



**Town and Country Planning Act 1990**

**Town and Country Planning (Development Management Procedure) (England)  
Order 2015**

**OUTLINE PLANNING PERMISSION**

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**Application Number: 2018/60/91661/E**

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**To:** Andrew Stoddart,  
Vida Architects Ltd  
Round Foundry Media Centre  
Foundry Street  
Leeds  
LS11 5QP

**For:** Ernest Gordon Ltd

**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-**

PROPOSED RESIDENTIAL DEVELOPMENT - OUTLINE APPLICATION FOR  
UP TO 74 DWELLINGS WITH MEANS OF ACCESS TO, BUT NOT WITHIN,  
THE SITE

**At:** LAND AT WALKLEY TERRACE AND BRUNSWICK STREET,  
HECKMONDWIKE

**In accordance with the plan(s) and applications submitted to the Council on 19-Jul-2018, subject to the condition(s) specified hereunder:-**

1. Approval of the details of the, appearance, scale, layout and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the, appearance, scale, layout and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

**Reason:** No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** Pursuant to section 92 of the Town & Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the reserved matters.

**Reason:** Pursuant to section 92 of the Town & Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

5. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing within the development have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the number and type of affordable housing units to be provided;
- b) the layout and disposition of the affordable housing units to be provided;
- c) the timescale for the implementation and completion of the affordable housing units; and
- d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

**Reason:** To ensure the provision of affordable housing in accordance with the requirements of Policy H10 of the Kirklees Unitary Development Plan, the Council's Supplementary Planning Document 2 (Affordable Housing) and Kirklees Publication Draft Local Plan Policy PLP11. This is a pre-commencement condition to ensure the provisions for affordable housing are provided at an appropriate point taking into account the viability of the development.

6. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the layout and disposition of the public open space.
- b) the timescale for the implementation and completion of the works to provide the public open space;
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
- d) maintenance of the public open space in perpetuity.

**Reason:** To ensure the provision of open space to serve the development and in accordance with Policy H18 of the Kirklees Unitary Development Plan and Kirklees Publication Draft Local Plan Policy PLP63. This is a pre-commencement condition to ensure the provisions for public open space are provided at an appropriate point taking into account the viability of the development.

7. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of educational facilities to serve the needs of the development have been submitted to and approved in writing by the Local Planning Authority

**Reason:** To facilitate an increase in the capacity of local schools commensurate with the demands of the development and in accordance with KMC Policy Guidance 'Providing for Education Needs Generated by New Housing'. This is a pre-commencement condition to ensure the provisions of educational facilities to serve the needs of the development are provided at an appropriate point taking into account the viability of the development.

8. The development shall be served solely off the access point onto Horton Street as shown on the drawing no. PL230.

**Reason:** In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP21.

9. Notwithstanding the details shown on drawing no. PL231 Rev A, no development shall take place until details of the junction and associated highway works, between the proposed estate road and Horton Street have been submitted to and approved in writing by the Local Planning Authority. The details shall include full sections, details of speed reducing features, construction specifications, drainage works, lighting, signage, white lining, surface finishes, treatment of sight lines together with an appropriate independent road safety audit covering all aspects of the works. The development shall not be brought into use until all the works have been completed in accordance with the approved scheme.

**Reason:** In the interest of highway and pedestrian safety and to ensure that new highway structures do not compromise the safety of all those using the proposed access, in accordance with the requirements of Policy T10 of the Kirklees Unitary Development Plan and Kirklees Publication Draft Local Plan Policy PLP21. This is a pre-commencement condition to ensure that appropriate details of access can be provided without detriment to highway safety on the surrounding highway network for existing and future residents in accordance with guidance in the National Planning Policy Framework.

10. No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the approved scheme shall be fully implemented in accordance with the scheme shown on approved plans and retained thereafter.

**Reason:** In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP21. These measures are required via a pre-commencement condition as the installation of such equipment would need to precede the construction of highways on site. This is a pre-commencement condition as, due to their nature, these details must be agreed before they are implemented.

