

**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:	2023/60/91413/W
Site Address:	adj, 25, Richmond Avenue, Fartown, Huddersfield, HD2 2QH
Description:	Outline application for erection of residential development
Recommending Officer:	Tom Hunt

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: 03-Oct-2023

Officer Report

Site Description

2023/91413 – adj, 25, Richmond Avenue, Fartown, Huddersfield, HD2 2QH

The site is a rectangular area of land located along Richmond Avenue situated between a pair of semi-detached properties to its west and a row of terraced properties to its east and north. It is on a hillside falling from west to east and is approximately 229sqm in size. Its existing use is as garden and driveway with single-storey detached garage for no. 25 Richmond Avenue. The site is otherwise adjacent to no. 19's single-storey detached garage. Both garages are set at the building line of the street.

The area is primarily two-storey residential to the front with a prevailing material palette of natural stone and slate tile side gable roof to the east and a moderately more mixed material palette use of red brick, render and concrete hipped roofs. Stone boundary walls are a characteristic feature of the streetscene. There is a strong building line either side of the avenue. It is noted that the immediate front amenity spaces of the neighbouring properties are dominated by hard surfacing albeit wholly not used by parked vehicles.

Description of Proposal

The application seeks outline planning permission for the erection of residential development. All other matters of access, scale, layout, appearance and landscaping are reserved.

The submission is supported by a Location Plan, indicative Proposed and Existing Site Plans, and a Coal Mining Risk Assessment. The indicative details suggest a 3-bedroom detached property on the site. Surface water is indicated to be drained by mains sewer. Two parking spaces are indicatively set out to the front for both properties (no.25 and the proposed).

History of negotiations/amendments received

No amendments have been requested by Officers on the basis of the assessment of the proposal, and consideration that amendments to the scheme would not overcome concerns in regard to the scheme which is proposed. This is discussed in greater length within the 'Assessment' section of this report.

Relevant Planning History

93/01721 – Erection of Three Storey Extension to no. 25.
Approved.

A pre-application service was made available however this was not taken advantage of.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015). The application has been publicised by letter to neighbouring properties. One representation has been received.

Final publicity date: 11/08/2023

Comments are summarised below.

- Parking – would lead to hard surfacing dominating the streetscene impacting visual amenity
- Overshadowing/loss of outlook/overbearing – potential impact to neighbour

Officer note: Noted. As the application is submitted in outline only, with all other matters to be assessed through a reserved matters application, the plans as submitted are indicative only and provide limited information. Nonetheless the matters raised are considered as below.

Consultation Responses

Coal Authority – No Objections subject to application of conditions. Discussed within Other Matters section of the assessment.

KC Highways Development Management – No objections subject to application of conditions. Discussed within the Highway Safety section of the assessment.

KC Waste Management – Informal response. No Objections. Discussed within Highway safety.

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 27th February 2019).

It is within a high Coal Risk Area for development and is not within a high probability area for flooding. It is outside of the bat alert layer.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP7 – Efficient and Effective Use of Land**
- **LP11 – Housing Mix and Affordable Housing**
- **LP20 – Sustainable Travel**
- **LP21 – Highways and Access**

- **LP22 – Parking**
- **LP24 – Design**
- **LP28 – Drainage**
- **LP30 – Biodiversity & Geodiversity**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of Environmental Quality**
- **LP53 – Contaminated and Unstable Land**

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Nationally Described Space Standards
- National Design Guide
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Planning Policy:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 5th September 2023, 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. 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 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Legislation

The Town & Country Planning Act 1990 (as amended).

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

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 on 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:

NPPF paragraph 11 and Policy 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.

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. A pre application service was made available and Kirklees Council 'Housebuilders Design Guide SPD' provides detailed guidance for proposals of this nature.

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “*good design should be at the core of all proposals in the district*”.

Housing supply

Turning to housing supply, the application is indicatively indicated to provide 1 residential property and therefore it is appropriate to consider the LPAs overall housing position.

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 update 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. Housing applications should be considered in the context of the presumption in favour of sustainable development. The judgement for application, where applicable, will be set out in the officers' assessment.

Chapter 5 of the NPPF clearly identifies that Local Planning Authorities should seek to boost significantly the supply of housing.

Of relevance to this application site, 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”.*

Policy generally seeks to support residential development upon unallocated sites. Policy LP7 of the Kirklees Local Plan states that Officers should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value. Policy LP7 is supported by Principle 4 of the Housebuilders Design Guide confirming that a net density of at least 35 dwellings per hectare should be provided. The locality is acknowledged to have a high density of dwellings per hectare aids in supporting sustainable transport links and development as per paragraph 7.3 of the SPD.

It is noted that the application site proposing one dwelling could make a minor contribution to the housing supply in the district, although the Local Planning Authority cannot demonstrate a five-year land supply, there remains some key considerations to be accounted for. As the application site measures just 229sqm, it is deemed that only 1 dwelling on this site could only be achievable.

