

**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: 2020/62/94023/E

Site Address: Land at, Battye Street, Dewsbury, WF13 1PH

Description: Erection of 4 detached dwellings

Recommending Officer: Josh Kwok

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.

Paul Dowd

AUTHORISED OFFICER

Date: 05-Mar-2021

Site Description

The site comprises a steeply sloping piece of land at Battye Street, Dewsbury, which has been taken back to soil following a previous permission on the site. The site was formally occupied by St Phillip's Church, which was demolished in the 1960s and has been left as open land for several years.

To the east and west of the site are traditional terraced properties, with more modern terraced properties to the north. To the north-east are several mill buildings and a single-storey hall, which is currently in use as a nursery. To the south of the site is Leeds Road, which is set at a much higher level than the application site.

The site is unallocated on the Kirklees Local Plan.

Description of Proposal

Planning permission is sought for the erection of 4 no. three-storey detached dwellings. They would be three-storeys in height to the front and drop to two storeys in height to the rear. They would all have an integral garage at the ground floor and a driveway to the front. Each house would have three bedrooms.

The vehicle access would be provided via Battye Street.

History of negotiations/amendments received

Some minor amendments were sought in relation to the site layout. The revised drawings and other supporting information were received on 10-Feb-2021. No further details or changes were requested thereafter.

Relevant Planning History

2019/90844	Discharge conditions 3, 4, 5, 7, 8, 13, 14, 16, 19 on previous permission 2018/92390 for erection of 7 dwellings
2018/92390	Erection of 7 dwellings
2017/90211 development	Outline application for the erection of residential Section 106 Outline Permission
2017/93614	Reserved matters application pursuant to outline permission 2017/90211 for erection of residential development (15 apartments) Approval of reserved matters

2015/90068

Outline application for erection of up to 4 dwellings
Granted under Reg 4. General regulations

Representations

This application was publicised by neighbour letter, which expired on 21-Jan-2021. No representations were received following this publicity.

Consultation Responses

The following is a summary of Consultee advice received in relation to the current application and the approved scheme in 2018. (more details are contained in the Assessment section of the report, where appropriate):

- **K.C Highways Development Management** – No objection subject to condition
- **K.C Ecologist** – No objection subject to condition
- **K.C Environmental Health** – No objection subject to condition
- **The Coal Authority** – No objection subject to condition
- **K.C Highway Structures** – No objection subject to condition

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 03** – Location of new development
- **LP 11** – Housing mix and affordable housing
- **LP 20** – Sustainable travel
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and geodiversity
- **LP 51** – Protection and improvement of local air quality
- **LP 52** – Protection and improvement of environmental quality
- **LP 53** – 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) published 19th February 2019, 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 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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

Assessment

Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area, as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The principle of developing the site for housing was first established in 2014 and subsequently reaffirmed in 2018. Since the grant of planning permission in 2018, the planning policies have changed considerably at local and national level. None of these changes, however, indicate the principle of the current scheme should be considered differently than that of the approved scheme in 2018.

The site is in the vicinity of Dewsbury Town Centre with accessible local shops and services. It also benefits from good connectivity to the town and city centres nearby. Therefore, it is in a sustainable location suitable for residential development. The proposed use would represent a more effective use of land than the current use, contributing positively to the supply of homes, in accordance with chapter 5 and 11 of the NPPF.

As set out in the Kirklees Council's Authority Monitoring Report, the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).

As the KLP was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the KLP. Chapter 5 of the NPPF clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

On this basis, it is concluded that the principle of developing the site for housing could be supported, in accordance with policies LP1, LP2, LP11 and LP20 of the KLP and chapters 5, 9 and 11 of the NPPF.

Impact on visual amenity:

The proposal comprises four detached dwellings, each with a parking area to the front and a garden to the rear. All houses would be three-storey in height, placed diagonally across the site. Due to the substantial change in land levels, the houses would appear three-storey on Battye Street and two-storey on Leeds Road. Concerning the scale of development, it is acceptable from a visual amenity perspective, for the houses directly adjacent are all three-storeys in height.

