



Town and Country Planning Act 1990

Town and Country Planning General Regulations 1992

PLANNING PERMISSION FOR DEVELOPMENT SUBJECT TO REGULATION 4

Application Number: 2018/49/94189/E

To: Jonathan Ainley,
Savills UK Ltd
12, Booth Street
Manchester
M2 4AW

For: Kirklees Council

Description and location of development:

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 366
DWELLINGS WITH DETAILS OF ACCESS POINTS ONLY

At: LAND OFF SOOTHILL LANE, BATLEY

Date of submission: 21-Dec-2018

**In pursuance of its powers under the above mentioned Act and Regulations
KIRKLEES COUNCIL (hereinafter called "The Council") hereby grants planning
permission for the above development subject to the following condition(s):-**

1. Approval of the details of the layout, scale, appearance and the landscaping of the site (hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before any development is commenced with the exception of the following infrastructure works (hereinafter called "the Infrastructure Works"):

a) site remediation in accordance with the approved Remedial Strategy carried out by Groundtech Consulting, dated 01st October 2019 (18058/633 revision 1.3), excluding the ecological areas to be preserved as shown on plan no.18058 08 , contained within the remedial specification addendum ref. no. 18058/1076 dated 29th October 2019 and

b) the two approved access points into the application site and off site highway works

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 layout, scale, appearance and the 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 matter referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application(s) 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 and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

5. The development authorised by this permission shall not commence (with the exception of the Infrastructure Works) until a phasing plan for the whole of the application site has been submitted to and approved in writing by the Local planning Authority. The development shall be carried out and completed in accordance with the provisions of and timescales set out in the approved phasing plan in relation to each phase of the development.

Reason: In the interests of amenity, highway safety and appropriate infrastructure provision and to accord with Policies LP4, LP5, LP21 and LP24 of the Kirklees Local Plan.

This is a pre-commencement condition to ensure the development of the site can be carried out within an approved phasing approach to avoid unnecessary delays, to enable the works continue and progress in accordance with the National Planning Policy Framework.

6. Any works comprising the construction of the superstructure of dwellings or apartments shall not commence until a noise report specifying the measures to be taken to protect the development from noise from nearby existing commercial and industrial premises off Challenge Way and Mill Forest and the adjacent junior and infant school on Lydgate Road has been submitted to and approved in writing by the Local Planning Authority. The report shall:

a) Determine the existing noise climate;

b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development; and

Detail the proposed mitigation measures and/or design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The dwellings and apartments which will require the approved mitigation measures shall not be occupied until all works specified in the approved report/s have been incorporated into the buildings and shall thereafter be retained in accordance with the approved details.

Reason: In the interests of amenity of the occupiers of these properties and to accord with the requirements of Policies LP24 and LP52 of the Kirklees Local Plan and Policies in Chapters 12 and 15 of the National Planning Policy Framework.

7. Prior to construction commencing, details of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the point of access for construction traffic, details of the times of use of the access, the routing 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 and contact details of a residential Liaison Officer. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved details throughout the period of construction.

Reason: In the interests of amenity of nearby residents, highway safety and to ensure the development is carried out in accordance with an appropriate schedule of means of access to the site for construction. This is a pre commencement condition to avoid obstruction to the wider highway network, to accord with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

8. No development shall take place (with the exception of the Infrastructure Works as set out at condition no. 1, point a)) until a detailed scheme for:

a) The signalised Soothill Lane / Leeds Road junction providing a two lane approach on the Soothill Lane arm and dedicated right turn lane as shown on drawing no.

VN91266 – D100

b) Works to the Soothill Lane / Rouse Mill Lane junction approach providing additional lining and traffic management measures and delineated 2 lane approach, as shown on drawing no. VN91266 – D101, and

c) Works to provide a footway link to east of the site access along Soothill Lane to and the upgrade of bus stop 16137 and opposite bus stop 26338 as shown on drawing no. VN91266 – D102

have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include delivery of scheduled works, full sections, details of speed reducing features, construction specifications, drainage works, street lighting, white lining, signing, surface finishes and treatment of junction/forward sight lines and all other associated works together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: In the interests of amenity of nearby residents, highway safety of all users and to ensure the cumulative impact of the development is accommodated on the surrounding highway network. This is a pre-commencement condition to avoid obstruction to the wider highway network, to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

9. No development shall take place (with the exception of the Infrastructure Works as set out at condition no. 1, point a)) until a detailed scheme for all associated highway works:

- between the proposed estate road and Soothill Lane as shown on drawing 3514191 A - 001 Rev B, and
- between the proposed estate road and Mill Forest Way as shown on drawing no. 3514191 A - 002 Rev B,

have submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works to provide the junction have been completed in accordance with the approved details.

