

DATED 7th February 2020

- (1) THE COUNCIL OF THE BOROUGH OF KIRKLEES
- (2) KEEPMOAT HOMES LIMITED

DEED
under

Section 111 of the Local Government Act 1972

and

Section 1 of the Localism Act 2011

relating to

Land West of Ashbrow Infant and Nursery School,
Ashbrow Road, Ashbrow, Huddersfield

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THIS DEED is made on

7th February

2020

BETWEEN:

- (1) **THE COUNCIL OF THE BOROUGH OF KIRKLEES** of Town Hall, Huddersfield, West Yorkshire (the **Council**);
- (2) **KEEPMOAT HOMES LIMITED** (Company Registration Number 02207338) whose registered office is at The Waterfront, Lakeside Boulevard, Doncaster, South Yorkshire DN4 5PL (the **Developer**);

WHEREAS:

- (A) The Council is the registered freehold proprietor with absolute title of all that land registered at the Land Registry under Title Numbers YK3036 AND WYK588258.
- (B) The Developer has entered into a Development Agreement with the Council dated 21 December 2017.
- (C) The Developer has submitted the Application and intends to carry out the Development.
- (D) The Developer enters into this Deed to provide the covenants contained herein.
- (E) The Council would not grant Planning Permission for the Development unless the covenants contained herein were entered into by the Developer.
- (F) The Council is the Local Planning Authority for the purposes of this Deed for the area in which the Site is situated and is the Local Planning Authority by whom the covenants in this Deed are enforceable and is the Local Authority for the purposes of Section 111 of the 1972 Act and is satisfied that the arrangements made in this Deed will facilitate, be conducive to and be incidental to the discharge of the Local Authority's functions.

1. DEFINITIONS AND INTERPRETATION

1.1 In this Deed the following expressions shall have the following meanings:

1972 Act

the Local Government Act 1972;

1990 Act

the Town and Country Planning Act 1990 (as amended);

Application

the full application (reference number 2019/92940) validated the Council on 9 September 2019 for erection of 161 residential units including a 50 unit extra care facility (C3) and provision of public open space;

Chief Planning Officer

the Chief Planning Officer of the Council for the time being or such other officer of the Council nominated by him for the purposes of this Deed;

Development

the development of the Site in accordance with the Planning Permission;

Expert

an independent person of at least 10 years standing in the area of expertise relevant to the dispute to be agreed between the Parties or, failing agreement, to be nominated at the request and option of any of them, at their joint expense, by or on behalf of the President for the time being of the Law Society;

Plan

the plan appended to this Deed at schedule 1;

Planning Permission

a planning permission to be granted pursuant to the Application, generally in the form of the draft at Appendix 2;

Section 106 Deed

a deed pursuant to Section 106 of the 1990 Act securing planning obligations, generally in the form at schedule 1;

Site

all that land West of Ashbrow Infant and Nursery School at Ashbrow Road, Ashbrow, Huddersfield shown edged red on the Plan.

1.2 Where the context so requires:

1.2.1 Recital, Clause, sub-clause, paragraph number, Schedule, Appendix or plan is a reference to a Recital, Clause or sub-clause of, paragraph number of, Schedule to, Appendix to or plan annexed to this Deed;

1.2.2 words importing the singular meaning include the plural meaning and vice versa;

1.2.3 words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, other corporate bodies, firms or legal entities and all such words shall be construed interchangeably in that manner; and

1.2.4 any reference to an Act of Parliament shall include any amendment, modification, extension, consolidation or re-enactment of that Act for the time being in force and in each case shall include all statutory instruments, orders, regulations and directions for the time being made, issued or given under that Act or deriving validity from it.

1.3 Headings where they are included are for convenience only and are not intended to influence the construction and interpretation of this Deed.

1.4 Any notice, notification, consent, approval, agreement, request or statement or details to be made, given or submitted under or in connection with this Deed shall be made or confirmed in writing.

1.5 Wherever a covenant falls to be performed by more than one person, the covenant can be enforced against every person so bound jointly and against each of them individually unless there is an express provision otherwise.

2. OPERATIVE PROVISIONS

2.1 This Deed is entered into under Section 111 of the 1972 Act, Section 1 of the Localism Act 2011 and all other powers so enabling.

2.2 The covenants, restrictions and requirements imposed upon the Developer under this Deed are enforceable by the Council against the Developer.

3. CONDITIONALITY

The provisions of this Deed shall have immediate effect upon its completion save for Clause 4 which shall only have effect on the date upon which the Planning Permission is granted.

4. DEVELOPER'S COVENANTS

4.1 From the date ascertained pursuant to Clause 3 above, the Developer hereby covenants with the Council as follows:-

4.1.1 to inform the Council in writing when it first acquires an interest in the whole or any part of the Site that is capable of being bound under Section 106 of the 1990 Act within 10 (ten) working days thereof;

4.1.2 to inform the Council in writing on each occasion when it acquires any subsequent interest or interests in the Site within 10 (ten) working days thereof; and

- 4.1.3 to enter into the Section 106 Deed when it acquires such interest so as to render the part of the Land acquired subject to the terms set out in the Section 106 Deed

5. MISCELLANEOUS

- 5.1 No party shall be bound by the terms of this Deed or be liable for the breach of any covenants, restrictions or obligations contained in this Deed occurring after it has parted with its interest in the Site or the part in respect of which such breach occurs (but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest).
- 5.2 Each of the parties to this Deed shall act in good faith and shall co-operate with each of the other parties to facilitate the discharge and performance of all covenants on them contained in this Deed and the Developer shall comply with any reasonable requests of the Council to provide documentation within its possession (such documentation to be provided by the Developer at their own expense) for the purposes of monitoring compliance with the covenants contained in this Deed.
- 5.3 Where the agreement, approval, consent or expression of satisfaction is required by any party under the terms of this Deed such agreement, approval, consent or expression of satisfaction shall not be unreasonably withheld or delayed.
- 5.4 This Deed shall be registered as a Local Land Charge.
- 5.5 Following the performance and satisfaction of all the covenants contained in this Deed the Council shall upon request effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.
- 5.6 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Developer) it is modified by any statutory procedure or expires prior to the commencement of Development.
- 5.7 If pursuant to Clause 5.6 this Deed shall terminate and cease to have effect the Council shall remove any entry relating to this Deed from the Register of Local Land Charges.
- 5.8 Insofar as any Clause or Clauses of this Deed are found (for whatever reason) to be invalid, illegal or unenforceable then such invalidity, illegality or unenforceability shall not affect the validity, legality or enforceability of the remaining provisions of this Deed.
- 5.9 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than one relating to the Development as specified in the Application) granted after the date of this Deed.
- 5.10 Nothing in this Deed shall be construed as restricting the exercise by the Council of any power or discretion exercisable by it under the 1990 Act or under any other Act of Parliament nor prejudicing or affecting the Council's rights, powers, duties and obligations in any capacity as a local or public authority.

6. NOTIFICATION

All notices, requests and demands or other written communications to or upon the parties pursuant to this Deed shall be deemed to have been properly given or made if dispatched by first class letter or facsimile transmission to the party to which such notice, request, demand or other written communication is to be given or made under this Deed and addressed as follows (or to such other address as the party to whom the notices, requests, demands or other written communication is to be given or made shall from time to time notify in writing to the other parties as its address for the purposes of this Clause 6):

- 6.1 to the Council care of the Chief Planning Officer at the address shown on page 1 of this Deed quoting the Application reference number 2019/92940; and
- 6.2 to the Developer at its address shown on page 1 of this Deed.

7. THIRD PARTIES

No person who is not a party to this Deed may enforce any terms hereof pursuant to the Contracts (Rights of Third Parties) Act 1999 **PROVIDED THAT** this Clause shall not affect

any right of action of any person to whom this Deed has been lawfully assigned or becomes vested in law.

8. WAIVER

No waiver (whether expressed or implied) by the Council or the Developer of any breach or default in performing or observing any of the covenants, terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

9. LEGAL COSTS

The Developer shall pay to the Council its reasonable legal fees prior to completion of this Deed.

10. DISPUTE PROVISIONS

10.1 Any dispute arising between the parties relating to any matter contained in this Deed may be referred to the Expert by any party.

10.2 The Expert will act as an expert and not as an arbitrator.

10.3 Each party will bear its own costs and the Expert's costs will be paid as determined by him.

10.4 The Expert will be required to give notice to each of the parties, inviting each of them to submit to him written representations and cross representations with such supporting evidence as they shall consider necessary and the Expert shall have regard thereto in making his decision.

10.5 The Expert's decision will be given in writing as expeditiously as possible with reasons and in the absence of manifest error will be final and binding on the Parties.

11. JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the exclusive jurisdiction of the courts of England and Wales.

12. DELIVERY

The provisions of this Deed (other than this Clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this Deed the day and year first before written.

SCHEDULE 1
THE SECTION 106 DEED

DATED

2020

- (1) **THE COUNCIL OF THE BOROUGH OF KIRKLEES**
- (2) **KEEPMOAT HOMES LIMITED**

AGREEMENT

Pursuant to section 106 Town and Country Planning Act 1990
relating to land West of Ashbrow Infant and Nursery School,
Ashbrow Road, Ashbrow, Huddersfield
LPA Ref: 2019/92940

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THIS AGREEMENT is made as a DEED the

day of

2020

PARTIES

- (1) **THE COUNCIL OF THE BOROUGH OF KIRKLEES** of Town Hall, Huddersfield, West Yorkshire (the **Council**);
- (2) **KEEPMOAT HOMES LIMITED** (Company Registration Number 02207338) whose registered office is at The Waterfront, Lakeside Boulevard, Doncaster, South Yorkshire DN4 5PL (**Keepmoat**).

INTRODUCTION:

- (A) The Council is the local planning authority for the purposes of the Act for the area within which the Land is situated.
- (B) Keepmoat is the registered proprietor of Phase 1 with [freehold title absolute] registered at the Land Registry under title number [●]. The Council is the registered proprietor of Phase 2 and Phase 3 and it is the intention of the parties that Keepmoat will acquire Phase 2 and Phase 3 in accordance with the Development Agreement dated [].
- (C) Keepmoat submitted the Planning Application and intends to carry out the Development.
- (D) The Council granted Planning Permission for the Development on [] following completion of the section 111 Agreement which required Keepmoat to complete this Deed on the acquisition of an interest in the Land or part thereof.

IT IS AGREED as follows:

1. DEFINITIONS AND INTERPRETATION

- 1.1 In this Deed unless the context otherwise requires the following words and expressions and phrases shall have the meanings hereby prescribed to them:

The Act

the Town and Country Planning Act 1990 as amended;

Approved On-Site Public Open Space Scheme

the On-Site Public Open Space Scheme submitted to the Council and approved by the Council in writing;

Chargee

any mortgage or chargee of the Registered Provider or the successors in title to such mortgage or chargee or any receiver or manager (including an administration receiver) appointed pursuant to the Law of Property Act 1925 or any other person appointed under any security documentation;

Commencement Date

the date Development Commences;

Commencement of Development;

the carrying out on a Phase or any part thereof by Keepmoat of any material operation begun in accordance with the provisions of section 56(4) of the Act pursuant to the Planning Permission other than any works of demolition of a building or site clearance, preliminary drainage works, archaeological works, site or soil investigating, erection of site huts or site compounds, erection of hoardings or fences, treatment and/or removal of any demolition material pursuant to the Planning Permission and the words Commence and "Commenced" shall be construed accordingly;

Contributions

the Education Contribution, the Sustainable Travel Fund Contribution and the Play Space Contribution and contribution shall mean any of them;

The Development

the erection of 161 residential units including a 50 unit extra care facility (C3) and provision of public open space;

Dwelling

a residential unit to be constructed on the Land pursuant to the Planning Permission;

Education Contribution

The sum of £227,221 (two hundred and twenty seven thousand two hundred and twenty one pounds) to be paid to the Council towards the provision of or improvement to education facilities at schools in the vicinity of the Development in accordance with the Schedules;

The Expert

an independent person appointed in accordance with the provisions of clause 13 to determine a dispute;

Inspection Fee

the sum of £1000.00 (One Thousand Pounds) to monitor the provision on site and application of the PlaySpace Contribution;

The Land

the land shown edged red on Plan 1 being land at Ashbrow Road, Ashbrow, Huddersfield;

Occupation

occupation of the Development for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security occupations and Occupied and "Occupy" shall be construed accordingly;

On-Site Public Open Space

the public open space to be provided in accordance with the plans approved as part of the Planning Permission;

On-Site Public Open Space Scheme

a scheme to be submitted to the Council to include the following details:

- the part or parts of the Land where the On-Site Public Open Space is to be provided
- planting plans and specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants and proposed numbers/densities
- a programme relating to timescales for carrying out and completing the On-Site Public Open Space
- the future management and maintenance of the On-Site Public Open Space;

Phase

Either Phase 1 or Phase 2 or Phase 3;

Phase 1

The land shown coloured green on Plan 1;

Phase 2

The land shown coloured blue on the Plan 1;

Phase 3

The land shown coloured pink on the Plan 1;

Plan 1

the plan marked Plan 1 attached hereto;

Planning Application

the application for Planning Permission given reference number 2019/92940 seeking Planning Permission on the Land for the Development;

Planning Permission

the planning permission granted pursuant to the Planning Application a copy of which is attached at Appendix 1;

Playspace Contribution

the sum of £84,668 (eighty four thousand six hundred and sixty eight pounds) towards the existing equipped facility at Oxley Road to the north and Fartown Recreation Ground to the south to be paid to the Council in accordance with the Schedules;

Practical Completion

issue of a certificate of practical completion by Keepmoat's architect or in the event that the Development is constructed by a party other than Keepmoat the issue of a certificate of practical completion by that other party's architect;

Registered Provider

a registered provider of social housing as defined in the Housing and Regeneration Act 2008 who is registered (or such other body duly registered) with Homes England pursuant to that Act and has not been removed from the register pursuant to that Act;

Sustainable Travel Fund Contribution

The sum of £62,303 (sixty two thousand three hundred and three pounds) towards []

Working Day

any day (apart from Saturday, Sunday, Christmas Day, Good Friday and any statutory bank holiday or other day during the Christmas period on which the Council's offices are closed to the public) on which clearing banks in the City of London are open for the transaction of ordinary business and Working Days shall be construed accordingly.

2. INTERPRETATION

Unless the context otherwise requires:

- 2.1 Words incorporating the singular include the plural and vice versa and words importing any gender include every gender.
- 2.2 References to natural persons are to include corporations and vice versa.
- 2.3 Words denoting an obligation on a party to do any act matter or thing include an obligation to procure that it be done and words placing a party under a restriction include an obligation not to cause permit or suffer any infringement of the restriction.
- 2.4 References in this Deed to statutes shall include any statute amending re-enacting or made pursuant to the same as current and enforced from time to time.
- 2.5 If any provisions of this Deed shall be held to be invalid illegal or unenforceable, the validity legality and enforceability of the remaining provisions will not in any way be deemed thereby to be affected impaired or called into question.
- 2.6 References to "the parties" shall mean the parties to the deed and reference to "party" shall mean any one of the parties.
- 2.7 The Interpretation Act 1978 shall apply to this Deed.
- 2.8 The clause and paragraph headings and the recitals are purely to aid interpretation, are for reference purposes only, and have no binding legal effect.
- 2.9 Where in this deed a party includes more than one person any obligations of that party shall be joint and several.
- 2.10 The expressions "Keepmoat" and "the Council" shall include their respective successors in title and assigns.

3. STATUTORY AUTHORITY AND LEGAL EFFECT

- 3.1 This Deed is made pursuant to section 106 of the Act and section 1 of the Localism Act 2011 and all other powers enabling which may be relevant for the purpose of giving validity to this Deed.
- 3.2 The obligations of Keepmoat in this Deed are planning obligations for the purposes of section 106 of the Act and are enforceable by the Council as local planning authority.
- 3.3 Subject to clause 3.4, Keepmoat covenants with the Council to the intent that this Deed shall be enforceable without limits of time (other than as expressly provided in this Deed) against Keepmoat in respect of the Land and any person deriving title through or under Keepmoat to the Land or any part or parts of the Land as if that person had also been an original covenanting party in respect of the interest or estate for the time being held by that person.
- 3.4 No person shall be bound by any obligations rights and duties contained in this Deed and/or be liable for any breach of a covenant and /or obligation contained in this Deed after they shall have parted with all interest in the Land or that part in respect of which that obligation relates or such breach occurs PROVIDED THAT they shall remain liable for any subsisting breach of covenant prior to parting with their interest.
- 3.5 If the Planning Permission expires (within the meanings of sections 91, 92 or 93 of the Act) or is revoked or otherwise withdrawn before Commencement of the Development, this Deed shall forthwith determine and cease to have effect.
- 3.6 Nothing in this Deed shall be construed as prohibiting or limiting any right to develop any part of the Land in accordance with planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed nor shall any person be liable to make any payment pursuant to this Deed in respect of any development authorised by such further planning permission.
- 3.7 Nothing in this Deed shall be construed as restricting the exercise by the Council of any powers exercisable by it under the Act or under any other Act or any statutory instrument, order or bye-law in the exercise of its functions as a local authority.
- 3.8 No obligation shall be construed as binding any individual purchaser (or his mortgagee) or lessee or tenant of any Dwelling or any Registered Provider or Chargee or against statutory undertakers in relation to any part or parts of the Land acquired by them for their purposes or for electricity sub-stations, gas governor stations or pumping stations or against anyone whose only interest in the Land or any part of it is in the nature of an easement or covenant.

