage points. It is therefore considered that the introduction of a dwelling in this location, regardless of its overall scale and size would be detrimental to the spatial aspects of openness, and whilst screened to the east, this does not overcome the harm to openness, nor harm by reason of inappropriateness.

In terms of the purposes of including land within Green Belts, one identified reason is to safeguard encroachment into the open countryside. From undertaking a site visit, it was clear that works had already been undertaken at the site to remove some of the existing and mature planting and trees. This has allowed the site to appear more open visually and more connected to open land beyond. However, given the proposed location of the site it is concluded that this would not – on balance – result in encroachment of development into the countryside.

In terms of the proposed design and materials of the dwelling, details are limited although these are discussed in more depth within the visual amenity section of this report.

Officers therefore hold the view that the harm to the visual and spatial amenities of the Green Belt and the openness of the Green Belt, add to the substantial harm to the Green Belt by virtue of the inappropriateness of the proposed development.

*Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development*

A Design and Access Statement has been submitted to support the application, this statement outlines that the site is currently unused and overgrown and comprises of an infill plot of land immediately adjacent to a similar plot of land which was development around nine years ago under permission 2013/90161. The applicant envisages a similar development in this location consisting of a modestly sized dwelling with parking facilities. Whilst this information is acknowledged, each case is based on its own merits and given the length in time since the previous permission at the adjacent site (no. 139 Meltham Road to the south) this holds little weight as national and local planning policy has progressed significantly since this time, with the adoption of the Kirklees Local Plan which provides additional information in respect of developing Green Belt Land

No further justification has been provided by the applicant, and no other factors are identified as being present to outweigh the harm in this case. Officers' concerns have therefore not been overcome and it is thus concluded that no very special circumstances have been demonstrated by the applicant, or more generally exist which would clearly outweigh the harm by reason of inappropriateness of development within the Green Belt as well as the other harm identified.

### 1.3 Housing Delivery/Density

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

The site is not within a specific allocation on the KLP Policies Map. Policy LP2 of the KLP 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..."*

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 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, 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 weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers' assessment below and in the Green Belt section above.

Paragraph 69 of the NPPF recognises that *"small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes"*.

The Local Planning Authority cannot demonstrate a five-year land supply and development of this plot would contribute to the housing supply in the district.

However, the provision of housing needs to be balanced against all policies and material planning considerations considered within the following report.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved.

Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

As the application site measures just 218sqm, it is deemed that 1 dwelling on this site would meet the requirements of LP7, and given the size, context and nature of the site and surrounding area 1 dwelling is considered to be acceptable in this location and would not be considered to result in overdevelopment of the site.

In terms of housing delivery/density it is considered that the proposal would contribute to the housing stock within the district and is in a location which is accessible to nearby settlements of Netherton, Lockwood, Newsome and Crosland Moor. It is therefore concluded that the proposal might be acceptable in this regard; however, this does not outweigh the harm to the Green Belt set out in preceding paragraphs. The application of policies in the NPPF that protect Green Belt provide a clear reason for refusing the development proposed.

## **2 - Impact on Visual Amenity:**

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”.*

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 129 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry

weight in decision-making should be produced either as part of a plan or as supplementary planning documents. 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Kirklees has an adopted Housebuilders Design Guide SPD.

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 15 states that the design of the roofline should relate well to site context. 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.

This is an outline application with all matters reserved (i.e., scale, layout, appearance, access and landscaping), under such 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. With regards to design, matters of appearance, layout and scale only limited indicative detail has been provided for comment, but as noted above, Officers are considering whether the principle of any residential development at the site could be acceptable.

Within the submitted Design & Access Statement it is highlighted that the applicant envisages a very similar development to that of the previously approved dwelling to the south (no. 139 Meltham Road) which comprises of a medium sized detached two-storey stone-built linear property with parking to the front and a private amenity space to the rear.

The application site relates to a medium sized parcel of land which is currently unused and overgrown. Whilst there is a number of residential properties

surrounding the site to the north and south, to the west is mature planting and trees and to the east past Meltham Road is Lockwood Cemetery.

As discussed previously the site measures around 218sqm, when compared to guidance within local planning policy the site could accommodate just 1 dwelling. Any more than 1 dwelling and the site could appear overdeveloped, parking dominated and result in reduced amenity spaces for future occupiers. Officers would also agree with this from a visual amenity perspective given the site's prominent and open location on Meltham Road.

Given the restricted nature of the site it is likely that the dwelling would front out on to Meltham Road (this is also shown on the submitted indicative plans). Officers would recommend that a step back is provided of around 9m from the public highway to ensure a coherent building line is formed should planning permission be granted. This is to accord with Principle 5 of the Housebuilders Design Guide SPD.