11. No development shall take place until the design and construction details of all temporary and permanent retaining structures supporting the Public Footpaths (Ref HEC/22/10/20/30) have been submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based on, method statements for both temporary and permanent works and removal of any bulk excavations, a full slope stability analysis together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land, and areas of public access. All highway retaining structures shall be designed and constructed in accordance with the approved details and shall be so maintained throughout the life of the development.

**Reason:** In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP21. These measures are required via a pre-commencement condition to ensure the proposed retaining measures are suitable prior to excavations taking place.

12. No development shall commence until a scheme detailing the location and cross sectional information together with the proposed design and construction for all the retaining walls and building walls supporting the adjacent existing highway including any proposed modifications to the existing highway safety barrier on Horton Street shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

**Reason:** In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP21. These measures are required via a pre-commencement condition to ensure the proposed retaining measures are suitable prior to excavations taking place.

13. No development shall commence until a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation culverts/ tanks located within the proposed adoptable highway footprint shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

**Reason:** In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP21. These measures are required via a pre-condition as the installation of such equipment would need to precede the construction of highways on site.

14. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routeing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

**Reason:** In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP21.

15. Any subsequent reserved matters application submitted pursuant to this outline planning permission shall include a scheme which provides details of a segregated pedestrian/cycleway route with minimal vehicular crossing points to serve housing, capable of acting as a link from the Spen Valley Green Way to the Spen Valley Ringway. Following approval of such a scheme, the scheme shall be fully implemented within a timeframe agreed in writing by the Local Planning Authority.

**Reason:** In the interests of furthering the Council's aims to create a strategic core pedestrian/cycleway/riding network within the district and to accord with Kirklees Unitary Development Plan Policy T18 and Kirklees Publication Draft Local Plan Policy PLP23.

16. No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details the proposed measures to be taken for the protection of public safety on Public Rights of Way Nos. HEC 22/10, 20 & 30 in relation to all aspects of construction works within and including access to or from the site and following the completion of the development the approved scheme shall be implemented throughout the construction period of the development.

**Reason:** This is a pre-commencement condition to ensure that an appropriate scheme is agreed in the interests of highway safety before construction works commence in accordance with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP21.

17. Prior to the commencement of cut and fill operations a scheme shall be submitted to and approved in writing by the Local Planning Authority specifying the measures to be taken for the suppression of dust arising from operations permitted by this consent. The approved scheme shall be implemented before such development commences and shall be operated throughout the life of the planning permission.

**Reason:** To protect the amenities of local residents and to accord with Kirklees Publication Draft Local Plan Policy PLP36 and section 15 of the National Planning Policy Framework.

18. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Report dated July 2017 produced by ENS :-

i. shall be completed; and

ii. written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved then a further scheme shall be submitted to and approved in writing by the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

**Reason:** To protect the amenities of occupiers of the development and to accord with Kirklees Publication Draft Local Plan, Policy PLP36 of the Kirklees Publication Draft Local Plan and section 15 of the National Planning Policy Framework.

19. No development shall commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that any on site contamination is satisfactorily dealt with and to accord with Kirklees Publication Draft Local Plan Policy PLP53 and section 15 of the National Planning Policy Framework. The information is required before development commences to ensure that any potential onsite contamination is identified and can be safely dealt with without contaminating adjacent land or ground water or surface water regimes.

20. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 19 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To ensure that any on site contamination is satisfactorily dealt with and to accord with Kirklees Publication Draft Local Plan Policy PLP53 and section 15 of the National Planning Policy Framework.

21. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 20. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or 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 ensure that any on site contamination is satisfactorily dealt with and to accord with Kirklees Publication Draft Local Plan Policy PLP53 and section 15 of the National Planning Policy Framework.

22. 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 any on site contamination is satisfactorily dealt with and to accord with Kirklees Publication Draft Local Plan Policy PLP53 and section 15 of the National Planning Policy Framework.

23. In the event that 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 site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. 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 any on site contamination is satisfactorily dealt with and to accord with Kirklees Publication Draft Local Plan Policy PLP53 and section 15 of the National Planning Policy Framework.

24. Prior to occupation of the dwellings, in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. In residential units that have unallocated parking spaces then before occupation of these units at least one electric vehicle recharging point per ten properties with the above specification shall be installed. The electric vehicles charging points so installed shall thereafter be retained

**Reason:** To accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport" and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework.

25. Any reserved matters of 'layout' of the site submitted pursuant to conditions 1 and 2 shall be accompanied by the following drainage information:

- a. details of any existing surface water flood routeing and a scheme to promote safe surface water flooding routeing for the proposed development, avoiding property and curtilage and demonstrated with topographical details. The scheme should include assessment of the effects of 1 in 100 year storm events with an additional 30% allowance for climate change, blockage scenarios and exceedance events affecting the site, notably highways flood routeing and flood routeing from attenuation systems in addition to potential flows from and to the surrounding area in both directions
- b. existing drainage infrastructure to be maintained/diverted /abandoned,
- c. a feasibility study to determine suitable outfalls for surface water via gravity connection.
- d. proposed scheme detailing separate systems of foul and surface water drainage, including off site works, outfalls, agreed discharge rates, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, and a detailed maintenance and management regime for the existing drainage systems to be maintained/diverted/abandoned together with the proposed foul and surface drainage water systems for the proposed development;
- e. an off-site requisition for foul and surface water sewers, if necessary and
- f. a flood risk assessment of the site based on a, b, c, d, and e. (above).

The resultant drainage information referred to in a, b, c, d, e, and f. shall inform the layout of the site and shall include appropriate stand-off distances between existing and proposed drainage infrastructure and buildings within the site and appropriate measures for flood risk management.

**Reason:** In the interests of achieving satisfactory and sustainable drainage of the site and to mitigate flood risk and to accord with Policy BE1 of the Kirklees Unitary Development Plan, Kirklees Publication Draft Local Plan Policies PLP27 and PLP28 and Section 14 of the National Planning Policy Framework.

26. The development shall be carried out in accordance with the drainage scheme approved pursuant to condition 25. The scheme shall include a mechanism to provide for the continued maintenance and management of the approved drainage measures. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the works comprising the approved scheme have been provided both on and off site. The approved maintenance and management arrangements shall be implemented throughout the lifetime of the development.

**Reason:** In the interests of achieving satisfactory and sustainable drainage of the site and to mitigate flood risk and to accord with Policy BE1 of the Kirklees Unitary Development Plan, Kirklees Publication Draft Local Plan Policies PLP27 and PLP28 and Section 14 of the National Planning Policy Framework.

27. No development shall commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

**Reason:** In the interests of achieving satisfactory and sustainable drainage of the site and to mitigate flood risk and to accord with Policy BE1 of the Kirklees Unitary Development Plan, Kirklees Publication Draft Local Plan Policies PLP27 and PLP28 and Section 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the provision of adequate and sustainable systems of drainage are employed prior to the existing drainage regimes being disturbed.

28. There shall be no new buildings, structures or raised ground levels within 3 metres either side of the centre line of watercourses within or along the boundary of the site.

**Reason:** To allow for sufficient access for maintenance and repair work at all times and to retain a healthy water environment in accordance with National Planning Practice Guidance.

29. No development shall commence until a geotechnical stability assessment has been submitted to and approved in writing by the Local Planning Authority which assesses the potential for excavations associated with this development to cause instability on the site or on adjacent land and appropriate remediation strategies. The scheme shall include consideration of the following issues:

- a) The physical properties of the geology on site and adjacent land including details of jointing, faulting, the dip of the strata, the presence of old workings in the vicinity and the level of groundwater and perched water tables
- b) The design of the cut and fill areas forming part of this development including the proposed overall angle of slope for each part of the site, the proposed face angle/benching arrangements.
- c) The design and construction details of all retaining structures proposed in connection with the areas to be cut and filled.
- d) The potential effects associated with backfilling the void area, including the method of compacting/engineering the backfill material to create an area suitable for building. Operations at the site shall be carried out in accordance with the approved scheme for the duration of the planning permission.

**Reason:** To ensure that the stability of the site and adjacent land is not adversely affected as a result of excavations and that adequate measures are taken to mitigate any potential impact and to accord with Kirklees Publication Draft Local Plan PLP53 and Section 15 of the National Planning Policy Framework. This information is required via a pre-commencement condition to ensure the site can be safely engineered to accommodate the development prior to excavations taking place.

30. No development shall commence until intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity have been carried out and the results submitted to and approved in writing by the Local Planning Authority. The intrusive survey results shall include the submission of a layout plan which identifies the exact location of the mine entries and appropriate zones of influence of the mine entries on site, the definition of suitable 'no-build' zones, any remedial measures necessary to satisfactorily mitigate the effect of past workings and a statement confirming that the proposed development and surrounding properties will not be adversely affected by any form of development within the western part of the site. All approved remedial works shall be carried out prior to construction works commencing.

**Reason:** To ensure that the stability of the site, adjacent land and former coal workings is not adversely affected as a result of excavations and that adequate measures are taken to mitigate any potential impact and to accord with Kirklees Publication Draft Local Plan PLP53 and Section 15 of the National Planning Policy Framework. This information is required via a pre-commencement condition to ensure the site can be safely engineered to accommodate the development prior to excavations taking place.

31. Any subsequent reserved matters application submitted pursuant to this outline planning permission shall include an ecological design strategy (EDS) based on up-to-date ecological survey information (no older than two appropriate survey seasons prior to submission). The EDS shall include details of compensation and enhancement measures sufficient to provide a biodiversity net gain, and shall include the following:

- a. Purpose and conservation objectives for the proposed ecological measures.
- b. Review of site potential and constraints.
- c. Detailed design(s) and/or working method(s) to achieve stated objectives.
- d. Extent and location/area of proposed works on appropriate scale maps and plans.
- e. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g. Persons responsible for implementing the works.
- h. Details of initial aftercare and long-term maintenance.
- i. Details for monitoring and remedial measures.
- j. Details for disposal of any wastes arising from works.

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

**Reason:** to ensure a final agreed scheme that provides mitigation and compensation for the ecological effects resulting from loss of habitat and provides an overall net biodiversity gain in accordance with Kirklees Publication Draft Local Plan Policy PLP30 and Section 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure ecological mitigation and compensation is designed into the scheme prior to any potentially damaging operation taking place, and that the design is based on ecological information that is relevant and up-to-date.

32. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning authority. The CEMP (Biodiversity) shall include the following.

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of “biodiversity protection zones”.
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**Reason:** to ensure, as far as possible, that direct impacts to protected and priority species are avoided during construction of the scheme, in order to accord with policy Kirklees Publication Draft Local Plan Policy PLP30 and Section 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

33. A landscape and ecological management plan (LEMP) defining the long-term management and maintenance of the habitats and features created and retained as part of the EDS (condition 31) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed, as included in the Ecological Design Strategy.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward in perpetuity).
- g. Details of the body or organisation responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** to ensure that, where appropriate, a mechanism is secured for the ongoing management of designed in ecological measures, and ensure the scheme continues to provide the biodiversity net gain required under Kirklees Publication Draft Local Plan Policy PLP30 and chapter 15 of the National Planning Policy Framework.

34. No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which identifies all trees which are to be retained within the site and includes measures to protect the trees during the implementation of the development. The approved scheme shall be fully implemented for the duration of the development.

**Reason:** To ensure that existing trees within the site are offered adequate protection during construction activities and the accord with Kirklees Unitary Development Policy NE9 and Kirklees Publication Draft Local Plan Policy PLP33.

35. Notwithstanding the indicative layout shown on plan no. PL230, any subsequent reserved matters application submitted pursuant to this outline planning permission shall provide for an area of undeveloped land measuring at least 0.5 hectares at the northern end of the site as part of the proposed layout.

**Reason:** To provide an alternative area of urban green space to compensate for that lost as a result of developing this site in accordance with Kirklees Unitary Development Plan Policy D3 and Kirklees Publication Draft Local Plan Policy PLP61.

**NOTE:** The improvements works adjacent to neighbouring land will require regrading/engineering operations to be undertaken. Where a site could be affected by land stability issues you are reminded that it is the responsibility of the developer/landowner for securing a safe development.

**NOTE:** It is important that research of watercourses, containment areas and associated pipework is carried out before any proposed layouts are submitted in order to fully understand the implication of such systems on the site itself in terms of design constraints.

**NOTE:** See link below to full advice from Yorkshire Water on existing & proposed drainage infrastructure:

[http://www.kirklees.gov.uk/business/planning/application\\_search/filedownload.aspx?application\\_number=2015/91093&file\\_reference=545881](http://www.kirklees.gov.uk/business/planning/application_search/filedownload.aspx?application_number=2015/91093&file_reference=545881)

**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 414700) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** Adoption under Section 38 of the Highways Act:

It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or 01484 221000 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

**NOTE:** It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-225397 for further advice on this matter.

**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 work may be carried out.

**NOTE:** Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance may involve access to land outside your ownership.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	PL200		22.05.18
Topographical Survey	5783-01		22.05.18
Cross Sections of Railway Embankment	5783-04		22.05.18
Indicative site regrading Sections 17 to 19	PL208	A	19.07.18
Indicative site regrading Sections 14 to 16	PL207	A	19.07.18
Indicative site regrading Sections 11 to 13	PL206	A	19.07.18
Indicative site regrading Sections 8 to 10	PL205	A	19.07.18
Indicative site regrading Sections 5 to 7	PL204	A	19.07.18
Indicative site regrading Sections 1 to 4	PL203		22.05.18
Existing site layout	PL201		22.05.18
Indicative Long Section 2	PL211		19.07.18
Indicative Long Section 1	PL210		19.07.18
Indicative proposed layout	PL230		19.07.18

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Junction Layout	PL231	A	02.11.18
Footpath Provision	PL230	B	16.11.18
Bin Lorry Tracking Data	PL235		16.11.18
Indicative Cycleway Route	PL202	B	11.12.18
Indicative Cycleway Construction	PL236		11.12.18
Stage 1 Desk Study Report	YKS01r1		29.05.18
Transport Statement	18047	2	29.05.18
Planning Statement	PS01		22.05.18
Drainage Strategy			29.05.18
Drainage Clarification			29.05.18
Design & Access Statement	DS01	A	
Preliminary Ecological Appraisal	RT-MME-128015-01	A	29.05.18
Noise Impact Assessment	NIA/7394/17/7339 V1.0		29.05.18
Conceptual Design	18-453		19.07.18
3D Model			19.07.18
Reptile Survey	RT-MME-128015-03		27.07.18
Flood Risk Assessment			15.08.18
Ecological Impact Assessment	RT-MME-129025		02.11.18
Road Safety Audit	2018/VA/830		02.11.18
Queue Length Analysis			16.11.18

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. The case officer undertook negotiations with the applicant during the assessment of this application and secured the following:

- The exclusion of the spine road from the access proposals. This will now require further consideration as part of the layout at the reserved matters stage.
- Additional information regarding highway safety issues including a road safety audit, revised/additional plans and additional survey work.
- Additional information indicating how the cut and fill operation would be achieved and the methods used to retain the adjacent land
- Indicative details of how a cycle/pedestrian route could be achieved within the site

**It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.**

#### **Details Reserved by Condition**

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "submitted to and approved in writing by the Local Planning Authority".**
- **You can apply online for approval of these details at the Planning Portals website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning).**
- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**
- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**
- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**
- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

## **Development within a Coal Mining Area**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
  - i) 28 days from the date of this notice where the enforcement notice has been served,
  - ii) 28 days of the date of service of the enforcement notice or,
  - iii) the specified period starting from the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

#### Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 29-Jan-2019

Signed:



**Karl Battersby**  
Strategic Director Economy and Infrastructure

#### Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2018/60/91661/E .

If a paper copy of the decision notice or decided plans are required please email [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

**Write to:** Planning Services  
Investment and Regeneration  
PO Box B93  
Civic Centre III  
Off Market Street  
Huddersfield  
HD1 2JR

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