4. CONDITION PRECEDENT

- 4.1 The obligations contained in this Deed shall not be enforceable by the Council until the grant of the Planning Permission by the Council and the Commencement of Development other than the provisions of clause 5.1 which shall come into effect on the Completion of this Deed AND SAVE FOR:
- 4.1.1 the provisions of Schedule 2 which shall only come into effect upon Keepmoat acquiring Phase 2 from the Council and the Commencement of Development of Phase 2; and
- 4.1.2 the provisions of Schedule 3 which shall only come into effect upon Keepmoat acquiring Phase 3 from the Council and the Commencement of Development of Phase 3.

5. COSTS

- 5.1 Keepmoat agrees to pay to the Council on the signing of this Deed its reasonable costs of and incidental to the preparation and execution of this Deed amounting to £ [].

6. OBLIGATIONS

- 6.1 Keepmoat covenants, agrees and declares in respect of the Land as set out in Schedules One, Two and Three.

7. THE COUNCIL'S COVENANTS

- 7.1 The Council covenants with Keepmoat as set out in Schedule Four.

8. **CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

8.1 For the purposes of the Contract (Rights of Third Parties) Act 1999 nothing in this Deed shall confer on any third party any right to enforce any benefit or any terms of this Deed PROVIDED THAT this clause shall not affect any right of action of any person to whom this Deed has been lawfully assigned or becomes vested in law.

9. **LOCAL LAND CHARGES**

9.1 This Deed is a local land charge for the purposes of the Local Land Charges Act 1975 and shall be registered as such against the Land by the Council.

9.2 If the Planning Permission expires unimplemented, or is revoked, or if all obligations under this Deed have been discharged then the registered charge shall be treated as having ceased to have effect under rule 8 of the Local Land Charges Rules 1977 or any statutory re-enactment thereof and the Council shall cancel the registration.

10. **NOTICES**

10.1 Any notice consent or approval given under this Deed shall be in writing and shall be delivered personally or sent by pre-paid first class recorded delivery post or special delivery to the recipient at the address stated in this Deed or such other address for service as a party to be served may have previously notified in writing.

10.2 In the case of the Council, the address for service shall be upon the Council's Solicitor at the address aforesaid or such other person or such other address for service as shall have been previously notified by the Council to Keepmoat.

10.3 Each notice served in accordance with this clause shall be deemed to have been given or made and delivered if by delivery when left at the relevant address or if by letter 48 hours after posting.

11. **JURISDICTION**

11.1 This Deed is governed by and interpreted in accordance with the law of England and Wales.

12. **RESOLUTION OF DISPUTE**

12.1 In the event of any dispute arising between the parties, the parties will attempt to resolve that dispute amicably including holding a meeting attended by at least one representative from each party.

12.2 If the parties are unable to resolve the dispute amicably pursuant to clause 12.1, one party may by serving notice on all the other parties (the **Notice**) refer the dispute to an Expert for determination.

12.3 The Notice must specify:

12.3.1 the nature basis and brief description of the dispute;

12.3.2 the clause of paragraph of this Deed pursuant to which the dispute has arisen; and

12.3.3 the name and address of the proposed Expert.

12.4 In the event that the parties are unable to agree whom should be appointed as an Expert within 10 Working Days after the date of the Notice then either party may request to the President of the Law Society to nominate the Expert at their joint expense.

12.5 The Expert shall act as an expert and not as an arbitrator and his decision will (in the absence of manifest error) be final and binding on the parties hereto and at whose cost shall be at his discretion or in the event that he makes no determination, such costs will be borne by the parties to the dispute in equal shares.

12.6 The Expert will be appointed subject to an express requirement that he reaches his decision and communicates it to the parties within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not later than 28 Working Days from the date of his appointment to act.

12.7 The Expert will be required to give notice to each of the said parties inviting each of them to submit to him within 10 Working Days written submissions and supporting material and will afford to each of the said parties an opportunity to make counter submissions within a further 5 Working Days in respect of any such submission and material.

13. **CHANGE IN OWNERSHIP**

13.1 Keepmoat agrees with the Council to give the Council immediate written notice of any change in ownership of the interest of Keepmoat in the Land such change in ownership occurring before all the obligations under this Deed have been discharged, such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the land transferred by reference to a plan PROVIDED THAT this clause shall not apply to the sale or disposal of individual Dwellings.

14. **COMMUNITY INFRASTRUCTURE LEVY**

14.1 If after the date of this Deed the Council implements the provisions relating to Community Infrastructure Levy pursuant to the Planning Act 2008 as amended and has a charging schedule that has been approved and taken effect and as a consequence thereof any obligations under this Deed or under any condition attached to the Planning Permission change so that Keepmoat must pay a sum of money to any person (whether HM Government or to the Council or otherwise) which would duplicate, add to or overlap with any obligation of a party under this Deed then the parties agree that the terms of this Deed may at the election of the party affected be modified to such extent (if any) as is necessary to provide terms which are financially and practically no less advantageous and no more onerous than the terms of this Deed as at the date that they are entered into.

15. **VAT**

15.1 All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable. If at any time VAT is or becomes chargeable in respect of any supply made in accordance with the terms of this deed then to the extent that VAT has not been previously charged in respect of that supply the party making the supply shall have the right to issue a VAT invoice to the party to whom the supply was made and the VAT shall be paid accordingly.

SCHEDULE 1
Phase 1 Obligations

1. Keepmoat covenants:
 - 1.1 To pay 25% of the Play Space Contribution to the Council prior to Occupation of any Dwellings on Phase 1.
 - 1.2 To submit the On Site Public Open Space Scheme for approval to the Council prior to the Commencement of Development (such approval not to be unreasonably withheld or delayed). If the Council fails to respond within 14 days from the submission of the On Site Public Open Space Scheme then such scheme shall be deemed to be approved AND for the avoidance of doubt Keepmoat shall be entitled to resubmit the Open Space Scheme for approval as many times as necessary and the same provisions relating to the Council's response and approval or deemed approval shall apply to each resubmission and thereafter to implement the Approved On Site Public Open Space Scheme for Phase 1.
 - 1.3 To pay 50% of the Inspection Fee prior to Occupation of any Dwelling on Phase 1.
 - 1.4 To pay 25% of the Sustainable Travel Fund Contribution prior to Occupation of any Dwelling on Phase 1.
 - 1.5 To pay 25% of the Sustainable Travel Fund Contribution upon completion of the final Dwelling on Phase 1.

SCHEDULE 2
Phase 2 Obligations

1. Keepmoat covenants:
 - 1.1 To pay 50% of the Education Contribution to the Council prior to Occupation of any of the Dwellings on Phase 2.
 - 1.2 To pay 75% of the Play Space Contribution to the Council prior to Occupation of 50% of the Dwellings on Phase 2.
 - 1.3 To pay 50% of the Inspection Fee prior to Occupation of any Dwelling on Phase 2.
 - 1.4 To implement the Approved On Site Public Open Space Scheme for Phase 2.
 - 1.5 To pay 25% of the Sustainable Travel Fund Contribution upon completion of the final Dwelling on Phase 2.
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SCHEDULE 3
Phase 3 Obligations

1. Keepmoat covenants:
 - 1.1 To pay 50% of the Education Contribution to the Council prior to Occupation of any of the Dwellings on Phase 3.
 - 1.2 To implement the Approved On Site Public Open Space Scheme for Phase 3.
 - 1.3 To pay 25% of the Sustainable Travel Fund Contribution upon completion of the final Dwelling on Phase 3

SCHEDULE 4
Council's Covenants

1. The Council covenants with Keepmoat as follows:

Contributions

- 1.1 To pay the Contributions into a separately identified interest bearing section of the Council's combined accounts as soon as reasonably practicable after receipt.
- 1.2 Not to use any part of the Contributions other than for the purposes for which it was paid (whether by the Council or another party).
- 1.3 In the event that the Contributions or any part thereof have not been spent or committed for expenditure by the Council within 5 years following the date of receipt of the relevant Contribution the Council shall refund to the person who made the payment any part of the Contributions which have not been spent or committed for expenditure, together with any accrued interest.