Dwellings within the immediate area are somewhat uniform in design, scale and massing, with the majority of properties being semi-detached. Although, as mentioned previously, directly to the south of the application site is a newly constructed detached stone-built dwelling which does provide an anomaly within the streetscene, nevertheless, should any subsequent dwelling be reflective of the scale, design and massing of this dwelling, Officers would consider this in principle to be acceptable and reflective of the surrounding area given this existing detached dwelling. In terms of scale, a 2-storey property in this location is deemed to be the most appropriate, and visually acceptable, dependent on its design and massing. It is considered that anything above 2 storeys would appear out of character with immediate adjacent developments and overly dominant within the streetscene.

The use of stone, red brick, pebbledash and render can be found throughout the immediate area, with dwellings typically having pitched or hipped roof designs. Whilst details are vague in terms of detailing and materials proposed, it is noted within the submitted Design & Access Statement that the applicant envisages a similar design to that approved at no. 139 Meltham Road. The use of such a design and materials, whilst dissimilar to a number of the adjacent semi-detached dwellings, would be reflective of that of the detached property at no. 139 to the south and therefore would not appear as an alien feature within the landscape, and thus, in principle, would be acceptable.

Parking within the immediate area is shown to be typically to the front or down the side of dwellings. Whilst parking to the front of the property would not be in accordance with Principle 12 of the Housebuilders Design Guide SPD, Officers do acknowledge the existing precedence and consider that on this occasion, parking to the front of the property would be reasonable. Although, it is noted that suitable landscaping should be provided to the front of the property to help soften any hardstanding proposed.

Furthermore, garden/amenity areas within the street are typically found to the rear, with some properties retaining a small portion of garden space to the front

adjacent to the driveways/parking areas. As the submitted details are limited and landscaping and layout is a reserved matter Officers consider that should any subsequent application come forward, garden/amenity areas should be provided to the rear, and where possible and as noted above, garden areas/landscaping should be provided to the front to ensure that the hard landscaping is softened.

In conclusion, it is considered that subject to the details provided within any reserved matters application, and so long as details discussed above are taken into consideration, and notwithstanding the conclusions drawn within the principle of development section of this report, the plot would be able to accommodate one dwelling which could be designed so as to contribute acceptably to the local character of the area. As scale, layout, appearance and landscaping are reserved matters, care would need to be taken to ensure that any future dwelling would not appear overbearing in nature within this prominent location and would not constitute overdevelopment. Appropriate landscaping should also be provided to enhance the area and not detract from its character and appearance. In respect to design and materials, the proposals should seek to reflect the existing vernacular within the immediate area, and potentially source inspiration from the sites previous residential use. This would need to be assessed further on submission of the reserved matters application.

### **3 - Impact on Residential Amenity:**

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 occupiers.

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 Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable room;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 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.

As all matters are reserved, a fully detailed assessment into the impact upon the amenities of neighbouring properties cannot be made at this stage. However, neighbouring properties with the most potential to be impacted by the proposals are discussed below. Consideration will also need to be given to the amenities of the occupiers of the proposed dwelling.

#### *Impact on no. 137 Meltham Road*

This neighbouring property is located to the north of the application site, approximately 13.3m away (when measured from the side elevation of no. 137 and the northern boundary of the application site). It is considered that a scheme could be devised that prevents any habitable room windows directly looking into no. 137 and therefore there are no significant concerns in respect to overlooking. In addition, given the large separation distances it is not considered that the proposals would cause issues with overshadowing to any habitable room windows, or useable garden/amenity space. However, from undertaking a site visit it was clear to see that the detached single garage belonging to no. 137 has now been removed and therefore it is unknown how the adjacent land is to be utilised in the immediate future. Therefore, care will need to be taken to ensure that any proposed dwelling would not result in significant and overshadowing of garden/amenity space belonging to this neighbouring property, resulting in detrimental impacts to residential amenity. Furthermore, Officers would also recommend that a dwelling of no more than 2 storeys in height be proposed at this site in the interests of residential amenity and to ensure that the proposals do not appear overbearing in nature. A separation distance of at least 2m between shared boundaries should also be provided.

#### *Impact on no. 139 Meltham Road*

This neighbouring property is located to the south of the application site, approximately 4.5m away from the boundary of the site. As limited details have been provided within this submission it is hard for Officers to fully assess any proposed impacts on this adjacent neighbour however, it is considered reasonable to assume that habitable room windows for the dwelling could be placed within the eastern and western (front and rear) elevations to ensure that suitable separation distances are provided. Therefore, there are no immediate concerns with regards to overlooking in this instance. Officers would also recommend that a dwelling of no more than 2 storeys in height be proposed at this site in the interests of residential amenity and to ensure that the proposals do not appear overbearing in nature. Given the neighbouring properties southern location, Officers have no concerns in regard to overshadowing or the loss of light. A separation distance of at least 2m between shared boundaries should also be provided.

