

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2023/61/92700/E

Site Address: Land at, Whitley Road, Whitley, Dewsbury, WF12 0LZ

Description: Reserved matters application for erection of one dwelling pursuant to outline permission 2020/93432 (APP/Z4718/W/21/3274396) for erection of residential development

Recommending Officer: Nicole Helliwell

DECISION – APPROVAL OF RESERVED MATTERS

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 19-Jan-2024

Officer Report

Site Description

The application relates to a parcel of land off Whitley Road in Whitley, Dewsbury. The area is rural and the site is allocated as Green Belt land on the Kirklees Local Plan. The neighbouring dwellings in the immediate vicinity comprise red brick properties with variations in plot size, scales, styles and ages. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

The proposal is a reserved matters application pursuant to outline permission 2020/93432 (APP/Z4718/W/21/3274396) for the erection of residential development, with all matters reserved for approval at a later stage. The original outline permission was initially refused but upheld at appeal. Although this permission did relate to two dwellings, the description of proposal was 'Outline application for erection of residential development.' Therefore, despite this reserved matters application relating to one dwellinghouse, the description remains appropriate. All those reserved matters are now sought for approval (access, appearance, landscaping, layout and scale).

The proposed dwelling would be three storeys in height and would be of a traditional design. The dwelling would be faced in natural stone and would incorporate a dual-pitched roof finished in natural/artificial blue slate with powder coated aluminium/UPVC windows. The proposed dwelling would measure approximately 15.58m in width and approx. 16.4m in depth with an overall height of approx. 9.92m. The dwelling would benefit from a large driveway to the front and a detached garage to the rear of the site. The detached garage would measure approx. 6.1m in width, approx. 6.1m in depth and approx. 5.15m in overall height. Furthermore, garden areas would be provided to the front and rear of the proposed dwelling with a patio area also to the rear.

History of negotiations/amendments received

No amendments or additional plans have been sought or received during the course of the application.

Relevant Planning History

- **2020/93432**: Outline application for erection of residential development. [Planning application details | Kirklees Council](#) – Refused
- **2002/91142**: Erection of 3 detached dormer bungalows with integral garages. [Planning application details | Kirklees Council](#) – Refused
- **97/92899**: Outline application for erection of 2 no. Detached houses and garages. [Planning application details | Kirklees Council](#) – Refused

Representations

The application was advertised by neighbour letters, which expired on 15th November 2023. Two representations were received following the statutory publicity. The comments made have been summarised below:

- The said land is green belt.
- To my knowledge no such plans appear on the unitary plans, therefore no building can take place on green belt land.
- Planning permission has already been declined on 5 separate occasions. The last time was 2020/93432 and the time before that was 2002/62/91142/E2. I ask you to look at the reasons this was declined as circumstances have not changed.
- For access to this land, the hedge has been deliberately destroyed by the previous owner of the land. It's effected the countryside and vegetation.
- My property is adjacent to the land in question and any building would reduce the natural light into my property and will affect my living conditions.
- My privacy is going to be badly affected, you will be able to see directly into my kitchen and hallway windows.
- Whitley road is already very busy and used as a cut through and is already troubled with speeding vehicles.
- Noise, disturbance and smells. This will be considerable due to the closeness of the proposed building works. Noise and smell from diggers and lorries. The amount of dust and dirt it's going to create and impact not just my property but myself.
- The plans show a very large property, with a modern design. I fear it will also have a high boundary wall with gates. It is not in keeping with surrounding houses in the village.
- Already the hedgerow along the road has been ripped out destroying the habitat of animals & birds living in it.
- The design will not be in keeping with the existing houses in the village, and the layout is different from the outline plans in the previous application (2020/93432 - case ref FS-Case-274296844) and completely obstruct our view.
- The dwelling will not be in keeping with the existing quiet, older houses. I am concerned it will be a modern looking ugly property.
- Objections already lodged to application 2020/93432 and the plans seem to have changed; the property looks bigger and blocks the whole width of our view.
- The proposed house will be completely blocking our view, changing the lovely outlook of open fields & cows grazing to brick walls.
- My privacy will be badly affected - having to close curtains as we will be completely overlooked.

- Possible parking on the road by visitors to the property which will be extremely dangerous due to the busy traffic, and having to look out on to that.
- The occupiers may have noisy social gatherings which we do not have here in Whitley.
- The property directly next to the proposed building will be badly overlooked - the site being literally the other side of their boundary wall, and only a few feet away. Their right to sunlight & daylight will be massively affected. They will be completely overlooked.