APPENDIX 1
Draft Planning Permission



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/62/92940/W

To: Hugh Sterndale-Smith,
Keepmoat Homes Ltd
Vico Court
Ring Road
Lower Wortley
Leeds
LS12 6AN

For: HUGH STERNDAL-SMITH, KEEPMOAT HOMES 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:-

ERECTION OF 161 RESIDENTIAL UNITS INCLUDING A 50 UNIT EXTRA CARE FACILITY (ALL CLASS C3) AND PUBLIC OPEN SPACE

At: LAND WEST OF, ASHBROW INFANT AND NURSERY SCHOOL, ASHBROW ROAD, ASHBROW, HUDDERSFIELD

In accordance with the plan(s) and applications submitted to the Council on 09-Sep-2019, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The development hereby permitted shall be carried out in accordance with approved drawing number A(000)017 Rev E (Phasing Plan).

Reason: To ensure the development is carried out in a comprehensive and controlled manner in order to accord with Policies LP5, LP21 and LP24 of the Kirklees Local Plan.

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan for biodiversity (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP 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 in accordance with the approved details.

Reason: To mitigate the impact of the construction of the development on biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that such matters are addressed at an appropriate stage of the development process.

5. A construction management plan for the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority before development commences. The schedule shall include details of the times of use of the access, construction workers parking facilities and a scheme to demonstrate how the highway will be kept clear of mud/debris. 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 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.

6. A Construction Environmental Management Plan (CEMP) to mitigate the impact of the development on the amenity of neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority before development commences. The CEMP shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:-

- Noise & vibration arising from all construction related activities, which should also include suitable restrictions on the hours of working on the site including times of deliveries;
- Dust arising from all construction related activities;
- Artificial lighting used in connection with all construction related activities and security of the construction site.

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

Reason: To mitigate the impact of the construction of the development on residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that such matters are addressed at an appropriate stage of the development process.

7. The development hereby permitted shall be carried out in accordance with the approved Remedial Strategy prepared by Sirius Geotechnical dated 22 June 2018 (Ref: C6944A/JF/8479).

In the event that remediation is unable to proceed in accordance with the approved Remedial 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 and to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

8. Following completion of the measures identified in the approved Remedial 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 Remedial 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 unacceptable risks to human health and the environment have been addressed and to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

9. 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; and
- 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 for that phase 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 identified at an appropriate stage.

10. Development shall not commence until a scheme detailing off-site surface water drainage (plans, longitudinal sections and outfall construction details) has been submitted to and approved in writing by the Local Planning Authority. 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 shall thereafter be retained as such.

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.

11. Details of arrangements for the future maintenance and management responsibilities of the surface water drainage infrastructure within the site shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The arrangements so approved shall be implemented in accordance with the approved details.

Reason: To ensure that there are suitable arrangements in place for the surface water drainage system to ensure an acceptable standard of operation for the lifetime of the development. This is to accord with guidance in the National Planning Policy Framework.

12. No development shall take place (with the exception of soil and vegetation strip) until details of the junction and associated highway works between the proposed estate road and adopted highway (roundabout) have been 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 highway safety and to achieve a satisfactory layout. This is to accord with Policy LP21 of the Kirklees Local Plan.

13. No development shall take place (with the exception of soil and vegetation strip) 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 full sections, drainage works, street lighting, signing, surface finishes and the treatment of sightlines, together with an independent safety audit covering all aspects of work. The scheme shall be completed in accordance with the details of the approved plans and retained thereafter. The works shall be completed prior to the occupation of the corresponding development phase, as detailed under Condition 3.

Reason: To ensure that suitable access is available for the development to accord with Policy LP21 of the Kirklees Local Plan.

14. No development shall take place (with the exception of soil and vegetation strip) until details of the siting, design, structural calculations and material to be used in the construction of retaining walls/structures near or abutting existing and proposed adoptable highway have been submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall not be brought into use until the approved works for that corresponding phase have been constructed in accordance with the approved details. The works shall thereafter be retained as such.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policy LP21 of the Kirklees Local Plan.

15. A landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the first dwelling commences. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- 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 over a five-year period).
- g. Details of the body or organization 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 long-term 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: In the interests of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

16. A "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

17. A lighting scheme for any external lighting relating to the extra care facility shall be submitted to and approved in writing by the Local Planning Authority before any such lighting is first installed. The scheme shall include the following information:-

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan.

18. Details of the installation and/or erection of any extract ventilation system, including details of the methods of treatments of emissions and filters to remove odours and control noise emissions, for the extra care facility shall be submitted to and approved in writing by the Local Planning Authority before the extra care facility is first brought into use. The ventilation system shall thereafter be retained as such and operated when the extra care apartment's kitchen is in use and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan.

19. Notwithstanding the submitted information, a detailed scheme for the design of a public path link within the north-west part of the site that connects to public footpath Huddersfield 382 shall be submitted to and approved in writing by the Local Planning Authority before any dwelling within phase 2 is first occupied. The scheme shall include an agreement for the path's dedication as public highway along with scale drawings identifying the proposed

works including surfacing, drainage and lighting. The path shall be designed so as not to be located over the drainage attenuation tank. The path shall be provided before 50% of the dwellings in phase 2 are occupied and shall thereafter be retained as such.

Reason: To enhance the accessibility of the development and promote sustainable travel. This is to accord with Policies LP3 and LP20 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

20. Details of a scheme for improvement works to the existing definitive public footpath Huddersfield 382 which runs to the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority before any dwelling within phase 2 is first occupied. The scheme shall include details of any proposed widening, surfacing, lighting and drainage works. The scheme of improvement works shall be implemented before 50% of the dwellings in phase 2 are occupied and shall thereafter be retained as such.

Reason: To enhance the accessibility of the development and promote sustainable travel. This is to accord with Policies LP3 and LP20 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

21. Notwithstanding the submitted landscaping plan, a scheme for additional tree planting to the site frontage to compensate for the loss of 4no. protected trees that lie immediately to the north east of the approved access shall be submitted to and approved in writing by the Local Planning Authority before any dwelling in phase 1 is first occupied. The additional tree planting shall be provided before works commence on phase 2 of the development. The tree planting so approved shall be maintained for a period of five years from planting. If, within this period, any of the trees shall die, become diseased or be removed, they shall be replaced with others of similar size.

Reason: In the interests of visual amenity and biodiversity and to accord with Policies LP24, LP33 and LP30 of the Kirklees Local Plan.

22. A phasing plan for the provision of the approved soft landscaping scheme (drawing reference c-1417-01 Revision J) shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The soft landscaping shall be provided in accordance with the approved phasing. The approved soft landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.

Reason: In the interests of visual amenity and biodiversity and to accord with Policies LP24, LP11 and LP30 of the Kirklees Local Plan.

23. The development shall be carried out in accordance with the approved Arboricultural Method Statement/Tree Protection Plan (reference BA6485AIA_E).

Reason: So as to protect to viability of the protected mature trees within/adjacent to the application site and to accord with Policy LP33 of the Kirklees Local Plan.

24. The approved vehicle parking areas located within private residential curtilage shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. The

parking areas shall be surfaced as such before the dwelling to which they relate is first occupied and thereafter retained.

Reason: In the interests of highway safety and to mitigate flood risk and to accord with LP21 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

25. A lockable gate to the shared access to Plots 14 and 15, as indicated on drawing numbers A(000)001 Rev AC (site layout plan) and A(000)015 Rev F (boundary treatment plan), shall be provided before either of these dwellings are first occupied. The gate shall thereafter be retained as such.

Reason: To enhance the security of these plots and reduce opportunities for crime and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

26. The electric vehicle recharging points as shown on drawing number A(000)001 Rev AC and specified within the Rolec product catalogue (Wallpod: EV HomeCharge, page 3) shall be provided before the dwelling to which they relate is first occupied. The recharging points shall thereafter be retained as such.

Reason: To mitigate the impact of the development on air quality and to accord with Policy LP24 of the Kirklees Local Plan, guidance contained in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

27. A scheme for the provision of 5 electric vehicle recharging points for the extra care facility shall be submitted to and approved in writing by the Local Planning Authority before the extra care facility is first occupied. The electric vehicle charging points shall be provided before the extra care facility is first brought into use and shall thereafter be retained.

Reason: To mitigate the impact of the development on air quality and to accord with Policy LP24 of the Kirklees Local Plan, guidance contained in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

28. The measures detailed in the approved Travel Plan (ref SC/17209/TP/6, dated August 2019) shall be implemented in full prior to the site being brought into use.

