



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

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

Application Number: 2019/60/94051/W

To: Jonathan Dunbavin,
ID Planning
9
York Place
Leeds
LS1 2DS

For: Mrs Carter

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

Outline application of up to 39 dwellings and associated works

At: Land off Burn Road, Huddersfield, HD3 3BT

**In accordance with the plan(s) and applications submitted to the Council on 13-
Dec-2019, subject to the condition(s) specified hereunder:-**

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

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

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

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

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

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

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

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

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

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

Reason: To secure an affordable housing contribution and support the three tenets of sustainable development, in accordance with the requirements of Policy LP11 of the Kirklees Local Plan and the aims and objectives of Chapter 5 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that affordable housing details are approved at an appropriate stage of the development process.

6. No material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of Public Open Space and Local Area of Play to serve the development have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, the arrangements shall cover the following matters:

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

Reason: To secure Public Open Space, in the interest of visual and residential amenity, in accordance with the requirements of Policy LP63 of the Kirklees Local Plan and Chapters 8 and 12 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that open space and play details are approved at an appropriate stage of the development process.

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

Reason: To facilitate an increase in the capacity of local schools commensurate with the demands of the development, support the three tenets of sustainable development, in accordance with Policy LP49 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of education are approved at an appropriate stage of the development process.

8. No material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of measures to address highways impacts and to encourage the use of sustainable modes of transport have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure residents of the development are encouraged to use sustainable forms of transport and to mitigate the highway impacts of the development in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details relating to highway impact mitigation and sustainable transport are approved at an appropriate stage of the development process.

9. No material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

10. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 9, no material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall commence (other than those required for a site investigation report) until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 10 groundworks, no further material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition

12. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Material operations as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall commence shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework

13. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework

14. No material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall commence until a scheme detailing foul, surface water and land drainage, (including but not limited to off-site works, gullies and drainage channels, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, evidence of existing drainage connection to offsite system, and percolation tests, where appropriate) 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 and thereafter retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental wellbeing, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that drainage measures are designed and approved at an appropriate stage of the development process.

15. No material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall commence until a detailed exceedance flow routing plan has been submitted to and approved in writing by the Local Planning Authority. The plan must take into consideration exceedance flows above the Design Event, flows originating from within and outwith the site boundary and from the first point on the network to surcharge above ground level. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and the approved scheme shall be retained thereafter throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that drainage measures are designed and approved at an appropriate stage of the development process.

16. No material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall commence until a scheme, detailing temporary surface water drainage for the demolition and construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- a) phasing of the development and phasing of temporary drainage provision; and
- b) 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 approved pursuant to condition 21 is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the provision of adequate temporary means of drainage, in the interests of amenity, environmental wellbeing and to accord with Policies LP24, LP27, LP28 and LP34 of the Kirklees Local Plan and Chapters 12 and 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure appropriate measures to protect amenity and maintain highways safety at an appropriate stage of the development process.

17. Prior to the installation of window glazing, a report specifying the measures to be taken to protect the development from noise from road traffic shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall:

- a) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development;
- b) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences; and
- c) Detail a ventilation Scheme for plots where keeping windows closed are part of the noise mitigation measures. The ventilation scheme shall show how habitable rooms of these plots will be provided with enough ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows.

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In the interest of residential amenity through mitigating noise pollution to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

18. No material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall commence until a Construction Environmental Management Plan (CEMP) is submitted to, and approved in writing by, the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

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

The agreed plan shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure appropriate measures to protect amenity are agreed at an appropriate stage of the development process.

19. No material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall commence 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 sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the Highway, in accordance with LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure appropriate details of the internal estate roads are agreed at an appropriate stage of the development process

20. No material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall commence until a scheme detailing the location and cross sectional information together with the proposed design and construction for all new retaining walls / building retaining walls adjacent to the existing / proposed highway, including any modifications to the existing retaining wall on Burn Road, is submitted to, and approved by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interest of the safety and stability of highway features, to ensure the safe and efficient operation of the Highway network, in accordance with LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure appropriate details of retaining structures are agreed at an appropriate stage of the development process

21. No material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall commence until a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation tanks / pipes / manholes located within the proposed highway footprint has been submitted to, and approved by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained so thereafter.

Reason: In the interest of the safety and stability of highway features, to ensure the safe and efficient operation of the Highway network, in accordance with LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure appropriate details of sub-highway features are agreed at an appropriate stage of the development process

22. No material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall commence until a scheme for the protection of users of footpath HUD/399/10 is submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall address how public safety is to be ensured during works (including any demolition, construction, conversion, and excavation). The applicant may consider including details of measures such as signing, guarding, surface protection, use of banksmen around operations including plant use, laying of services, in addition to the delivery, loading, unloading, storage and movement of materials on site. The approved scheme shall thereafter be implemented and retained throughout the period of the works.

Reason: In the interest of the amenity and safety of PROW users throughout the period of development, in accordance with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure appropriate measures are in place prior to works commencing on site.

23. No material operation as defined in Section 56(4)(a or b) of the Town and Country Planning Act 1990 shall commence until a schedule of the means of access to the site for construction traffic is submitted to, and approved in writing by, the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: Due to the restrictive nature of access to the site, and in the interest of the safe and efficient operation of the highway, in accordance with LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure appropriate measures relating to construction management are agreed at an appropriate stage of the development process.

