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:	**2024/61/91143/E**
Site Address:	Land at, Whitley Road, Whitley, Dewsbury, WF12 0LZ
Description:	Reserved matters application persuant to outline permission 2020/93432 (APP/Z4718/W/21/3274396) for erection of residential development (plot 1)
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: 27-Aug-2024

Officer Report
Reference No. 2024/62/91143/E
Site Address: Land at, Whitley Road, Whitley, Dewsbury, WF12 0LZ
Proposal: Reserved matters application pursuant to outline permission 2020/93432 (APP/Z4718/W/21/3274396) for erection of residential development (plot 1)

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 two storeys in height and would be of a traditional design. The dwelling would be faced in 'rustic' red brick and would incorporate a dual-pitched roof finished in natural/artificial blue slate with grey traditional cottage timber windows. The proposed dwelling would have a width of approx. 18.14m, an overall depth of approx. 18.5m and an overall height of approx. 8m (excluding the chimney). The dwelling would benefit from an integral garage, a large driveway to the front and garden areas to the front and 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
- **2024/90482:** Discharge conditions 4 (boundary, 5 (drainage) on previous permission 2023/92700 for reserved matters application for erection of one dwelling pursuant to outline permission 2020/93432 (APP/Z4718/W/21/3274396) for erection of residential development.

Planning application details | Kirklees Council – Discharge of Condition(s) Approved

- **2023/92700:** Reserved matters application for erection of one dwelling pursuant to outline permission 2020/93432 (APP/Z4718/W/21/3274396) for erection of residential development. Planning application details | Kirklees Council – Approval of Reserved Matters
- **2020/93432**: Outline application for erection of residential development. Planning application details | Kirklees Council – Refused (Appeal Upheld)
- **2002/91142**: Erection of 3 detached dormer bungalows with integral garages. Planning application details | Kirklees Council – Refused (Appeal Dismissed)
- **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 3rd June 2024. As a result of the above publicity, no representations have been received.

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):

The Coal Authority – No objection to the application and the discharge of condition 5

KC Environmental Health - Officers accept the submitted information relating to Conditions 8 and 9. However, Condition 10 (Construction Hours) should remain.

KC Highways Development Management – No objection 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.

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

The proposed dwelling would be two storeys in height and would be of a traditional design. The dwelling would be faced in rustic red brick (Ibstock Townhouse Blend) with a matching soldier course detailing and would incorporate a dual-pitched roof finished in natural/artificial blue slate. The property would also incorporate grey traditional cottage timber windows and the arrangement of fenestration and openings would be typical of this style of dwelling. On this basis, it is considered that the dwelling would not appear discordant and would harmonise well into the surrounding townscape.

Although the dwelling would have a large scale, it would not be overly dominating and would 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 to the front and private outdoor amenity space to the rear. 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 confirm that the proposed boundary treatments would comprise a wall along the front boundary and a post and rail fence along the rear boundary of the site. The wall would have an overall height of 1.8m and would be constructed in brick to match the appearance of the proposed dwelling. Furthermore, it is noted that a post and rail fence would be installed to enclose the private outdoor amenity spaces to the rear of the plot. The fence would have a maximum height of 1.15m and would be constructed in timber. Given that the boundary treatments would be in keeping with those in the immediate street scene, it is considered that they would not cause any significant harm to visual amenity.

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.

3. 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 front and rear of the application site that would be affected by the proposed development.

<u>Impact on Aquaville, Whitley Road</u>

Aquaville is a two-storey detached property located south-west of the application site. The submitted site plan demonstrates that a distance of approximately 7.15m would be retained between the new dwelling and the side elevation of the neighbouring property. Although a number of the windows within the proposed dwelling would face towards the side elevation of Aquaville, it is noted that the side elevation of the neighbouring property contains no fenestration. As such, it is considered that there would be no detrimental harm with regard to loss of privacy and overlooking.