Reason: To promote sustainable forms of travel and to accord with Policies LP3 and LP20 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

29. The development shall be provided in accordance with the works specified within the approved Noise Impact Assessment prepared by Dragonfly Consulting dated August 2019 (Ref: DC 3217-R1v2) and thereafter 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	A(000)100	-	09/09/19
Proposed Site Layout Plan	A(000)001	Rev AC	15/11/19

Plan Type	Reference	Version	Date Received
Boundary Treatment Plan	A(000)015	Rev G	17/01/20
Landscaping Plan	c-1417-01	Rev J	15/11/19
Landscape Plan (open space)	A(000)014	Rev C	09/09/19
Surface Treatment Plan	A(000)018	Rev C	17/01/20
Retained Land Plan	A(000)019	-	09/09/19
Proposed Site Sections (Section A-A & B-B)	A(001)002	-	09/09/19
Proposed Site Sections (Section C-C)	A(001)003	-	09/09/19
Proposed Site Sections (Section D-D)	A(001)004	-	09/09/19
Proposed Site Sections (Section E-E & F-F)	A(001)005	-	09/09/19
Materials Plan	A(000)016	Rev C	09/09/19
House Type 768	01191A_HT 768-01	Rev C	09/09/19
House Type 768	01191A_HT 768-04	Rev C	09/09/19
House Type 953	01191A_HT 953-01	Rev C	09/09/19
House Type 968 (semi-detached)	01191A_HT 968-03	Rev D	09/09/19
House Type 968 v1 (reconstituted stone option)	01191A_HT 968v1	Rev C	09/09/19
House Type 968 (detached reconstituted stone option)	01191A_HT 968-02	Rev C	09/09/19
House Type 1016	01191A_HT 1016-01	Rev C	09/09/19
House Type 1210	01191A_HT 1210-01	Rev B	09/09/19
House Type 1054V1 NDSS Variation	A(1054V1)001	-	09/09/19
House Type 1062V1 NDSS Variation	A(1062V1)001	-	09/09/19
House Type 1054BV1 NDSS Variation	A(1054BV1)001	-	09/09/19
House Type 1054B NDSS Variation	A(1054B)001	Rev C	09/09/19
House Type 1054 NDSS Variation	A(1054)001	Rev C	09/09/19
House Type 1062B NDSS Variation	A(1062B)001	Rev D	09/09/19

Plan Type	Reference	Version	Date Received
House Type 1062 NDSS Variation	A(1062)001	Rev D	09/09/19
Proposed Balcony Details	A(001)001	-	09/09/19
Proposed Plot Levels (Sheet 1)	114509/2037	Rev K	17/01/20
Proposed Plot Levels (Sheet 2)	114509/2038	Rev L	17/01/20
Proposed Plot Levels (Sheet 3)	114509/2039	Rev N	17/01/20
Street Elevation 3	A(000)022	-	09/09/19
Site Sections	3340 (4)001 H	-	09/09/19
Extra Care Facility – Site Layout	3340 (1)004 X	-	09/09/19
Extra Care Facility – Floor Plans	3340(2)001 M	-	09/09/19
Extra Care Facility – Elevations	3340 (3)001 J	-	09/09/19
Extra Care Facility – Isometrics	3340 (3)002 L	-	09/09/19
Extra Care Facility – Site Location Boundary	3340 3340(1)007 C	-	09/09/19
Extra Care Facility – Ground Floor Communal Areas Plan	3340 (2)005 E	-	09/09/19
Flat Type A (1 bed)	3340(2)010 B	-	09/09/19
Flat Type A bay (1 bed)	3340(2)011 B	-	09/09/19
Flat Type A+ (1 bed +)	3340(2)014 B	-	09/09/19
Flat Type B (2 bed)	3340(2)102 B	-	09/09/19
Extra Care Facility – Boundaries	3340 (1) 006 J	-	09/09/19
Images 1	3340 (3)010 C	-	09/09/19
Images 2	3340 (3)011 C	-	09/09/19
Images 3	3340 (3)012 C	-	09/09/19
Images 4	3340 (3)013 B	-	09/09/19
Section 38 Proposed Kerbing Plan	114509/2013	Rev K	09/09/19
Section 38 Legal Plan	114509/2014	Rev N	09/09/19
Section 38 Proposed Surfacing Plan	114509/2012	Rev L	09/09/19
Car Parking Layout – Housing	A(000)023	-	09/09/19
Public Right of Way Retaining Wall (1 of 2)	272/134/1003	Rev B	17/01/20

Plan Type	Reference	Version	Date Received
Public Right of Way Retaining Wall (2 of 2)	272/134/1004	Rev B	17/01/20
Phasing Plan	A(000)017	Rev E	09/09/19
Phasing Plan – Phase 1	A(000)025	-	09/09/19
Phasing Plan – Phase 1	A(000)026	-	09/09/19
Phasing Pan – Phase 2	A(000)027	Rev A	09/09/19
Phasing Plan – Phase 3	A(000)028	-	09/09/19
Arboricultural Impact Assessment Plan	Barnes & Associates BA6485AIA_E 02/08/19	-	09/09/19
Tank Access Shaft Schedule	114509/2042	Rev F	28/11/19
Attenuation Tank Details (Southern Tank)	STS1981-001	Rev D	28/11/19
Attenuation Tank Details (Northern Tank)	STS1981-101	Rev E	28/11/19
Attenuation Tank Plan & Section	272/134/50	Rev C	09/09/19
Section 104 Drainage Layout	114509/2003	Rev X	28/11/19
Impermeable Area Plan	114509/2052	Rev F	17/01/20
Utility Survey	12526-223-2_UMS(1)	-	09/09/19
Utility Survey	12526-223-2_UMS(2)	-	09/09/19
Utility Survey	12526-223-2_UMS(3)	-	09/09/19
Utility Survey	12526-223-2_UMS(4)	-	09/09/19
Flood Risk Assessment	Weetwood July 2019	Final Report v1.4	09/09/19
Micro Drainage Calculations – Southern Tank	Dated 28/11/19	-	28/11/19
Micro Drainage Calculations – Northern Tank	Dated 28/11/19	-	28/11/19
Attenuation Tank Information	Letter from ARP dated 5 th July 2019 Ref KMT/21/JEDjc	-	09/09/19
Geoenvironmental Appraisal	Sirius C6944A	-	09/09/19

Plan Type	Reference	Version	Date Received
	June 2016		
Supplementary Ground Investigation	Sirius C6944D/MB/8981/REV A 23/07/19	-	09/09/19
Ground Gas Risk Assessment	Sirius C6944A/NI/7449 10/08/16	-	14/11/19
Remedial Strategy	Sirius C6944A/JF/8479 22/06/18	-	09/12/19
Archaeological Evaluation by Trial Trenching	Maparch 02/08/18	-	09/09/19
Supporting Information	Sirius C6944A/MB/8669 25/10/19	-	09/09/19
Noise Impact Assessment	Dragonfly Consulting DC3217-R1v2	-	11/11/19
Road Safety Audit – Stage 1	JHB Consulting 24/10/17	Final Report	09/09/19
Transport Assessment Addendum	SCP SC/17446/TN03 01/08/19	-	09/09/19
Travel Plan	SCP SC/17209/TP/6 August 2019	-	09/09/19
Extended Phase 1 Habitat Survey Report	JCA Ltd 13945/jb 26/01/18	-	09/09/19
Badger Survey & Report	JCA Ltd 13945c/JB 10/07/19	-	09/09/19
Bat Survey & Report	JCA Ltd 13945a/JBRev1 Dated 08/02/19	-	09/09/19
Arboricultural Impact Appraisal	Barnes & Associates BA6485AIA_E 31/07/19	-	09/09/19
Air Quality Addendum	Redmore Environmental 1276-1r2 31/07/19	-	09/09/19
Design & Access Statement	July 2019	-	09/09/19
Planning Statement	Arup	-	09/09/19

Plan Type	Reference	Version	Date Received
	Dated 01/08/19		
Statement of Community Involvement	Arup Dated 01/08/19	-	09/09/19
Sustainability Statement	JSP Sustainability Ltd June 2019	-	09/09/19
Affordable Housing Statement	Arup Dated 01/08/19	-	09/09/19
Electric Vehicle Charging Specification	Rolec EV	-	26/11/19

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.**

****COAL NOTE IF REQUIRED****

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 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:**
 - i) **28 days of the date of service of the enforcement notice, or**
 - ii) **within the specified period, starting on 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 so that we can work on continually improving our customer service. Thank you.

Dated:

Signed:

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 planning applications and decisions' and by searching for application number 2019/62/92940/W .

