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:	**2023/62/90788/W**
Site Address:	adj, 87, Moorside Road, Kirkheaton, Huddersfield, HD5 0LR
Description:	Demolition of existing 2 storey extension and erection of detached dwelling
Recommending Officer:	Tom Hunt

DECISION – Conditional Full Permission

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

West Team

AUTHORISED OFFICER

Date: 8th June 2023

Officer Report

Site Description

2023/90788 – adj, 87, Moorside Road, Kirkheaton, Huddersfield, HD5 0LR

The application site relates to a portion of land currently used as amenity space for no. 87 Moorside Road. The proposals also include part of a side extension at no. 87 which will be demolished and replaced to provide living accommodation to the new dwelling proposed. There is a hard surfaced front amenity space in front of this side extension. There is a driveway to the side with an outbuilding indicated on plans already removed.

To the north, south and east of the site are residential dwellings, to the west is a portion of land outlined as a housing allocation within the Kirklees Local Plan, this land appears to have been used as Warren House Poultry Farm.

The site is not within a Conservation Area or located in close proximity to any Listed Buildings.

Description of Proposal

Demolition of existing 2 storey extension and erection of detached dwelling

A flush side extension to No. 87 is to be demolished approximately 4.7m wide and 5.35 deep with matching roof ridge height. A detached outbuilding is to be removed to the side amenity space.

This would have the effect of enabling a detached two-storey dwellinghouse to be built within the side amenity space of No. 87. This would be built to harmonise with the terraced row's materials (noting these are rendered not cast stone) and design faced using cast stone, grey Marley modern interlocking concrete tile to a side gable roof and uPVC doors and windows facing front and rear only. The opening positions would mirror No. 87's current arrangement.

It would have a width of 8.6m, be 5.35m deep and to have a roof and eaves aligned with No. 87 with a ridge height of 6.8 and eaves height of 5.1m from ground.

Property separation distance to the shared flank boundaries would be 1.2m to No. 87 and 2m to No. 89.

The proposed dwelling will comprise of 3 bedrooms, bathroom, kitchen/lounge, WC and hallway. Off-street parking will be provided for 2 cars on the front driveway with some landscaped areas and small garden to the rear. Bins have been set out similarly to the current arrangement of No. 87 to the front adjacent to the driveway.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual and residential amenity.

Relevant Planning History

2022/92161 – Discharge conditions 5 (intrusive site investigation) and 6 (validation report) on previous permission 2021/92972 for erection of extensions and alterations to existing dwelling to form one attached dwelling. Approved.

2021/92972 – Erection of extensions and alterations to existing dwelling to form one attached dwelling. Approved.

2021/94159 – Alterations to one dwelling to form two dwellings. Withdrawn.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 28/04/2023

No representations have been received.

Kirkburton Parish Council – were consulted and made 'no comments'.

Amended plans were received however it was not necessary to have those readvertised due to a minor change of material and no additional impacts on residential amenity.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Coal Authority – No Objections.
- Health and Safety Executive – No Objections.

Policy

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

The site is unallocated for development on the Kirklees Local Plan. It is within a Hazardous Material Site (H0396 Middle) and is in a high risk coal area for development.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 3 – Location of new development**
- **LP 7 – Efficient and effective use of land and buildings**
- **LP 11 – Housing Mix and Affordable Housing**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 51 – Protection and improvement of local air quality**
- **LP 52 – Protection and improvement of environmental quality**
- **LP 53 – Contaminated and unstable land**

Supplementary Planning Guidance

- Highways Design Guide SPD
- Housebuilders Design Guide SPD (relevant to the new dwellinghouse)
- House Extensions & Alterations SPD (relevant to the existing dwellinghouse)
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivery 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

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity

3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 confirms that the Council will take a positive and proactive approach when considering development proposals to reflect the presumption in favour of sustainable development embedded in the National Planning Policy Framework.
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.
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."
The site is within the Huddersfield Sub-Area. The listed qualities will be considered where relevant later in this assessment.
The proposal is required to accord with Policy LP3 of the Kirklees Local Plan, which requires new development to be situated in a sustainable location that provides access to arrange of transport choices and access to local services. This site is within walking distance of Kirkheaton Local Centre and close to bus stops. It is also adjacent to land allocated for Housing (HS25) in the Kirklees Local Plan which has been assessed as a sustainable location. Therefore, the site is considered to be in a sustainable location close to public transport and local services. Officers consider the site is in a sustainable location for residential development.
The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years' supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local

Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
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".*
Although the Local Planning Authority can demonstrate a five-year land supply, it is noted that the development of this plot would be a minor contribution to the housing supply in the district. However, the provision of housing needs to be balanced against all policies and material planning considerations considered below.
Under Chapter 11 of the NPPF, planning decisions should support development that makes "efficient use of land" taking into account the need for different types of housing, local market conditions, infrastructure, the prevailing character of the area, the desirability of promoting regeneration or change, and the importance of securing well-designed, attractive and healthy places.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP2 and LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring that the form, scale, layout, and details of all development respects and enhances the character of the townscape and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Also of relevance is Chapter 14 (opportunities to be taken to prevent development contributing to flooding) and 15 (any potential pollution impacts should be assessed at the planning stage, and biodiversity should be enhanced where possible.)

In this case, the principle of development is considered acceptable and there is an extant planning permission for the creation of a new dwellinghouse largely in the area now proposed for the detached dwelling. The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 –Impact on visual amenity:

The National Planning Policy Framework 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 National Planning Policy Framework sets out that design guides and codes carry weight in decision making. Of note, paragraph 134 of the National Planning Policy Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: “New residential development proposals will be expected to respect and enhance the local character of the area by:

- Taking cues from the character of the built and natural environment within the locality.
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

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, whist Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

Officers consider that the dwelling would be read in conjunction with the existing dwellings on Moorside Road on the west side of the road. Whilst the housing type is varied with two-storey semi-detached, detached and terraced properties, they are of similar height and width. There are also a mix of both new and older build properties throughout, which does result in somewhat varied appearance and character with some use of render, stone and red brick visible facing materials.

The proposed dwelling would be considered in keeping with the neighbouring dwellings on Moorside Road with matching materials found in the locality, side gable roof and same building line. The proposed materials, roof and building

line are therefore considered to be acceptable subject to being conditioned in the interests of visual amenity.
In addition, the removal of the two-storey side extension to No. 87 to enable development of a detached dwellinghouse would require facing materials of render to match the host to the side elevation wall. In this instance, a compliance condition on materials is recommended as to have this elevation be rendered to match the host to preserve visual amenity of the host and that of the streetscene.
The proposed dwelling would have a sympathetic glazed arrangement mirroring No. 87, and as such would be in keeping with the area. The fenestration and doors detailing of the proposed dwelling is considered to be acceptable.
Regarding the layout and siting of the proposed dwelling, Principle 6 of the Housebuilders Design Guide SPD highlights that *'the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings... normally new build developments should seek appropriate separation distances for servicing, accommodating future adaptions 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'.*
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. In this instance there would be a separation distance of approximately 2m to the shared boundary of no. 89 Moorside Road and therefore is in accordance with the SPD. However, it is acknowledged that this 2m separation distance could not be fully achieved in relation to No. 87, this proposed separation distance is proposed to be acceptable on balance as it would not be possible to situate the dwellinghouse to be fully compliant without resulting in a design that would appear overly narrow of width and contrived to be out of keeping with the proportions of the adjacent properties to its south.
The proposed dwelling, by virtue of its design, scale, massing and roof line, is considered to be in keeping with the existing development on the site and as such, it is considered that the proposed dwelling would sit comfortably within the existing street scene and against the neighbouring properties.
The submitted plans provide little information regarding the proposed boundary treatments, though the submitted site plan indicates that there is to be a driveway to the front sufficient for two vehicles and presumed no boundary wall to the front as existing arrangements show, areas of landscaping to the front, side and rear. Although the proposed parking provision would be to the front of the dwelling, this is considered acceptable in terms of visual amenity as there are other dwellings within the street scene with parking/hardstanding to the front. It is considered appropriate to recommend a condition requiring details of hard landscaping to be submitted, should planning permission be granted, to promote good design by ensuring the development enhances the landscape for visual amenity.

Moving on to the proposed amenity area to the rear, Principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. Dwellings on Moorside Road typically comprise of both front and rear amenity areas of similar proportion to the proposed arrangement. The proposed dwelling would have a small garden area and driveway to the front and small garden area to the rear akin to the residential curtilage of the terraced row of properties to the south. This arrangement would appear to be the most suitable in this instance and is not considered to substantially detract from the streetscene. In addition, the rear garden/amenity areas will receive adequate sunlight from midday.

