



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

**PLANNING PERMISSION FOR DEVELOPMENT**

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

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**Application Number: 2019/62/92940/W**

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

**For:** 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 western 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 Policies 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.

30. Notwithstanding the submitted plans, details for the provision of a boundary fence/railings to be erected on top of the approved retaining wall to the north east boundary of Plot 41 and the north-west boundary of Plot 44 shall be submitted to and approved in writing by the Local Planning Authority before either of these plots are first occupied. The boundary treatment so approved shall be provided before the dwelling to which it relates is first occupied and shall thereafter be retained as such.

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

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	A(000)100	-	09/09/19
Proposed Site Layout Plan	A(000)001	Rev AC	15/11/19
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 E	14/02/20
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	A(1062V1)001	-	09/09/19

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
NDSS Variation			
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
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 –	3340 (1) 006 J	-	09/09/19

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Boundaries			
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
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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
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 5th July 2019 Ref KMT/21/JEDjc	-	09/09/19
Geoenvironmental Appraisal	Sirius C6944A June 2016	-	09/09/19
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
<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Road Safety Audit –	JHB Consulting	Final	09/09/19

Stage 1	24/10/17	Report	
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 Dated 01/08/19	-	09/09/19
Statement of Community Involvement	Arup Dated 01/08/19	-	09/09/19

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
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

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The application was subject to informal pre-application advice which informed the proposed scheme. Negotiations were undertaken with the applicant in respect of the conditions.

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

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

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

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

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

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

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

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

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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

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

- If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served 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

- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

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

#### **Purchase Notices**

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

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

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

**Dated:** 17-Feb-2020

**Signed:**



**Karl Battersby**  
Strategic Director Economy and Infrastructure

## **Application Plans**

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

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

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

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

[dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

or telephone 01484 414746 with the application number.

There may be a charge for this service.

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Address to which all communications should be sent:

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

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