



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

PLANNING PERMISSION FOR DEVELOPMENT

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

Application Number: 2021/70/90246/W

To: Tamara Ettenfield,
Zerum Consult
4, Jordan Street
Manchester
M15 4PY

For: B Marsden

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:-

VARIATION OF CONDITION 2. (PLANS AND SPECIFICATIONS) PURSUANT TO PREVIOUS PERMISSION NO. 2019/91778 FOR ERECTION OF 30 DWELLINGS AND FORMATION OF NEW VEHICULAR AND PEDESTRIAN ACCESS FROM TINKER LANE

At: LAND NORTH OF, TINKER LANE, LEPTON, HUDDERSFIELD, HD8 0LR

In accordance with the plan(s) and applications submitted to the Council on 25-Jan-2021 [together with those plans and application(s) submitted to the Council on 06-Jun-2019 and incorporated into planning permission ref no. 2019/62/91778/E granted on 09-Oct-2020] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun by the 8 October 2023.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004 and to conform with the timescales originally approved under application 2019/91778.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The development shall be constructed in the external facing and roof materials indicated on the approved document by Farrar Bamforth Associates entitled – ‘19/D17 – Materials’ approved in accordance with discharge of condition application 2020/93406.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

4. The access and control of construction traffic and its impact on the highway network shall be managed in accordance with the approved documents prepared by Temple Safety Ltd entitled ‘Construction Phase Health and Safety Plan’ and ‘Construction Plan’ (1001 Rev P03) approved in accordance with discharge of condition application 2020/93406. All construction arrangements shall be carried out in accordance with the approved documents throughout the period of construction.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

5. The measures set out within Parts 4, 7 and 12 of the approved document prepared by Temple Safety Ltd entitled ‘Construction Phase Health and Safety Plan’ as well as the specific measures set out within ‘Construction Plan’ (1001 Rev P03) approved in accordance with discharge of condition application 2020/93406, relating to control of noise, vibration, dust and artificial lighting created from construction activities on the site shall be adhered to until completion of the development.

Reason: To protect the amenity of nearby occupiers from the impacts of construction and to accord with Policy LP24 of the Local Plan.

6. The temporary drainage scheme prepared by Bland & Swift (30th November 2020) entitled ‘Surface Water Runoff Management During Construction Phase - Rev A’ and drawing ‘1230-05’ approved in accordance with discharge of condition application 2020/93406 shall be implemented in accordance with the approved details set out therein and shall be retained until the approved permanent surface water drainage system is in place for that phase and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the provision of suitable temporary drainage arrangements for the construction phase in order to protect the natural environment, local infrastructure and adjacent property. This is to accord with Policies LP24 and LP27 of the Kirklees Local Plan.

7. The permanent surface water drainage system shall be constructed, managed and maintained in accordance with the approved documentation listed below, approved in accordance with discharge of condition application 2020/93406:

- Drainage Layout Sheet 1 - S 104 – Drawing number 12130-01S
- Offsite Combined Sewer Plan Layout S104 – Drawing number 12130- 02C
- Drainage Proposal Flood Routing – Drawing number 12130-03E
- Drainage Proposal Impermeable Areas – Drawing number 12130-04
- Long Sections S104 Pipelines 12130-06
- Foul Water Manhole Details Hydrobrake Manhole Detail – Drawing number 12130-07
- Combined Sewer Manhole Details & Long Section – Drawing no. 12130-08
- Pipe specification – Preliminary Performance Assessment - Polypipe (WIS 4-35-01) Sewer Pipe
- Micro Drainage calculations dated 21/2/21 (Storm Sewer Design)
- Ridgistorm XL General Arrangement – Drawing number 40928-KCJ-D1
- Surface Water Operation & Maintenance Manual (Bland & Swift, June 2021).

None of the dwellings shall be occupied until the approved drainage scheme has been provided to serve the development or each agreed phasing of the development to which the dwellings relate. The drainage scheme shall thereafter be retained as such.

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

8. A scheme detailing the proposed internal adoptable estate roads shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the 11th dwelling commence. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audits covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable access is available for the development in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

9. A detailed scheme for the provision of a footway to the site frontage as indicated on the approved site plan and for the provision of a footway connection from the site to the existing footways on the eastern side of Pond Lane that is based on drawing number 1665-101D (Preliminary Footway Connectivity Plan) shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the 11th dwelling commence. The scheme shall include construction specifications, white lining, signage, surface finishes together with an independent safety audit covering all aspects of the work. All the agreed works shall be implemented before any part of the development is first brought into use and shall thereafter be retained.

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

10. The approved private vehicle parking areas shall be surfaced and drained before the dwelling to which they relate is first occupied. The parking spaces shall thereafter be retained as such.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

11. The bin collection points as shown on the approved site plan (ref 19D17-0103-P10) shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

Reason: In the interests of highway safety and visual amenity and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

12. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved 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 site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To remove unacceptable risks to human health and the environment arising from unexpected contamination. This is to accord with Policy LP53 of the Local Plan and guidance given in the National Planning Policy Framework.

13. A scheme detailing ecological mitigation and enhancement measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the 11th dwelling commence. The approved mitigation and enhancement measures shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

Reason: In the interests of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance 2019/91778.

14. The existing hedgerow to the northern and southern site boundaries shall be retained in accordance with the details shown on the approved site plan (ref 19D17-0103-P10). Notwithstanding Section 55 of the Town and Country Planning Act 1990 and the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking or re-enacting that Order with or without modification) the hedgerow shall be retained as such.

Reason: In the interests of visual amenity and biodiversity and to accord with Policies LP24 and LP30 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

15. Details of the hard and soft landscaping of the site (including internal and external boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the 11th dwelling commence. The approved landscaping shall be provided before the dwelling to which it relates is first occupied. In the case of landscaping that does not form part of private residential curtilage the landscaping shall be provided before the occupation of the 30th dwelling.

Reason: In the interests of visual amenity (including the adjacent Green Belt) and the security of the development. This is to accord with Policy LP24 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

16. Details of the arrangements for the maintenance and management of the areas of land that do not form part of private curtilage and which are not adopted by statutory undertakers shall be submitted to and approved in writing by the Local Planning Authority before the first dwelling is occupied. The arrangements so approved shall be provided to serve the development thereafter.

Reason: To ensure that suitable arrangements are in place for the management of such land in the interests of amenity and to accord with Policy LP24 of the Local Plan.

17. The upper floor bedroom window in the side elevation of Plot 1 shall be first installed with obscure glazing that achieves a minimum privacy level 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) the window shall be so retained as such thereafter.

Reason: In the interests of the privacy of future occupiers of the development and to accord with Policy LP24 of the Kirklees Local Plan.

18. An electric vehicle recharging point shall be provided within the garage or dedicated parking area for each dwelling. The recharging points shall be provided before the dwelling to which the recharging point relates is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps.

Reason: To accord with Policy LP24 of the Kirklees Local Plan, guidance in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

19. The development hereby approved shall be carried out in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference JCA 15125-A/AJB. The proposed measures shall be implemented and maintained throughout the construction phase and the proposed post construction phase measures implemented accordingly.

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

Note regarding construction activities:

Noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours , Saturdays

With no noisy activities on Sundays or Public Holidays

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 a notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Note regarding works within the public highway:

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) 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.

Note regarding adoption under Section 38 of the Highways Act:

It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	19D17-0101-P01	-	6/6/19
Proposed Site Layout Plan	19D17-0103-P12	-	21/01/21
Site Section	19D17-0104-P02	-	3/8/20
Proposed Plans & Elevations - House Type C	19D17-9903-P03	-	21/01/2021
Proposed Plans & Elevations – House Type D1	19D17-0711-P02	-	17/2/20
Proposed Plans & Elevations – House Type K & K1 – Plots 1-3	19D17-0710-P01	-	17/2/20
Proposed Plans & Elevations – House Type K & K1	19D17-0708-P02	-	17/2/20
Proposed Plans & Elevations – House Type J	19D17-0706-P03	-	17/2/20
Proposed Plans & Elevations – House Type F	19D17-0703-P02	-	17/2/20
Proposed Plans & Elevations – House Type E	19D17-0702-P03	-	17/2/20
Drainage Proposal Preliminary Layout Planning	12130-01N	-	22/7/20
Drainage Proposal Preliminary Layout	12130-02C	-	22/7/20
Drainage Proposal Flood Routing	12130-03E	-	22/7/20
Drainage Proposal Impermeable Areas	12130-04	-	
Supporting Drainage Information	Micro Drainage calculations dated 2/7/20	-	3/7/20
Proposed Access Design	1665-101	Rev D	22/7/20
Proposed Long Sections	1665-102	Rev D	22/7/20
Vehicle Tracking	1665-103	-	22/7/20
Preliminary Footway Connectivity Plan	1665-101D	-	6/3/20

Plan Type	Reference	Version	Date Received
Culvert Search Report	RGS J4588/19/E/F 31st July 2019	-	19/8/19
SuDS Report	RGS J4588/19/E/F 19th August 2019	-	6/6/19
Flood Risk Assessment	-	-	17/2/20
Stage 1 Road Safety Audit	Sevenairs Consulting Ltd Dated 2nd August 2019	-	24/9/19
Designer's Response to Stage 1 Road Safety Audit	Paragon Highways August 2019 Project number 1665A	-	24/9/19-
Arboricultural Method Statement	JCA 15125-A/AJB125-A/AJ	-	July 2019
Arboricultural Report & Impact Assessment	JCA 15125/AJB	-	July 2019
Coal Investigation Report	RGS J4588/19/E July 2019	-	July 2019
Coal Mining Risk Assessment	RGS J4588/19/E/GE May 2019	-	6/6/19
Miscellaneous Supporting Information	Schedule of Draft House Types and Approx. Floor Areas	-	17/2/20
Archaeology Report	Report on a Geophysical Survey OSA Report No: OSA19EV28 (Geophysics). August 2019.	-	6/6/19
Archaeology Report	OSA Report on an Archaeological Investigation August 2020	-	2/9/20

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The proposal was the subject of formal pre-application advice. Amendments were secured during the course of the planning application in order to enhance the efficient use of this housing allocation and to improve the mixture of house types. Amendments were also secured to satisfactorily address highway safety and drainage issues. Additional information was submitted in respect of coal mining. Negotiations were undertaken with regard to the tenure of the affordable housing provision.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

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

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant 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

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

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.

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

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to 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.

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: 19-Jan-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 2021/70/90246/W .

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

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

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

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