Officers recommend that in light of the limited footprint and amenity space, to avoid an overly cramped design impacting on visual amenity and residential amenity and to prevent the loss of amenity space, that Permitted Development Rights be removed on development included within Class(es) A and E of Part 1 of Schedule 2 Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order). While this is additional to the previous permission, it is considered that the layout has reduced the available useable amenity areas to a degree that makes this a necessary change for the proposal to be considered that the proposed amenity space would meet the requirements of Policies LP24 of the Kirklees Local Plan, Principles 2, 6 and 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework

In conclusion, with the inclusion of appropriate conditions, the proposals are considered to be appropriate in size, scale and design in this location, and that they would not appear out of character or overly dominant in the general context of this site. The proposals therefore accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Council's adopted House Builder's Design Guide SPD.

3 – Impact on residential amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: "Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.*" The SPD also provides advised separation distances for two storey dwellings:*

- *21 metres between facing windows of habitable rooms at the backs of dwellings;*
- *12 metres between windows of habitable rooms that face onto windows of a non-habitable room;*
- *10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and*
- *for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.*

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on no. 89 Moorside Road
This neighbouring property is located to the north of the application site. As no windows are proposed within the northern elevation of the proposed dwelling, there are no concerns in respect to overlooking or loss of privacy. In addition, whilst it is acknowledged that there will be some overshadowing onto no. 89 which doesn't currently exist, this shadowing would be minimal and would fall across the existing garage and driveway of no. 89 and therefore would not impact on any habitable room windows, or on their rear garden area. There is approximately 13m between the front elevation of no. 89 which contains habitable windows and the blank gable of the new dwelling that would accord with the specifications set out in Principle 6 of the SPD. Finally, the proposed dwelling would be set back from the boundary of no. 89 and viewed against nos. 87 & 85 Moorside Road within the general context of the area which comprises of two-storey dwellings.

It is therefore considered that the proposals would not appear overbearing or overly dominant in this location.

Impact on no. 87 Moorside Road
This neighbouring property will be adjacent to the proposed dwelling to the south and have a building line aligned with its front and rear elevation. Given the site's orientation to this neighbouring dwelling there are no concerns in regards to overshadowing or loss of light. In addition, the dwelling is not considered to appear overbearing in nature as it will have a similar layout, scale, size, and height as no. 87 and whilst there will be windows located within the front and rear elevations, it is not considered that the garden/amenity areas would be significantly overlooked when compared to the relationship which already exists between nos. 85 & 87.

Impact on housing to the east

The detached dwellinghouse would mostly face out to the highway of Deganwy Drive and would be at a sufficient distance to properties so as to avoid any overlooking, overshadowing, overbearing effects or loss or privacy/outlook to those dwellings served of this road or facing across the junction of Moorside Road.

Impact on adjacent Housing Allocation
To the west of the application site is a parcel of land allocated within the Kirklees Local Plan as Housing Allocation HS25. This allocation is to provide approximately 33 residential dwellings although no planning applications or pre-applications have been submitted at present. As the proposed dwelling within this application is to reflect a scale, layout and design to what already exists within Moorside Road it is not considered that the proposals would have an overly detrimental impact on this adjacent housing allocation as a prospective developer would need to take into consideration separation distances and potential overlooking or loss of privacy for the existing property's which back onto this allocation. It is therefore considered that the proposed dwelling would raise no concerns in respect to overlooking, overshadowing, or appearing overbearing in nature in this instance.

Future Occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. With reference to Principle 16 of the Housebuilders Design Guide SPD, internally, the proposed dwelling would have a GIA of approximately 75sqm for a two-storey dwellinghouse. As no details are provided in respect to the number of occupiers that will inhabit the dwelling, officers recommend that the dwelling is for 1 double and 2 single bedrooms to provide an adequate standard of amenity for future occupiers. It is acknowledged that every habitable room within the property would have access to at least 1 window, therefore there would be sufficient outlook and light into these rooms.

