

**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:	2023/62/93083/W
Site Address:	adj, 33, Arthur Street, Golcar, Huddersfield, HD7 4DF
Description:	Demolition of detached garage and erection of 1 no. detached dwelling, formation of car parking spaces and access, associated landscaping, reconfiguration of parking spaces and access for existing dwelling
Recommending Officer:	Katie Chew

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.

Teresa Harlow

AUTHORISED OFFICER

Date: «Current_Date»

Officer Report

Site Description:

Adj, 33, Arthur Street, Golcar, Huddersfield, HD7 4DF

The application site relates to a parcel of land currently used as garden/amenity space for host dwelling no. 33 Arthur Street. No. 33 Arthur Street comprises of a small semi-detached bungalow and detached single garage. The site is accessed to the east from Arthur Street, with the parcel of land being bounded by a small timber fence. The site is surrounded by residential properties to the east and south. To the west is open undeveloped land, and directly to the north is an adopted footway (this access is not indicated as being a Public Right of Way but connects Arthur Street to public footpaths COL/51/20, COL/52/30 and COL/51/50.).

The application site is not located within a Conservation Area and there are no Listed Buildings within the immediate vicinity of the site.

Description of Proposal:

The application seeks planning permission for the demolition of existing detached garage and erection of 1 no. detached dwelling, formation of car parking spaces and access, associated landscaping, reconfiguration of parking spaces and access for existing dwelling.

The proposed dwelling is to be single storey in height, with living accommodation in the roof and is to front on to Arthur Street. The dwelling is to be set back from the public highway and is designed with a pitched roof, constructed from coursed brickwork with concrete roof tiles.

The dwelling is to comprise of 2 double bedrooms, open plan study, en-suite, family bathroom, living area, kitchen, utility and downstairs W.C. The dwelling benefits from garden/amenity areas to the front and rear, with off-street parking proposed for 2 vehicles to the front of the property.

History of negotiations/amendments received

Amendments were sought following comments received from Yorkshire Water, who had concerns in respect of the planting proposed which would be sited over the public sewerage system and that this could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network. The applicant sought to submit amended plans outlining the location of the sewer and removal of planting from this part of the site.

Relevant Planning History

There is no relevant planning history at the application site, there is however, some historic relevant history at an adjacent site. Details of which are outlined below.

Adjacent 38 Arthur Street

96/91983 – Erection of detached bungalow with integral garage. Approved 2nd August 1996.

Representations

Final publicity date expires:

Neighbour Letters – Expired 28th November 2023.

No representations have been received to date.

Officer note: We are currently undertaking the legal 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 only, details of which are outlined above.

Consultation Responses

KC Highways Development Management – No comments received within statutory timescales.

Yorkshire Water – Comments received 1st November 2023. Object to the proposals as the development layout currently shown outlines that a tree/s will be sited over the public sewerage system and that this could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network.

Officer note: Following receipt of the above comments, the applicant's agent sought to submit amended plans which removes the proposed tree from the site layout plan. Yorkshire Water were again re-consulted and noted that they have no objections. Conditions are recommended, these are assessed in the report below.

KC Environmental Health – Comments received 31st November 2023. No objections to the proposal subject to conditions and informatives relating to contaminated land and construction noise.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

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

A public sewer crosses the site and is operational. Yorkshire Water have therefore been consulted on the proposals.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP7 – Efficient and Effective Use of Land**
- **LP11 – Housing Mix and Affordable Housing**
- **LP20 – Sustainable Travel**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP26 – Renewable Energy**
- **LP28 – Drainage**
- **LP30 – Biodiversity and Geodiversity**
- **LP47 – Healthy, Active and Safe Lifestyles**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protection and Improvement of Environmental Quality**
- **LP53 – Contaminated and Unstable Land**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated September 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of Climate Change, Coastal Change and Flooding

- Chapter 15 – Conserving and enhancing the natural environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide SPD (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Nationally Described Space Standards
- National Design Guide

1 – Principle of Development

1.1 – Sustainable Development

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

The dimensions of sustainable development will be considered throughout 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 explored.

The site is not within a specific allocation on the KLP Policies Map. Policy LP2 of the KLP states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

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

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting*

permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development, and therefore the development of this piece of land would help contribute to the housing supply in the district. However, this has to be balanced against any adverse impacts of granting the proposal. The judgement for application, where applicable, will be set out in the officers' assessment.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

As the application site measures just 448sqm, it is deemed that the site would be capable of providing just 1 dwelling based on the above figures. The proposals are therefore considered to be in accordance with LP7 of the Kirklees Local Plan.

In terms of housing delivery / density it is considered that the proposal would contribute to the housing stock within the district and is in a location which is accessible to a number of nearby settlements and Huddersfield Town Centre. It is therefore concluded that the proposal is acceptable in this regard.