Battye Street is set on a slope and, therefore, the roof line along it drops gradually from the east to the west. The proposed development would follow the established roof line along Battye Street, making it less prominently and intrusive in the local street-scene, notwithstanding its different roof design. The buildings on each side of the site are not built in a straight line. 39 Leeds Road, for example, is recessed from Battye Street considerably more than 2 Church Hill. In this respect, the site layout concerned would not disrupt the building line along Battye Street and would not harm the local street-scene. There would be appropriate spacing achieved between the existing and new developments, to avoid the creation of a cramped built environment that would be harmful to visual amenity. On this basis, the scale and layout of this proposal are both acceptable in respect of policy LP24 of the KLP.

The new houses are to be constructed with brick, stone, render and grey tiles. Since there is a degree of variation in terms of the construction materials of the houses nearby, officers find that the chosen materials could be acceptable, in principle. Nevertheless, to ensure a satisfactory appearance of development is achieved upon completion, a condition should be imposed to require that the development be constructed in accordance with the materials specified in the application form and, thereafter, be retained.

The houses would all have a dual-pitched roof with its ridge set perpendicular to Battye Street. This would be different from most houses along the same road. The proposed design would, to a degree, affect the local street-scene, making the new houses notably different from the those surrounding them. Nonetheless, it is noted that the terraced houses on Church Hill to the western aspect of the site, for instance, do not face directly towards Battye Street.

As well as this, the new buildings would closely follow the roof line of the existing buildings along Battye Street. Given this, the layout would not appear overly dominating or incongruous in the street-scene. The houses would comprise a few contemporary design features in their front elevations. These features could be acceptable in the context of the site and its surroundings, characterised by a mix of house types and designs. The fact the balconies would be incorporated within the buildings would minimise the potential of impact on visual amenity. For these reasons, there are no issues in design terms. The curtilage of each house would be enclosed by a regular coursed natural stone wall to the front and 1.8m timber fences to the side and rear. These boundary treatments are satisfactory visually in respect of the relevant KLP policies.

Due to the roof design of the current scheme, unsympathetic roof extensions potentially permitted under Class B of Part 1 of Schedule 2 of the GPDO 2015 (as amended) could prejudice visual amenity and the local-street scene, contrary to the aim of achieving good design outlined in policy LP24 of the KLP and chapter 12 of the NPPF. As such, it is necessary, on this occasion, to withdraw the permitted development rights for roof extensions within Class B. In addition, the permitted development rights for extensions and buildings must be removed from the dwelling adjacent to 39 Leeds Road, for it would only have a modestly sized rear garden. Further extensions and buildings permitted under Classes A and E could result in overdevelopment of the site.

In short, the development under consideration is of a satisfactory quality in scale, layout, design and materials. It would not unduly prejudice the overall appearance of the houses nearby, nor would it detract from the prevailing character of this neighbourhood. The potential of impact on the local street-scene is considered low and acceptable. With all planning conditions imposed, the current scheme complies with policy LP24 of the KLP and chapter 12 of the NPPF.

Impact on residential amenity:

The proposal is for the erection of four detached dwellings on land that comprises an overgrown grassed area. Given this, it is acknowledged the presence of new buildings could potentially affect the living conditions of the occupants of the existing houses on Church Hill, Battye Street and Leeds Road. The residential amenity impact of this development is addressed as follows.

The terraced houses on Church Hill face towards the application site. There is a grassed area of approximately 7.8m between these houses and the site. The proposed development would be set back from the western boundary by 3.5m, resulting in a separation distance of nearly 14.0m between the external side wall of this development and the external front wall of all houses on Church Hill. This separation distance would satisfactorily mitigate the overshadowing and overbearing impacts upon these residents.

