



**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**

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**Application Number: 2020/60/92350/E**

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**To:** Nolan Tucker  
Deloitte LLP  
1 City Square  
Leeds  
LS1 2AL

**For:** C C Projects

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

Outline application for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure

**At:** Land south of, Heybeck Lane, Chidswell, Shaw Cross, Dewsbury

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**In accordance with the plan(s) and applications submitted to the Council on 22-Jul-2020, subject to the condition(s) specified hereunder:-**

1. Prior to the commencement of development (save for enabling works which for the purposes of this condition shall comprise site preparation, remediation works, provision of construction and temporary access roads, diversion and/or laying of strategic site-wide utilities, and works associated with archaeological surveys) of any phase or sub phase of the development hereby approved, details of appearance, landscaping, layout and scale (hereinafter called the "Reserved Matters") of that phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this permission, all references to a “phase” or “phase of development” shall be interpreted as being a reference to a phase as defined on a phasing plan to be submitted pursuant to outline condition 5 below and all references to a “sub phase” are to be a part or component of such a phase as defined in an application submitted pursuant to a condition of this permission. A standalone Reserved Matters application relating only to infrastructure may be made to the Local Planning Authority.

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

This pre-commencement condition is necessary to ensure that sufficient detail is provided and agreed at an appropriate stage of the development process.

2. The development hereby approved shall be implemented within the Site as defined by the Site Location Plan (00-501 rev B) in accordance with the Parameter Plan (00-211 rev C) and in accordance with the plans and particulars of the Reserved Matters referred to in outline condition 1 above, except as may be specified in the conditions attached to this permission or attached to future approvals of Reserved Matters, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. The first Reserved Matters application relating to the development hereby approved shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. All applications for the approval of Reserved Matters for the development hereby approved shall be made to the Local Planning Authority before the expiration of five 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. Implementation of the first phase or sub phase of the development hereby approved shall commence either before the expiration of two years from the final approval of Reserved Matters relating to that phase or sub phase or in the case of approvals of different dates, the final approval of the last such matter to be approved. Subsequent phases or sub phases of development shall be begun no later than:

a) Seven years beginning with the date of the grant of this outline planning permission; or

b) if later than a) above, two years from the final approval of the Reserved Matters for the relevant phase or sub phase or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

5. If the development hereby approved is to be delivered in phases, prior to or contemporaneously with the submission of the first application for the approval of Reserved Matters, a plan showing the phases of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved phasing plan, unless an amended phasing plan is submitted to and approved in writing by the Local Planning Authority.

**Reason:** To define the scope of this permission and to provide clarity in relation to the progression of development across the site.

6. Prior to the commencement of development (including ground works) of any phase or sub phase of the development hereby approved, a Construction (Environmental) Management Plan (C(E)MP) for that phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include a timetable of all works, and details of:

- Hours of works (including times of deliveries);
- Point(s) of access and routes for construction traffic (which shall avoid Chidswell Lane);
- Construction vehicle sizes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- 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;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- 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 hereby approved 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.

7. Prior to the commencement of development (including ground works) of any phase or sub phase, a survey of the existing condition of the highway (the extent of highway to be surveyed to be agreed in writing by the Local Planning Authority in advance, but limited to the highways shown in drawing A13398-T-063 rev B) shall be carried out jointly with the Local Highway Authority and submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the relevant phase or sub phase of the development hereby approved (or at any earlier stage to be agreed with the Local Planning Authority in advance) a post-construction survey of the agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out prior to the occupation of no more than 90% of the dwellings of the relevant phase or sub phase of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. Should any highways defects (affecting highway safety) attributable to the construction traffic of the relevant phase or sub phase of the development hereby approved be identified during the construction period, remediation of these shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety, to ensure the effective maintenance of the highway and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure highways surrounding the site are appropriately surveyed prior to works commencing, and to ensure responsibility for remedial works can be fairly assigned with reference to evidence.

8. Prior to the commencement of development (including ground works) of any phase or sub phase of the development hereby approved, a scheme detailing temporary surface water drainage for that phase or sub 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 (if known);
- Include details of any excavation or levelling that may be required prior to or as part of the implementation of temporary drainage works;
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and details of how flooding of adjacent land would be prevented; and
- Include methods of preventing contamination of watercourses once the new drainage has been installed.

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

**Reason:** To ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policy LP27 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

9. Prior to the commencement of development (including ground works and enabling works) of any phase or sub phase of the development hereby approved, a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority for that phase or sub phase. The Tree Protection Plan shall include protection measures relating to any trees (that are to be retained) located along construction traffic routes to/from the relevant phase or sub phase. The development shall be carried out in accordance with the documents so approved.

**Reason:** To protect trees in the interests of visual amenity and biodiversity and to accord with Policy LP33 of the Kirklees Local Plan.

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

10. Prior to the commencement of development (including ground works and enabling works) of any phase or sub phase of the development hereby approved within 500m of Dum Wood, an Ancient Woodland Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ancient Woodland Protection Plan shall include measures to protect Dum Wood from dust, light, surface water run-off, noise and other pollution throughout the period of construction. The development hereby approved shall be carried out strictly in accordance with the Ancient Woodland Protection Plan 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:** To protect ancient woodlands in the interests of visual amenity and biodiversity and to accord with Policy LP33 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of ancient woodland protection are agreed at an appropriate stage of the development process.

11. Prior to the commencement of development (including ground works) of any phase or sub phase of the development hereby approved, a written scheme of archaeological investigation (WSI) for the phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include:

- A statement of significance and research objectives;
- A programme and methodology of site investigation and recording and the nomination of (a) competent person(s) or organisation to undertake the agreed works; and
- A programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

**Reason:** To ensure buried heritage assets are appropriately recorded and protected and to accord with policy LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

This pre-commencement condition is necessary as intrusive works on site have the potential to damage or disturb buried heritage assets.

12. Means of access to and from the site shall be consistent with the principles illustrated in drawing A13398-T-002 rev E and shall be provided prior to first occupation of the development and thereafter retained and maintained for the lifetime of the development.

**Reason:** To ensure suitable access is provided, in the interests of highway safety and amenity, to achieve a satisfactory layout, and to accord with Policies LP20, LP21, LP24 and LP67 of the Kirklees Local Plan and the National Planning Policy Framework.

13. Unless it is approved under a condition of planning permission ref: 2020/92331 (should that permission be granted) that a district energy network will not be provided under that permission, each relevant application for the approval of Reserved Matters shall include details (including road layout plans and sections) demonstrating how the development hereby approved shall be capable of accommodating pipework of a district energy network.

**Reason:** To ensure the development's housing is capable of being connected to a district energy network in the event that a local decentralised energy scheme is to be implemented, and to accord with Policy LP26 of the Kirklees Local Plan and the National Planning Policy Framework.

14. Each application for the approval of Reserved Matters shall include a noise assessment which shall specify the measures to be taken to protect the new residential units and curtilages from noise from all significant noise sources (including noise from road traffic, commercial uses and community uses) and shall:

- Determine the existing noise climate;
- Predict the noise climate in living rooms and gardens (daytime), bedrooms (night time) and other habitable rooms of the development; and
- Detail the attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

Prior to the first occupation of any dwelling to which the relevant Reserved Matters application relates, all works specified for that dwelling in the approved noise assessment shall be carried out in full and such works shall thereafter be retained.

**Reason:** In the interests of amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

15. Prior to the commencement of development (save for enabling works which for the purposes of this condition shall comprise site preparation and site investigation) of any phase or sub phase of the development hereby approved, a Phase II Intrusive Site Investigation Report for that phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure unacceptable risks to human health and the environment are identified, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified at an appropriate stage of the development process.

16. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 15 above, a Remediation Strategy for that phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development for that phase or sub phase. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

17. Remediation of the site (which can include remediation on a phase or sub phase basis) shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to outline condition 16 above. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered is identified or encountered on site, all works in the affected area (other than site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the Local Planning Authority, works in the affected area 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

18. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report relating to that phase or sub phase shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of that phase or sub phase shall be brought into use until such time as the remediation measures for that phase or sub phase have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different phases and/or sub phases 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 are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

19. Prior to or contemporaneously with the submission of the first application for the approval of Reserved Matters relating to a phase or sub phase of the development hereby approved, the findings of a scheme of intrusive investigations carried out on site to establish the risks posed to that phase or sub phase of the development hereby approved by past coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. Should any remediation works and/or mitigation measures to address land instability arising from coal mining legacy prove necessary in light of the findings of the intrusive investigations, details of these works and/or measures (which may include designation of zones of influence of mine entries, the definition of no-build zones, the capping or other treatment of mine entries and/or remedial works related to shallow coal workings) shall be submitted to and approved in writing by the Local Planning Authority, and these works and/or measures shall be implemented on a phase by phase basis prior to the commencement of any development of the relevant phase or sub phase (including ground works, other than those required as part of the approved remediation works). Proposals submitted under the accompanying and subsequent Reserved Matters applications shall adhere to the findings of the approved assessment and the approved remediation works and/or mitigation measures.

**Reason:** To enable assessment and minimisation of the risks associated with the area's mining legacy in accordance with Policy LP53 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of remedial and/or mitigatory measures related to the site's coal mining legacy are agreed at an appropriate stage of the development process.

20. Prior to any phase or sub phase of the development hereby approved being brought into first use, in respect of which works were required pursuant to condition 19, a validation statement/declaration related to coal mining legacy affecting that phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. The statement/declaration shall be prepared and signed by a suitably competent person, shall confirm that the phase or sub phase is, or has been made, safe and stable for the phase or sub phase of the development hereby approved, and shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

**Reason:** To minimise risk associated with the area's mining legacy in accordance with Policy LP53 of the Kirklees Local Plan.

21. If the development hereby approved is to be delivered in phases, prior to or contemporaneously with the submission of the first application for the approval of Reserved Matters, a site-wide foul and surface water and land drainage strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The strategy shall set out the overarching principles and parameters (including in relation to the co-ordination and integration of drainage across phases and sub phases within the development hereby approved) which shall inform detailed proposals subsequently devised for specific phases and sub phases of the development hereby approved.

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

22. Prior to or contemporaneously with the submission of the first application for the approval of Reserved Matters relating to each phase or sub phase, a scheme detailing foul and surface water and land drainage for that phase or sub phase (including off site works, outfalls, balancing works with discharge rates approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority, plans and longitudinal sections, hydraulic calculations, details of phasing of drainage provision, details of existing drainage to be maintained / diverted / abandoned, and details of water quality improvements) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall adhere to the overarching principles and parameters of the strategy approved pursuant to condition 21. No part of that phase or sub phase of the development hereby approved shall be occupied until the drainage scheme so approved for that phase or sub phase has been implemented.

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

23. Prior to or contemporaneously with the submission of an application for the approval of Reserved Matters relating to each phase or sub phase, an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, exceedance events and blockage scenarios, on drainage infrastructure and surface water run-off pre- and post-development between the relevant phase or sub phase of the development hereby approved and the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. No part of the relevant phase or sub phase of the development hereby approved shall be brought into first use until the works comprising the approved scheme (avoiding property and curtilage) have been completed and the approved scheme shall be retained thereafter.

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

24. Each application for the approval of Reserved Matters shall include details of faunal enhancement measures (together with arrangements for their maintenance and management) informed by up-to-date and comprehensive ecological surveys (including surveys of protected species) prepared and submitted by the developer. Following approval in writing by the Local Planning Authority, the measures (which may include the provision of bird and boxes, and provisions relating to hedgehogs and badgers) shall be implemented on a phase-by-phase basis in accordance with the details so approved. No phase or sub phase of the development hereby approved shall be first occupied prior to the implementation of the faunal enhancement measures so approved for that phase or sub phase, unless the approved details include alternative proposals for the timing of installation of the measures (in which case those alternative proposals shall be complied with). The measures shall be maintained and managed in accordance with the approved details for a minimum period of 30 years thereafter.

**Reason:** To secure mitigation, enhancement and compensation for the ecological effects resulting from loss of habitat and to accord with policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

25. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority in response to evidence to be submitted in writing to the Local Planning Authority demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

**Reason:** To prevent significant ecological harm to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

26. Each application for the approval of Reserved Matters relating to residential use shall include floor plans (providing details of internal layouts of the residential accommodation) and a schedule of accommodation (providing unit size mix information and gross internal floorspace figures in sqm) for all residential units.

**Reason:** To enable the quality, amenities and housing mix of the residential accommodation to be assessed in accordance with policies LP11 and LP24 of the Kirklees Local Plan and chapter 5 of the National Planning Policy Framework.

For the avoidance of doubt, the following terms (used in the above conditions) are defined as follows:

*Site preparation* comprises the installation of temporary facilities, installation of Heras or other fencing, installation of temporary construction compounds, and removal of existing structures and vegetation. Site preparation does not include ground works which are defined as excavation, remediation, grading and other activities related to the modification of the ground surface or subsurface.

*Strategic site-wide utilities* comprise the diversion of existing utilities or laying of new utilities which serve the entirety of the site or multiple phases.

*Sub phase* means a part or a component of a phase.

The above definitions shall be regarded as forming part of the wordings of the above conditions.

### **Informatives**

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38 or 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. You are advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

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 (Sections 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** This permission is subject to conditions requiring the submission of further and/or amended information prior to commencement of development or at other points during the development process. To assist in the prompt discharge of conditions, you may wish to submit separate Discharge of Conditions applications for each of those conditions that require submissions. This may be particularly advisable where your submissions are likely to require extensive consultation, consideration of complex technical matters, and/or negotiation. Alternatively, grouping submissions relevant to a specific topic, or interrelated topics (for example, pursuant to highways-related conditions) under a single application, and/or grouping submissions pursuant to pre-commencement, pre-superstructure and pre-occupation conditions, may assist prompt discharge. For further advice on conditions-stage submissions, please contact the case officer.

**NOTE:** All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of 07.30 and 18.30 hours Mondays to Fridays, and 08.00 and 13.00 hours on Saturdays, with no working Sundays or Public Holidays. These hours should be referred to in any Construction Environmental Management Plan to be submitted to the Local Planning Authority for approval. 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:** A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) supply is, however, 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 would be acceptable. Charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 sockets would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may 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 installation must comply with all applicable electrical requirements in force at the time of installation.

**NOTE:** The following drawings and documents are not hereby approved (as drawings and documents that the development must be implemented in accordance with), but have informed the council's decision to grant outline planning permission:

<b>Plan/document type</b>	<b>Reference</b>	<b>Version</b>	<b>Date received</b>
Heybeck Lane, Illustrative Site Layout Plan	00-101	Rev D	23/07/2020
Visualisation 1			05/12/2022
Demolition Plan of Existing Properties – Heybeck Lane	00-702		23/07/2020
Proposed Site Access 1 – 39 Heybeck Lane	A13398-T-002	Rev E	10/10/2022
Junction Improvement Proposal (Junction 3)	A13398-T-048	Rev B	27/10/2022
Extents of Conditions Survey	A13398-T-063	Rev B	30/04/2024
Planning Statement	Deloitte, June 2020		23/07/2020
Design and Access Statement	Enjoy Design, February 2020		14/08/2020
Masterplan Framework	Enjoy Design, February 2020		14/08/2020
Landscape Appraisal	Re-form, RFM-XX-00-L-RP-0002, November 2019		23/07/2020
Sustainability Statement	Delta Simons, 18-0864.05, 28/02/2020	Issue 3	23/07/2020
Transport Assessment	Pell Frischmann, A13398/VAA, 15/05/2020	Version F2	23/07/2020
Framework Travel Plan	Pell Frischmann, A13398/VAA, 11/06/2020	Version F3	23/07/2020
Heritage Assessment	Cotswold Archaeology, 661161 18467, October 2018		14/08/2020
Site plan (trial trenching plan)	Project No. X655, Fig. 2		28/09/2022
Geophysical Survey Report	Magnitude Surveys, MSSE562, 09/12/2019		14/08/2022
Phase 1 Geoenvironmental Desk Study Report	Patrick Parsons, H18017, 11/12/2019	Rev 3	14/08/2020
Coal Mining Risk Assessment	Patrick Parsons, H18119A CMRA, 11/12/2019	Rev 2	14/08/2020
Health Impact Assessment	Deloitte, February 2020		23/07/2020
Air Quality Assessment	Delta Simons, 18-0864.02, 17/01/2020	Issue 3	19/08/2020
Noise Impact	Delta Simon, 18-0864.03,	Issue 1	23/07/2020

Assessment	December 2019		
Flood Risk Assessment and Drainage Strategy	Patrick Parsons, H18119, 11/12/2019	Rev 1	14/08/2020
HSI Assessment & Report	Brooks Ecological, R-3280-01, 16/03/2018		23/07/2020
Ecological Summary Note	Brooks Ecological, P-4536-01-A, 13/12/2019		23/07/2020
Barn Owl Scoping Assessment & Report	Brooks Ecological, R-3280-02, 06/04/2018		23/07/2020
Ornithological Summary (Breeding Birds)	Brooks Ecological, R-3280-03, 22/10/2018		23/07/2020
Badger Assessment & Report	Brooks Ecological, R-3280-04, 16/04/2018		23/07/2020
Bat Roost Suitability Assessment & Report	Brooks Ecological, R-3280-05, 02/06/2018		23/07/2020
Bat Activity Survey	Brooks Ecological, R-3280-06, 01/11/2018		14/08/2020
Bat Roost Suitability Assessment	Brooks Ecological, R-3280-10, 21/08/2018		23/07/2020
Bat Emergence Survey	Brooks Ecological, R-3280-11, August 2018		23/07/2020
Addendum to Reports ER-3280-10 & ER-3280-11	Brooks Ecological, EL-3280-01A, 23/08/2022		01/11/2022
Water Vole Report	Brooks Ecological, R-3280-07.1, 06/09/2018		23/07/2020
Reptile Survey	Brooks Ecological, R-3280-08, 03/10/2018		23/07/2020
Hedgerow Assessment & Report	Brooks Ecological, R-3280-09, 02/07/2018		23/07/2020
Ecological Impact Assessment	Brooks Ecological, R-3280-12-A, 13/12/2019		23/07/2022
High-Level Biodiversity Net Gain Assessment	Brooks Ecological, ER-6441-02, 01/11/2022		01/11/2022
Biodiversity Metric 3.1 Calculation Tool	Brooks Ecological, 05/10/2022		01/11/2022
Arboricultural Impact Assessment (including Tree Survey)	Brooks Ecological, AR-3280-02 AIA, 06/12/2019		23/07/2020
Statement of Consultation	Deloitte, February 2020		14/08/2020
Response to	Brooks Ecological, L-6441-		01/11/2022

comments raised by Chidswell Action Group	01, 11/10/2022		
Deloitte letter 22/09/2021			23/09/2021
Church of England Church Commissioners letter 30/11/2022			06/12/2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and 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. During the life of the application the case officer undertook negotiations with the applicant to secure further information and drawings relating to highways, biodiversity and other planning matters. The council proactively engaged with the applicant in order to ensure relevant planning matters were addressed as far as is necessary at outline application stage.

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

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine 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, excavations for 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.

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)

### **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.

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

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

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

### **Details Reserved by Condition**

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “*submitted to and approved in writing by the Local Planning Authority*”.
- You can apply online for approval of these details at the Planning Portals website at [www.planningportal.gov.uk](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.

### **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/appeal-planning-decision>. 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 23-Oct-2024

**Signed:**



**David Shepherd**  
**Executive Director for Place**

### **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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2020/60/92350/E.

If a paper copy of the decision notice or decided plans are 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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All communications should be sent to one of the following address:

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

Write to: Kirklees Council  
Planning and Development Service  
PO Box 1720  
Huddersfield  
HD1 9EL

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