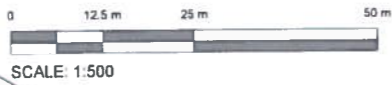
If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

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

PLAN



Pond

Ashbrow Junior School

Ashbrow Infant & Nursery School

Nursery

El Sub Sta

ASH MEADOW CLOSE

ASHBROW ROAD

BEECH TREE COURT

PHASE 2

PHASE 3

PHASE 1

- Notes**
1. Do not scale drawing. If in doubt contact DMS Architecture Ltd.
 2. All dimensions are in millimetres unless noted otherwise.
 3. Not for construction unless otherwise shown.
 4. When appropriate, this drawing to be read in conjunction with project specific Designers Risk Assessments, produced in accordance with requirements of Regulation 13 of the Construction (Design and Management) Regulations 2007.
 5. The design shown on this drawing is the property of DMS Architecture Ltd and is not to be used or the drawing copied, communicated or disclosed, in whole or in part, except in accordance with a contract, licence or agreement in writing with DMS Architecture Ltd.

KEY:

- Phase 1
(29no. OMS, 7no. AH)
- Phase 2
(30no. OMS, 6no. AH)
- Phase 3
(39no. OMS)
- Affordable Housing Plots
- Site Boundary
- Extra Care Boundary

REV	DATE	DESCRIPTION	DRN	CHKD
E	19/06/19	Affordable housing amended as per Keepmoat comments, plots 28, 29, 30 & 31 removed, plots 8, 9, 45 & 46.	JPE	MS
D	23/02/19	Drawing updated to current site layout.	JPE	MS
C	16/07/19	Extra Care southern boundary updated to match proposed retaining wall.	JPE	MS
B	04/07/19	Plots 44 & 45 amended to Affordable Housing	MS	
A	04/07/19	Affordable Housing Plots indicated	MS	

Keepmoat
 KEEPMOAT, THE WATERFRONT
 LAKESIDE BOULEVARD, DONCASTER, DN4 5PL

DMS
 ARCHITECTURE
 THE OLD POLICE STATION, HIGH STREET
 NORMANTON, WF6 2AL
 Tel: 01924 899749
 E-mail: mail@dmsarchitecture.co.uk www.dmsarchitecture.co.uk

PROJECT
 KEEPMOAT HOMES LTD
 ASHBROW, HUDDERSFIELD

TITLE
 PROPOSED SITE PLAN, PHASING PLAN

STAGE
PLANNING

PROJECT No	DRAWING No	REV
1339	A(000)017	E
SCALE	DATE	
1:500 @ A1	JULY 2019	
DRAWN	CHECKED	
MS	JPE	

IN WITNESS whereof the Council and Keepmoat have executed this Deed the day and year first before written

EXECUTED AS A DEED by affixing the Common Seal of **THE COUNCIL OF THE BOROUGH OF KIRKLEES** in the presence of:

Authorised Signatory

SIGNED AS A DEED by **KEEPMOAT HOMES LIMITED** acting by one director in the presence of:

EXECUTED AS A DEED by affixing the Common Seal of **THE COUNCIL OF THE BOROUGH OF KIRKLEES** in the presence of:



013136

Authorised Signatory

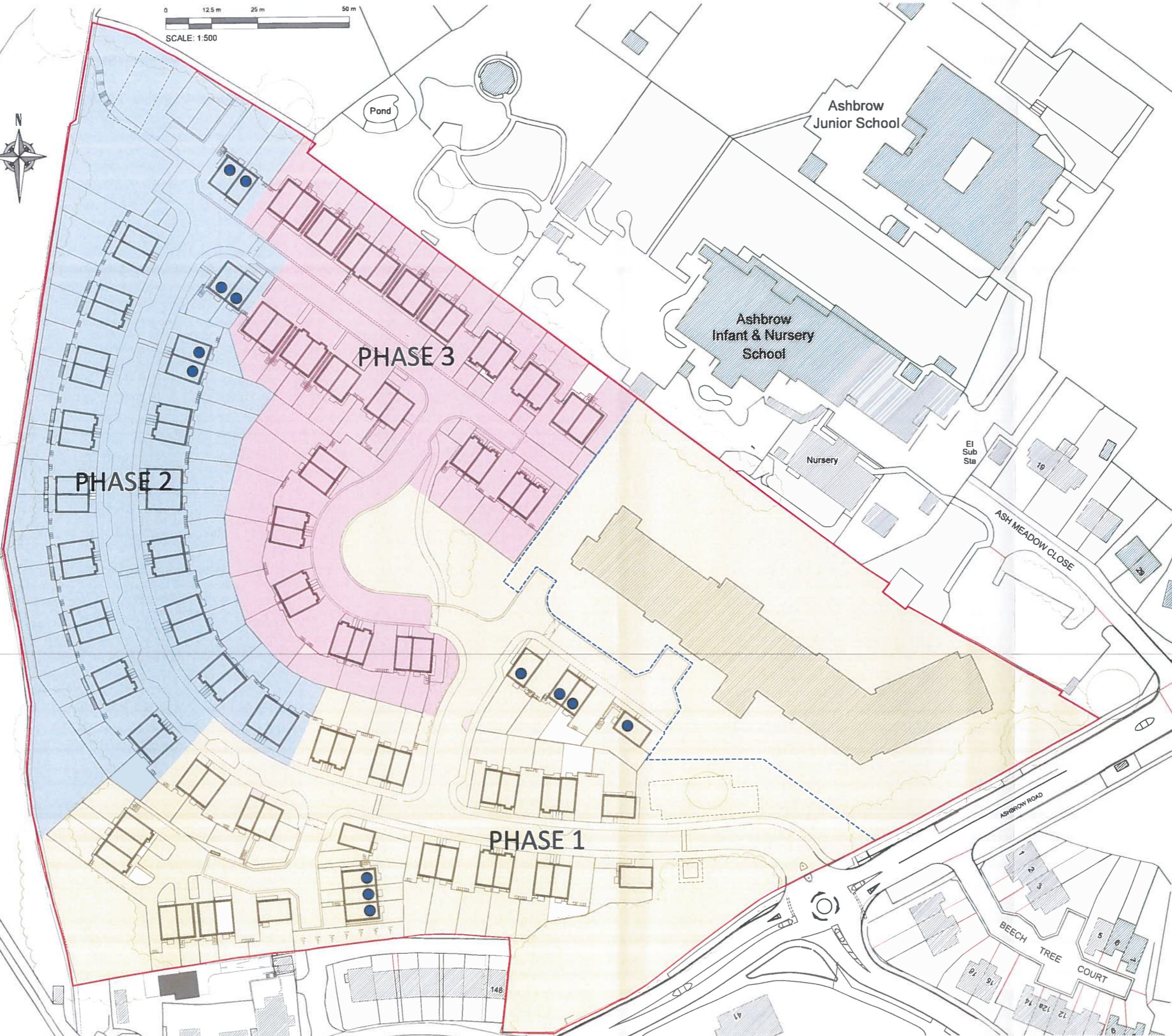
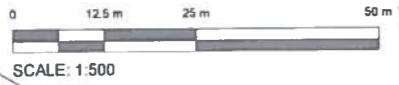
**EXECUTED AS A DEED by
KEEPMOAT HOMES LIMITED**
acting by a director and its secretary or two directors

Director

~~Director~~ Secretary

APPENDIX 1

Plan



- Notes**
1. Do not scale drawing. If in doubt contact DMS Architecture Ltd.
 2. All dimensions are in millimetres unless noted otherwise.
 3. Not for construction unless otherwise stated.
 4. When appropriate, this drawing to be read in conjunction with project specific Designers Risk Assessments, produced in accordance with requirements of Regulation 13 of the Construction (Design and Management) Regulations 2007.
 5. The design shown on this drawing is the property of DMS Architecture Ltd and is not to be used or the drawing copied, communicated or disclosed, in whole or in part, except in accordance with a contract, licence or agreement in writing with DMS Architecture Ltd.