The proposed dwellings would be no higher than the dwellings approved in 2018. There would be appropriate boundary treatments installed along the western boundary to avoid a direct overlooking impact upon the occupants of these neighbouring houses. Given all new houses would have no habitable room windows in the side elevation, it is concluded that the potential of impact on privacy could, on balance, be acceptable in this instance, notwithstanding the close spatial relationship, as discussed earlier.

To safeguard the amenity of these occupants further, a condition should be imposed to require that all boundary treatments be installed in accordance with the approved details shown on the site plan before the dwellings are occupied. In addition to this, no new openings should be inserted in the western (side) elevation of the development concerned, without prior written approval of the Local Planning Authority. This would be achieved by condition. Subject to that, the living conditions of these residents would be preserved, in line with policy LP24(c) of the KLP.

To the eastern aspect of the site is a row of terraced houses known as 39-45 Leeds Road. No.39 is directly adjacent to the site boundary. The front elevation of these houses faces towards Leeds Road. Their rear gardens could be visible from Battye Street. As noted earlier in the visual amenity section, the new houses would be placed diagonally across the site, meaning that the one closest to 39 would be recessed considerably from Battye Street, with minimal impact on the rear garden of no.39. In addition, the external rear wall of the proposed development would be set back slightly from the external front wall of this adjacent end-terraced house. Consequently, the proposal would not give rise to significant overbearing and overshadowing impacts upon these neighbours. For the same reason, given in relation to the houses on Church Hill, the permitted development right for inserting new openings must be withdrawn from the eastern (side) elevation of the dwelling next to 39 Leeds Road.

There are no houses directly opposite to the application site, although the terraced houses at 39-51a might be visible from the front-facing windows and balconies of the new houses. The overlooking relationship would not be direct

and, therefore, would not materially affect the living conditions of these neighbouring houses. An appropriate separation distance would be achieved between the existing and new development, thus avoiding any unacceptable overbearing and overshadowing impacts upon these residents.

The scale of the new dwellings is acceptable to provide a good level of amenity for the future occupiers. The garden spaces are also proportionate to these dwellings in size, thus complying with Paragraph 127 of the NPPF, which states that planning decisions should “create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users”. The floor space proposed internally would comply with the Nationally Described Space Standards.

Since the site is directly adjacent to Leeds Road: a busy classified A road, the future occupants of the dwellings might be exposed to an unacceptable level of noise resulting from road traffic, if no mitigation measures are to be incorporated into this residential scheme. The applicant submitted a noise impact assessment produced by Acoustic Solutions, dated 19-Jul-2020, which was approved by the Environmental Health Services in the discharged of conditions application 2019/90844. Officers find the recommendations detailed in this assessment are still relevant to the current residential development and would still be required to make it acceptable in terms of residential amenity. Thus, a condition should be imposed to require that all noise mitigation measures should be adopted in accordance with the approved details in the noise impact assessment before the development is brought into use. This is in line with policy LP52 of the KLP and chapter 15 of the NPPF.

No other houses in the vicinity of the application site would be adversely affected by the current scheme in respect of residential amenity. In short, the proposal, subject to the recommended conditions, accords with policy LP24(c) of the KLP and chapter 12 of the NPPF.

Impact on highway safety:

The proposal would intensify the current use of the site through the erection of four detached dwellings. Given the site already benefits from planning permission for 7 terraced houses, the current scheme is not expected to result in a greater impact on highway safety and efficiency than the approved scheme.

The applicant suggested that, due to the difference between the current and approved schemes, it is no longer necessary to erect a new retaining wall adjacent to Leeds Road. The Highway Structure Team agreed with this and advised that the planning condition relating to highway structure could now be removed, subject to the residential scheme being built in accordance with the revised details.

To achieve a satisfactory layout and to avoid obstructions to the site access, a condition should be inserted to the decision notice, requiring the applicant to

remove the permit holders only parking bays to the front of the application, through an amendment to the traffic regulation order. This permit holders only parking bays should be removed in accordance with the approved permit holders plan (20178-D06-A) before the dwellings are brought into use. Subject to these conditions, the Highways DM Team has no objection to this development.