#### *Impact on the amenity of future occupiers of the dwelling*

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.”*

It is also important to assess the future amenity of occupiers of the proposed residential development. Officers would wish to draw the applicant’s attention to the Government’s ‘Technical Space Standards’, which outlines the minimum gross internal floor areas that dwellings of different sizes should achieve. The Council would wish to see the proposals meet or exceed these minimum floorspaces within any future reserved matters application. It is also noted that should any living accommodation be provided within the roof space of the dwelling, any area with a headroom which is less than 1.5m high will not be counted as useable internal floor space.

In addition, the applicant should ensure that all habitable rooms have access to at least 1 window. It is considered that dormer windows to the front of the dwelling would not be appropriate in this location and would appear as an incongruous addition to the streetscene. Nonetheless, Officers consider that a dwelling which is compliant with the NDSS could be achieved on the site.

In terms of external amenity space, it is considered that should 1 dwelling be provided on the site, the proposed garden space is likely to be appropriate in both size and location and would result in areas which are private and would receive sunlight throughout the day. However, as the proposal is made in outline, this will need to be assessed further within a reserved matters application at a later date, should outline planning permission be granted.

In conclusion, notwithstanding the conclusions drawn within the principle of development section of this report, it is considered that the principal of erecting a dwelling upon land adjacent to no. 137 Meltham Road, could be acceptable from a residential amenity perspective, subject to an acceptable scale, design and layout being submitted at the reserved matters stage, it is however, considered that a scheme which accords with the aforementioned residential amenity policies could be achieved at this site.

Any subsequent application should seek to address the concerns raised in relation to the indicative plans.

#### **4 - Impact on Highway Safety:**

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 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.

Whilst access will be formally assessed at reserved matters stage, the Council's Highways Officers have been consulted at this stage to provide advice on whether the principle of residential development at the site could be acceptable, and if so as to what may or may not be acceptable should a subsequent application be submitted.

The indicative plan provides no details in respect of the size of the dwelling, number of bedrooms, or parking arrangements. The plan does, however, show access on to B6108 Meltham Road, although a new vehicular cross will need to be provided for the proposed access. Also of note, a bus stop is located along the site frontage with Bus Border kerbs and road markings in place and a telegraph pole. To achieve an acceptable access to the site, the bus stop and associated boarder kerbs and clearway marking may need to be relocated. This will also result in the Traffic Regulation Order for the bus stop clearway needing to be amended accordingly. The telegraph pole on the frontage may also need to be relocated.

In terms of visibility splays, Highways Officers note that Manual for Streets states that for a 30mph speed limit sight lines of 2.4m x 43m should be achievable and demonstrated on a suitable plan. Any shortfall of this requirement should be in accordance with 85%ile wet weather speed readings (if below 30 mph). Any subsequent reserved matters application should ensure that suitable visibility splays are provided on plan.

As no details have been provided in respect of the size of the proposed dwelling, within any reserved matters application Local guidance should be followed, which states that a minimum of 2 car parking spaces are required for a two or three bedroomed dwelling. If the proposed dwelling is four bedroomed or more, then 3 car parking spaces would be required. 1 electric vehicle charging connection per dwelling is also required.

Furthermore, as the access is to enter onto a classified road, vehicles will be required to enter and leave the site in forward gear. Within any subsequent planning applications, this should be demonstrated on plan via a swept path analysis. Parking areas will also need to be surfaced and drained in accordance with the relevant guidance (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 superseded).

Highways Officers also note that the changes to the access within the adopted highway fronting the property, to provide a dropped kerb, will need to be constructed under a section 184 agreement of the 1980 Highways Act, interference with the highway without such permission is an offence which could lead to prosecution.

Finally, details of bin storage areas will need to be identified on plan, and if required, a bin collection/presentation point should be shown located adjacent to the public highway. The bin collection/presentation point must not obstruct the adopted highway or the access in the interests of highway safety.

At this stage, where only the principle of development is being considered, Highways Officers raise no objections to the scheme but it is noted that within any subsequent applications, details of bin storage and collection points, visibility splays, swept path analysis, sufficient off-street parking and information relating to changes to the existing bus stop and telegraph pole are provided. This is to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the NPPF.

## **5 - Other Matters:**

### Biodiversity

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are 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.

Principle 9 of the Housebuilders Design Guide highlights that net biodiversity gains should be provided through good design and considered at an early stage to ensure biodiversity enhancements and habitat creation are incorporated and the function of the wildlife habitat network is safeguarded and enhanced.