KEY:

	Phase 1 (29no. OMS, 7no. AH)
	Phase 2 (30no. OMS, 6no. AH)
	Phase 3 (39no. OMS)
	Affordable Housing Plots
	Site Boundary
	Extra Care Boundary

REV.	DATE	DESCRIPTION	DRN.	CHKD.
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B	04/07/19	Plots 44 & 45 amended to Affordable Housing.	MS	
A	04/07/19	Affordable Housing Plots indicated.	MS	

Keepmoat
 KEEPMOAT, THE WATERFRONT,
 LAKESIDE BOULEVARD, DONCASTER, DN4 5PL

DMS ARCHITECTURE
 THE OLD POLICE STATION, HIGH STREET
 NORMANTON, WF6 2AL
 Tel: 01924 898749
 E-mail: mail@dmsarchitecture.co.uk www.dmsarchitecture.co.uk

PROJECT
 KEEPMOAT HOMES LTD
 ASHBROW, HUDDERSFIELD

TITLE
 PROPOSED SITE PLAN, PHASING PLAN

STAGE
PLANNING

PROJECT No. 1339	DRAWING No. A(000)017	REV. E
SCALE 1:500 @ A1	DATE JULY 2019	
DRAWN MS	CHECKED JPE	

APPENDIX 2
Draft Planning Permission



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/62/92940/W

To: Hugh Sterndale-Smith,
Keepmoat Homes Ltd
Vico Court
Ring Road
Lower Wortley
Leeds
LS12 6AN

For: HUGH STERNDALÉ-SMITH, KEEPMOAT HOMES 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:-

ERECTION OF 161 RESIDENTIAL UNITS INCLUDING A 50 UNIT EXTRA CARE FACILITY (ALL CLASS C3) AND PUBLIC OPEN SPACE

At: LAND WEST OF, ASHBROW INFANT AND NURSERY SCHOOL, ASHBROW ROAD, ASHBROW, HUDDERSFIELD

In accordance with the plan(s) and applications submitted to the Council on 09-Sep-2019, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The development hereby permitted shall be carried out in accordance with approved drawing number A(000)017 Rev E (Phasing Plan).

Reason: To ensure the development is carried out in a comprehensive and controlled manner in order to accord with Policies LP5, LP21 and LP24 of the Kirklees Local Plan.

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan for biodiversity (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP 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 in accordance with the approved details.

Reason: To mitigate the impact of the construction of the development on biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that such matters are addressed at an appropriate stage of the development process.

5. A construction management plan for the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority before development commences. The schedule shall include details of the times of use of the access, construction workers parking facilities and a scheme to demonstrate how the highway will be kept clear of mud/debris. 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 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.

6. A Construction Environmental Management Plan (CEMP) to mitigate the impact of the development on the amenity of neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority before development commences. The CEMP shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:-

- Noise & vibration arising from all construction related activities, which should also include suitable restrictions on the hours of working on the site including times of deliveries;
- Dust arising from all construction related activities;
- Artificial lighting used in connection with all construction related activities and security of the construction site.

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

Reason: To mitigate the impact of the construction of the development on residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that such matters are addressed at an appropriate stage of the development process.

7. The development hereby permitted shall be carried out in accordance with the approved Remedial Strategy prepared by Sirius Geotechnical dated 22 June 2018 (Ref: C6944A/JF/8479).

In the event that remediation is unable to proceed in accordance with the approved Remedial 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 and to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

8. Following completion of the measures identified in the approved Remedial 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 Remedial 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 unacceptable risks to human health and the environment have been addressed and to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

9. 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; and
- 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 for that phase 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 identified at an appropriate stage.

10. Development shall not commence until a scheme detailing off-site surface water drainage (plans, longitudinal sections and outfall construction details) has been submitted to and approved in writing by the Local Planning Authority. 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 shall thereafter be retained as such.

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.

11. Details of arrangements for the future maintenance and management responsibilities of the surface water drainage infrastructure within the site shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The arrangements so approved shall be implemented in accordance with the approved details.

Reason: To ensure that there are suitable arrangements in place for the surface water drainage system to ensure an acceptable standard of operation for the lifetime of the development. This is to accord with guidance in the National Planning Policy Framework.

12. No development shall take place (with the exception of soil and vegetation strip) until details of the junction and associated highway works between the proposed estate road and adopted highway (roundabout) have been 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 highway safety and to achieve a satisfactory layout. This is to accord with Policy LP21 of the Kirklees Local Plan.

13. No development shall take place (with the exception of soil and vegetation strip) 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 full sections, drainage works, street lighting, signing, surface finishes and the treatment of sightlines, together with an independent safety audit covering all aspects of work. The scheme shall be completed in accordance with the details of the approved plans and retained thereafter. The works shall be completed prior to the occupation of the corresponding development phase, as detailed under Condition 3.

Reason: To ensure that suitable access is available for the development to accord with Policy LP21 of the Kirklees Local Plan.

14. No development shall take place (with the exception of soil and vegetation strip) until details of the siting, design, structural calculations and material to be used in the construction of retaining walls/structures near or abutting existing and proposed adoptable highway have been submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall not be brought into use until the approved works for that corresponding phase have been constructed in accordance with the approved details. The works shall thereafter be retained as such.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policy LP21 of the Kirklees Local Plan.

15. A landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the first dwelling commences. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- 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 over a five-year period).
- g. Details of the body or organization 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 long-term 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: In the interests of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

16. A "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

17. A lighting scheme for any external lighting relating to the extra care facility shall be submitted to and approved in writing by the Local Planning Authority before any such lighting is first installed. The scheme shall include the following information:-

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan.

18. Details of the installation and/or erection of any extract ventilation system, including details of the methods of treatments of emissions and filters to remove odours and control noise emissions, for the extra care facility shall be submitted to and approved in writing by the Local Planning Authority before the extra care facility is first brought into use. The ventilation system shall thereafter be retained as such and operated when the extra care apartment's kitchen is in use and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan.

19. Notwithstanding the submitted information, a detailed scheme for the design of a public path link within the north-west part of the site that connects to public footpath Huddersfield 382 shall be submitted to and approved in writing by the Local Planning Authority before any dwelling within phase 2 is first occupied. The scheme shall include an agreement for the path's dedication as public highway along with scale drawings identifying the proposed

works including surfacing, drainage and lighting. The path shall be designed so as not to be located over the drainage attenuation tank. The path shall be provided before 50% of the dwellings in phase 2 are occupied and shall thereafter be retained as such.

Reason: To enhance the accessibility of the development and promote sustainable travel. This is to accord with Policies LP3 and LP20 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

20. Details of a scheme for improvement works to the existing definitive public footpath Huddersfield 382 which runs to the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority before any dwelling within phase 2 is first occupied. The scheme shall include details of any proposed widening, surfacing, lighting and drainage works. The scheme of improvement works shall be implemented before 50% of the dwellings in phase 2 are occupied and shall thereafter be retained as such.

Reason: To enhance the accessibility of the development and promote sustainable travel. This is to accord with Policies LP3 and LP20 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

21. Notwithstanding the submitted landscaping plan, a scheme for additional tree planting to the site frontage to compensate for the loss of 4no. protected trees that lie immediately to the north east of the approved access shall be submitted to and approved in writing by the Local Planning Authority before any dwelling in phase 1 is first occupied. The additional tree planting shall be provided before works commence on phase 2 of the development. The tree planting so approved shall be maintained for a period of five years from planting. If, within this period, any of the trees shall die, become diseased or be removed, they shall be replaced with others of similar size.

Reason: In the interests of visual amenity and biodiversity and to accord with Policies LP24, LP33 and LP30 of the Kirklees Local Plan.

22. A phasing plan for the provision of the approved soft landscaping scheme (drawing reference c-1417-01 Revision J) shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The soft landscaping shall be provided in accordance with the approved phasing. The approved soft landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.

Reason: In the interests of visual amenity and biodiversity and to accord with Policies LP24, LP11 and LP30 of the Kirklees Local Plan.

23. The development shall be carried out in accordance with the approved Arboricultural Method Statement/Tree Protection Plan (reference BA6485AIA_E).

Reason: So as to protect to viability of the protected mature trees within/adjacent to the application site and to accord with Policy LP33 of the Kirklees Local Plan.

24. The approved vehicle parking areas located within private residential curtilage shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. The

parking areas shall be surfaced as such before the dwelling to which they relate is first occupied and thereafter retained.

Reason: In the interests of highway safety and to mitigate flood risk and to accord with LP21 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

25. A lockable gate to the shared access to Plots 14 and 15, as indicated on drawing numbers A(000)001 Rev AC (site layout plan) and A(000)015 Rev F (boundary treatment plan), shall be provided before either of these dwellings are first occupied. The gate shall thereafter be retained as such.

Reason: To enhance the security of these plots and reduce opportunities for crime and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

26. The electric vehicle recharging points as shown on drawing number A(000)001 Rev AC and specified within the Rolec product catalogue (Wallpod: EV HomeCharge, page 3) shall be provided before the dwelling to which they relate is first occupied. The recharging points shall thereafter be retained as such.

Reason: To mitigate the impact of the development on air quality and to accord with Policy LP24 of the Kirklees Local Plan, guidance contained in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

27. A scheme for the provision of 5 electric vehicle recharging points for the extra care facility shall be submitted to and approved in writing by the Local Planning Authority before the extra care facility is first occupied. The electric vehicle charging points shall be provided before the extra care facility is first brought into use and shall thereafter be retained.