While it is noted that this would have a minor undersupply of 8 square metres overall and one bedroom underspecified/not compliant with a floor area of 5.9 square metres when assessed against the minimum space standards set out in the Nationally Described Space Standards (NDSS), the site does have an extant permission to supply a similarly proportioned house with a realistic fall back to construct this and the NDSS is not an adopted Policy of the Council. In this regard, in these isolated circumstances, Officers propose that this proposal could be acceptable as it would be unreasonable and inconsistent for the LPA to refuse the proposal in light of a similar shortfall.

Subject to the condition removing Permitted Development Rights on Class(es) A and E) included with reference to Principle 17 of the Housebuilders Design Guide SPD, as previously discussed, officers consider that the amount of outdoor amenity space provided for the proposed dwelling would be adequate.

In conclusion, subject to condition, it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24b) of the Kirklees Local Plan in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's Housebuilders Design Guide SPD.

4 – Impact on highway safety:

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."*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

A 3-bedroom dwelling is proposed at the site, and the Kirklees Highways Design Guide SPD states that at least 2 off-street spaces are required for dwellings with 2-3 bedrooms. Officers note that 2 off-street parking spaces are to be provided, which is considered acceptable for a dwelling of this size.

While there appears to be a low kerb present, a s.184 footnote has been added to inform the applicant of their requirement to gain the written permission of the Design Engineer to have a dropped kerb for public safety and to avoid damage to the utilities sited below the pavement.

Principle 19 of the Housebuilders Design Guide SPD sets out how provision for waste storage and recycling should be incorporated into the design of new developments. Details of bin storage and presentation have been provided and in addition it is noted that there is sufficient space to the north to store bins similar to existing arrangements in the area. It is recommended that with a footnote attached to advise the applicants that bins would be more appropriately stored there that these details be acceptable.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Climate Change
When determining planning applications the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038.

Due to the nature of the scheme, it is considered that one electric vehicle charging point should be provided to aid in the contribution to climate change secured by condition to be compliant with LP24 and LP51 of the Kirklees Local Plan, Principle 18 of the SPD and Chapters 9 and 15 of the NPPF. The standard condition has provided some flexibility with the maximum charging Amp supply due to vehicles starting to have faster charging demands and to future proof demand. Furthermore, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards in relation to energy efficiency and insulation.

A Climate Change Statement has been submitted with the application.

Coal Mining Legacy
The Coal Authority have been consulted the application due to the site being in a high risk coal area and a Coal Mining Risk Assessment and a Coal Mining Interpretation Report (25 May 2022, prepared by Cape Site Services) has been submitted with the application.
It was noted that this report was also submitted in support of application 2022/92161 seeking the discharge of conditions attached to planning permission 2021/92972 for a previously proposed scheme of residential development at the site.
The submitted report indicates that three boreholes were drilled within the site in order to establish the shallow coal mining situation, with specific focus upon possible workings in the Better Bed coal seam. These works were carried out under Coal Authority Permit No. 24920.
The report indicates that beneath superficial deposits intact strata was recorded with no coal seams encountered. In light of the finding of the site investigation, the report author is satisfied that the Better Bed coal seam does not underlie the site and states that *"no further works or considerations regarding shallow coal and/or coal mining workings will be necessary for the development."*
It was advised that further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application of which a footnote could be added to the Decision to ensure that the applicant is fully aware of this advice, including the potential for mine gas. This proportionate approach is considered acceptable to Officers to ensure public safety under LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Health and Safety Executive (HSE)
The site is located within a HSE consultation zone and the HSE have been consulted. The HSE does not advise, on safety grounds against the granting of planning permission in this case.
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). The application form identifies that surface water will be disposed of by the mains sewer. As the proposal is for a single dwelling it is considered that it would be disproportionate to require run-off restriction methods by condition and that specific details of the proposed drainage will be subject to the proper assessment via building control in a separate building regulations application.
A condition would be placed to ensure that the additional parking space to the front would be drained sufficiently and/or made permeable in accordance with Policy LP28 of the Kirklees Local Plan and the Highways Design Guide SPD.
Biodiversity
Whilst considering Biodiversity, proposals are required to supply a net gain in biodiversity and ecological enhancement integral to the design of the development. It is noted that the site does not lie within an identified biodiverse area or within a Bat Alert layer. It is noted that the extant permission for 2021/92972 is still in effect, with its realistic fall back position, and this could be enacted without any biodiversity gains, Officers recommend that this be considered and still be acceptable in light of the minor scale of development in the area not identified to be biodiverse.
6 – Representations:

No representations had been received.

