

**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:	2024/60/92905/W
Site Address:	adj, 55, Slaithwaite Road, Meltham, Holmfirth, HD9 5PG
Description:	Outline application for erection of residential development (one dwelling)
Recommending Officer:	Joanna Rednall

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 03-Dec-2024

**Officer Report – 2024/92905
adj, 55, Slaithwaite Road, Meltham, Holmfirth, HD9 5PG**

Site Description

The application site currently serves part of the domestic curtilage for 55, Slaithwaite Road which is a large, detached house on a generous garden plot. It lies in an established residential area of traditional detached properties where land levels decrease to the south. Due to this, the application site lies at a lower ground level to neighboring properties on Slaithwaite Road.

The site is accessed from a public highway called 'Badger Gate'. The site is not in a conservation area and there are no listed buildings within close proximity to the site.

Description of Proposal

The application seeks outline planning permission for the erection of residential development (one dwelling). Access, layout and scale are all matters for consideration under this application, with all other matters to be considered at the reserved matters stage.

The submitted details illustrate one detached split-level dwelling with associated amenity space. The dwelling would be set to the south of No.55, Slaithwaite Road and would be accessed via Badger Gate. However, the application is merely for the principle of residential use with limited to no weight given to these arrangements. No details have been provided in terms of design or materials.

History of Negotiations / Amendments Received

No amendments have been requested by officers.

Relevant Planning History

There is no planning history considered relevant to this proposal.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

This application was advertised via Neighbour notification letters and on the website. Final publicity expired on 22nd November 2024.

22 letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

- The proposed dwelling would impact the views of neighbouring properties
- Overlooking, overshadowing, and devaluation of neighbouring properties
- Overdevelopment of Meltham
- Adverse impact on wildlife
- Access is unsuitable
- Adverse impact on the character of the area
- Air, noise and water pollution during construction
- Increase in traffic and energy demands to Meltham
- Drainage and sewerage issues
- Flood risk due to proximity to Meltham Dyke
- The plans are incorrect

Meltham Town Council - Objected due to access and sustainable development. But to note if planning permission is granted, can section 106 monies be used to create access.

Consultation Responses

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

- **KC Environmental Health** – no objection subject to recommended conditions
- **KC Highways Development Management** – object, the proposal is not acceptable to highways
- **Yorkshire Water** – no response within statutory timeframe

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

Allocation and Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

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

Kirklees Local Plan

- 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 – Highway and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and Geodiversity

Other Guidance Documents:

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

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th December 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:

- Chapter2 Achieving sustainable development
- Chapter5 Delivering a sufficient supply of homes
- Chapter9 Promoting sustainable transport
- Chapter11 Making effective use of land
- Chapter12 Achieving well-designed & beautiful places

Chapter14 Meeting the challenge of climate change, flooding and coastal change

Chapter15 Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

1. Principle of development
 1. Impact upon the character and appearance of the area
 2. Impact upon residential amenity
 3. Impact upon highway safety
 4. Climate Change
 5. Other matters – e.g. trees/ecology (e.g. bats)
 6. Representations
 7. Conclusion

1 – Principle of Development

Sustainable Development

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

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be assessed.

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 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...”

New Dwelling

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023

demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

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

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

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 70 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”.

Residential development at this site could be acceptable in principle. One dwelling is proposed in this instance, this is considered acceptable.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal’s design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 – Impact on character and appearance of the area

Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

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.

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

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

Paragraph 7.19 of principle 6 states that for two-storey house types there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

Details of elevations, appearance and landscaping are reserved matters to be considered at a later stage therefore no detail of scale or appearance have been provided due to the nature of the application.