24. Prior to the occupation of each dwelling, an electric vehicle recharging point shall be installed within its respective dedicated parking area for that dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. All electric vehicle charging points so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

25. Prior to the occupation of each of the hereby approved dwellings, the dwelling's associated parking space shall be surfaced, drained and made ready for use. The parking spaces shall thereafter be retained as such and kept available for parking.

Reason: to ensure adequate space within the site for vehicle movements and parking, in the interest of the safe and efficient operation of the Highway, in accordance with LP21 of the Kirklees Local Plan.

26. Prior to the occupation of any of the hereby approved dwellings, a full residential Travel Plan and arrangements for its monitoring shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall include a timetable for the implementation of its proposed measures and arrangements for the monitoring of the Travel Plan. Thereafter the development shall be operated in accordance with the recommendations of the Travel Plan in accordance with the approved timetable for implementation.

Reason: In the interests of promoting sustainable travel development, and in the interest of the safe and efficient operation of the Highway, in accordance with LP21 of the Kirklees Local Plan.

27. The reserved matter of 'layout' submitted pursuant to Conditions 1 and 2 shall be accompanied by an Arboricultural Impact Assessment and Agricultural Method Statement.

Reason: To enable an informed assessment on the proposal's impact upon the adjacent trees, many of which are protected, in accordance with the aims of Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

28. The reserved matter of 'layout' and 'landscape' submitted pursuant to Conditions 1 and 2 shall be accompanied by supporting ecological information in the form of an

Ecological Impact Assessment (EclA). The EclA shall be informed by the submitted Preliminary Ecological Appraisal and any further surveys and shall demonstrate how the proposals will deliver a measurable biodiversity net gain of at least 10%. The submitted information shall include the following.

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) The pre-development biodiversity value of the onsite habitat measured using the Biodiversity Metric 2.0 (or latest version, if available);
- c) The post-development biodiversity value of the onsite habitat measured using the Biodiversity Metric 2.0 (or latest version, if available); and
- d) Details of any offsite habitat enhancement required to achieve a biodiversity net gain, including pre-development and target biodiversity value.

Reason: To ensure significant ecological harm is prevented and to ensure that a final scheme provides a biodiversity net gain in accordance with the NPPF and policy LP30 of the Kirklees Local Plan.

29. The reserved matter of 'layout' submitted pursuant to Conditions 1 and 2 shall include details of how HUD/399/10 will be preserved and relate to the proposed development, and how it will be retained so thereafter.

Reason: To ensure the Public Right of Way (PROW) is not subsumed into any potential adjacent footways, as the PROW should be kept as a separate entity, in the interest of the safe and efficient operation of the highway network as required by LP21 of the Kirklees Local Plan.

30. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment, ref: E18/7269/FR001. The development shall incorporate all the mitigation measures proposed therein.

Reason: In the interest of drainage and flood safety, to comply with the aims of LP27 of the Kirklees Local Plan and Chapter 14 of the Kirklees Local Plan.

Note: Public footpath HUD/399/10 is adjacent to and partly with the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public Rights of Way is now based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Note: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Note: Details of proposed affordable housing and public open space provision (i.e., the details referred to in conditions 5 and 6) should be submitted at reserved matters stage where the proposed details would have implications for layout.

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

- Monday to Friday: 0730 – 1830

- Saturday: 0800 – 1300

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

Note: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), the National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	0101	Rev. P02	13.12.2019
Indicative Block Plan	0701	Rev. P12	01.05.2020
Supporting Information	Flood Risk Assessment		04.05.2020
Supporting Information	Ecological Impact Assessment		19.03.2020
Supporting Information	Transport Assessment		25.02.2020
Supporting Information	Mineral Extraction Note		27.02.2020
Supporting Information	Climate Change Note		25.02.2020
Supporting Information	Transport Assessment		25.02.2020
Supporting Information	Air Quality Impact Assessment – Memorandum		13.12.2019
Supporting Information	Heritage Impact Assessment		13.12.2019
Supporting Information	Preliminary Geo-Environmental Investigation		13.12.2019
Supporting Information	Noise Impact Assessment		13.12.2019
Supporting Information	Planning Statement		13.12.2019
Supporting Information	Statement of Community Involvement		13.12.2019
Supporting Information	Arboricultural Report		13.12.2019
Supporting Information	Landscape and Visual Impact Assessment		13.12.2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The application initially sought outline permission for 29 units. Officers did not consider this compliant with the Local Plan's density policy. Discussions took place regarding increasing the density, which culminated in an agreement of a new description of 'up to 39 units', which is policy compliant. This secures the potential for policy compliance at reserved matters stage, but also flexibility should sufficient justification be given for a lesser density.

Further information regarding drainage, ecology and highways was requested. This was provided and assessed to be acceptable. Amendments were also secured to remove direct access for several units (on the indicative plan) directly onto Burn Road.

Due to the scale of the development, the application was referred to Planning Sub-Committee (Huddersfield Area) for determination (in accordance with the Council's Scheme of Delegation). The application was presented to the committee on the 29th of July 2020, where members resolved to approve the application, subject to delegation of authority back to officers to resolve condition negotiations and secure the S106 Agreement. Final negotiations on these were delayed, however ultimately have been undertaken, with the conditions being agreed by both parties and the S106 signed.

Digital Infrastructure: Fibre To The Property (FTTP)

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

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

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

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

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

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

Development within a Coal Mining Area

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

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

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local area.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “*submitted to and approved in writing by the Local Planning Authority*”.
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that

submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.

- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

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

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

Purchase Notices

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

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

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

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

Dated: 09-Feb-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2019/60/94051/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