Furthermore, the submitted plans demonstrate that the proposed dwelling would extend beyond the rear elevation of Aquaville. However, it is noted that the proposal would accord with the 45 degree rule in relation to the neighbour's rear fenestration. On this basis, it is considered that there would be no significant harm with regard to loss of light, overshadowing and overbearing impact.

<u>Impact on the detached dwelling approved under **2023/92700**</u>

A new two-storey detached dwelling has been approved under planning application reference no. 2023/92700. Whilst this dwelling has not yet been constructed, consideration must be given to the future occupiers of this

property. The submitted plans demonstrate that a distance of approx. 4.6m would be retained between the proposed dwelling and the approved property. It is noted that the approved dwelling contains several windows within its gable end which would face towards the proposed dwelling. The approved plans confirm that the fenestration at ground floor level would be of secondary use and would serve a kitchen and the windows at first floor level would serve ensuites which are non-habitable rooms. Furthermore, the proposed dwelling also contains several windows within its side elevation. Whilst the fenestration proposed in its gable end would serve a coat/boot room and a bathroom, a condition requiring the windows 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.

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.

4. <u>Impact on Residential Amenity of Future Occupiers</u>

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 two storey dwelling:

- 6 Bedroom, 7-person dwelling set over 3 storeys - 123 square metres
- 6 Bedroom, 8-person dwelling set over 3 storeys - 132 square metres

The proposed floor plans show the dwelling would have six bed spaces and therefore is required to have a minimum internal floor space of 123m^2. The proposal is shown to have an internal floor space of 335.6m^2 which would comfortably exceed the guidance for a two storey dwelling with six bedrooms. 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 and off road parking would be provided to the front of

the site. 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.

5. <u>Impact on Highway Safety</u>

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 for two plots on this site was approved at appeal in August 2021. This application relates solely to plot 1 on the western side of the site. Whilst the application was originally refused due to development within the greenbelt, 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 driveways 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 six bedroomed detached house with an attached double garage and a driveway accessed directly from Whitley Road. The driveway has sufficient space to allow interval vehicle turning and additional parking. Furthermore, a note on the plan states that 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 to ensure adequate visibility. 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.

6. 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 Emergency

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.

Condition 8 on outline permission 2020/93432 (APP/Z4718/W/21/3274396) requires the submission and approval of an electric vehicle charging point scheme before the electrical system is installed. The recommendations for installing an appropriate EVCP are validated by RD Architecture's Outline Plan provided in the supporting documents. This is acknowledged, however, as the EVCP has not yet been installed and needs to be retained to comply with the condition, KC Environmental Health recommend the condition remain in perpetuity.

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 was considered that there would be limited risks of significant ecological harm being caused by the proposed development. As such, it was considered that no further information would be required to determine the application. KC

Ecology did note that there was a hedge along the northern boundary of the site and did recommend a condition to ensure the protection of nesting birds. However, during a site visit, the previous officer observed that this hedge had already been removed.

The proposals currently do not demonstrate a biodiversity net gain post development, which is a requirement of Policy LP30ii of the Kirklees Local Plan, which requires development to 'minimise impact on biodiversity and provide net biodiversity gains through good design.' The site currently consists of seminatural habitats of grassland and hedgerows. Therefore, a condition for an ecological design strategy (EDS) would secure appropriate enhancements on the site, including integral faunal boxes, replacement hedgerows and connectivity for species, such as hedgehogs. The application is considered to comply with the aims of Policy LP30 of the KLP and the aims of the NPPF.

Flood Risk and Drainage

Policy LP28 of the Kirklees Local Plan establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. The site is within flood zone 1, with no known flood risks or watercourses. The applicant has stated in the application form at outline stage that the surface water is to be discharged via a soakaway. The applicant has since submitted a plan titled 'proposed drainage' at reserved matters stage to support the application.