2 – Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

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.

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...”

Principle 2 of the 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.

Regarding the layout and siting of the proposed dwelling, principle 5 of the above SPD states that buildings should be aligned and set-back to form a coherent building line. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.

In this instance, the proposed dwelling is to be stepped slightly in front of no. 33's principal elevation (by around 1.3m), whilst typically we would expect new dwellings to be stepped back from existing properties, given the relationship between no. 33 and no. 35 Arthur Street, whereby the orientation and siting of the properties changes due to an alteration in the built form/design of the dwellings, no. 35 is stepped forward, forming an alternate building line. The proposed dwelling is to be situated in the middle of these properties, forming a bridge between both building lines. It is therefore considered, that in this instance the proposed siting and layout of the dwelling would be acceptable and due to the limited height of the dwelling, Officers consider that important views towards the undeveloped grassland to the west, would be maintained and therefore the proposals are considered to accord with Principle 5.

Principle 14 of the Housebuilders design guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality. Principle 15 of the Housebuilders design guide 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.

The proposed dwelling is to be constructed utilising a pitched roof design which is reflective of adjacent neighbouring properties. In addition, the dwelling is to be stepped down from the ridge of no. 33 Arthur Street by approximately 0.4m, this ensures that the proposed dwelling is not overbearing or overly dominant on this adjacent property, or within the streetscene. In terms of materials, the dwelling is to be constructed from coursed brickwork with concrete roof tiles. It is considered reasonable that a condition be attached, should planning permission be granted, which requires samples of these external materials to be provided prior to their installation. This is to ensure that the materials are sympathetic and of a high quality, allowing the new dwelling to blend in seamlessly.

Looking at the design of the dwelling, as noted above the proposed roof design is considered acceptable. A large box dormer window is proposed to the rear of the property, this element of the scheme is considered appropriate as these types of dormer windows are prevalent along Arthur Street. In addition, the provision of a bay feature to the front elevation is welcomed, as this again is reflective of the features found within adjacent properties within the area. Whilst it is unfortunate that the access into the property is not provided within the principal elevation of the dwelling, fronting the highway, Officers acknowledge that this would disrupt the internal layout of the dwelling and given the restricted nature of the site and that this arrangement can be found within dwellings to the north Officers consider it, on balance, to be acceptable on this occasion. Finally, in terms of windows, the number and style of windows proposed within the property are considered to be reasonable and of a design that is comparable with other dwellings in the area.

To conclude, the proposal would not cause undue detrimental harm to the visual amenities of the locality, and are therefore considered to accord with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework and Principles 2, 5, 13, 14, and 15 of the Housebuilders Design Guide SPD.

3 – Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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.”* In addition to this, Principle 17 of the SPD states

that all new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site.

Paragraph 185 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Impact on no. 33 Arthur Street

This neighbouring property is located to the south of the application site, approximately 1.3m away from the southern elevation of the new dwelling. Given the site's southern location Officers have no concerns in respect of loss of light or overshadowing. In addition, as no windows are proposed within the southern elevation of the dwelling, there are no concerns in respect of overlooking or the loss of privacy. Finally, whilst it is noted that the new dwelling is to be located a short distance away, as no windows are located within the northern elevation of no. 33 and that the proposed dwelling is to be stepped down from the ridge of no. 33, Officers do not consider the proposals to appear overbearing or overly dominant on this neighbouring property on this occasion. This property would retain a good area of amenity space to the rear with open outlook.

Impact on no. 35 Arthur Street

This neighbouring property is located to the north of the application site, approximately 9.7m away. Whilst it is acknowledged that 2 windows are proposed within the northern elevation of the new dwelling, these windows relate to non-habitable rooms but given their orientation looking towards a habitable room window within the southern elevation of no. 35, it is considered reasonable to include a condition which requires these windows to be obscurely glazed in the interests of residential amenity. Furthermore, Given the large separation distances, Officers have no concerns in respect of overshadowing. Finally, the proposed dwelling is to be single storey in height (utilising the roof space), this coupled with the large separation distances is considered to be sufficient to ensure that the proposals would not appear overbearing or overly dominant on no. 35 in this instance.

Impact on no. 38A Arthur Street

This neighbouring property is located to the east of the application site, approximately 21.7m away. Given this large separation distance and that the dwelling is to be single storey in height/appearance, Officers have no concerns in respect of overlooking, overshadowing, or the proposals appearing overbearing or overly dominant on no. 38A Arthur Street.

Amenity of future occupiers of the proposed dwelling

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015). Internally, the proposed dwellings would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), therefore Officers are content that the proposed dwelling would provide an adequate standard of amenity for future occupiers. In addition to this, all habitable rooms have access to at least 1 window and therefore outlook and natural light are considered to be acceptable. Finally, in terms of amenity space, Principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character/context of the site is provided. In this instance Officers consider that the amount of private amenity space provided would be adequate given the size of the dwelling, context of the area and that these amenity areas would receive sunlight throughout the day.