Parish/Town Council Comments

Not Applicable.

Local Ward Members

Not Applicable.

Consultation Responses

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

KC Environmental Health - No objections subject to recommended conditions
KC Highways Development Management – No objections subject to recommended conditions

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).

The site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 11** - Housing Mix and Affordable Housing
- **LP 20** - Sustainable Travel
- **LP 21** - Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design

- **LP 26** - Renewable and Low Carbon Energy
- **LP 28** - Drainage
- **LP 30** - Biodiversity & 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) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. 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 13** – Protecting Green Belt Land
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment

1. Principle of Development

NPPF Paragraph 12 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.

Policy LP2 states that: *“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*

The principle of residential development has already been established via the granting of outline permission 2020/93432 (APP/Z4718/W/21/3274396) which this permission is pertinent to. The principle of development was granted under the outline application and cannot be assessed again. However, this reserved matters application will consider the access, appearance, landscaping, layout and scale of the development against the current local and national policy frameworks and supplementary planning documents.

1. Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places) whereby Paragraph 131 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 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 LP24 states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

Paragraph 133 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 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. Also relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

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

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

Further to this, Principle 13 of the Housebuilders Design Guide states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The proposed dwelling would be three storeys in height and would be of a traditional design. The dwelling would be faced in natural stone and would incorporate a dual-pitched roof finished in natural/artificial blue slate. The property would also incorporate powder coated aluminium/UPVC windows and the arrangement of fenestration and openings would be typical of this style of dwelling. Although, the dwellings within the immediate vicinity are generally constructed in red brick, given the lack of uniformity and the use of stone within the street scene, it is considered that the dwelling would not appear discordant and would harmonise well into the surrounding townscape.

The dwelling would not be overly dominating and would generally respect the existing building line along Whitley Road. In terms of footprint and massing, the property would not be out of keeping with the neighbouring dwellings given that there is already a degree of variation with regard to scale and design. The proposed dwelling, by virtue of its design, scale, massing and roof line, is considered to be in keeping with the existing development and as such, it is considered that the proposed dwelling

would sit comfortably within the existing street scene and against the neighbouring properties.

The application site is also of a sufficient size to support a dwelling as proposed with a parking area, private outdoor amenity space and a detached garage. Furthermore, the development would not appear overly cramped, or cause any undue harm to the character and appearance of the area. Whilst the scale of the dwelling is deemed acceptable, it is considered appropriate to include a condition (should planning permission be granted) removing permitted development rights for any additions to ensure the site does not become overdeveloped.

The submitted plans and application form provide limited information regarding the proposed boundary treatments. Therefore, in the interest of visual amenity and to ensure that a satisfactory appearance of development is achieved upon completion, a condition will be imposed requiring details of the position, height, and materials of all boundary treatments to be submitted to and approved in writing by the Local Planning Authority.

It is therefore considered that, subject to conditions, the proposal would not cause detrimental harm with regard to visual amenity and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, 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 of Neighbouring Residents

Sections B and C of Policy LP24 state 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 135 (f) 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.”

The SPD also provides advised separation distances for two storey dwellings:

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

There are no residential properties located to the rear of the application site that would be affected by the proposed development.

Impact on Aquaville, Whitley Road

Aquaville is a two storey detached property located south-west of the application site. The submitted site plan demonstrates that approximately 25.6m would be retained between the new dwelling and the side elevation of the neighbouring property. Therefore, given that the separation distance would be substantial, it is considered that the new dwelling would not cause any undue harm to the neighbouring occupants with regards to overbearing, overshadowing or overlooking.

Impact on Bagdale, Whitley Road

Bagdale is a residential property located north-west of the application site. It is noted that the neighbouring property would occupy a position approximately 21.4m from the front elevation of the new dwelling. Windows are proposed to the front elevation of the proposed dwelling, serving both habitable and non-habitable spaces. However, given that the separation distance maintained would be sufficient, it is considered that the proposal would not raise any significant concerns regarding overshadowing/loss of light/overbearing impact.