Reason: To mitigate the impact of the development on air quality and to accord with Policy LP24 of the Kirklees Local Plan, guidance contained in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

28. The measures detailed in the approved Travel Plan (ref SC/17209/TP/6, dated August 2019) shall be implemented in full prior to the site being brought into use.

Reason: To promote sustainable forms of travel and to accord with Policies LP3 and LP20 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

29. The development shall be provided in accordance with the works specified within the approved Noise Impact Assessment prepared by Dragonfly Consulting dated August 2019 (Ref: DC 3217-R1v2) and thereafter 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	A(000)100	-	09/09/19
Proposed Site Layout Plan	A(000)001	Rev AC	15/11/19

Plan Type	Reference	Version	Date Received
Boundary Treatment Plan	A(000)015	Rev G	17/01/20
Landscaping Plan	c-1417-01	Rev J	15/11/19
Landscape Plan (open space)	A(000)014	Rev C	09/09/19
Surface Treatment Plan	A(000)018	Rev C	17/01/20
Retained Land Plan	A(000)019	-	09/09/19
Proposed Site Sections (Section A-A & B-B)	A(001)002	-	09/09/19
Proposed Site Sections (Section C-C)	A(001)003	-	09/09/19
Proposed Site Sections (Section D-D)	A(001)004	-	09/09/19
Proposed Site Sections (Section E-E & F-F)	A(001)005	-	09/09/19
Materials Plan	A(000)016	Rev C	09/09/19
House Type 768	01191A_HT 768-01	Rev C	09/09/19
House Type 768	01191A_HT 768-04	Rev C	09/09/19
House Type 953	01191A_HT 953-01	Rev C	09/09/19
House Type 968 (semi-detached)	01191A_HT 968-03	Rev D	09/09/19
House Type 968 v1 (reconstituted stone option)	01191A_HT 968v1	Rev C	09/09/19
House Type 968 (detached reconstituted stone option)	01191A_HT 968-02	Rev C	09/09/19
House Type 1016	01191A_HT 1016-01	Rev C	09/09/19
House Type 1210	01191A_HT 1210-01	Rev B	09/09/19
House Type 1054V1 NDSS Variation	A(1054V1)001	-	09/09/19
House Type 1062V1 NDSS Variation	A(1062V1)001	-	09/09/19
House Type 1054BV1 NDSS Variation	A(1054BV1)001	-	09/09/19
House Type 1054B NDSS Variation	A(1054B)001	Rev C	09/09/19
House Type 1054 NDSS Variation	A(1054)001	Rev C	09/09/19
House Type 1062B NDSS Variation	A(1062B)001	Rev D	09/09/19

Plan Type	Reference	Version	Date Received
House Type 1062 NDSS Variation	A(1062)001	Rev D	09/09/19
Proposed Balcony Details	A(001)001	-	09/09/19
Proposed Plot Levels (Sheet 1)	114509/2037	Rev K	17/01/20
Proposed Plot Levels (Sheet 2)	114509/2038	Rev L	17/01/20
Proposed Plot Levels (Sheet 3)	114509/2039	Rev N	17/01/20
Street Elevation 3	A(000)022	-	09/09/19
Site Sections	3340 (4)001 H	-	09/09/19
Extra Care Facility – Site Layout	3340 (1)004 X	-	09/09/19
Extra Care Facility – Floor Plans	3340(2)001 M	-	09/09/19
Extra Care Facility – Elevations	3340 (3)001 J	-	09/09/19
Extra Care Facility – Isometrics	3340 (3)002 L	-	09/09/19
Extra Care Facility – Site Location Boundary	3340 3340(1)007 C	-	09/09/19
Extra Care Facility – Ground Floor Communal Areas Plan	3340 (2)005 E	-	09/09/19
Flat Type A (1 bed)	3340(2)010 B	-	09/09/19
Flat Type A bay (1 bed)	3340(2)011 B	-	09/09/19
Flat Type A+ (1 bed +)	3340(2)014 B	-	09/09/19
Flat Type B (2 bed)	3340(2)102 B	-	09/09/19
Extra Care Facility – Boundaries	3340 (1) 006 J	-	09/09/19
Images 1	3340 (3)010 C	-	09/09/19
Images 2	3340 (3)011 C	-	09/09/19
Images 3	3340 (3)012 C	-	09/09/19
Images 4	3340 (3)013 B	-	09/09/19
Section 38 Proposed Kerbing Plan	114509/2013	Rev K	09/09/19
Section 38 Legal Plan	114509/2014	Rev N	09/09/19
Section 38 Proposed Surfacing Plan	114509/2012	Rev L	09/09/19
Car Parking Layout – Housing	A(000)023	-	09/09/19
Public Right of Way Retaining Wall (1 of 2)	272/134/1003	Rev B	17/01/20

Plan Type	Reference	Version	Date Received
Public Right of Way Retaining Wall (2 of 2)	272/134/1004	Rev B	17/01/20
Phasing Plan	A(000)017	Rev E	09/09/19
Phasing Plan – Phase 1	A(000)025	-	09/09/19
Phasing Plan – Phase 1	A(000)026	-	09/09/19
Phasing Pan – Phase 2	A(000)027	Rev A	09/09/19
Phasing Plan – Phase 3	A(000)028	-	09/09/19
Arboricultural Impact Assessment Plan	Barnes & Associates BA6485AIA_E 02/08/19	-	09/09/19
Tank Access Shaft Schedule	114509/2042	Rev F	28/11/19
Attenuation Tank Details (Southern Tank)	STS1981-001	Rev D	28/11/19
Attenuation Tank Details (Northern Tank)	STS1981-101	Rev E	28/11/19
Attenuation Tank Plan & Section	272/134/50	Rev C	09/09/19
Section 104 Drainage Layout	114509/2003	Rev X	28/11/19
Impermeable Area Plan	114509/2052	Rev F	17/01/20
Utility Survey	12526-223-2 UMS(1)	-	09/09/19
Utility Survey	12526-223-2 UMS(2)	-	09/09/19
Utility Survey	12526-223-2 UMS(3)	-	09/09/19
Utility Survey	12526-223-2 UMS(4)	-	09/09/19
Flood Risk Assessment	Weetwood July 2019	Final Report v1.4	09/09/19
Micro Drainage Calculations – Southern Tank	Dated 28/11/19	-	28/11/19
Micro Drainage Calculations – Northern Tank	Dated 28/11/19	-	28/11/19
Attenuation Tank Information	Letter from ARP dated 5 th July 2019 Ref KMT/21/JEDjc	-	09/09/19
Geoenvironmental Appraisal	Sirius C6944A	-	09/09/19

Plan Type	Reference	Version	Date Received
	June 2016		
Supplementary Ground Investigation	Sirius C6944D/MB/8981/REV A 23/07/19	-	09/09/19
Ground Gas Risk Assessment	Sirius C6944A/NI/7449 10/08/16	-	14/11/19
Remedial Strategy	Sirius C6944A/JF/8479 22/06/18	-	09/12/19
Archaeological Evaluation by Trial Trenching	Maparch 02/08/18	-	09/09/19
Supporting Information	Sirius C6944A/MB/8669 25/10/19	-	09/09/19
Noise Impact Assessment	Dragonfly Consulting DC3217-R1v2	-	11/11/19
Road Safety Audit – Stage 1	JHB Consulting 24/10/17	Final Report	09/09/19
Transport Assessment Addendum	SCP SC/17446/TN03 01/08/19	-	09/09/19
Travel Plan	SCP SC/17209/TP/6 August 2019	-	09/09/19
Extended Phase 1 Habitat Survey Report	JCA Ltd 13945/jb 26/01/18	-	09/09/19
Badger Survey & Report	JCA Ltd 13945c/JB 10/07/19	-	09/09/19
Bat Survey & Report	JCA Ltd 13945a/JBRev1 Dated 08/02/19	-	09/09/19
Arboricultural Impact Appraisal	Barnes & Associates BA6485AIA_E 31/07/19	-	09/09/19
Air Quality Addendum	Redmore Environmental 1276-1r2 31/07/19	-	09/09/19
Design & Access Statement	July 2019	-	09/09/19
Planning Statement	Arup	-	09/09/19

Plan Type	Reference	Version	Date Received
	Dated 01/08/19		
Statement of Community Involvement	Arup Dated 01/08/19	-	09/09/19
Sustainability Statement	JSP Sustainability Ltd June 2019	-	09/09/19
Affordable Housing Statement	Arup Dated 01/08/19	-	09/09/19
Electric Vehicle Charging Specification	Rolec EV	-	26/11/19

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.

****COAL NOTE IF REQUIRED****

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 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:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on 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 so that we can work on continually improving our customer service. Thank you.

Dated:

Signed:

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 planning applications and decisions' and by searching for application number 2019/62/92940/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
