



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

**NOTE: This approval should be read in conjunction with an Agreement made under
Section 106 of the Town and Country Planning Act 1990**

Application Number: 2018/60/92934/W

To: Nick Willock,
Robert Halstead Chartered Surveyor
Office G of H
Bridge Mills
Huddersfield Road
Holmfirth
HD9 3TW

For: Hillbrook Printing Inks Ltd, Directors Pension Scheme

**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:-**

Outline application for erection of residential development

At: former Gees Garage, New Hey Road, Outlane, Huddersfield, HD3 3YJ

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

1. Approval of the details of the scale, layout, 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 commences.

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.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the scale, layout, 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 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. Details of 'layout' and 'landscaping' submitted pursuant to condition 2 shall include a noise mitigation scheme for the development. The scheme shall detail the acoustic specification for the building envelope of all plots and any necessary acoustic barriers so that the following sound levels are not exceeded:

- 30 dB LAeq,8 hour inside bedrooms between 23:00 and 07:00
- 45 dB L_{Amax} inside bedrooms between 23:00 and 07:00
- 35 dB LAeq,16 hour inside living rooms between 07:00 and 23:00
- 40 dB LAeq,16 hour inside dining rooms/areas between 07:00 and 23:00 and
- 55 dB LAeq,16 hour at external amenity areas between 07:00 and 23:00

For any rooms where windows need to be kept closed to achieve the above sound levels, details of alternative means of ventilation shall be proposed as part of the noise mitigation scheme. The alternative ventilation shall provide at least the same ventilation that would otherwise be achieved by opening windows in order to provide a satisfactory means of controlling thermal comfort by helping to prevent overheating in the room in warm weather.

The approved noise mitigation scheme, including any necessary additional ventilation, shall be provided before the dwelling to which it relates is first occupied and shall thereafter be retained as such.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

6. Details of 'scale' submitted pursuant to condition 2 shall include details of existing and proposed ground levels and proposed finished floor levels for the development.

Reason: In the interests of visual and residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

7. Details of 'layout' and 'landscaping' submitted pursuant to condition 2 shall include an ecological design strategy (EDS) that is based on up-to-date ecological survey information (no older than two appropriate survey seasons prior to submission) and includes nocturnal survey/s for the presence or likely absence of roosting bats. The EDS shall include details of mitigation and enhancement measures sufficient to provide a net biodiversity 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 avoids or minimises ecological impacts and provides an overall net biodiversity gain. This is to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

8. A Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority before development commences. The CMP shall include:

- Details of the times of use of the access for construction traffic;
- Construction workers parking facilities;
- A scheme to demonstrate how the highway will be kept clear of mud/debris;
- Measures to mitigate the impact of noise & vibration on neighbouring residential properties arising from all construction related activities (including suitable restrictions on the hours of working on the site including times of deliveries);
- Measures to mitigate the impact of dust on neighbouring residential properties arising from all construction related activities and;
- Details of artificial lighting used in connection with all construction related activities.

The approved CMP shall be adhered to throughout the construction of the development.

Reason: In the interests of highway safety and residential amenity and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

This is a pre-commencement condition so that such matters are addressed at an appropriate stage of the development process.

9. Groundworks shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify unacceptable risks to human health and the environment arising from potential contamination and the legacy of coal mining. This is to accord with Policy LP53 of the Local Plan and guidance given in the National Planning Policy Framework.

This is a pre-commencement condition to ensure that such matters are identified at an appropriate stage.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9, further groundworks 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 address unacceptable risks to human health and the environment arising from potential contamination and the legacy of coal mining. This is to accord with Policy LP53 of the Local Plan and guidance given in the National Planning Policy Framework.

This is a pre-commencement condition to ensure that such matters are identified at an appropriate stage.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. 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 groundworks in the affected area (except 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 remove unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

This is a pre-commencement condition to ensure that such matters are identified at an appropriate stage.

12. 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 unacceptable risks to human health and the environment arising from potential contamination have been addressed. This is to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

13. A scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority before development commences. 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: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework. This is a pre-commencement condition to ensure that such matters are addressed at an appropriate stage of the development.

