

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2020/60/92307/W

Site Address: Penistone Road/, Rowley Lane, Fenay Bridge,
Huddersfield, HD8 0JS

Description: Outline application, including the consideration of
access, for erection of residential development (up to
75 units)

Recommending Officer: Nick Hirst

DECISION – S106 Outline Permission - Granted

**I hereby authorise the approval of this application for the reasons set
out in the officer's report and recommendation annexed below in
respect of the above matter.**

David Wordsworth

AUTHORISED OFFICER

Date: 14-Dec-2023

Decision Authorisation: Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 08.12.2022

Application Number: 2020/92307

Officer Recommendation

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. **Affordable housing:** 20% of dwellings to be affordable with a split of 55% social or affordable rent to 45% intermediate housing (inc. 25% First Homes);
2. **Open space:** Contribution to off-site open space to be calculated at Reserved Matters stage based upon final number of units and the level of on-site provision at that time
3. **Education:** additional places would be required at Rowley Lane Junior, Infant and Nursery School and King James's School with the contribution to be calculated at Reserved Matters stage based upon final number of units and the projected student numbers at that time
4. **Bio-diversity: Contribution** (amount to be confirmed) towards off-site measures to achieve bio-diversity net gain in the event that it cannot be delivered on site.
5. **Travel plan:** Monitoring of £10,000 (£2,000 per year, for five years).
6. **Metro / Sustainable travel:** £10,000 for Real Time Information display plus Residential Metro Cards
7. **Roundabout contribution:** £285,000 with overage clause if the identifies cost is exceeded.
8. **Management and maintenance:** POS, Drainage, and Ecological features

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is

authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers

Committee Decision: Approve Officer Recommendation, with additional condition relating to replacement / mitigatory tree planting.

Post Committee Update

The recommendation included the requirements of 'Access to Masterplan Phase 3/4: £422,224 with overage clause if the identified cost is exceeded'. Since the committee the applicant has expressed concerns over the overage clause due to being a, theoretically, uncapped additional fee. This has made progressing their development and/or looking to sell to housebuilders exceptionally difficult.

To attempt to address this, the applicant has supplied further details that more robustly demonstrate the cost of the roundabout that gives officers confidence the value is reasonable. The valuation includes a generous overage on the cost of the works, as a financial buffer. Sensitivity testing has also been undertaken. This shows that even if the roundabout increases in cost by 100%, it would not affect the viability of developing out Phase 3.

The overage clause was intended as a protection but given the level of detail provided it is no longer considered to be required: for the avoidance of doubt, its removal would not be a 'discount' to the value of the S106 agreement secured by the committee. Because of the additional work the applicant has done since the committee, officers are now satisfied that the overage clauses are not required for either application and would be unjustified. Officers also accept that the overage clause is causing issues for the developer. Therefore, officers are supportive of it being removed.

The chair of the committee has accepted the above and does not consider it necessary for the application to return to committee.

Following the committee, the draft conditions have been finalised, including the additional condition relating to tree planting as requested by committee and agreed with the applicant. The S106 agreement has also been completed.

Conditions and Reasons

Time limits and commencement period

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.

Details to be submitted (or considered) prior to Reserved Matters stage.

5. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public sewer i.e., a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of protecting public infrastructure and ensuring its appropriate maintenance, in accordance with policy LP28 of the Kirklees Local Plan.

6. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of securing acceptable sustainable drainage, in accordance with Policy LP28 of the Kirklees Local Plan.

Details to be submitted at Reserved Matters stage.

7. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall, notwithstanding the submitted information, include a Written Scheme of Archaeological Investigation (WSI) and Designer's Response. The WSI and Designer's Response shall include the statement of significance and research objectives, and:

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

- The programme and timetable for post-investigation assessment and subsequent analysis, publication, dissemination, and deposition of resulting material.
- The designer's response document should detail how the findings of the archaeological evaluation (covered by the WSI), if any, have been addressed via the proposed landscaping and/or layout details.

Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In the interest of the historic environment and archaeological interest, in accordance with Policy LP35 and Chapter 15 of the NPPF. This is a pre-preserved matters condition to ensure appropriate investigation and mitigation take place prior to the detailed design stage and may be appropriately considered.

8. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall, notwithstanding the submitted information, include a Foul and Surface Water Drainage Strategy. This shall include:

- a) An assessment of the proposed discharge point, giving due regard to the drainage hierarchy, as indicatively undertaken in sections 8 and 9 of the submitted Flood Risk Assessment ref. 11469/PJM/001/01,
- b) percolation tests (where appropriate),
- c) Details of off-site works and outfalls,
- d) Details of balancing works to attenuate flows generated by the critical 1 in 30-year storm event with an appropriate allowance for climate change
- e) plans and longitudinal sections,
- f) hydraulic calculations,
- g) phasing of drainage provision,
- h) existing drainage to be maintained/diverted/abandoned (where appropriate),
- i) a detailed maintenance and management regime for the storage facility including the flow restriction. This shall include an itinerary and schedule of tasks, including how to gain access to and into any sustainable drainage features shall be overseen by the Principal Designer after risk assessments have been performed under CDM Regulations 2015.

No part of the development shall be occupied until the approved drainage scheme and maintenance and management plan to serve the development or each agreed phase of the development to which the dwellings relate has been implemented in full. The approved scheme shall thereafter be retained during the life of the development.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

9. Plans and particulars relating to the Reserved Matter of layout and/or landscape shall include an assessment of the effects of 1 in 100-year storm

events, with an additional allowance for climate change, blockage scenarios and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions. Flood routing shall avoid property curtilage where reasonably practicable and utilise the road network and open spaces. Prior to the approved dwellings being occupied, the works comprising the approved storm event scheme shall be completed and such approved scheme shall thereafter be retained.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

10. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall include a strategy of tree mitigatory planting, at a minimum replacement ratio of 2:1, to off-set the loss of trees along the site's Rowley Lane frontage. The strategy shall include a review of the trees to be lost and the species, number and size of the proposed planting and a timetable for implementation of the replacement planting. Thereafter the strategy shall be implemented in accordance with the approved details. The approved tree mitigatory planting strategy shall, from its completion, be maintained for a period of five years. If, within this period, any tree dies, become diseased or is otherwise removed, it shall be replaced with another of a similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of visual amenity and landscaping, to comply with the aims of Policies LP24 and LP33 of the Kirklees Local Plan. The details are required at layout stage, as well as landscaping, to ensure adequate space within the site is made available.

Note: Further to condition 10, you are advised that the tree mitigatory planting is in addition to any other typical site wide landscaping strategy.

11. Plans and particulars relating to the Reserved Matters of appearance, layout and/or scale shall include further details of secure cycle parking for each of the hereby approved dwellings. The cycle parking shall then be implemented in accordance with the approved details before each dwelling is occupied and therefore retained.

Reason: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.

12. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall include a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement, in accordance with British BS 5837. The method statement shall include details on how the construction work will be undertaken with minimal damage to trees and their roots to be retained, within and adjacent to the site. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: In the interest of visual amenity and landscaping, to comply with the aims of Policies LP24 and LP33 of the Kirklees Local Plan.

13. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall include an Ecological Design Strategy (EDS) which demonstrates that a biodiversity net gain is achieved post-development. The EDS shall detail a minimum increase of 10% in habitat units and 10% in hedgerow units, based on an up-to-date review of the site's ecological baseline value using the Biodiversity Metric 3.1 (or as amended). The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works;
- a) Review of site potential and constraints;
- b) Detailed design(s) and/or working method(s) to achieve stated objectives;
- c) Extent and location/area of proposed works on appropriate scale maps and plans;
- d) Details on the establishment of the habitats on the site;
- e) Type and source of materials to be used where appropriate, e.g., native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain; and
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter

Reason: To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan.

14. Plans and particulars relating to the Reserved Matters of layout and/or landscape shall, notwithstanding the submitted information, be supported by an Ecological Impact Assessment (EclA) which is supported by updated ecological survey(s), including a bat survey.

Reason: To ensure due regard and appropriate assessment is given to the proposal's impact on local ecology and protected species, in accordance with Policy LP30 of the Kirklees Local Plan.