There would be an appropriate level of off-street parking provision available to the future occupants of the dwellings, in line with the KC Highway Design Guide. Subject to a condition requiring all areas to be used for parking be drained and surfaced appropriately, there are no issues in terms of parking. The proposal complies with policies LP21 and LP22 of the KLP and chapter 9 of the NPPF.

Other matters

Air Quality

Most of the site is within an area that has been identified as one where the air quality objectives are not currently being achieved. It would be difficult to arrange the site so that the proposed dwellings would be able to obtain a satisfactory source of air, but alternative air quality mitigation measures are available. In this respect, the current scheme could not be supported without the applicant providing a detailed whole property ventilation scheme showing how a satisfactory supply of air can be provided throughout the property. A condition must be imposed to require the submission of a ventilation scheme before the development commences. Without this condition, the proposed development would not accord with policy LP51 of the KLP and chapter 15 of the NPPF.

Ecology

An informal consultation was carried out with the Council's Biodiversity Officer under the previous planning application 2018/92390, as the site is located within the bat alert layer. The Officer considered it appropriate to add a condition from the previous permission for the provision of a Woodcrete sparrow terrace and two bat tubes, to provide bird and bat nesting opportunities within the site. This is considered sufficient to comply with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

Drainage

Policy LP28 of the KLP establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. In this case, all surface water is to be directed to an attenuation tank.

The applicant submitted appropriate testing to demonstrate the attenuation tank would have enough capacity to process surface water in extreme weather conditions. However, it falls short of indicating the precise location of

this attenuation tank. Therefore, a condition should be inserted to the decision notice to require a scheme detailing surface water and land drainage be submitted and approved before development on the superstructure of the new dwellings commences.

It should also state that the dwellings should not be occupied until such an approved scheme has been provided on the site to serve the development. With this condition imposed, the proposed development could be supported in respect of policy LP28 of the KLP and chapter 14 of the NPPF.

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 pre-dates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal is the erection of four detached dwellings. To ensure it contributes positively to mitigating the impact of climate change and air quality, a condition should be inserted to the decision notice requiring an electric vehicle recharging point be provided within the site for the future occupants of each dwelling. This is to comply with the aims of policy LP24 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Land stability

The application site is situated in a "Development High Risk Area" as identified by the Coal Authority. This application is supported by a Coal Mining Risk Assessment and a geo-environmental appraisal, which have been reviewed by the Coal Authority. After considering the submitted information, the Coal Authority confirmed that the proposed development could be acceptable in terms of policy LP53 of the KLP and chapter 15 of the NPPF.

There are no other matters considered relevant to the determination of this application.

Representations

No representations received following the statutory publicity.

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 – Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number: 2020/94023

Officer Recommendation: Conditional Full Permission

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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The external walls of the detached dwellings hereby approved shall be faced with natural coursed stone, brick and render and the roofs shall be covered with grey coloured tiles in accordance with the approved design and access statement and drawings and thereafter be retained.

Reason: In the interests of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

4. The detached dwellings hereby approved shall not be occupied until each plot has been enclosed by regular coursed natural stone walls and 1.8m timber fences in accordance with the details shown on the approved site plan (20178-D03-A) and thereafter be retained.

Reason: In the interests of visual and residential amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

5. A scheme detailing surface water and land drainage shall be submitted to and approved in writing by the Local Planning Authority before development on the superstructure of the new dwelling commences. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway as an effective means of drainage of surface water on the site. Where a septic tank is proposed, details shall be submitted to demonstrate that this is sufficient to meet the requirements on the site. The dwelling shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

Reason: In the interests of satisfactory and sustainable drainage to accord Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. The detached dwellings hereby approved shall not be brought into use until all areas to be used for parking and access have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 and access thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for parking and to ensure that any hard standing area within the site is appropriately drained in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, and Chapters 9 and 14 of the National Planning Policy Framework.