In addition to the above, the Council's Environmental Health team were consulted on the proposals and noted that construction noise can give rise to the loss of amenity to neighbouring noise sensitive receptors, for this reason they recommend an informative be included which restricts noisy construction activities.

In conclusion, taking the above into account and subject to conditions, it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring properties, complying with Policy LP24(b) of the Kirklees Local Plan in terms of the amenities of neighbouring properties, as well as Principles 6, 16 and 17 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4 – Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Furthermore, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the Housebuilders Design Guide SPD sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear.

Principle 19 of the Housebuilders Design Guide SPD also states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

The proposals seek to demolish the existing detached garage associated with no. 33 Arthur Street, with the erection of 1 no. detached dwelling in its place. Car parking is proposed to the front of the property for 2 vehicles, with a new access to be created onto Arthur Street. 2 off-street car parking spaces are also shown to be provided to the front of no. 33 Arthur Street to compensate for the loss of the detached garage and driveway that currently exists at the site. Whilst it is unfortunate that all parking proposals are to the front of the site, which does not comfortably accord with Principle 12, the proposal would provide green space either side of the parking spaces retaining some softness along the street scene.

The dwelling is to comprise of 2 double bedrooms, with a study which could potentially form a bedroom in the future. Nevertheless, 2 off-street parking spaces are to be provided and this is deemed to be sufficient and in accordance with the Council's Highways SPD.

Bin storage points are also shown to the rear of the property, with sufficient space shown to the front for collection days.

Taking the above assessment into account, the proposals are not considered to result in any additional harm in terms of highway safety and as such comply with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the NPPF and Principles 12 and 19 of the Housebuilders Design Guide SPD. A condition regarding permeable surfacing to the parking spaces and a note regarding provision of dropped crossing will be added to the decision notice.

5 – Other Matters

Land Contamination

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are relevant.

The site of the proposed development is not shown to be on land identified as potentially contaminated by its previous use. However, during demolition and groundworks contamination may be encountered, therefore should planning permission be granted the Council's Environmental Health team recommend a condition in relation to unexpected contamination. The implementation of

this condition is deemed to be sufficient to comply with the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Flooding/Drainage

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

Policy LP28 of the Kirklees Local Plan states that the presumption is that Sustainable Drainage Systems (SuDS) will be used to assist in achieving the following on each site:

- a) for proposals on greenfield sites, typical greenfield run-off rates should not be exceeded;
- b) for proposals on brownfield sites there should be a minimum 30% reduction in surface water run-off where previous positive surface water connections from the site can be proven. New connections will be subject to at least greenfield restrictions;
- c) No negative impact on local water quality and improvements in water quality where practicable;
- d) Consider whether proposed open spaces and green infrastructure within sites can contribute to the sustainable drainage of the site.

The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding). In addition to this there are no specific drainage risks associated with the site (e.g., river, culvert). However, it is acknowledged that a Yorkshire Water public sewer does run through part of the site.

Due to a Yorkshire Water public sewer running through the middle of the application site, Yorkshire Water were consulted on the proposals. They confirm "Yorkshire Water has no objection to the details submitted on drawing, Plans as proposed (22137)2 (revision A) dated November 2023 prepared by JG-d Architecture and Design which shows the proposed building stand-off from public sewer centre-line (of three metres) and no trees/ soft landscaping within 5 metres of the public sewer". The suggested conditions proposed by YW would not meet the 6-tests in this case. The discharge of surface water and foul water for a scheme of this scale would be considered as part of an allied application for Building Regulations approval.

Biodiversity

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

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

Principle 9 of the Kirklees Housebuilders Design Guide SPD states that: *“Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development. At the outset of the design process the wildlife habitat network and Habitats of Principal Importance should be considered in addition to protected species and the maintenance and management arrangements for any wildlife spaces need to be clearly set out.”*

Whilst it is acknowledged that the application site is not located within a Bat Alert Area, in accordance with Local Planning Policy LP30 and Principle 9 of the Housebuilders Design Guide, A Preliminary Ecological Appraisal has been produced by JCA Limited and accompanies the application. The main recommendations from the report are summarised below:

- The proposed works provide limited opportunities to institute biodiversity enhancement.
- A landscaping plan should be devised which incorporates, as far as is practicable, native species with known benefits to wildlife common in the area.
- Boxes for bats and birds should be incorporated into the building.
- To prevent badgers becoming trapped or injured during construction, any excavations must be covered at night, or a means of escape, such as a plank must be inserted into any excavations.
- Boundary treatments must contain holes at ground level to allow hedgehogs to pass through the site.