Reason: In the interests of amenity of highway safety of all users of the site and to ensure the cumulative impact of the development is accommodated on the surrounding highway network and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework. This is a pre-commencement condition to avoid obstruction to the wider highway network, to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

10. Detailed plans and particulars of the Reserved Matters in relation to layout pursuant to Conditions 1 and 2 (above) shall include a scheme detailing the proposed internal adoptable estate roads. 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. The superstructure of any dwelling or apartments shall not commence until the internal access roads have been completed in accordance with the approved plans and details or unless otherwise agreed in writing by the Local Planning Authority, in respect of each phase approved under Condition 5 (above),

Reason: To ensure that suitable access is available for the development internally within the site, in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and guidance within the National Planning Framework.

11. No more than (70% of development) units shall be served from Soothill Lane and no more than (30% of development) units from the access off Mill Forest Road, unless a revised traffic impact assessment is submitted to and approved in writing by the Local Planning Authority at the Reserved Matters stage.

Reason: In the interests of highway safety, in accordance with Policy LP21 of the Kirklees Local Plan and chapters 9 and 15 of the National Planning Policy Framework. The impact on the surrounding highway infrastructure has been considered against the information and data accompanying the application which restricts the number of units to be served of each access point.

12. Any Reserved Matters relating to layout submitted pursuant to Conditions 1 and 2 (above) shall be accompanied by the following drainage information:

- a) A scheme to manage flows in channel, exceedance events and blockage scenarios (overland flow) for on site systems and the surrounding area in both directions and flood risk associated with any existing systems along with above ground flow routes. Exceedance routes should avoid property and curtilage areas;
- b) Details of existing drainage systems to be maintained/diverted/abandoned;
- c) A scheme detailing separate systems of foul and surface water drainage for the development including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision and the design and construction details of all new surface water attenuation culverts and/or tanks located within the proposed adoptable highway footprint of the development's internal road/s;
- d) A detailed maintenance and management regime for the existing drainage systems to be maintained/diverted/abandoned together for the proposed foul and surface drainage water systems for the proposed development with appropriate stand off distances; and
- e) A detailed drainage strategy of the site based on a, b and c (above).

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

Reason: In this instance it is necessary that the layout of the site be interdependent with the existing and proposed drainage infrastructure. A comprehensive layout taking its form following investigation and consideration of on-site drainage systems and their relationship to adjoining off-site drainage networks is required to demonstrate that the site can be satisfactorily drained and to mitigate flood risk. This is to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

13. The development shall be carried out in accordance with the drainage scheme approved pursuant to Condition 12 (above). 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 of each phase of the development, have been provided on site. The works comprising the approved scheme shall thereafter be retained and the approved maintenance and management regimes adhered to at all times.

Reason: In the interests of achieving satisfactory and sustainable drainage of the site and to mitigate flood risk. This is to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

14. Development shall not 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 Infrastructure Works for any phase shall commence 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 temporary drainage of the site and to mitigate flood risk. This is to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 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, during and after the construction phase in the interests of amenity, environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

15. No trees or any other structures shall be located over or within 5 metres either side of the centre line of the public sewerage that crosses the site. If the required stand-off distances are to be achieved via diversion or closure of that sewer the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker prior to construction in the affected area.

Reason: In the interests of allowing sufficient access for maintenance and repair works at all times and to ensure the amenity of nearby existing and future residents of the site is not compromised from flooding, in accordance with Policy LP27 of the Kirklees Local Plan and the National Planning Policy Framework.

16. In the case of discharging of surface water to a public sewer, details including evidence that other means of surface water drainage have been considered and the reasons for discounting; and the discharge rate for the whole of the site to be restricted to a maximum rate of 5 litres per second shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details, prior to occupation of the approved dwellings and apartments.

