

**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:	2023/62/91702/W
Site Address:	adj 60, Lister Street, Moldgreen, Huddersfield, HD5 8BB
Description:	Erection of dwelling
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 29th November 2023

Officer Report.

Reference: 2023/91702

Location: adj, 60, Lister Street, Moldgreen, Huddersfield, HD5 8BB

Proposal: Erection of dwelling

Site Description.

60 Lister Street is an end-of-terrace property which has its front elevation facing north-east towards Lister Street and its end elevation facing south-west towards Douglas Avenue. The property of 60 Lister Street is two-storey and built in stone with a brick side elevation and a tiled gable roof. The amenity space for No. 60 is mostly to the side and rear, bounded by fencing and dense shrubbery/hedging.

The site is located within a residential area with an area of Urban Green Space directly adjacent across the highway of Lister Street.

The predominant housing type within the surrounding streetscene is two-storey terrace properties, with stone and roof tiles forming the local vernacular. As such, it is concluded that there is a relatively strong sense of similarity within area.

Description of Proposal.

Planning permission is sought for the erection of a dwelling.

The proposed dwelling would adjoin to the side elevation of No. 60 Lister Street, forming a new end-of-terrace property to the existing row.

The dwelling would have a maximum height of 7.9 metres, with a width of 5 metres and a length of 7.9 metres. The height, length and width would resemble the dimensions of adjoining No. 60 Lister Street.

The external walls of the dwelling would be faced in coursed stone to the front and rear elevations, with stone coloured render to the side elevation. A gable roof would be erected above, infilled with grey slate roof tiles.

To the front elevation of the dwelling a lean-to window canopy / porch would be erected. This would have a projection of 0.6 metres, the same as the lean-to canopy across the adjoining property of No. 60 and the other properties along the terrace row.

A single storey rear element would be erected to the rear of the dwelling, this would have a projection of 2 metres, a width of 5 metres and a height of 3 metres. The external walls of this element would be faced in coursed stone,

with a flat roof above. The rear extension would be separated from the shared boundary with No. 60 by approximately 0.3 metres.

A rear dormer would be erected to the rear roof plane. This dormer would have the dimensions:

- Depth: 3.15 metres
- Width: 4.85 metres
- Height: 1.9 metres

The walls of the dormer would be faced in hung tiles to match the host roof and the dormer would have a flat roof constructed from GRP/rubber.

Fenestration detailing would consist of regular windows, an access door to the front elevation and glazed b-fold doors to the rear elevation. The windows would be UPVC double glazed, and the doors would be composite/upvc.

As well as roof lights to the rear extension, one velux window would be installed to the front elevation of the host gable roof.

Access to the site would be obtained from either Lister Street or Douglas Avenue. The dwelling will have a parking area to the rear, with the site plan also demonstrating a retained parking space to the rear of No. 60 Lister Street.

A new pedestrian access would be formed to the front of the site.

Boundary treatments around the site would consist of stone walling and hedging. A fence would be installed to the rear, along the new formed boundary between No. 60 Lister Street and the new dwelling.

Garden amenity space would be present to the front, side and rear of the property.

History of Negotiations/Amendments Received.

Following a consultation response from KC Highways Development Management, the case officer sought amendments to incorporate one off-street parking space for both the proposed new dwelling and the existing dwelling of No. 60 Lister Street.

In response to this case officer request, the applicant/planning agent submitted amended plans, with the site plan showing an on-site parking space to both the rear of No. 60 Lister Street and the new dwelling.

As such, the overall determination of this application is based on the latest set of 'Proposed Plans' as submitted 20th October 2023.

Relevant Planning History.

No relevant planning history at the application site.

Relevant planning history near to the application site:

- 2015/91417 – adj 62, Lister Street, Moldgreen, Huddersfield, HD5 8BB.

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.

Publicity expired = 28th November 2023.

No representations were received.

Consultation Responses.