As per the recommendation above, one north facing Swift Terrace and one south facing Bat Tube are proposed on the new dwelling and are indicated on the proposed elevational plans. A condition is recommended requesting that these integral features are incorporated into the new dwelling. This would also accord with one of the recommendations in the submitted Preliminary Ecological Appraisal which concludes “faunal boxes for bats and birds should be incorporated into the building”. It is also noted that the garden area is too modest in size to include a landscape condition.

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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

Policy LP26 of the Kirklees Local Plan sets out expectations of sustainability regarding development proposals.

The application is supported by a Climate Change Statement, this statement outlines that the developer will endeavour to source materials locally where possible, utilising smart energy metering, LED lighting and high-quality wall and roof insulation. Double glazing is also to be installed within the property. In addition, the dwelling is to accommodate a nesting boxes.

In accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers would seek the provision of an electric vehicle charging point within the curtilage of the site to serve the new dwelling. The purpose of this is to promote modes of transport with low impact on air quality. It is also noted that as a minimum the proposed dwellings would be constructed to the latest building control standards which would include efficient heating and thermal elements within the building. Given the above it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's climate change agenda in this instance.

There are no other matters for consideration.

6 - Conclusion:

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

This application has been assessed against relevant policies in the development plan and other material considerations. The proposal would remain in accordance with the development plan and there are no material considerations to indicate otherwise. The development would therefore constitute sustainable development and it is recommended for approval.

Recommendation: Approve.

Decision Authorisation: Delegated Decision

Application Number: 2023/93038

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.

1. 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, LP11, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework, and Principles 2, 4, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

2. Before the hereby approved dwelling is brought into use, one electric vehicle recharging point shall be provided within the dedicated parking area to serve the dwelling. 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 Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and Principle 18 of the Housebuilders Design Guide SPD.

3. Construction of the dwelling hereby approved above slab / foundation level shall not commence until samples of the materials to be used in the external walls and roofing of the hereby approved dwelling have been left on site for the inspection and approval in writing by the Local Planning Authority. The approved dwelling shall be constructed from the approved materials which shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure that the materials of construction are appropriate to the site and the wider context and to accord with Policy LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide, and Policies contained within Chapter 12 of the National Planning Policy Framework.

4. Prior to the development being brought into use, the hereby approved vehicle parking and access areas for the new dwelling and no. 33

Arthur Street 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 surface and drained in accordance with the aforementioned 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) this shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s).

Reason: In the interests of amenity, traffic safety, to ensure adequate space within the site for vehicle movements and parking, and to ensure appropriate drainage of the hard standing areas, in accordance with Policies LP21 and LP28 of the Kirklees Local Plan, Chapter 14 of the National Planning Policy Framework and Principle 12 of the Housebuilders Design Guide SPD.

5. 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 Validation Report shall be submitted to the Local Planning Authority. No part of this site shall be brought into use until such time as that part of the site has been remediated in accordance with

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 183 and 184 of the National Planning Policy Framework.

6. The windows within the northern elevation of the dwelling hereby approved, to serve the downstairs W.C and upstairs en-suite, shall be first fitted with obscure glazing minimum grade 4. Notwithstanding the provisions of Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the windows shall thereafter be so retained in obscure glazing.

Reason: To protect the amenity of neighbouring properties, in accordance with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide SPD.

7. Notwithstanding the approved plans and information, 1 new bat tube similar to the Schwegler type 1FR bat boxes, and one swift box shall be installed integral to the new dwelling during the period of construction as shown on the proposed elevation plan and referenced within the Preliminary Ecological Appraisal. Thereafter the bat tube and swift box shall be retained.

Reason: To enhance opportunities for biodiversity at the site and to accord with national guidance set out in Chapter 15 of the National Planning Policy Framework, LP30 of the Kirklees Local Plan and Principle 9 of the Council's adopted Housebuilders Design Guide SPD.

NOTE: Any resident who wishes to take their vehicle over the footway must make an application to the Council in accordance with Section 184 of the Highways Act 1980 for permission to construct a vehicular crossing facility.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. 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.*

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary 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.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
(22137)1_As Existing	-	A	7 th November 2023
(22137)2_Plans as Proposed	-	A	7 th November 2023
(22137)3_Elevations as Proposed	-	A	7 th November 2023
Climate Change Statement – Supporting Information	-	-	18 th October 2023
Planning Statement – Supporting Information	-	-	18 th October 2023
Yorkshire Water Protection of Mains and Services – Supporting Information	-	-	7 th November 2023
Preliminary Ecological Appraisal – Supporting Information	20743/AWe	-	24 th October 2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought following comments received from Yorkshire Water, who had concerns in respect of the planting proposed which would be sited over the public sewerage system and that this could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network. The applicant sought to submit amended plans outlining the location of the sewer and removal of planting from this part of the site.

Report Dated:

29/11/2023