Taking the above into consideration with regard to sustainable development, the site is also located close to Fartown Bar Local Centre within easy walking

distance and is close to frequent public transport links along Bradford Road. The site, being used as a garden, with a small area of hardstanding and with a single-storey detached garage is not considered to be of high environmental value and, being within an existing developed location is considered to be sustainable with access to services / amenities and public transport links.

The principle of residential development on this unallocated site could potentially be acceptable, however the provision of housing needs to be balanced against all material planning considerations outlined below.

2 – Impact on Visual Amenity:

The NPPF does offer 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”.

Engagement with applicants is provided through the pre-application service to aid good design providing advice at an early stage, and with relevance to this proposal, the 'Housebuilders Design Guide SPD' and 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 and character.

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...”

Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

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.

With regard to the Housebuilders Design Guide SPD, the following principles need to be considered, however some of these could only be fully assessed at reserved matters stage:

- Principle 2 – residential developments will respect and enhance local character, taking cues from the built and natural environment, creating a positive coherent identity and utilising landscape opportunities.
- Principle 5 - Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, enable important views to be maintained to provide a sense of place and protect amenity.
- Principle 7 – integrate green infrastructure and accessible open space
- Principle 8 – Ensure that new developments transition from urban to open land appropriately.
- Principle 9 – ensure that biodiversity net gain is achieved.
- Principle 10 – site layouts ensure effective connections to existing walking and cycling links.
- Principle 12 – ensure that appropriate parking is provided for the development that is well designed and do not have cars and hard-surfacing as dominant features in the streetscene.
- Principle 13 – use appropriate materials of construction.
- Principle 15 – ensure that rooflines relate well to a site's context.
- Principle 17 – ensure that new dwellings have access to private outdoor space that is functional and proportionate to the size of dwelling and the character of the local area.
- Principle 18 – proposal should consider how they will contribute to the Councils ambition to have net zero carbon emissions by 2038.
- Principle 19 – details of waste storage and recycling must be incorporated into the design of schemes.

This is an outline application with all matters reserved. 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 in principle. 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.

The indicative layout shows the dwelling having a footprint of ~45.6sqm, it would have its primary elevation set back 6m from the pavement, northwest elevation set back 0.85m from shared boundary with no. 25 and southeast elevation closely set to the boundary with no. 19 with an adequately proportionate garden area to the south. Whilst layout has not been applied for, the indicative details are considered to represent the only realistic layout of a dwelling on the site and would follow established building lines to the front which would aid in a coherent development. In addition it would have a rear elevation in line with the residential terraced properties to the east (but not the western properties) in general compliance with Principle 5 of the Housebuilders Design Guide SPD.

Viewed against the grain of the wider locality, its indicated footprint would appear visually narrower than existing terraced properties and would appear as a detached property in between semi-detached and terraced properties. This would fail to provide a positive and coherent identity appearing contrary to Principle 2 of the SPD.

Principle 6 provides guidance to Officers setting out that:

“Space about buildings can also make a positive contribution to local character and street scenes. Normally new build developments should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to scale of the dwellings.”

In addition to this, new builds should have a minimum of two metres distance to flank boundaries (Principle 6). The detached and semi-detached properties on Richmond Avenue sit on relatively wide plots and while a number have built development quite close to their boundaries, it is mainly in the form of a single storey garage with open space above, visually smaller two-storey side extensions and space afforded by driveways, therefore maintaining some sense of space around the properties. While there are clearly no gaps between the individual dwellings within the nearby terraces, there are open spaces and reasonably sized spaces between the terraces and the other properties on Richmond Avenue. In neither case, do the buildings appear cramped or squeezed into their surroundings. The plot here is very narrow (~6.8m) which would not enable a dwelling to be sited without appearing contrived and visually cramped on the restricted site, if the standards of the adopted design code were to be adhered to. The proposed development of the site, in principle, would therefore have a visually incongruous appearance to the locality and be out of character to the streetscene contrary to Principle 2 and 6 of the SPD.

Parking within the immediate area is shown to be to the front of properties and within driveways. Whilst it is observed that the front amenity spaces of nos 19 and 25 are hard surfaced, they are not used exclusively for vehicle parking with patio use providing a sense of openness. To have an additional 3-bedroom property with parking to the front for two vehicles and in addition, no. 25 having the same parking arrangement would cumulatively lead to an unattractive intensification of parking use and would appear overly dominated by car parking and hardsurface contrary to Principle 12 of the Housebuilders Design Guide SPD. Although this arrangement is ‘indicative’, if the site were to be developed, this would be the only way to achieve compensatory parking for no. 25 or to provide off street parking for a new dwelling here, given the limited width of the plot.

In consideration of whether the property could be suitably terraced attached to no. 25 and to provide an additional dwellinghouse, this would still appear to add a visually harmful and incongruous appearance by way of the intensification of parking to the front amenity spaces within the streetscene and would still result in a narrow form of development.

In conclusion, it is considered that the proposal would significantly harm the character and appearance of the area. Consequently, it would conflict with Policies LP1, LP2 and LP24a of the Kirklees Local Plan, adopted 2019. In summary, these policies seek to deliver sustainable development and to protect and enhance local character amongst other matters. The narrow width of the plot and the requirement to provide compensatory parking from no. 25 would result in development that would fail to adhere to Principles 2, 6 and 12 of the Housebuilders Design Guide Supplementary Planning Document (the SPD) which advise that buildings should have a coherent and harmonious appearance within the streetscene, have a sufficient property gap to boundaries to assist in openness and to avoid the hard surfacing and parking of vehicles over-dominating the streetscene. There would also be conflict with the design objectives of chapter 12 of the National Planning Policy Framework (the Framework).

3 – Impact on Residential Amenity:

Sections B and C of LP24 state 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. 20 Richmond Avenue

This neighbouring property opposite currently looks out to the single-storey detached garage and may potentially have a dwellinghouse that would be set at the same building line as residences to the south side of the street. Whilst potentially greater overlooking, the separation distance between the sites would make it possible to achieve a scheme without conflict with Principle 6 in this regard in relation to overlooking, overshadowing and overbearing or loss or privacy/outlook.

Impact on no. 25 Richmond Avenue

This property is presently in control of the applicant. There is a first floor window facing the site but this serves a landing and is a non-habitable room avoiding excessive impact on loss of outlook. It is possible to have a blank side elevation to the proposed to avoid overlooking/loss of privacy at the reserved matters stage. Whilst a two-storey property's bulk and massing may lead to some restricted overshadowing limited to early mornings, this would not lead to significant additional impacts to the window's non-habitable use. It is feasible that a scheme's design could be achieved here, that would not appear overbearing, overlooking or have any significant impacts with regards to overshadowing subject to further assessment within any subsequent reserved matters application.

Impact on no. 19 Richmond Avenue

This property is on lower ground level in relation to the site with a small, first floor, side window from its own two-storey side extension and has a single-storey detached garage in between no. 19 and the site. Whilst there would be no separation distance to boundary for the proposed development, the side window enjoys a 5.4m separation distance to the boundary. It is not known from historic property sales records or recent planning records whether this serves a habitable room function. Overshadowing to this window would be limited by the proposed development's orientation west of the neighbour appearing to be restricted to late evenings in summer; given the separation distance for this window, the impact on overshadowing or loss of outlook could be acceptable subject to further assessment at reserved matters stage. With regard to overbearing, a two-storey dwellinghouse on raised ground and set close to the boundary could appear oppressive however this design and appearance would need to be assessed.

Other neighbours

Given the distance of the proposal from other neighbouring occupiers, it is considered that the proposed dwelling would not have a significant impact upon the occupiers of these dwellings in terms of residential amenity, this includes the newer dwelling at a significantly lower ground level at no. 27A Richmond Avenue.

Future amenity of the occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

The indicative footprint would be 48sq.m. which would be 96sq.m over two floors. Officers consider that a two-storey 3bed4person dwelling (93sqm plus 2.5sqm built in storage) which is compliant with the NDSS could be achieved within the site.

Garden/amenity areas are shown to be provided to the rear of the dwelling, with access potentially available around the side of the property. This would appear acceptable with regard to Principle 17 of the SPD.

In conclusion, based on the details held it is likely that development could be designed to retain an acceptable level of amenity to the proposed residential property and future occupiers, although this would be dependent on the proposed size, fenestration details, scale and layout of the proposed dwelling. Nonetheless, at this stage, the proposal is in principle capable of complying with Kirklees Local Plan Policy LP24, Chapter 12 of the National Planning Policy Framework, and Principles contained within the Council’s Housebuilders Design Guide SPD.

4 – Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. 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 states that at the outset of the development, applicants should identify the need for car parking, in addition this principle requires the provision of cycle storage and to avoid parking arrangements that place cars at the front of all dwellings and with overly dominant integral garages at the front of dwellings.

Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene at front.

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 formally 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 shows a 3 bedroom dwellinghouse with a front amenity space given over to parallel parking for two vehicles and no specific area for bins to be stored or presented. The parking will be accessed from Richmond Avenue via a vehicular dropped crossing. There is no realistic capacity to offer parking to the side or rear

The applicant should follow guidance provided within the Council's Highways Design Guide SPD which outlines how many off-street car parking spaces should be provided in line with the number of bedrooms proposed within dwellings.