Impact on Rydal Mount, Whitley Road

Rydal Mount is a two storey semi-detached property located north-east of the application site. The proposed street scene elevation demonstrates that a distance of approximately 10.3m would be retained between the side wall of the dwelling and the neighbouring property and approx. 7.8m would be maintained between the neighbour's single storey element and the new dwelling. Whilst the plans confirm that the new dwelling would contain five windows at ground and first floor level within the side elevation, these would be secondary windows or would serve non-habitable rooms. Furthermore, a condition requiring all fenestration within the north-eastern side elevation to be obscure glazed will be added to the decision notice to prevent any detrimental harm to the neighbouring

occupants with regard to residential amenity. Although it is noted that the neighbouring property contains fenestration at ground and first floor level within its gable end and within its single storey side projection, these windows serve a hall way, toilet and a kitchen which are non-habitable rooms and therefore would not warrant the same protection. Furthermore, these windows would be separated from one another by the existing and proposed driveways. On this basis, it is considered that there would be no significant harm with regard to loss of light, overshadowing and overbearing impact.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process. Therefore, should the application be approved, a footnote will be imposed limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and Paragraph 135 (f) of the National Planning Policy Framework.

3. Impact on Residential Amenity of Future Occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.

National described space standards require the following gross internal floor area for a three storey dwelling:

- 4 Bedroom, 5-person dwelling set over 3 storeys - 103 square metres
- 4 Bedroom, 6-person dwelling set over 3 storeys - 112 square metres
- 4 Bedroom, 7-person dwelling set over 3 storeys - 121 square metres
- 4 Bedroom, 8-person dwelling set over 3 storeys - 130 square metres

The proposed floor plans show the proposal would have four bed spaces and therefore is required to have an internal floor space of 130m². The proposal is shown to have an internal floor space of 380m² which would comfortably exceed the guidance for a three storey dwelling. It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light. Furthermore, garden areas are proposed to the front and rear of the dwelling. For these reasons, it is considered that the proposal would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers in accordance with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 135 (f) of the National Planning Policy Framework.

4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 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.

Planning application number 2020/93432 was approved at appeal in August 2021. This indicated 2 plots, however the description of development did not specify numbers of dwellings. In any case, this application relates solely to plot 2 on the eastern side of the site. At the time of the appeal, the inspector made the following comments regarding highway matters.

The Highway Authority makes references to the undertaking of a speed survey on Whitley Road to demonstrate that the proposed achievable sightlines are appropriate to the 85 percentile speeds on the 30mph limit road. However, the speed limit on the road is not high and there are other drives serving existing properties on Whitley Road, many of which do not provide for vehicles to enter and leave in a forward gear. Given the size of the plot, internal vehicle turning would be possible at the dwelling. Whilst additional trips would be generated, the number of movements associated with the new dwelling would not materially impact upon the surrounding highway network.

The submitted plans show a four bedroomed detached house with a detached double garage and a driveway accessed directly from Whitley Road. The driveway has sufficient space to allow interval vehicle turning

and additional parking. The stone boundary wall to the site frontage is also shown to be 900mm high. Therefore, given the planning inspectors comments, these proposals are considered acceptable to Highways Development Management.

Principle 19 of the Housebuilders Design Guide SPD outlines how provision for waste storage and recycling should be incorporated into the design of new developments. Although no details have been provided with regard to bin storage, the submitted plans confirm that there would be sufficient space within the site for storage purposes.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5. Other Matters

All other matters were assessed and determined under the outline planning application 2020/93432 (APP/Z4718/W/21/3274396). However, for completeness these are referred to below:

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal is for the erection of a detached dwelling. To ensure it contributes positively to mitigating the impact of climate change and air quality, a condition was added to the outline permission requiring an electric vehicle recharging point to be provided within the site for the future occupants of the dwellings. This is to comply with the aims of Policies LP24 and LP51 of the KLP and Chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

The applicant should also note that approval under the Building Regulations may be required for an EVCP, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Ecology

No ecological information was provided with the outline application. However, based on the location of the site and the nature of the proposals, it is considered that there are limited risks of significant ecological harm due to the development. Therefore, no further information is required in order to determine the application. Officers did note that a hedge is situated to the northern boundary of the site and as such, a condition to ensure the protection of nesting birds has been added. The proposals currently do not demonstrate a biodiversity net gain post-development in accordance with LP30ii which seeks to “minimise impact on biodiversity and provide net biodiversity gains through good design”. Furthermore, the site currently consists of semi-natural habitats of grassland and hedgerows, therefore a condition for an ecological design strategy (EDS) is required to secure appropriate enhancements on the site including integral faunal boxes, replacement hedgerows and connectivity for species such as hedgehogs.

Construction Noise

Residential properties are adjacent to the proposed development. Noise generated during the clearing, excavation and construction phases, may have a detrimental impact on the neighbouring residential amenity. Therefore, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

Coal Mining Legacy

The Coal Authority were formally consulted on the outline application. The Coal Authority records indicate the site is within an area of probable shallow coal mining. The outline application was accompanied by a ‘Coal Mining Risk Assessment’, (dated September 2020) prepared by RB Geotechnical. The Coal Authority concurs with the conclusion/recommendations of the assessment that there is currently a potential risk to the proposed development from unrecorded coal mine workings. In order to mitigate the risk (confirm the exact ground conditions present beneath this site) and inform the extent of remedial/mitigatory measures that may be required to ensure that the development is safe and stable, intrusive site investigations should be undertaken prior to commencement of development. As such, a condition was added to the outline permission requiring further intrusive site investigations.

Contaminated and Unstable Land

Policy LP53 of the Kirklees Local Plan relates to contaminated and unstable land. It highlights that for developments identified as being at risk of instability, measures should be incorporated to remediate the land or incorporate other measures to ensure that the instability does not have the potential to cause harm to people or the environment. A Coal Mining Risk Assessment by RB Geotechnical (dated September 2020, ref. RBG202) was submitted in support of the outline application. The document identifies that the site is in a development high risk area with a likelihood for shallow coal mining and recommends an intrusive investigation to ascertain the historic coal mining legacy at the site. Therefore, given the associated contaminated land risk, KC Environmental Health did confirm that contaminated land conditions would be necessary.

A Phase 1 Environmental Desk Study Report by Rogers Geotechnical Services Ltd (RGS Ltd) (ref: C3619/23/E/5958, dated 22/11/2023) has been submitted in support of the reserved matters application. The Phase I report provides an in-depth appraisal of the site history and previous surrounding land uses, since the 1800s, and includes a comprehensive conceptual site model. It classifies the site as being a Low–Medium risk with possible sources of contamination and pollution linkages associated with potential off-site sources. It recommends further intrusive site investigation for metals, semi-metals, non-metals, hydrocarbons and asbestos, and states that gas monitoring is not necessary unless a credible source of ground gas is discovered during any intrusive investigation. Although KC Environmental Health accept the information that has been provided in the Phase 1 Report by RGS Ltd, as this only meets part of the requirements of condition 9 of the outline application 2020/93432, it is recommended that condition 9 remains.

Flooding and Drainage

The application site lies within a Flood zone 1 of the EA's maps for planning and is at the lowest risk of flooding. It is also within Flood zone 1 on the SFRA and there are also no known watercourses running through the site. In relation to drainage, the application form provided with the outline application indicates that surface water would be disposed of via a soakaway. Therefore, a condition has been added to the decision notice stating that the surface water drainage strategy for the site shall be developed in accordance with the hierarchy of drainage and where soakaways are proposed, testing shall be provided to demonstrate that they are a suitable option for the site.

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

6. Representations

Two representations were received following the statutory publicity. The comments made have been summarised and addressed below:

- My property is adjacent to the land in question and any building would reduce the natural light into my property and will affect my living conditions.

Response: *The proposals potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- The said land is green belt.

Response: *The principle of residential development has already been established on green belt land via the granting of outline permission 2020/93432 (APP/Z4718/W/21/3274396)*

- My privacy is going to be badly affected, you will be able to see directly into my kitchen and hallway windows.

Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- To my knowledge no such plans appear on the unitary plans, therefore no building can take place on green belt land.

Response: *The principle of residential development has already been established on green belt land via the granting of outline permission 2020/93432 (APP/Z4718/W/21/3274396)*

- For access to this land, the hedge has been deliberately destroyed by the previous owner of the land. It's effected the countryside and vegetation.

Response: *The site is located within a bat alert area. However, there are no other protected flora or fauna known to be on site. Several conditions have been added to the decision notice to provide ecological enhancement.*

- Noise, disturbance and smells. This will be considerable due to the closeness of the proposed building works. Noise and smell from diggers and lorries. The amount of dust and dirt it's going to create and impact not just my property but myself.