15. Plans and particulars relating to the Reserved Matters of layout and/or appearance shall, notwithstanding the submitted information, include a further Noise Impact Assessment report. The Noise Impact Assessment shall:

- a) Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open and for these rooms

provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme where required.

- b) Clearly show which external amenity areas at which plots will have daytime noise levels that exceed 50dB LAeq,16hour and for these plots provide a detailed specification for the additional noise mitigation measures that are required so that the outdoor noise levels at these plots does not exceed 50dB LAeq,16hour.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Reason: In the interest of protecting the amenity of future occupiers through mitigating the impacts of noise pollution, in accordance with Policies LP24 and Lp52 of the Kirklees Local Plan.

Prior to development commencing

16. Prior to development commencing, a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- the scheme shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable offsite discharge rate shall not exceed 2.5 litres per second, unless otherwise agreed in writing by the Local Planning Authority.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary mitigations are considered and implemented at the appropriate stage.

17. Notwithstanding the submitted information, groundworks shall not 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.

18. Notwithstanding the submitted information, where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 17 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: 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.

19. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 18 further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: 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.

20. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 19. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report

is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

21. 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.

22. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- a) Any phasing of development and timetable of all works;
- a) Hours of works;
- b) Details of construction access arrangements;
- c) Construction vehicle sizes and routes;
- d) Numbers and times of construction vehicle movements;
- e) Locations of HGV waiting areas and details of their management;
- f) Parking for construction workers;
- g) Loading and unloading of plant and materials;
- h) Storage of plant and materials;
- i) Signage;
- j) Lighting during construction works;
- k) Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- l) Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- m) Street sweeping;
- n) Site waste management, including details of recycling/disposing of waste resulting from construction works;

- o) Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- p) Artificial lighting used in connection with all construction-related activities and security of the construction site;
- q) Site manager and resident liaison officer contact details, including details of their remit and responsibilities;
- r) Engagement with local residents, occupants and nearby businesses or their representatives; and
- s) Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

23. Prior to development commencing, (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- a. Identification of “biodiversity protection zones”.
- b. 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).
- c. The location and timing of sensitive works to avoid harm to biodiversity features.
- d. The times during construction when specialist ecologists need to be present on site to oversee works.
- e. Responsible persons and lines of communication.
- f. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of

the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

24. Prior to the development commencing, mitigation measures to control fugitive dust emissions during the construction phase of the development shall be implemented in accordance with those detailed in Appendix E: Dust Assessment Mitigation of the Air Quality Impact Assessment by Miller Goodall, (Ref: 102408) (Dated: 23rd October 2020). The mitigation measures so implemented shall thereafter be retained for the duration of the construction period.

Reason: To safeguard the amenities of the occupiers of nearby properties, in accordance with policies LP24 and LP51 of the Kirklees Local Plan. This is a pre-commencement condition to ensure due regard and mitigation is implemented prior to the works commencing.

25. Prior to development commencing, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing highway for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development for that phase and thereafter retained during the life of the development.

Reason: To ensure that suitable and safe means of access is available for the development

26. Prior to development commencing, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation pipes/manholes located within the proposed highway footprint for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development for that phase and thereafter retained during the life of the development.

Reason: To ensure that suitable and safe means of access is available for the development.

27. Prior to development commencing, notwithstanding the submitted information, details of the hereby approved junction onto Rowley Lane and associated highway works, as shown on plan ref. 11340/001 Rev. B, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, street lighting, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan. This is a pre-commencement

condition to ensure the necessary design has been secured prior to relevant works being undertaken.

28. Prior to development commencing, notwithstanding the submitted details, a scheme detailing the provision of a 2.0m wide footway to the Rowley Lane frontage of the development site, construction specification, surfacing, drainage white lining, kerbing, relocation of existing infrastructure (e.g., telegraph pole and street lighting columns), traffic regulation orders and associated highway works together with an independent safety audit covering all aspects of work shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and the works so implemented be thereafter retained.

Reason: To support sustainable travel and alternative methods of transport, in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

29. Prior to development commencing, notwithstanding the submitted information, a detailed scheme for the improvement to the junction of Rowley Lane / Penistone Road, as shown on plan ref. 11340/001 Rev. B, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, street lighting, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

30. Prior to development commencing, a scheme detailing the proposed internal estate road(s), to an adoptable standard, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, lighting, signage, white lining, surface finishes, treatment of sightlines together with an independent safety audit covering all aspects of the works. 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 and to comply with the aims of Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

31. Prior to development commencing, a survey of the condition of the surrounding road network shall be submitted to, and approved in writing by, the

Local Planning Authority. Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local planning Authority.

Reason: Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition given the need to undertake a baseline assessment.

32. The hereby approved development shall be undertaken in accordance with the mitigation measures to control fugitive dust emissions during the construction phase of the development as detailed within Appendix E: Dust Assessment Mitigation of the Air Quality Impact Assessment by Miller Goodall, (Ref: 102408) (Dated: 23rd October 2020). These measures shall be implemented prior to works commencement, and thereafter be retained for the duration of the construction period.

Reason: To safeguard the amenities of the occupiers of nearby properties, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

Pre-occupation conditions

33. Prior to first occupation of any of the hereby approved dwellings, notwithstanding the submitted details, a Full Travel Plan for the site shall be submitted to, and approved in writing by, the Local Planning Authority. The Full Travel Plan shall include, but not necessarily be limited to:

- a. Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets;
- a. The provision of Travel Plan Co-ordinator including roles, responsibilities and annual monitoring;
- b. The provision of travel Information;
- c. Implementation and review timescale; and
- d. Enforcement, sanctions and corrective/review mechanisms.

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

Reason: In the interest of promoting sustainability and sustainable travel, by promoting alternative methods of travel, in accordance with Policy LP20 of the Kirklees Local Plan.

34. Before the hereby approved dwellings are first brought into use the following electric vehicle charging points shall be provided:

- a) One electric vehicle charging for each residential unit with a dedicated parking space and/or a dedicated garage, or
- a) One electric vehicle charging point for every five unallocated parking spaces.

The cable and circuitry ratings for the charging points shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The provided electric vehicle charging points shall be retained thereafter.

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

35. Unless otherwise agreed in writing, prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

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

36. Where implementation of the development hereby approved is to be phased, and/or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units. The temporary arrangements so approved shall be implemented prior to first occupation of those residential units, and shall be retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

Note: Electric Vehicle Charging Points

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.

- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

Note: Pursuant to conditions 17 - 21 regarding contaminated land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

Note: Hours of construction

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: It is the responsibility of the developer and land owner to secure a safe development.

Note: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	201 3-002	Rev. B	16.03.2022
Block Plan	11340/001	Rev. B	21.07.2020
Block Plan	11340/003		21.07.2020
Block Plan	11340/005		21.07.2020
Planning Statement			21.07.2020
Design and Access Statement	3-001	Rev. B	08.03.2021
Supporting Information	Masterplan Document	Rev. E	25.11.2022
Air Quality Assessment	102408		28.10.2020
Flood Risk Assessment	11469/PJM/001/01		21.07.2020
Transport Assessment	11340/AND/002/02		21.07.2020
Travel Plan	11340/AND/003/01		21.07.2020
Noise Impact Assessment	102384		24.08.2020
Noise Assessment	Addendum by Miller Goodall		22.07.2021
Heritage Statement	ARS Ltd Report 2020/130		28.09.2020
Heritage Impact Assessment	ARS Ltd Report 2021/130		09.03.2021
Phase 1 Geo-environmental Assessment	14699-P1	Ver. 2	10.03.2021
Combined Phase I and Phase II Ground Risk Appraisal	70035780-01		10.03.2021
Bat Survey and Report	15933d/AmB		28.07.2020
Preliminary Ecological Assessment and Bat Scoping Report	15933a/AmB		28.07.2020

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.

Due to initial concerns held by officers and consultees, negotiations have taken place regarding various elements including, but not limited to, the level of detail within the masterplan and the method of access. The applicant and officers works proactively to resolve the matters which enabled the application to be supported (subject to conditions and obligations).

Report Dated: 13.12.2023.