7. The detached dwellings hereby approved shall not be occupied until the permit holders only parking bays across the frontage of the application site have been removed, in accordance with the approved permit holder plan (20178-D06-A).

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy produced by G&M Consulting Ltd dated June 2019. If remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation

Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure that unacceptable risks to human health and the environment from a coal mining features and hazards have been appropriately remediated in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

10. If contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority, works on site shall not recommence until either (a) Remediation Strategy has been submitted to and approved in writing by the 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. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

Reason: To ensure that unacceptable risks to human health and the environment not previously identified are appropriately remediated in accordance with Policy LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

11. The detached dwellings hereby approved shall not be occupied until all works specified in the approved noise impact assessment produced by Acoustic Solutions dated 19-July-2019 have been carried out in full and such works shall be thereafter retained.

Reason: To protect the residential amenity of future occupiers and to accord Policy LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

12. Before development commences a report detailing how the elevated levels of poor air quality in the area shall be mitigated against to protect the future occupiers of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be installed before the development is first occupied and retained thereafter.

Reason: To protect the residential amenity of future occupiers and to accord with the aims of the National Planning Policy Framework and Policy LP51 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any identified mitigation measures are incorporated into the development at the appropriate stage.

13. Prior to occupation of each dwelling, an electric vehicle recharging point shall be installed in accordance with the approved drawing 20178-D04-A. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging points so provided shall be retained.

Reason: To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the guidance in the National Planning Policy Framework.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created within the East and West elevations of the development hereby approved.

Reason: To not detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

15. Notwithstanding the submitted plans and information, the provision of one Woodcrete sparrow terrace shall be installed on a suitable northern aspect elevation of one of the new dwellings, and two bat tubes (Schweglar type 1FR or similar) shall be fitted integral to suitable southerly aspect elevation of each new dwelling. The bird and bat nesting opportunities shall be provided before the dwellings are first occupied and retained thereafter.

Reason: In the interests of the biodiversity of the site and in accordance with guidance contained within Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class B of Part 1 of Schedule 2 to that Order shall be carried out to each dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity and so as to avoid harm to the local character and street-scene, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class E of Part 1 of Schedule 2 to that Order shall be carried out within the curtilage of the dwelling immediately adjacent to 39 Leeds Road, Dewsbury without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity, to achieve a satisfactory layout and to avoid overdevelopment of the site, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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 (Kirklees street scene 01484 221000) to obtain this permission and approval of 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: It is brought to the Applicants' notice that the Highway Department, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees street care 0800 7318765 or 'highways.section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under section 38 of the Highways Act 1990.

NOTE: A competent person should undertake any noise survey and developers may wish to contact the Association of Noise Consultants <http://www.association-ofnoiseconsultants.co.uk/Pages/Links.htm> (01736 852958) or the Institute of Acoustics <http://www.ioa.org.uk> (01727 848195) for a list of members.

NOTE: 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 may 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
Drainage details	D01	P1	10-Feb-2021
Permit holders' area	D06	A	09-Feb-2021
Location plan	20178-D01-A		15-Dec-2020
Vehicle charging units	20178-D04-A		15-Dec-2020
Boundary treatments	20178-D03-A		15-Dec-2020
Proposed plans and elevations	20178-D02-A		15-Dec-2020
Drainage testing	SW Network 1 IN 10		10-Feb-2021

Drainage testing	SW Network 1 IN 30		10-Feb-2021
Drainage testing	SW Network Rev A dated 25 11 19		10-Feb-2021
Surface water drainage maintenance and management schedule			10-Feb-2021
Sound impact report 4			10-Feb-2021
Geo-environmental appraisal			10-Feb-2021
Remediation strategy			10-Feb-2021
Coal mining risk assessment			10-Feb-2021
Planning statement			15-Dec-2020

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 has, 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.

In this case, some minor amendments were sought in relation to the site layout. The revised drawings and other supporting information were received on 10-Feb-2021. No further details or changes were requested thereafter.

Report Dated: 03-Mar-2021