Response: *Impacts from construction are temporary and are not material planning considerations.*

- Impact on the highway safety. Whitley road is already very busy and used as a cut through and is already troubled with speeding vehicles.

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- Planning permission has already been declined on 5 occasions. The last time was 2020/93432 and the time before that was 2002/62/91142/E2. I ask you to look at the reasons this was declined as circumstances have not changed.

Response: *The principle of residential development has already been established via the granting of outline permission 2020/93432 (APP/Z4718/W/21/3274396).*

- What the building will look like - the plans show a very large property, with a modern design. I fear it will also have a high boundary wall with gates. It is not in keeping with surrounding houses in the village.

Response: *The proposal's potential impact on the appearance and character of the street scene has been assessed within the 'visual amenity' section of the report.*

- The design will not be in keeping with the existing houses in the village, and the layout is different from the outline plans in the previous application (2020/93432 - case ref FS-Case-274296844) and completely obstruct our view.

Response: *The proposal's potential impact on the appearance and character of the street scene has been assessed within the 'visual amenity' section of the report.*

- The dwelling will not be in keeping with the existing quiet, older houses. I am concerned it will be a modern looking ugly property.

Response: *The proposal's potential impact on the appearance and character of the street scene has been assessed within the 'visual amenity' section of the report.*

- Objections already lodged to application 2020/93432 and the plans seem to have changed; the property looks bigger and blocks the whole width of our view.

Response: *Loss of view would not constitute a material planning consideration. Furthermore, the previous application was for outline permission with all matters reserved for approval at a later stage.*

- The proposed house will be completely blocking our view, changing the lovely outlook of open fields & cows grazing to brick walls.

Response: *This matter would not constitute a material planning consideration.*

- My privacy will be badly affected - having to close curtains as we will be completely overlooked.

Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

- Possible parking on the road by visitors to the property which will be extremely dangerous due to the busy traffic, and having to look out on to that.

Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

- The occupiers may have noisy social gatherings which we do not have here in Whitley.

Response: *This matter would not constitute a material planning consideration.*

- The property directly next to the proposed building will be badly overlooked - the site being literally the other side of their boundary wall, and only a few feet away. Their right to sunlight & daylight will be massively affected. They will be completely overlooked.

Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

7. Conclusion

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

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: 2023/92700

Officer Recommendation: Grant Reserved Matters

Conditions and Reasons

The below conditions are to be taken in addition to the conditions set in the prior outline permission under application 2020/93432 (APP/Z4718/W/21/3274396).

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 the aims of Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide, and Chapter 12 of the National Planning Policy Framework.

1. The detached dwelling hereby approved shall be faced in natural stone for the external walls and natural/artificial blue slates for the roof. The materials of construction shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 13 of the Council's Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

2. Prior to development commencing on the superstructure of the dwelling hereby approved, details of all the external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such.

Reason: This pre-commencement condition is in the interest of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwelling hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter

be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: This pre-commencement condition is in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 13 of the National Planning Policy Framework.

4. Notwithstanding the submitted details, the surface water drainage strategy for the site shall be developed in accordance with the hierarchy of drainage and where soakaways are proposed, testing shall be provided to demonstrate that they are a suitable option for the site. The drainage works shall be completed in full before the approved dwelling is first occupied and shall thereafter be satisfactorily retained at all times.

Reason: To ensure the provision of an adequate drainage system in the interests of amenity, environmental well-being, and to accord with Policies LP24, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Whitley Road along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

Reason: To ensure adequate visibility in the interests of highway safety and to comply with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

6. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained 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 superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. The proposed ground and first floor windows in the north-eastern side elevation of the dwelling shall be fitted with obscure glazing to at least Level 3 on the Pilkington Scale and non-opening to a height of no less than 1.7m above floor level and retained as such thereafter.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and the Housebuilders Design Guide Supplementary Planning Document.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to avoid overdevelopment in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

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) regarding 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: 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: 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 13.00hours, Saturdays
- With no working Sundays or Public Holidays

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

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Location Plan	-	-	18/09/2023
Revised Planning Drawing	05	A	18/09/2023
Street Scene Elevation	06	-	12/01/2024
Phase 1 Environmental Desk Study Report	C3619/23/E/5958	-	29/11/2023

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter. The agent has also confirmed their agreement to the pre-commencement conditions.

Dated: 16/01/2024