In this case the HDM Officer raised no concerns with the principle of the proposals and recommended conditions to be attached on vehicular access, drained surface for vehicles, provision of Electric Charging Vehicle Point and an informative on s.184 agreement for the dropped kerb.

KC Waste Management were informally consulted and wished to have sufficient storage for three bins indicated at the rear and a presentation point close to the highway to achieve safe storage of bins and to ensure that they do not traverse into the Highway during inclement windy conditions whilst on a sloping hillside. Further details are within the KC Waste Management Design Guide including appropriate siting. There is adequate potential to have those waste management matters met at the reserved matters stage satisfactorily.

At this stage, where only the principle of development is being considered, Highways officers raise no objections to the scheme and advised conditions to be attached should permission be forthcoming with further details dealt within a reserved matters application. 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 contained within the National Planning Policy Framework.

5 – Other Matters:

Foul Sewage and Drainage

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

The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding). In addition to this there are no specific drainage risks associated with the site (e.g., river, culvert) however it is in an Indicative Critical Drainage Area.

In terms of drainage, the submitted application form outlines that surface water is to be disposed of by the mains sewer. As the sustainable drainage hierarchy has not been considered, consideration is required at the reserved matters stage regarding drainage. If the proposal to have a driveway to the front was found acceptable at the Reserved Matters stage, a condition would be applied to ensure adequate drainage through permeable surfaces or via soft landscaping in accordance with Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864).

Biodiversity and Strategic Green Infrastructure Network

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.

In addition, Policy LP30 of the Kirklees Local Plan is relevant.

The site is not considered to be a sensitive area for biodiversity. However, Principle 9 requires proposals to consider incorporating net gains. It is considered that here is opportunity to provide net gain by the provision of facilities such as bat boxes, bird boxes, hedgehog holes and enhanced landscaping with the planting of native species. These details would need to be submitted as part of details submitted at reserved matters stage for appearance and landscaping. To ensure that these are provided a condition could be attached to the decision notice in relation to these issues. This would be in line with Local Planning Policy LP30, Chapter 15 of the NPPF and Principle 9 of the Housebuilders Design Guide SPD.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target,

however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Policy LP24 of the Kirklees Local Plan sets out expectations of sustainability regarding development proposals.

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.

The application is supported by a Climate Change Statement which outlines that the dwelling is to have energy efficient lighting, locally sourced materials and use local contractors, but no specific details are provided at this outline stage. At a minimum the proposed dwelling would be built to modern building regulations and given the nature of the scheme it is reasonable to request that one electric vehicle charging point be provided to aid in the contribution to climate change and for specific details of how the development will respond to climate change. Given these considerations, Officers are satisfied that the building would not harm the climate change agenda on this occasion. The proposed development would therefore comply with Policies LP24 and LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

High Coal Risk, land stability and contamination

The site is within a high coal risk area for development and the Coal Authority was consulted as a statutory consultee. They had no objections subject to conditions being applied to ensure public safety. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and LP53 of the Kirklees Local Plan.

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.

On the basis of the conclusions drawn within the 'Visual Amenity, Character and Appearance' section of this report insofar as the development is not

considered to accord with policies LP01, LP02 and LP24 of the KLP, Principles 2, 6 and 12 of the Housebuilders Design Guide and Chapter 12 of the NPPF.

Taking into account that the Council cannot demonstrate a 5-year housing land supply, the 'tilted balance' has been engaged in the consideration of this application. Given the restrictions of the width of the site and the requirement for off-street parking to the front of the site, it is concluded that the visual harm that would accrue from the proposal would significantly and demonstrably outweigh the benefits of the provision of residential development on the site, even at a time of local and national shortage. Taking into account all material considerations and with this appropriate reasoning, it is recommended that the application be refused notwithstanding the tilted balance being engaged.

Recommendation: Refusal.

Decision Authorisation - Delegated

Application Number: 2023/91413

Officer Recommendation: Refuse

Reason:

1. The proposed development of the site would result in significant harm to the visual amenity of the area due to the narrow width of the plot and the requirement to provide compensatory parking for no. 25 Richmond Avenue. Development of the site would appear visually cramped with a dominance of parking to the front of the site and adjacent land. To approve the development would cause harm to visual amenity and the character and appearance of the area, contrary to Policies LP1, LP2 and LP24a of the Kirklees Local Plan, Principles 2, 6 and 12 of the Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Planning Portal Reference: PP-12155297v1	-	03/07/2023
Proposed and Existing Site Plans.	Drawing No. 01.	Unamended	15/05/2023
Coal Mining Risk Assessment	Coal Mining Risk Assessment by	1	03/07/2023

	enviro solution. Date: 29.06.23.		
Climate Change Statement	-	-	03/07/2023

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. The proposal was assessed on its own merits without the benefit of a pre application service being used by the agent. Due to the constraints of the site, development could not be supported in principle.

Report Dated: 03/10/2023