Reason: To ensure proper provision has been made for the disposal of surface water and to ensure the amenity of nearby existing and future residents of the site is not compromised from potential flooding, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

17. Detailed plans and particulars of the Reserved Matters in relation to layout and landscape pursuant to Conditions 1 and 2 (above) shall include a scheme of works for the retention, enhancement and any associated treatments of the existing public footpaths BAT43/60 and BAT 43/80 and the bridleway BAT44/10 crossing the site. No part of the development shall be brought into use until the approved works comprising the approved scheme have been completed fully or in accordance with an agreed phasing.

Reason: For the convenience of all those using the Public Right of Way and to accord with Policies LP23 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

18. Detailed plans and particulars of the Reserved Matters in relation to layout and landscape pursuant to Conditions 1 and 2 (above) shall include an Ecological Impact Assessment (EclA) incorporating the results of an up-to-date ecological survey (no older than two appropriate survey seasons prior to submission) and describing the ecological importance of the site and its immediate vicinity. All surveys and assessment shall follow national good practice guidelines, where these exist.

Reason: To ensure the development avoids or minimises ecological effects where possible and provides an overall net biodiversity gain, in accordance with the requirements of chapter 15 of the National Planning Policy Framework, and Policy LP30 of the Kirklees Local Plan

19. Remediation of the site shall be carried out and completed in accordance with the approved Remedial Strategy, carried out by Groundtech Consulting, dated 01st October 2019 (18058/633 revision 1.3), excluding the ecological areas to be preserved as shown on plan no.18058 08 , contained within the remedial specification addendum ref. no. 18058/1076 dated 29th October 2019.

In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the submitted Phase I report 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 of such cessation within two working days. Unless otherwise agreed in writing with the Local Planning Authority, 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

20. 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 have been completed for that part of the site 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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the safe occupation of the site, to avoid risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

21. Detailed plans and particulars of the Reserved Matters in relation to layout and landscape pursuant to Conditions 1 and 2 (above) shall:

- Identify the location and calculated zone of influence for the on-site mine entry: 425423-006, and the definition of a suitable 'no-build' zone to this mine entry, in accordance with the Coal Authority's comments dated 18th September 2019
- A scheme for the treatment for the mine entry: 425423-006 including details of the shaft cap specification
- A scheme of remedial works for the shallow coal workings, including grouting grid showing how this relates to the development layout, and
- All associated works for the treatment of all identified mine entries and shallow coal mine working.

The resultant findings shall have informed the layout of the site which identifies an acceptable zone of influence for the mine entry ref: 425423-006 and the definition of a suitable no-build zone. Prior to development commencing the remedial works shall be carried out in complete accordance with the approved schemes and treatment works.

Reason: To minimise risk associated with the area's coal mining legacy in accordance with Policy LP53 of the Kirklees Local Plan.

This is a pre-commencement condition to ensure that coal mining legacy risks are assessed appropriately prior to development commencing and are taken into account in the design to be brought forward at Reserved Matters stage, in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

22. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the procedures and describe the actions that will be taken to:

a) Control noise and vibration from construction-related activities. This should also include the hours of working on the site including deliveries;

b) Control of Dust arising from all construction related activities; and

c) Control artificial lighting used in connection with all construction related activities

Thereafter the development shall be carried out adhering to the approved CEMP at all times during the construction phase, until completion.

Reason: In the interests of highway safety of all those using the surrounding highway infrastructures and residential amenity of nearby residents in accordance with Policies LP24, LP21 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

This is a pre-commencement condition to ensure the development of this site can reasonably be carried out with minimal disruption to occupants of nearby residential properties.

23. Prior to occupation of any dwelling or apartment electric vehicle charging points shall be installed and made operational for that part or phase of the development. One charging point shall be provided per unit where dwellings have dedicated parking, and one charging point shall be provided per 10 spaces where parking is unallocated.

Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The charging points shall be retained thereafter.

Reason: To encourage the use of low carbon forms of transport in accordance with chapter 9 of the National Planning Policy Framework, Policy LP24 of the Kirklees Local Plan and the West Yorkshire Low Emissions Strategy.