The PPG sets out that the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration);
1. to a surface water body;
1. to a surface water sewer, highway drain, or another drainage system;
2. to a combined sewer.

Under Policy LP28 of the Kirklees Local Plan, all new development should normally be required to demonstrate net run-off reduction. In practice, however, these principles are generally not applied for single dwellings or other housing developments of fewer than 5 units, as they are considered disproportionate. As such, the decision on whether to use mains connection or a soakaway is generally left to the developer's own discretion subject to the remit of Building Control.

Contaminated Land

Condition 9 on outline permission 2020/93432 (APP/Z4718/W/21/3274396) requires the submission and approval of contaminated land reports. The condition refers to the investigation and remediation of the site. Further to KC

Environmental Health's comments dated 4th June 2024, Officers note the email from RB Geotechnical dated 8th July 2024. The email explains that RB Geotechnical recommends replacing any made ground with site-won or imported materials; however, no made ground was identified in the intrusive investigation.

KC Environmental Health accept the information provided by email dated 8th July 2024 and now consider all pre-commencement aspects of Condition 9 to be satisfied. However, Officers recommend that Condition 9 remain in effect until further notice, as part of the condition refers to unexpected contamination (such as made ground) that may be encountered during the construction phase of the development.

Coal Mining Legacy

Condition 5 on outline permission 2020/93432 (APP/Z4718/W/21/3274396) relates to the coal mining legacy at the site. The Coal Authority were consulted as part of the outline application (2020/93432). No objections were raised by the Coal Authority, subject to the LPA imposing a suitably worded condition to secure the undertaking of intrusive site investigations as recommended by RB Geotechnical, report authors of the Coal Mining Risk Assessment (September 2020).

This reserved matters application is accompanied by a Coal Mining Investigation Report (ref. C3619/23/E/5493) prepared by Rogers Geotechnical Services Ltd. The report has been informed by the recommendations of the above CMRA and the findings of two rotary boreholes drilled to 30m depth within the site. Borehole logs and a plan to illustrate where the boreholes were drilled are appended to the report. The Coal Authority note that the investigations were carried out under the terms and condition of a Coal Authority Permit: 26961. Based on the results of the site investigations and an analysis of their findings, the report authors inform that no coal seams or evidence of workings were encountered during the investigation and no remedial and/or mitigation measures have been identified. As such, the Coal Authority have no objection to this reserved matters application and the discharge of Condition 5.

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

7. Representations

No representations were received following the statutory publicity.

8. 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: 2024/91143
Officer Recommendation: Grant Reserved Matters
Conditions and Reasons

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.

2. The detached dwelling hereby approved shall be faced in rustic red brick (Ibstock Townhouse Blend) 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.

3. 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.

4. 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.

5. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.

Reason: : To protect nesting birds in vegetation and built structures in accordance with the Wildlife & Countryside Act 1981 (as amended) and BS 42020:2013.

6. No development shall commence until an ecological design strategy (EDS) addressing ecological mitigation and enhancement has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.

a. Purpose and conservation objectives for the proposed ecological works.
b. Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.
c. Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
d. Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
e. Details of maintenance.
f. A timetable for the implementation of the EDS.

   The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: This pre-commencement condition is necessary to ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with Policy LP30.

7. The proposed ground floor and first floor windows in the side elevation of the dwelling hereby approved 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 SPD.

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**
OS Plan	0050	-	22/04/2024
Proposed Floor Plans and Elevations	0060	B	23/08/2024
Proposed Site Layout	0061	-	22/04/2024
Proposed Drainage	0063	-	22/04/2024
Soft and Hard Landscape	0064	-	22/04/2024
Proposed Boundary Treatments	0065	-	22/04/2024
Phase I Desk Study Report	RBG379	001	22/04/2024
Phase II Interpretative Report	RBG379	002	14/06/2024
Coal Mining Investigation Report	C3619/23/E/5493	-	14/06/2024

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 condition.

Dated: 20/08/2024