With regards to layout the plans show that a minimum distance of 2.5 metres will be maintained from the side wall of the new dwelling to the shared boundary to the north with 55, Slaithwaite Road. This gap increases to the east, south and west, where a minimum gap of 7 metres is retained. This accords with principle 6 of the House Builders Design guide as the development would not be located within close proximity to the shared boundary and would have an acceptable visual impact. There is no established building line

The indicative plan shows parking to the front of the dwelling, as well as soft landscaping to the sides. Landscaping is a reserved matter, and if this

application was to be approved, applicants should consider retaining this soft landscaping to the front of the dwelling to ensure a satisfactory visual impact.

As no details have been submitted in respect of the proposed design or materials, it is acknowledged that care would need to be taken at reserved matters stage to reflect the local vernacular and use materials what currently exist within the local area. The proposed site section shows a split level layout where the front/ south facing elevation is two storeys in height and the rear/north facing elevation is single storey in height to align with the topography of the land. Surrounding dwellings are varied in height with a combination of single and two storey properties, therefore a split level property at the application site would likely appear in keeping with the local character and street scene. In any case, a street scene should be provided at reserved matters stage to show the relationship with the existing dwellings and surrounding area.

Details of boundary treatment should be provided at reserved matters stage. Consideration should be given to ensuring this is in keeping with the wider street scene.

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

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

3. Impact on Residential Amenity

A core planning principle as set out by policies within Chapter 12 of the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

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

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

The application proposal is seeking outline consent for access, layout and scale. Appearance is to be assessed at reserved matters stage. As details of design have not been provided, the impact on residential amenity cannot be fully assessed at this stage however the submitted layout and section give an understanding of what impact there may be on residential development.

However, it is considered that the properties most likely to be affected by such a development would be No's. 51 & 55 Slaithwaite Road, No.2 Golcar Brow Road and No.1 Badger Gate (those adjacent to the site). Consideration will also need to be given to the amenities of the occupiers of the proposed dwelling. It is considered that the site is sufficiently sited so that harm to any other residential properties not referred to above could be avoided, subject to appropriate design.

No.51, Slaithwaite Road

The proposed site plan submitted with the application displays one dwelling that would be set off away from the side boundary shared with No.51 (directly to the east of the site) by approximately 9 metres and approximately 13.5 metres to the side wall of the dwelling. No elevation details have been provided as part of this application, with no details of proposed fenestration detailing provided either. However, it is considered that a scheme could be devised that prevents any habitable windows directly looking into no.51 and therefore there are no significant concerns in respect to overlooking.

The nearest element of No.51 to the site comprises of a single (integral garage) and two storey element. It is considered that such a set off from the side boundary shared with No.51 would help prevent any significant undue impacts of overbearing and overshadowing.

No.55, Slaithwaite Road

This neighbouring property is located to the north of the application site, approximately 11.3 metres away (when measured from the rear elevation of No.55 and the northern boundary of the application site). The submitted site

section indicates the dwelling would be split level with only a single storey north-facing elevation. With regard to overlooking, it is considered that, provided windows are sensitively sited (it is advised to avoid clearly glazed windows above ground floor level in elevations facing towards No.55, Slaithwaite Road), it is considered that a scheme could be devised without undue harm to the amenities of No. 55 in terms of loss of privacy or overlooking.

In addition, given the topography of the site, No.55 is sited at a higher ground level to the proposed dwelling. The indicative section shows the eaves height facing No.55 would be approximately 2.9 metres in height with an overall height of approximately 5.6 metres when measured from the external floor level facing No.55. It is considered that such a set off and difference in land levels would help prevent any significant undue impacts and overshadowing. 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.

2, Golcar Brow Road

Similar to No.55, this dwelling is also located to the north of the application site at higher ground level, approximately 20 metres away from the boundary of the site. Given the large separation distances and topography of the area, it is not considered that the proposals would cause issues with overshadowing or overbearing to any habitable room windows, or useable garden/amenity space belonging to this neighboring property. 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. The proposed dwelling would be located at a much lower ground level than No.2, therefore 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.

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.