KC Highways Development Management (formal & informal) – object to the application due to the lack of adequate parking, with the proposal falling below the recommended minimum required in guidelines.

Following on from receipt of their consultation response, the scheme has been amended to include an element of off street parking for both the proposed dwelling and no.60.

Policy/Legislation.

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 within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- 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
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality

- LP52 – Protection and Improvement of Environmental Quality

Supplementary Planning Guidance/Documents:

- Housebuilders Design Guide SPD: On 29th June 2021, Kirklees Council adopted its Housebuilders Design Guide SPD. The document indicates how the Council will interpret its policies regarding such built development, with the advice aligning with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. The SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions and alterations and carries full weight as part of the decision-making process.
- Kirklees Highways Design Guide: adopted 4th November 2019
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

National Planning Guidance:

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

- 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 homes
- 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)
- The Planning and Compulsory Purchase Act 2004

Assessment.

The following matters are considered in the assessment below -

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

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

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 Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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”*.

Whilst the Local Planning Authority is not able to demonstrate a five-year supply at this point in time, it is noted that the development of the proposed plot would contribute to the housing supply in the district.

Thus, residential development at the site could be acceptable in principle. Policy LP7 of the Kirklees Local Plan, and principle 4 of the Housebuilders SPD establishes a desired target density of thirty-five dwellings per hectare. The site is approximately 0.015 hectares. As such, the provision of one dwelling on the site is considered to be an appropriate density.

In summary, the provision of a new dwelling on the site is considered to be acceptable in principle, subject to other matters relating to the site and surrounding land, these are discussed within the following sections of this report.

1) Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (Achieving WellDesigned 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 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. 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.

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.

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.”*

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF 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.

The application site is considered to be of a sufficient size to support a dwelling as proposed, with one parking space and modest amenity space. The scale of development is therefore considered to be acceptable.

The external appearance of the dwelling is considered to harmonise appropriately with neighbouring properties located along the highway of Lister Street, including the row of terrace properties to which it would adjoin. In addition, the design of the proposed dwelling would reflect the property of No. 62A Lister Street, granted planning permission under application 2015/91417, with regard to the rendered side elevation and rear flat roofed dormer.

The dwelling would be set back from the fronting highway of Lister Street by approximately 3.7 metres and would be set in from Douglas Avenue by approximately 1.3 metres. The dimensions of the proposed dwelling would follow the linear building line of the row of terraces to which it would adjoin, promoting overall subservience and ensuring that the new property would not appear obtrusive within the established setting of the streetscene. This is particularly welcomed given the relatively prominent corner-plot location of the site, whereby the plot is located where the highways of Lister Street and Douglas Avenue meet meaning visibility of the site could be obtained from many public vantage points.

The dwelling is proposed to be constructed using coursed stone, with stone coloured render to the side elevation. The gable roof would be infilled with grey slate tiles. These materials are in line with the appearance of other properties surrounding the site, whereby stone is a distinct established characteristic of the local vernacular. It is recommended these materials of construction are secured by the inclusion of appropriately worded conditions.

The window bay canopy / porch proposed to the front elevation is considered to be an appropriate addition, in keeping with the lean-to roof features to the front of the adjoining properties within the same terrace row. As such, the inclusion of this feature is considered to promote the overall harmonisation and subservience of the new dwelling within the existing streetscene.

The rear dormer is considered to be an acceptable feature visually. Whilst none of the properties to which the new dwelling will adjoin have dormer features, No. 62A Lister Street directly south west of the plot, does have a flat roofed dormer to its rear elevation, of a very similar design to that proposed upon the new dwelling. As such, it is considered that the proposed style of dormer would be reflective of that within the streetscene, and it is likely similar rear dormers could be constructed to neighbouring dwellings using pd rights. As such it is considered this element of the proposal is acceptable in this case.

With regard to the external appearance of the rear dormer, it is proposed to match the appearance of the host roof via hung tiles to the walls. It is recommended that the materials and colour finish of the dormer be secured by the inclusion of appropriately worded conditions.