7 – 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 would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2023/90788

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP03, LP07, LP11, LP21, LP22, LP24, LP28, LP51, LP52 and LP53 of the Kirklees Local Plan, Principles of the Kirklees Housebuilders Design Guide Supplementary Planning Document, and Policies within Chapters 2, 4, 5, 9, 11, 12 and 14 of the National Planning Policy Framework.

3. The replacement external northwest facing side elevation wall of No. 87 Moorside Road shall be externally finished in a through colour render to match that used on the external walls of the existing dwelling before the new dwelling is first occupied.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles 2 and 5 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

4. Prior to the construction of the dwelling hereby approved above slab level, details of all the external facing materials of the walls of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall be erected in accordance with the approved details and retained as such.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

5. Prior to the commencement of the dwelling hereby approved above eaves level, details of the external material for the roof of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall be carried out in accordance with the approved details and retained as such.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

6. Prior to the first occupation of the dwelling hereby approved, a scheme detailing the boundary treatments of all the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the position, height and materials of the boundary treatments on plans. Thereafter, and prior to the first occupation of the dwelling hereby approved,

the boundary treatments shall be constructed/installed in accordance with the approved details and retained thereafter.
Reason: In the interests of visual and residential amenity, and to comply with Policy LP24 of the Kirklees Local Plan, Principle 8 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

7. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives and parking areas on 'Existing and Proposed Block, Elevation and Floor Plans. Drawing No. 02. Revision: E' are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.
Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan, Principle 12 of the Kirklees Housebuilders Design Guide SPD and Chapters 9, 12 and 14 of National Planning Policy Framework.

8. Prior to the first occupation of the dwelling hereby approved, one electric recharging point shall be installed within the dedicated parking area of the dwelling hereby approved. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32-50Amps. The electric vehicle charging points so installed shall thereafter be retained.
Reason: In the interest of supporting low emission vehicles, net zero carbon targets and to accord with Policies LP24 and LP51 of the Kirklees Local Plan, Principle 18 of the Kirklees Housebuilder Design Guide SPD and Chapters 9 and 15 of the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class(es) A and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: In the interest of visual amenity, residential amenity to ensure that adequate amenity space is retained and to comply with Policy LP24 of the Kirklees Local Plan, Principles 2, 6 and 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

FOOTNOTE: Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right

to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

FOOTNOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

FOOTNOTE: All bin presentation points are required to be:

- Located close to, but not on, an adopted highway at the boundary of the curtilage no more than 25m from the storage point and not in a location requiring bins to be manually moved through a building, car park or passed
  parked vehicles.
- Sited away from windows and doors in case of fire/arson attack to enable safe emergency exit
- A hardstanding, situated to allow convenient, level and unobstructed access for collection crews, with dropped kerbs where necessary.
- Positioned with consideration for minimising ‘bin blight’ on collection day – large groups of bins outside windows or blocking driveways or footpaths create a nuisance for residents and highway users.
- In conformity with Building Regulations 2010 Part H6 which states that the
  route between storage and presentation points should not require bins to be
  moved up/down slopes of more than 1:12 or multiple steps.

FOOTNOTE: The Coal Authority advises that further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

Mine Gas:
It should be noted that wherever coal resources or coal mine features exist there is the potential for mine gases to exist. These risks should always be considered by the developer. The Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if their data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, you should seek your own technical advice on the gas hazards that may exist, and

appropriate measures to be implemented, from technically competent personnel.

FOOTNOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00 hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan.	Drawing No. 01.	A	10/03/2023
Existing and Proposed Block, Elevation and Floor Plans.	Drawing No. 02.	E	04/04/2023
Coal Mining Risk Assessment	Coal Mining Risk Assessment by Cape Site Services Coal Mining & Geotechnical Consultancy. Dated 30/06/2021. Ref: CMRA 00268.	Unamended	04/04/2023
Coal Mining Risk Interpretation Report	Coal Mining Risk Interpretation Report by Cape Site Services Coal Mining & Geotechnical Consultancy. Dated 25/05/2023. Ref: SI 00268	Unamended	10/03/2023
Climate Change Statement	-	Original	21/03/2023

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 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. The case officer considered the application on review and sought no amendments as it sufficiently met Local Plan policies on visual and residential amenity.

Report Dated: 08/06/2023