1, Badger Gate

This neighbour is located to the west of the application site. The indicative site plan submitted with the application displays one dwelling that would be set off

from the side shared boundary with No.1 by approximately 7 metres and approximately 13.5 metres from the side wall of the dwelling. No details of design have been provided so the full impact on the neighbouring properties cannot be assessed, however given the relationship, consideration should be given at reserved matters stage to ensuring no openings serving primary inhabited spaces are proposed in the side elevation of the dwelling to prevent overlooking harm to the neighbouring properties.

Impact on the amenity of future occupiers of the dwelling

There would be adequate space to provide amenity space to the front and side of the property to ensure the amenity of future occupiers and the occupants 55, Slaithwaite Road whose garden would be reduced as part of the development.

Consideration should be given at the reserved matters stage with regard to landscaping to ensure there is adequate green space for future occupants to use. Consideration should also be given in terms of design to ensure the proposed dwelling meets the minimum recommendations as set out within the Nationally Described Space Standards for such a dwelling.

Noise

In their consultation response Environmental Health Officers laid out some recommended conditions. Whilst construction working times is not a material planning consideration for a development of this scale, it is noted that Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. A footnote would be added to the decision notice to this effect. It was also suggested that a condition be attached to limit construction related noise however due to the location of the site and the relatively small scale nature of the development it is considered that the related footnote is sufficient.

Given the above, the proposal in outline form, does not give rise to any undue significant adverse impacts upon neighbouring residential amenity in the outline stage submitted, as such, this aspect of the proposal is considered to be acceptable. However, it should be noted that careful consideration will be required at any future reserved matters application that any scheme is sensitively designed to respect the surrounding area and comply with Policy

LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework and the Housebuilders Design Guide SPD.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guides which seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

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. Their response is summarised as follows:

“Vehicular access to the dwelling is proposed from Badger Gate. For the first 50m, from Golcar Brow Road to the sharp bend, the road is approximately 4.5m wide. However, after the sharp bend, the road narrows to approximately 3m wide and, in effect, becomes a footway. Significant improvements to this section of the road, from the bend to the proposed access to the site, would be required. Including the widening of the road to 4.5m and reconstructing the road to ensure it can accommodate vehicles safely.

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 requirements should be in accordance with 85%ile wet weather speed readings (if below 30 mph).

Without the above improvements to Badger Gate, the proposal will intensify the use of this substandard road and would be detrimental to highway safety at this location and could not be supported by Highways Development Management.

Emergency Access

The road to the proposed dwelling is longer than 20m and the emergency access requirements require that the minimum width of the driveway would need to be 3.7m for its full length.

A turning area for fire tenders is also required when the route is longer than 20m.

A swept path analysis to show that a Kirklees fire service vehicle can both access and turn within the site in the case of an emergency needs to be provided.

Internal layout

The proposal appears to be able to provide ample parking for the proposed dwelling, together with a turning area for vehicles to enter and leave the site in forward gear. Confirmation on the size of the proposed dwellings to confirm the number of parking spaces is required:

- *2 to 3 bedroom dwellings require a minimum of two off street car parking space per dwelling*
- *4+ bedroom dwellings require three off-street spaces per dwelling.*

1 electric vehicle charging connection per dwelling is required. Additional visitor parking spaces would be required.

Waste storage and collection

No bin storage areas are shown, and a bin collection/presentation point should be located adjacent to the public highway. The bin collection/presentation point must not obstruct the adopted highway or the access road. Details of waste storage and collection should be provided, with the location of a waste collection presentation point being clearly marked on a drawing in such a location that is easily accessible to the collection team and where it will not obstruct the parking, access or the adopted highway for road safety reasons.”