14. Notwithstanding the submitted information, details of 'layout' submitted pursuant to condition 2 shall include a scheme detailing separate foul and surface water drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned). None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development, or each agreed phasing of the development to which the dwellings relate. The drainage scheme so approved shall thereafter be retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policy LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

15. Notwithstanding the submitted information, details of 'layout' submitted pursuant to condition 2 shall include a scheme restricting the rate of surface water discharge from the site. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100 year storm events, with an appropriate allowance for climate change (30%). The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. 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 flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policy LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

16. Notwithstanding the submitted details, a detailed design for the construction of the approved access arrangements on New Hey Road that is based on drawing number 2554 – 04C (Proposed Highways Frontage) shall be submitted to and approved in writing by the Local Planning Authority before development commences. The accesses shall be constructed in accordance with the approved details and retained thereafter.

Reason: To ensure a suitable access and layout in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.

17. No development shall take place until a scheme detailing the proposed internal adoptable estate roads has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the proposed phasing of works, 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 scheme shall be completed in accordance with the details so approved and retained thereafter.

Reason: To ensure a suitable access and layout in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

This is a pre-commencement condition to ensure that highway matters are addressed at an appropriate stage.

18. The visibility splays as shown on drawing number 2554 – 04C (Proposed Highways Frontage) shall be cleared of all obstructions to visibility exceeding 1 metre in height before development commences and shall be retained free of any such obstruction at all times.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

19. An electric vehicle recharging point shall be provided for each dwelling. Each recharging point shall be provided on an external wall of the dwellinghouse adjacent to its dedicated parking area or within its garage. The recharging points shall be provided before the dwelling to which the recharging point relates is first occupied and shall thereafter be retained. 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.

Reason: To accord with Policy LP24 of the Kirklees Local Plan, guidance in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

20. Details of 'layout' and 'landscaping' submitted pursuant to condition 2 shall include a crime impact assessment for the proposed development. The assessment shall detail how the layout and landscaping minimise opportunities for crime in accordance with 'Secured by Design' principles. The development shall be provided in accordance with the details so approved and shall thereafter be retained.

Reason: To minimise opportunities for crime and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

Note regarding condition 15 - The maintenance and management arrangements for the surface water drainage infrastructure may require a planning obligation.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00 hours Saturdays

With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2554/1 – LOC	-	7/9/18
Existing Site Plan	2554/1 - 01	-	7/9/18
Proposed Highways Frontage	2554 – 04C	-	16/1/19
Supporting Information	Indicative Masterplan 2554/1 – 02D	-	16/1/19
Supporting Information	Indicative Site Sections 2554/1 - 03	-	7/9/18
Supporting Information	Indicative Drainage Strategy Plan EWE/2338/01	-	7/12/18
Vehicle Tracking & Visibility	1518 / 01	-	9/1/19
Highway Statement	Paragon Highways September 2018	-	25/9/18
Supporting Highways Information	Speed Surveys produced by Abacus Traffic Surveys dated 23/11/18	-	9/1/19

Plan Type	Reference	Version	Date Received
Stage 1 Road Safety Audit	AC Road Safety Audits January 2019	-	17/1/19
Email from Paragon Highways dated 23/1/19 amending Stage 1 Road Safety Audit	Lee Ogden (Paragon Highways) to Kirklees Council	-	23/1/19
Phase 1 Desk Study Report	Demeter Environmental Ltd 18-07-05 Revision 1 October 2018	-	21/11/19
Drainage Assessment	Prepared by EWE Associates Ltd December 2018	-	7/12/18
Supporting Information	Details of off-site drainage infrastructure (Yorkshire Water)	-	4/12/18
Report on Soakaway Testing	Rogers Geotechnical Services J4332/18/L/S August 2018	-	7/9/18
Preliminary Ecological Appraisal	Quants Environmental Ref 1154a August 2018	Rev 1	7/9/18
Planning, Design and Access Statement	Acumen September 2018 2554/1	-	7/9/18

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. Additional information was requested to enable a full highways assessment and to inform the drainage assessment.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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

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.

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 an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months of 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 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.

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.

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: 23-Nov-2020

Signed:



**David Shepherd
Strategic Director Growth and Regeneration**

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, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2018/60/92934/W .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

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

E-mail: dc.admin@kirklees.gov.uk

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