24. The development authorised by this permission shall not commence (with the exception of the off site highway works) until a Written Scheme of Archaeological Investigation (WSI) identifying land to be investigated, has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include:

1. The statement of significance and research objectives;

2. The programme and methodology of site investigation and recording and the nomination of (a) competent person(s) or organisation to undertake the agreed works; and

3. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

Thereafter the development shall be carried out in accordance with the approved details in relation to b) and c) above.

Reason: To ensure any unidentified important archaeological evidence is identified and the full implications of any archaeological discoveries can be taken account of when forming the layout of the site in accordance with Policy LP35(2) of the Kirklees Local Plan and the National Planning Policy Framework.

This is a pre-commencement condition to ensure that the full implications of any archaeological discoveries can be taken account of when forming the layout of the site

25. No superstructure works for the dwellings and apartments of the development shall commence until a Health Impact Assessment (HIA) as set out in the Public Health consultation response dated 28/01/2019 has been submitted to and approved in writing by the Local Planning Authority. The HIA will include details of positive measures to be incorporated into the development to promote healthy, active and safe lifestyles. Thereafter the approved measures shall be incorporated into the development and completed during the construction period of each phase of the development approved under Condition 5 (above) and prior to the occupation of any dwelling or apartment relating to that part of the site.

Reason: In the interests of promoting healthy, active and safer lifestyles and to accord with Policies LP24, LP28, LP31 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

26. Detailed plans and particulars of the Reserved Matters in relation to layout and landscape pursuant to Conditions 1 and 2 (above) shall incorporate where necessary secure by design measures as set out in the comments of the West Yorkshire Police Architectural Liaison Officer dated 16/01/2019.

Reason: In the interests of minimising the risk of crime for the users of the existing public footpaths and bridleway and future occupants of the site as well as creating safer, more secure and sustainable environments, in accordance with Policies LP24 and LP31 of the Kirklees Local Plan and the National Planning Policy Framework.

27. No development shall commence (with the exception of infrastructure works set out in condition no. 1) on the land until all persons with an interest in the land have entered into and completed a Section 106 agreement with the Council to provide planning obligations to the Council for the provision of financial contributions and/or works in kind in respect of the following matters:

- a) Affordable Housing: Arrangements for the provision of affordable housing to cover the number, type, layout, disposition, timescale and mechanism to ensure that the same are provided in perpetuity;
- b) Education: Arrangements for the provision of educational facilities to serve the needs of the development;
- c) Open Space: Arrangements for the provision of areas of public open space to serve the development to cover the layout, disposition, timescale, availability and mechanism to ensure that the same is provided and made available to the public in perpetuity;
- d) highway works/improvements: Arrangements to mitigate the highway impacts of the development
- e) Sustainable Travel: Provisions to secure improvements to bus stops to provide shelter and real time passenger information and include measures to improve and encourage the use of sustainable transport and Travel Plan monitoring arrangements;
- f) Drainage: Arrangements to secure long term maintenance and management of the drainage proposals.

Reason: To ensure the delivery of the necessary infrastructure in accordance with Policies LP4, LP11, LP21, LP27, LP49 and LP63 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

FOOTNOTE 1:

Please see below link to the full advice of the West Yorkshire Police Architectural Liaison Officer dated 16/01/2019, in relation to Condition 26 (above)

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2018/94189&file_reference=731876

FOOTNOTE 2:

Please see below link to the full advice of the West Yorkshire Archaeology Advisory Service which shall be read in conjunction with Condition 24 (above)

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2018/94189&file_reference=732150

FOOTNOTE 3:

All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

FOOTNOTE 4:

Applicants are advised to take into account the comments of Yorkshire Water dated 05/02/2019 (link below) prior to the submission of all future applications on this site

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2018/94189&file_reference=733027

FOOTNOTE 5:

A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

FOOTNOTE 6:

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 at least 10 working days before development commences from the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification.

At this stage, agreement should be reached in relation to the estimated development start and finish dates, existing highway condition (extents to be agreed) and responsibilities for any required remedial works, as well as mitigation measures to prevent anything associated with the development being deposited on the highway.

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.