The proposed fenestration detailing is considered to be appropriate, predominantly consisting of regular windows, with a contemporary set of glazed bi-fold doors to the rear elevation. These forms of fenestration are considered standard forms of detailing for modern dwellings and are considered to be appropriately in keeping with the forms of fenestration erected to the other properties within the area.

The roof lights are also considered to be an acceptable addition, with velux windows within the front roof elevation of several neighbouring properties along Lister Street.

The extent of hard surfacing is considered acceptable, and it is concluded that an appropriate balance is achieved in terms of the entire extent of curtilage and the provision of naturally surfaced garden amenity space.

Conditions to secure the materials of construction are recommended. Subject to condition the design, scale and materials is considered to be acceptable and would result in an appropriate form of residential development in this location, with respect to the character of the wider streetscene. Therefore, the proposal is considered to appropriately comply with the aims of Policy LP24 of the Kirklees Local Plan, Key Design Principles 2, 5, 12, 13 and 15 of the Housebuilders Design Guide SPD and the aims of Chapter 12 of the National Planning Policy Framework.

2) Impact on Residential Amenity

A core planning principle as set out in 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 Housebuilders Design Guide SPD 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. Specifically, it outlines that for two storey dwellings the following, typical minimum separation distances between existing and proposed dwellings, are advised:

- 21 metres between facing windows of habitable rooms at the back of dwellings.
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms.
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
- 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-metre distance from the side wall of the new dwelling to a shared boundary.

In addition 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 users.

Principle 17 of the Council's adopted Housebuilders Design Guide 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).

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out:

No. 60 Lister Street:

The proposed new dwelling would adjoin with No. 60 Lister Street to the north.

The proposed bulk of the new dwelling aligns with the dimensions of this neighbouring property, including length and height, however, officers recognise that the single storey rear projection and rear dormer are outside the remit of built form at No. 60, the impacts of these features are assessed below:

The proposed single storey rear projection to the new dwelling is not considered to result in undue impacts of overbearing or overshadowing for the occupiers of No. 60 Lister Street. This is predominantly due to the relatively small size/scale of this single storey projection, with a length of only 2 metres and a maximum height of 3 metres. In addition, based on officer calculations, the single storey rear projection would not breach a line of 45 degrees to any ground floor windows on the rear elevation of No. 60.

Whilst the proposed rear dormer would undoubtedly generate some degree of bulk and massing to the rear elevation of the new dwelling, it is concluded that

it would not cause undue levels of overbearing or overshadowing towards this neighbouring property, to be contained within the envelope of the host gable roof and not breaching any line of 45 degrees from neighbouring windows.

The proposed new dwelling does not present any glazing to face directly towards No. 60 Lister Street or directly towards its amenity space. Therefore, the proposal is considered acceptable with regard to maintaining appropriate levels of residential privacy.

For these reasons, officers are satisfied that the proposal would have no significant impacts on the residential amenity of 60 Lister Street.

No. 17 Douglas Avenue:

This property is located to the rear of the proposed new dwelling and fronts Douglas Avenue.

The proposed new dwelling would retain a separation distance of approximately 10.5 metres from the nearest boundary of 17 Douglas Avenue, with an even greater separation of approximately 13 metres retained from the property of No. 17 itself. This separation distance is considered sufficient to ensure that there would be no undue impacts of overbearing or overshadowing towards this neighbouring property as a result of the development of the proposed dwelling.

Further supporting the above conclusion is the fact that the adjacent side elevation No. 17 Douglas Avenue is predominantly solid, with no glazing present to the 1st floor level. As well as mitigating undue impacts of overbearing or overshadowing, this also enables the conclusion that the proposed new dwelling would not impact negatively upon the privacy of No. 17 Douglas Avenue with regard to glazing proposed to the rear elevation of the new dwelling.

For these reasons, officers are satisfied that the proposal would have no significant impact on the residential amenity of 17 Douglas Avenue.

Future Occupiers of the Dwelling:

In terms of the amenities of the proposed occupiers, and requirements of Principle 16 of the Housebuilders Design Guide SPD, the proposed new dwelling would comply with the minimum recommended internal floor space standards as specified in the NDSS, therefore officers consider that the proposed dwelling would provide an acceptable standard of amenity for future occupiers.

Further to this, the amenity space provision appropriately complies with the requirements as detailed in Principle 17 of the Housebuilders Design Guide SPD. The property will benefit from private external amenity space to the rear, which is of a suitable size for activities associated with the host property such as a child's play to be undertaken.

Therefore, the proposal is considered to appropriately comply with LP24(b) of the Kirklees Local Plan, Principles 6, 16 and 17 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the NPPF with regard to the amenities of future occupiers of the new dwelling.

3) 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 Guide which seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Upon formal and informal consultation with KC Highways Development Management, it was concluded that Highways Officers would wish to see parking provisions for the new dwelling in accordance with guidance, whereby 3 bedroomed dwelling should provide a minimum of 2 off-street car parking spaces.

Following feedback from KC Highways Development Management, the applicant / planning agent submitted revised plans to demonstrate one off-street parking space to the rear of the new dwelling, as well as a retained parking space to the No. 60 Lister Street. On balance, given that Lister Street and Douglas Avenue are residential streets where most properties do not have any off-street parking, officers consider this provision acceptable on the grounds of the individual merits of the application and the site. On the basis off street parking would be secured by condition, to be retained for the lifetime of the development for that purpose, including for no.60 it is considered the proposal would be acceptable having regard to off street parking.

No details have been provided regarding the surfacing of the parking areas. Officers would wish to see a permeable material, helping to reduce surface water run-off, in keeping with Key Design Principle 19 of the Highways Design Guide SPD, which works to ensure that drainage and amenity requirements are combined in the most effective way possible. As such, upon any grant of permission, this would be secured via the inclusion of an appropriately worded condition.

The application form states that green and grey bins are to be stored at the side of the dwelling and brought out onto roadside on collection days. Thus area for bin storage is considered unobtrusive and it would not adversely effect highway safety or amenity.

In turn, with the inclusion of the aforementioned condition and footnotes, the scheme is considered to appropriately comply with LP21 and LP22 of the Kirklees Local Plan, Key Principle 12 of the Council's Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

4) Other Matters

Climate Change:

Principle 18 of the Housebuilders Design Guide SPD expects new proposals to 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. Paragraph 9.8 of the Housebuilders Design Guide details that homes can take advantage of solar gain, typically with one elevation facing within 30 degrees of due-south and supporting the position of dual-aspect buildings to allow for the penetration of natural light at different times of the day. This paragraph goes on to state this needs to form part of an integrated house design that avoids overheating

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.

It is noted that building regulations would need to be gained for a development of this type and would require suitable insulation is undertaken to the dwelling.

Due to the nature of the scheme, this being a proposal providing one additional residential unit within the site within an urban location, it is considered that one electric vehicle charging point should be provided to aid in the contribution to climate change and to assist in terms of improving air quality.

It is considered that, given the requirements of building regulations and scale of the proposal, it would be unreasonable of the LPA to require further measures to be undertaken as a condition of any grant of permission. Therefore, subject to this condition, the application is considered to comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the SPD and Chapter 14 of the National Planning Policy Framework.

Biodiversity:

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180

goes on to note that significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Principle 9 of the Housebuilders Design Guide SPD provides further detail.

Biodiversity net gain enhancements shall be secured by the inclusion of a condition upon any grant of permission, specifically for the provision of one bird box.

In this instance, the site is not located within an area within a known presence of bats, as marked on the Council's GIS mapping system. As such, officers consider the provision of only a bird box adequate in this instance.

Drainage:

LP28 of the Kirklees Local Plan establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option.

The application form states that surface water will be disposed of via the main sewer. Justification for this has been provided via a drainage report.