Notwithstanding the above, Policy LP30 of the Kirklees Local Plan sets out that development should provide a biodiversity net gain.

Given the site's location within a bat alert area, the Kirklees Wildlife Habitat Network, and that there is a record of a bat roost within 100m of the site, the Council's Ecology Officer was consulted. They request the submission of a Bat Scoping Survey and information relating to the KWHN and biodiversity net gain. They also note that at this stage it is unclear as to whether the trees (particularly those to be lost to the proposed development) offer suitable roosting opportunities for bats. In addition, the trees on site that are to be removed are likely to provide suitable habitats for nesting birds.

Following receipt of comments from the Council's Ecology Officer, a Bat Scoping Survey and information relating to the KWHN and biodiversity net gain was requested from the applicant. Additional information was provided by the applicant's agent in the form of an Ecological Fundamentals Report, received 4<sup>th</sup> August 2023. The applicant's agent has also confirmed that there are no trees on the site as these have already been removed and therefore details relating to nesting birds is no longer relevant. This additional information was assessed by the Council's Ecologist, alongside site visits that determined that the site is of minimal ecological value, and that the proposed scheme will have minimal ecological impacts. However, a condition is recommended should planning permission be granted requiring integral bat and bird nesting features to be provided within the proposed building in the interests of biodiversity net gain.

Therefore the proposals, subject to the recommended condition, are considered to comply with the aims and objectives of LP30 of the KLP, Principle 9 of the Housebuilders Design Guide and Chapter 15 of the NPPF. This is in addition to Circular 06/2005.

### Air Quality

In accordance with Government guidance on air quality mitigation outlined within Policies LP24 and LP51 of the Kirklees Local Plan, it is considered reasonable and necessary to seek air quality enhancement as part of this application. Therefore, a condition is recommended to be imposed requiring the provision of an electric vehicle charging point per dwelling within the site.

### Climate Change

On 12<sup>th</sup> 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.

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.

Furthermore, Local Plan Policy LP26 refers to renewable and low carbon energy and states that:

*'renewable and low carbon energy proposals (excluding wind) will be supported and planning permission granted where the following criteria are met:*

*a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;*

*b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;*

*c. the statutory protection of any area would not be compromised by the development;*

*d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;*

*e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits'.*

A Climate Change Statement supports the application, this statement provides limited details stating that the information is to be confirmed at design/reserved matters stage. Nevertheless, as a minimum the dwelling would be constructed to the latest building control standards which would include efficient heating and thermal elements within the building. Given the above it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's climate change agenda in this instance.

Given the above, it is not considered reasonable to expect any additional information to be submitted in respect of meeting the Council's climate change agenda in this instance. The development would have its energy sources to reduce resilience on sources of non-renewable energy.

### PROW

The public right of way to the north of the site is separated from the application site by around 9.5m. This separation distance is considered to be sufficient to avoid development causing an adverse effect on the setting or users of this PROW.

### **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 material considerations. It is considered that the scheme would not constitute sustainable development; that whilst Policies related to the supply of housing in the Development Plan are out of date, the

application of policies in the NPPF that protect Green Belt provides a clear reason for refusing the development proposed and is therefore recommended for refusal.

**Recommendation:**

Refuse.

Decision Authorisation - Delegated Powers

Application Number: 2023/91179

Officer Recommendation: Refuse.

**Reason(s) for Refusal:**

1. The erection of a dwelling fails to satisfy any of the exceptions to permit development listed within paragraph 149 of the National Planning Policy Framework and is therefore deemed to be inappropriate development in the Green Belt in principle. In addition, the introduction of a new dwelling in this semi-rural greenfield location would cause greater harm to the visual and spatial openness of the Green Belt by developing land that is presently open. No very special circumstances have been demonstrated which clearly outweigh the harm caused by inappropriateness and other harm, and therefore the development is contrary to Policy within Chapter 13 of the National Planning Policy Framework.

**Plans and specifications schedule:-**

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Site Plan /Location Plan	22084D-01-P03	-	4 <sup>th</sup> August 2023
Visibility Splays	22084D-02-P01	-	4 <sup>th</sup> August 2023
Flood Map for Planning – Supporting Information	-	-	19 <sup>th</sup> April 2023
Ecology Fundamentals – Supporting Information	22084 - Ecology	-	4 <sup>th</sup> August 2023
Design & Access Assessment – Supporting Information	22084-DAS	-	19 <sup>th</sup> April 2023
Climate Change Statement –	-	-	26 <sup>th</sup> April 2023

Supporting Information			
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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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Following comments received from the Council's Ecologist a bat scoping survey was requested alongside details relating to biodiversity net gain and impacts on the Kirklees Wildlife Habitat Network.

Report Dated:

05/09/2023