FOOTNOTE 7:

The public footpaths and bridleway crossing the site shall not, at any time prior to, during or after building works, be unofficially obstructed or closed without the prior written formal consent of the Council's Public Rights of Way Officers.

FOOTNOTE 8:

It is brought to the Applicants' notice that the Highway Development, Investment and Regeneration, Civic Centre 1, Market Street, Huddersfield (01484 221000 or Highways.Section38@kirklees.gov.uk) must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

FOOTNOTE 9:

It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on 01484 221000 who can advise further on this matter.

FOOTNOTE 10:

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 or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

FOOTNOTE 11:

The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner.

FOOTNOTE 12:

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, and 08.00 and 13.00 hours on Saturdays, with no working on 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.

FOOTNOTE 13:

General Information for the Applicant Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

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: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distanceof-mine-entries>

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan (revised)	PL01 Rev D		19/06/19
Existing site levels	7128/1		21/02/18
Revised Indicative masterplan	PL03Rev D		24/05/19
Proposed junction design access 1 Soothill Lane	001 Rev B		21/12/18
Proposed junction design access 2 Mill Forest Way	002 Rev B		21/12/18
Visibility splay plan access 1 Soothill Lane	001 rev B		21/12/18
Visibility splay plan access 2 Mill Forest Way	002 Rev B		21/12/18
Tracking Plan Access 2 Mill Forest Way	002 Rev B		21/12/18
Remedial Strategy carried out by Groundtech Consulting	18058/633 revision 1.3 dated 01/10/19		31/10/19
Remedial specification addendum	remedial specification addendum ref. no. 18058/1076 dated 29th October 2019		30/10/19
Proposed site infrastructure works on Soothill Lane/Rouse Mill Lane (priority junction)	VN91266-D101		June 2019
Proposed infrastructure improvements on Soothill Lane/Heybeck Lane/Leeds Road	VN91266-D100		June 2019
Proposed infrastructure improvements on Soothill Lane	VN91266-D102		June 2019
Site investigations by Jet Aire Services- Plan	GR7056		28/09/19
Survey summary report (2 pages) by Jet Aire Services	Dated 28/09/19		28/09/19

Plan Type	Reference	Version	Date Received
Jet Aire Services Inspection report (9 pages)	GR6637 SOOTHILL		28/09/19
Jet Aire Services- existing water courses/culverts plan	GR/0000		28/09/19
Geo-Environmental Appraisal	18058/536_1.5 revised & dated 22 Aug 2019		06/09/19
Soothill Desktop Archaeological Assessment dated July 2019			29/07/19
Transport Assessment by Vectos	VN81151		21/12/118
Transport Assessment Addendum	VN91266		06/06/19
Transport Assessment by Parsons Brinkerhoff dated 08/09/15	3514191A		21/12/18
Air Quality Assessment	2439r3 – dated 7th June 2019		07/06/19
Air Quality Assessment by Redmore	2439r2– dated 19th Dec 2018		07/06/19
Design & Access statement	M4492		21/12/18
Flood Risk Assessment by Parsons Brinkerhoff dated Sept 2015	3514191A		21/12/18
Planning statement	L181218		21/12/18
Arboricultural Impact Assessment by Urban Green	11912 dated 19/12/18		21/12/18
Preliminary Ecological Survey by Parsons Brinkerhoff	dated 11/06/15		21/12/18
Additional Ecology Surveys - Brooks Ecological	R-2587-01, dated November 2016		21/12/18
Phase 1 geo-env and CMRA by Parsons Brinkerhoff	3514191A.3171 Version 1, dated July 2015		21/12/18

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 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. Negotiations have been carried out during the course of the application, which resulted in further appraisals, revised plans and additional information being submitted. The decision is based on the revised plans and information included in the plans and specifications schedule, listed above. The above conditions have been shared with and agreed to by the applicant /agent.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

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. Alternatively the forms and supporting guidance for submitting an application can be found online at 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

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 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

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 refuse permission for the proposed development or 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 you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- 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 so that we can work on continually improving our customer service. Thank you.

Dated: 22-Nov-2019

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

dc.admin@kirklees.gov.uk

or telephone (01484) 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Planning, Strategic Investment Service,
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR
