



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

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

Application Number: 2020/60/92546/W

To: Dominic Page,
Gerald Eve LLP
1, Marsden Street
Manchester
M2 1HW

For: Empire Knight Group Ltd

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

Outline application (with details of points of access only) for the development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors surgery of up to 350 sq m (Use Class D1); up to 500 sq m of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works.

At: Land off, Blackmoorfoot Road and Felks Street, Crosland Moor, Huddersfield,
HD4 7AD

In accordance with the plan(s) and applications submitted to the Council on 05-Aug-2020, subject to the condition(s) specified hereunder:-

1. Application for approval of the Reserved Matters for the first phase of the development shall be made to the Local Planning Authority not later than 3 years from the date of this

permission. Application for approval of the reserved matters for the second phase of the development shall be made to the Local Planning Authority not later than 5 years from the date of this permission. Application for approval of the reserved matters for all other phases of the development shall be made not later than 7 years from the date of this permission. 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 Condition 6.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be begun no later than the expiration of 2 years from the date of approval of the last reserved matters application for the first phase. Each subsequent phase of development shall be commenced within 2 years from the date of approval of the last reserved matters application for that phase.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. Before any development (excluding demolition) commences in a phase (as agreed in accordance with Condition 6), plans showing the:

- i. Appearance;
- ii. Scale;
- iii. Layout
- iv. Means of access (including pedestrian and cycle access into and within the site and vehicular access within the site); and
- v. Landscaping;

for that phase (the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented and carried out in accordance with the approved plans.

Reason: To accord with Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The access onto Blackmoorfoot Road shall be constructed in accordance with Plan 1852-FO2 Rev A. The access onto Felks Stile Road shall be constructed in accordance with Plan 1852-FO1 Rev B. Both access points shall be completed before the first occupation of any phase hereby approved.

Reason: To ensure an appropriate means of access into the site.

5. The Reserved Matters for each phase and the implementation of the development hereby permitted shall be broadly in accordance with the revised Design and Access Statement dated 07/03/21 (PL1713) received 10th March 2021 to deliver a maximum of 770 dwellings (Use Class C3) (including up to 70 care apartments (Use Classes C2/C3), with doctors' surgery of up to 350m² (Use Class D1); up to 500m² of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use).

Reason: To define the scope of this permission and to ensure compliance with the Transport Assessment.

6. No development shall commence until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan.

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

7. No development shall commence within a phase until a Construction Environmental Management Plan (CEMP), setting out the construction and environmental management measures associated with that phase, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details for the relevant phase:

- a) Description of works, equipment and storage (including contractor parking and materials storage);
- b) Programme of works;
- c) Details of any temporary hoarding and fencing;
- d) Routing and signage for construction traffic;
- e) Controls on the arrival and departure times of construction vehicles;
- f) Piling methods (if employed)
- g) Hours of working;
- h) Details of vibration;
- i) Control of emissions;
- j) Details of engagement with the code of Considerate Practice;
- k) Details of community engagement arrangements. This should include a mechanism for residents to liaise directly with the site manager/neighbourhood liaison during the demolition and construction period;
- l) Details of how the neighbourhood liaison will be publicised to local residents;
- m) Monitoring and reporting procedures
- n) Demolition and waste management
- o) Site clearance and waste management plan
- p) Asbestos survey and disposal strategy (as relevant).

Each phase of development shall then be implemented in accordance with the relevant CEMP, which shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

Reason: In order to protect the living conditions of surrounding residential occupiers.

8. Prior to any development commencing within the first phase (excluding demolition), a detailed scheme for the improvement of Blackmoorfoot Road shall be submitted to and approved in writing by the LPA. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, street lighting, relocation of existing 30mph speed limit, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an independent Safety Audit covering all aspects of the work. All of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: In the interests of highway safety.

9. Before the first occupation of a phase of the development, the wall to the site frontage for each access point for that phase shall be set back to the rear of the proposed visibility splays and shall be cleared of all obstructions to visibility.

Reason: To ensure adequate visibility in the interests of highway safety.

10. Notwithstanding the approved plans, no development (excluding demolition, remediation and earthworks) of any phase shall take place until details of the junction and associated highway works, between the proposed estate road(s) within the site and Blackmoorfoot Road/Felks Stile Road (as defined by Plans 1852-FO2 Rev A and 1852-FO1 Rev B) have been approved in writing by the Local Planning Authority. These details shall include the following:

- a) Full sections;
- b) Details of speed reducing features,
- c) Construction specifications;
- d) Details of the widening of the existing highway to the site frontage;
- e) Drainage works,
- f) Lighting;
- g) Signage, white lining, surface finishes and treatment of sight lines
- h) An independent safety audit covering all aspects of the works.

No building shall be brought into use until the works to provide the junction have been completed in accordance with the approved details.

Reason: To ensure that suitable access is available for the development.

11. For each phase of development, a full travel plan shall be submitted to and approved in writing by the Local Planning Authority. The submission of a travel plan must occur at least 3 months prior to any part of the development within that phase being occupied. The travel plan shall include measures to improve and encourage the use of sustainable transport. The approved Travel Plans shall be implemented for as long as any part of the development is occupied. A review of each and any of the approved Travel Plans shall be submitted to the local planning authority on an annual basis for the first five years following first occupation of the development in order to identify any updates or modifications to the Travel Plans that may be reasonably required.

Reason: To comply with the Council's sustainability objectives.

12. No development (excluding demolition) of a phase shall take place until a scheme detailing the proposed internal adoptable estate roads for that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The scheme shall be completed in accordance with the approved details prior to any building in that phase being occupied and retained thereafter.

Reason: To ensure that suitable access is available for the development.

13. Prior to the commencement of any above ground development in a phase, details of suitable storage, bin presentation points and access for collection of waste from the dwellings approved for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation of the dwellings in that phase and shall be so retained thereafter.

Reason: To ensure an appropriate method for the storage and collection of waste.

14. Prior to the first occupation of the first phase of development, details of the proposed method of closing off and making good all existing redundant accesses to the development site, including a timescale for the proposed works, shall be submitted to and approved in writing by the local planning authority. The approved works shall be completed in accordance with the approved details and timescales and the highway layout retained as such for the lifetime of the development.

Reason: To ensure the free and safe use of the highway.

15. Development shall not commence until a survey of the condition of the following streets: (i) Blackmoorfoot Road between Felks Stile Road and Thewlis Lane and; (ii) Felks Stile Road between the new access point and the junction with Blackmoorfoot Road has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the development (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 in accordance with a timetable to be agreed in writing with the Local Planning Authority.

In the event that a defect caused as a result of the development is identified during other routine inspections of the highway that could be a danger to the public, it must be reported to the Local Planning Authority immediately. Works to make safe and repair the defect must commence within 24 hours of the applicant being notified by the Local Planning Authority and be completed within a timetable to be agreed with 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.

16. Prior to the commencement of development within a phase, a scheme detailing the location, design and construction of all new retaining walls and/or building retaining walls adjacent to the existing/proposed highways within that phase, including cross sectional information, 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 with that phase and thereafter retained during the life of the development.

Reason: In the interests of highway safety.

17. Before the development of a phase commences, a scheme detailing the location and cross-sectional information, together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint 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 construction of highways for that phase and thereafter retained during the life of the development.

Reason: To ensure the satisfactory provision of surface water attenuation.

18. For each phase of development, there shall be no piped discharge of surface water from the development within that phase prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. The information shall include, but not be exclusive to:

- a) The means of discharging surface water for the relevant area of the site to a satisfactory outfall, other than the public sewerage network i.e. soakaway; and;
- b) The means of restricting the discharge for the relevant area of the site to the public sewer network at a maximum rate of 27 (twenty-seven) litres per second to outfall A and 6 litres per second to outfall B. Each phase shall be implemented in accordance with the approved details and thereafter retained.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal)

19. The site shall be developed with separate systems of drainage for foul and surface water on and off site up to the point of connection with existing public sewerage.

Reason: In the interest of satisfactory and sustainable drainage.

20. No development shall take place in the first phase of development (excluding demolition) until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. No buildings shall be occupied or brought into use in a phase prior to completion of the approved foul drainage works in that phase.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal

21. Surface water run-off from any hardstanding that is equal to or greater than 800 square metres or any communal car parking area(s) of more than 49 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that shall be submitted to and approved in writing by the Local Planning Authority prior to any discharge to an existing or prospectively adoptable sewer. The interceptor/separator shall be installed in accordance with the approved details before the relevant area of parking is brought into use.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network.

22. No development within a phase shall take place until a written scheme of archaeological investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include a statement of significance and research objectives, and:

- (i) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
- (ii) The programme for post-investigation assessment and subsequent analysis, publication & 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.

No demolition/development shall take place within a phase other than in accordance with the approved WSI.

Reason: To ensure the appropriate archaeological evaluation of the site to understand the archaeological implications of the development.

23. Prior to the commencement of a phase of the development, including demolition, existing buildings or structures included within the proposed development are to be surveyed for the presence of bats by a qualified ecologist. A written report shall be submitted to the Local Planning Authority for approval. This shall identify the need for further surveys and/or mitigation measures to be included in the relevant phase.

Reason: In the interests of preserving and enhancing the natural environment.

24. Prior to the commencement of a phase of development, including demolition, site preparation or clearance, protected species surveys shall be carried out and completed by an appropriately qualified ecologist and in the appropriate season. The surveys shall be of an appropriate type for the habitats and/or species identified within the Ecological Addendum Note (10925_R05) dated 3rd August 2020 and survey methods shall follow national good practice guidelines. The information collected shall be used to update information on the species and to assess potential impacts of the development for the relevant phase of development, including the need for any additional surveys. The survey report, together with a mitigation strategy as appropriate shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the development on the relevant phase and shall be thereafter implemented as agreed.

Reason: In the interests of preserving and enhancing the natural environment.

25. No development shall take place within a phase (including demolition, ground works, vegetation clearance) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) for that phase has been 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;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details for that phase.

Reason: In order to protect the natural environment.

26. Prior to the commencement of a phase of development (other than for Demolition, Ground works and Site Preparation Works), a landscape and ecological management plan (LEMP) for that phase shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure improvements the biodiversity of the site

27. No development within a phase (excluding demolition) shall take place until an Ecological Design Strategy (EDS) to ensure that a biodiversity net gain is achieved post-development has been submitted to and agreed in writing by the Local Planning Authority. It shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Details on the establishment of mixed scrub and introduced shrub planting on the site.
- 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 remedial measures.
- j) Details for disposal of any wastes arising from works.
- k) A lighting design strategy for biodiversity.

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

Reason: To ensure a scheme that provides ecological enhancement and habitat creation that provides a net biodiversity gain in line with Policy LP 30. This is a pre-commencement condition to ensure ecological measures are capable of being fully integrated into the construction phase

28. For each phase of development, plans and particulars of the Reserved Matters pursuant to landscaping and layout shall include a Biodiversity Enhancement & Management Plan (BEMP) to ensure that a biodiversity net gain is achieved post-development. The BEMP will be in accordance with the Biodiversity Metric 2.0 calculations dated 27th April 2021 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination and shall provide a minimum 10% net gain in habitat units post-development. The BEMP shall include the following:

- a) An updated assessment of the existing on-site and off-site habitats to be retained, lost and created utilising the Biodiversity Metric 2.0
- b) Description and evaluation of features to be managed and enhanced
- c) Extent and location/area of proposed enhancement works on appropriate scale maps and plans
- d) Ecological trends and constraints on site that might influence management
- e) Aims and Objectives of management
- f) Appropriate management Actions for achieving Aims and Objectives
- g) An annual work programme (to cover an initial 5-year period to be reviewed and updated for a minimum period of 30 years)
- h) Details of the management body or organisation responsible for implementation of the Plan
- i) Ongoing monitoring programme and remedial measures

The Plan shall include details of the legal and funding mechanisms by which the long-term implementation of the Plan will be secured by the developer with the management body responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved Plan. The approved Plan will be implemented in accordance with the approved details.

Reason: to ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with policy LP 30.

29. Before construction work commences on each phase of development, a revised Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- a) Determine the impact that the development will have on air quality (taking into consideration any cumulative impact from other local developments)
- b) Include a calculation of the monetary damages from the development; and
- c) Include a fully costed mitigation plan detailing the proposed low emission mitigation measures.

The monetary value of the damages should be reflected in money spent on the low emission mitigation measures.

The approved low emission mitigation measures for each phase shall be implemented before the occupation of 50% of the residential dwellings within that phase and shall be retained thereafter.

Reason: For promoting sustainable development and transport and conserving the natural environment.

30. For each phase of development, mitigation measures to control fugitive dust shall be implemented during construction works in accordance with those outlined in Table 29 "Fugitive Dust Emission Mitigation" of the submitted Air Quality Assessment by Redmore Environmental, Ref: 1793r3, dated 31st July 2020 and maintained throughout the construction phase of the development.

Reason: To safeguard the living conditions of the occupiers of nearby properties.

31. Prior to the installation of the electrical system in a phase, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement.

32. Where further intrusive investigation is recommended in the approved Preliminary Risk Assessment (E3P Site Investigation Report – ref: 11-822-r1 – February 2018), 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: To ensure the safe occupation of the site.

33. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 32, 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: To ensure the safe occupation of the site.

34. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 33. 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 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.

35. 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 that part of 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 parts of the site, a Final Validation Summary Report for the whole site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site.

36. Before construction work on a phase commences, a further noise assessment report for that phase shall be submitted to and approved in writing by the Local Planning Authority. The report shall (i) clearly show which rooms in which plots will not achieve satisfactory indoor sound levels with windows open and (ii) for these rooms, provide an alternative ventilation scheme which shall show how these rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. The dwellings identified in the noise assessment may not be occupied until the works which form part of the approved scheme for all relevant buildings have been completed, such works to be retained thereafter.

Reason: In the interests of the living conditions of future occupiers

37. Before any above ground work on a phase commences, an external lighting scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

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

Reason: To safeguard the living conditions of the occupiers of nearby properties and promote sustainable development

38. Prior to any works commencing within a phase, an updated tree survey shall be undertaken to identify those trees in the relevant phase capable of retention and capable of providing a contribution to the future site use. It shall also identify any trees to be removed and in the case of removal, present a detailed tree mitigation strategy for that phase or (as relevant) the whole site.

Reason: In the interests of biodiversity, climate change and securing an appropriate landscape scheme.

39. Prior to any above ground works commencing on a phase, details of measures to minimise the risk of crime on that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be implemented in accordance with the approved details and retained thereafter.

Reason: To minimise the risk of crime.

40. Prior to the construction of any buildings within the purposes of Use Classes A1/A2/A3/A4/A5/D1, details of any externally mounted plant or equipment for heating, cooling or ventilation purposes, including a scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall not be brought into use until these measures have been implemented and retained in accordance with the approved details.

Reason: To safeguard the living conditions of the occupiers of nearby properties.

41. Prior to the commencement of development on a phase, details of measures to promote carbon reduction and enhance resilience to climate change for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be constructed in accordance with the approved details and all approved measures thereafter retained.

Reason: To address the impacts of climate change and the Council's declaration of a Climate Change Emergency and to promote resilience to it.

Informatives

Pursuant to Condition 7 (CEMP), noisy construction related activities should not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays;
- 08.00 to 13.00 hours, Saturdays;
- With no noisy activities on Sundays or Public Holidays.

The Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction" Version 1.1 2016 provides detailed information regarding dust control. Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Pursuant to Condition 9, the granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Pursuant to Condition 10, please see <https://www.kirklees.gov.uk/beta/regeneration-and-development/highwaysguidance-and-standards.aspx> for further details.

Pursuant to Condition 17, all new storm water attenuation tanks/pipes/culverts/manholes with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with BD63- Inspection of Highway structures. Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agreement Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

Pursuant to Condition 31, 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.

At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.

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 electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

Pursuant to Condition 36, a ventilation scheme that meets the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975 is likely to be acceptable. Trickle ventilation alone is unlikely to provide sufficient ventilation to help control thermal comfort without the need to open windows and would therefore not be acceptable.

Pursuant to Condition 37, the proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the "Guidance Notes for the Reduction of Obtrusive Light" by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The

predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone E2/3.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan	PL1713-AB-005	02	06.08.2020
Blackmoorfoot Road Access	1852-FO2	A	15.04.2020
Felks Stile Road Access	1852-FO1	B	19.02.2021
Parameters Plan	PL1713-AB-017	02	10.03.2021
Design and Access Statement	Prepared by Planit-IE		10.06.2021
Transport Assessment	Supplementary Highways Note prepared by Eddisons		07.06.2021
Transport Assessment	Technical Note on Sustainability and Highway Access prepared by Croft		15.04.2021
Transport Assessment	Technical Note 03 prepared by Croft		25.03.2021
Retail Assessment	Prepared by Gerald Eve		02.03.2021
Flood Risk Assessment	Prepared by Campbell Reith Project No.13354		06.08.2020
Landscape Assessment	Prepared by Planit-IE		18.12.2020
Phase 1 and 2 Risk Assessment	Prepared by e3p		11.08.2020
Drainage Strategy	13354-CRH-ZZ-XX-DR-C-5050-P1		06.08.2020
Drainage Strategy	13354-CRH-ZZ-XX-DR-C-5051-P1		06.08.2020
Drainage Strategy	13354-CRH-ZZ-XX-DR-C-5052-P1		06.08.2020
Noise Assessment	Prepared by Lighthouse Acoustics 0276/APR1	Revision 1	06.08.2020
Air Quality Assessment	Prepared by Redmore Environmental Reference: 1793r3		06.08.2020
Lighting Assessment	Prepared by Redmore Environmental Reference: 1793-1r3		06.08.2020
Health Impact Assessment	Prepared by Dr Marcus Chilaka		06.08.2020
Historic Desk Based Assessment	Prepared by RPS Project Reference JAC26512		11.08.2020
PEA	Prepared by Tyler Grange		06.08.2020

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. Negotiations were carried out during the course of the application, which resulted in the conditions set out on this decision notice to ensure an acceptable quality of development.

Digital Infrastructure: Fibre To The Property (FTTP)

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

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

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

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

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

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

Development within a Coal Mining Area

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

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

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. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**
- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**
- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications**

to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.

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

Appeals to the Secretary of State

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

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

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

Purchase Notices

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

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

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

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

Dated: 25-Mar-2022

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2020/60/92546/W .

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

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

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