In light of the response from KC Highways, officers conclude the site could provide ample parking and turning areas for one dwelling, however, the proposed intensification of Badger Gate would be detrimental to highway safety and is therefore not supported by Highway DM officers. As such, it is considered that the principle of one dwelling and the intensification of vehicular traffic in this location would be detrimental to highway safety in its current form. Therefore, the proposed development would be contrary to the aims of Policy LP21 and LP22 of the Kirklees Local Plan and the aims of the Kirklees Highways Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

5. 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.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Contaminated Land

According to records the site of the proposed development is not on potentially contaminated land. However, because the development will involve ground works, K.C. Environmental Health recommend conditions relating to unexpected contamination being encountered during the construction phase. As such contaminated land conditions would be recommended should this application be approved.

The proposed development therefore complies with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

Electric Vehicle Charging Points (EVCPs)

K.C. Environmental Health stated that in an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. An advisory relating to charging points is therefore necessary should this application be approved.

Ecology / biodiversity

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the self build as set out by The Biodiversity Gain Requirements

(Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

Paragraphs 180, 186, 187 and 188 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.

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

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

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

It is concluded that this could most likely be achieved through landscaping on site and a level of Biodiversity Net Gain could also be achieved via the inclusion of a condition ensuring that a bat box be incorporated into the fabric of the building. However, this is a reserved matter to be considered at the reserved matters stage.

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.

The proposal is an outline application for the erection of one detached dwelling. To ensure it contributes positively to mitigating the impact of climate change

and air quality, should this application be approved a condition should be inserted to the decision notice requiring an electric vehicle recharging point be provided within the site for the future occupants of the dwelling. This is to comply with the aims of policy LP24 of the Kirklees Local Plan and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

7. Representations

22 representations have been received objecting to the application. The above assessment addresses a number of concerns raised within these representations. Of note, a number of concerns relate to highway safety that have been taken into consideration in light of the response from KC Highways Officers. Other concerns raised are addressed as follows:

- The proposed dwelling would impact the views of neighboring properties
- Overlooking, overshadowing, and devaluation of neighboring properties
- Air, noise and water pollution during construction
Response: This is noted. The impact on residential amenity and noise has been carefully considered within section 3 of this report. It should be noted that, upon formal consultation with KC Environmental Health, no issues regarding noise were raised apart from potential issues during the construction phases of development. This is an outline application; a full assessment of residential amenity would be carried out at reserved matters stage.
- Adverse impact on ecology and the natural environment
Response: Impacts upon biodiversity and ecology are set out with section 5 of this report. It was concluded that the scheme would be acceptable from this perspective, with the inclusion of conditions to ensure biodiversity net gain upon any grant of approval.
- Adverse impact on the character of the area
- Overdevelopment of Meltham
Response: An assessment of the impacts to the wider area has been undertaken throughout this report.
- Access is unsuitable
Response: This is noted. KC Highways have been formally consulted as part of this application and their response is set out under Section 4 of this report.

- Drainage and sewerage issues
Response: This is noted. This is not a material planning consideration for a development of this scale, therefore no further comment will be made.
- The plans are incorrect
Response: This is noted. A site visit was conducted whereby the officer was able to view the proposal in the context of the site. The plans have been assessed as submitted and a recommendation made as such.

8. 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 development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration. The proposed development would have a severe and detrimental impact upon highway safety as a result of the intensified use of the substandard access road. The access arrangements would therefore be contrary to policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD, the KC Highway Design Guide SPD and policies within Chapter 9 of the National Planning Policy Framework.

Recommendation

REFUSE

Decision Authorisation: Delegated Powers

Application Number: 2024/92905

Officer Recommendation: Refuse

Reason

1. The proposed development would result in the intensification in use of a substandard access (Badger Gate), to the detriment of highway safety. This would be contrary to Policies LP21 and LP22 of the Kirklees Local

Plan, Principle 12 of the Housebuilders Design Guide SPD, the KC Highway Design Guide SPD and policies within Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Site Plan and Section	3609 (0-) 01	-	10/10/2024
Design & Access Statement	-	-	10/10/2024
Application form	-	-	10/10/2024

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 pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that they would not overcome the detrimental harm to highway safety.

Report Dated: 02/12/2024

Coal – low