In any case, the applicant would require consent of Yorkshire Water to undertake this and as such, this would be addressed under a separate unit. It should also be noted that, given that the proposal is for the erection of one dwelling, it is not likely to result in much more water being added to the existing main sewer system.

5) Representations

No representations were received.

6) Conclusion

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework taken as a whole constitute the Government's view of what sustainable development means in practice.

As set out above, 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: 2023/91702

Officer Recommendation: Approve

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP21, LP22, LP24, LP28, LP30, LP35, LP51 and LP52 of the Kirklees Local Plan, the principles and guidance within the Council's Housebuilders Design Guide SPD, the guidance within the Council's Highways Design

Guide SPD and the aims of Chapters 2, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. The external walls of the development hereby approved shall be constructed from coursed stone and stone coloured render, as demonstrated on plan 'Plans & Elevations – As Proposed' (ref: A(10)-01) and be thereafter retained.
Reason: In the interests of visual amenity and so as to ensure the satisfactory appearance of the dwelling in the street scene, and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.
4. The roof of the development hereby approved shall be finished in grey slate tiles, as demonstrated on plan 'Plans & Elevations – As Proposed' (ref: A(10)-01) and be thereafter retained.
Reason: In the interests of visual amenity and so as to ensure the satisfactory appearance of the dwelling in the street scene, and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.
5. The walls of the rear dormer shall be faced in grey slate hung tiles. This external material shall be thereafter retained. The roof of the dormer shall be of a grey colour finish to match the appearance the walls of the dormer and host gable roof and be retained thereafter.
Reason: In the interests of visual amenity and to accord with policies LP1, LP2 and LP24 of the Kirklees Local Plan, Key Design Principles 1, 2 and 9 of the House Extensions and Alterations SPD and advice within the National Planning Policy Framework.
6. One bird box shall be incorporated into the dwelling hereby approved; the boxes shall be long lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light. The bird box shall be provided prior to first occupation of the dwelling hereby approved and be thereafter retained.
Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.
7. Prior to the development being brought into use, the approved vehicle parking areas shall provided. These shall be surfaced and drained 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 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of amenity and highway safety, to ensure adequate space within the site for vehicle movements and parking that is appropriately drained, in accordance with the aims of Policies LP21,

LP22, and LP28 of the Kirklees Local Plan, the Highways Design Guide SPD and the aims of the National Planning Policy Framework.

8. Before occupation of the hereby approved dwelling, an electric vehicle charging point shall be provided to the parking area shown to serve the new dwelling and the parking area shown to serve the existing property of No. 60 Lister Street. Cable and circuitry ratings shall be of an adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging points so installed shall be thereafter retained.

Reason: To encourage ultra-low emission vehicles in the interests of air quality and accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies PLP 21 and PLP24 of the Kirklees Publication Draft Local Plan.

9. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph No.'s 183 and 184 of the National Planning Policy Framework.

Note: The changes to the access within the adopted highway fronting the property will need to be constructed under a Section 184 Agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Highways Asset Management Team at vehicle.crossing@kirklees.gov.uk with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Note: Electric Vehicle Charging Points

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Note: Construction Site Working Times

Noisy Construction related activities shall not take place outside the hours of:

- 07:30 to 18:30 hours Mondays to Fridays
- 08:00 to 13:00 hours, Sundays

With no noisy activities on Sundays or Public Holidays.

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. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Note: 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, Flint Street, Fartown, Huddersfield (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.

Note: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*

- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	-	-	09.06.23
Site Plan – As Existing	A(00)-01	-	09.06.23
Plans & Elevations – As Proposed	A(10)-01	-	20.10.23
Drainage Report	-	-	13.06.23
Flood Map Planning	-	-	09.06.23
Coal Mining Map	-	-	09.06.23

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 applicant/planning agent submitted amended plans to show off-street parking provisions for both the new dwelling and the existing dwelling of No. 60 Lister Street.

Report Dated:

29.11.23
