



**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: 2021/62/91571/W

To: Mark Harrison,
TADW Ltd
6 St Petersgate
Stockport
SK1 1HD

For: P Casey and Co Ltd / Yorkshire Housing

**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:-**

ERECTION OF RESIDENTIAL DEVELOPMENT FOR 125 DWELLINGS

At: LAND SOUTH OF THE LODGE AND NORTH OF CHURCH LANE,
LINTHWAITE, HUDDERSFIELD

**In accordance with the plan(s) and applications submitted to the Council on
16-Apr-2021, subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule 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 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. Prior to the commencement of development (including ground works) a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include pre-development road condition surveys (covering an area to be agreed beforehand with Local Planning Authority officers), a timetable of all works, and details of:

any phasing of development;

- point(s) of access for construction traffic;
- construction vehicle sizes and routes;
- times of construction vehicle movements;
- parking for construction workers;
- signage;
- wheel washing facilities within the site;
- street sweeping;
- dust suppression including all measures specified in Table 16 (regarding fugitive dust mitigation) of the Air Quality Assessment by Ensaf Consultants (ref: AQ109512, dated 07/04/2021);
- measures to control noise and vibration from construction-related activities;
- any artificial lighting to be used during construction;
- hours of works;
- 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); and
- details of engagement with local residents and occupants (or their representatives) before the submission of the C(E)MP and during the period of construction.

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development and prior to the occupation of no more than 100 dwellings of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policies LP21, LP24 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 impacts are devised and agreed at an appropriate stage of the development process.

4. Prior to the commencement of development (including ground works) a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Detail phasing of the development and phasing of temporary drainage provision; and
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and details of how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system 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.

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

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

6. Prior to the first use of the approved vehicular access point at Church Lane (including use by construction traffic with the exception of construction traffic associated with the formation of construction access points), vegetation and boundary treatments shall be set back to the rear of the proposed visibility splays as shown on approved plan ref: BRO-AJP-00-ZZ-DR-C-1010 rev P02 (as amended). The visibility splays shall be cleared and kept clear of all obstructions to visibility above 0.6m measured from the ground thereafter.

Reason: To ensure adequate intervisibility is provided and maintained in the interests of pedestrian and highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that adequate visibility is provided to enable works vehicles to enter and exit the site.

7. Prior to the commencement of development (excluding ground works, establishing the site compound, clearing the site and undertaking initial enabling works), a scheme detailing the proposed internal adoptable roads shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of swept paths for a 11.85m refuse vehicle, full sections, drainage details, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of this work. No part of the development shall be brought into use until the internal adoptable roads for that part of the development have been completed in accordance with the approved plans and details or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

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

8. Prior to development commencing on the superstructure of any dwelling hereby approved, a detailed scheme for the provision of a pedestrian crossing to Church Lane shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, details of surface finishes and any white lining and signing, an independent safety audit covering all aspects of this work, and details of the delivery of the scheme under an appropriate Section 278 approval. Unless otherwise agreed in writing by the Local Planning Authority, no more than 100 dwellings of the development hereby approved shall be occupied prior to the implementation of the approved scheme.

Reason: In the interests of pedestrian safety, to contribute toward the provision of a walkable and well-connected neighbourhood, to encourage the use of sustainable modes of transport, and to mitigate the highway and air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

9. Prior to the first occupation of any specified dwelling hereby approved, the approved vehicle parking areas for that dwelling shall be surfaced and drained in accordance with "Guidance on the permeable surfacing of front gardens (parking areas)", 13/05/2009 (ISBN 9781409804864) as amended or superseded, and shall thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

10. Where highway retaining structures are necessary, prior to development commencing on the superstructure of any dwelling hereby approved, the design and construction details of any such structures (and any temporary highway retaining structures that may be deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

11. Prior to the first occupation of any specified dwelling hereby approved, details of secure, covered and conveniently-located cycle parking for use by residents of that dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved and the cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and encouraging the use of sustainable transport modes, and to accord with Policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan.

12. Prior to development commencing on the superstructure of any dwelling hereby approved, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles 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:

- One Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space; and
- One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces

Dwellings 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. The charging points installed shall be retained thereafter.

Reason: To ensure residents of the development are encouraged to use lower-carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

13. Prior to the commencement of superstructure works, details of storage and access for collection of wastes from the residential units hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access to private driveways, and shall include details of management measures (including measures to control odour and vermin) and measures to discourage flytipping. The works and arrangements comprising the approved details shall be implemented prior to first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

14. Prior to the first occupation of any dwelling hereby approved, the air quality mitigation measures specified in Table 20 (regarding West Yorkshire planning guidance mitigation) of the Air Quality Assessment by Ensaf Consultants (ref: AQ109512, dated 07/04/2021) shall be implemented in full.

Reason: In the interests of amenity and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

15. Prior to the commencement of superstructure works to units 27 to 32 and 36 to 46 (as numbered on drawing ref: 911277 20 rev P10), details of additional sound insulation measures (to address noise from events at the adjacent bowling club) shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of any dwelling hereby approved, all the measures so approved in relation to units 27 to 32 and 36 to 46, and all other works forming part of the sound attenuation scheme as specified in the Noise Impact Assessment by ENS Ltd (ref: NIA/9248/20/9221/v3/ Church Lane, dated 01/03/2021), shall be implemented in full and written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Impact Assessment have been achieved, a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be implemented in full and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before any dwelling of the development hereby approved is first occupied. The approved works shall be retained thereafter.

Reason: In the interests of amenity and to accord with Policy LP52 of the Kirklees Local Plan.

16. Prior to the commencement of superstructure works, a ventilation scheme for rooms where windows will need to be kept closed to prevent excessive internal noise levels shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall:

- Identify which rooms of which units (referenced back to the approved Noise Impact Assessment) require a ventilation system;
- Provide the acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded; and
- Demonstrate how habitable rooms of these units shall be provided with sufficient ventilation to help control thermal comfort and avoid overheating during hot weather without the need to open windows. This shall include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes per hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.

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

Reason: In the interests of amenity and to accord with Policy LP52 of the Kirklees Local Plan.

17. Prior to the commencement of development (excluding ground works, establishing the site compound, clearing the site and undertaking initial enabling works), full details of the attenuation basin hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans and sections, drainage calculations, and details of materials, outfalls, balancing works and any off-site works. No part of the development hereby approved shall be occupied until the drainage scheme (including the approved details of the attenuation basin) has been implemented in full. The approved scheme shall thereafter be retained during the life of the development. No additional surface water and land drainage works, or deviation from the approved drainage scheme, shall be carried out without the prior written consent of the Local Planning Authority.

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

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

18. Prior to the commencement of development (excluding ground works, establishing the site compound, clearing the site and undertaking initial enabling works) a detailed flood routing scheme (informed by an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change and blockage scenarios, on drainage infrastructure and surface water run-off pre- and post-development between the development and the surrounding area, in both directions) shall be submitted to and approved in writing by the Local Planning Authority. Cross-sections incorporating property and curtilage immediate adjacent to private driveways shall be submitted and these shall demonstrate that water will not enter curtilage and that the route will be contained on roads and driveways. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such 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 so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

19. Prior to the commencement of development at the part of the site occupied by stables and a storage container (excluding demolition, but including ground works, other than those required to inform a site investigation report) a Phase II Intrusive Site Investigation Report addendum (relating to the footprint of the site's stables and storage container) 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.

20. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report addendum approved pursuant to condition 19, prior to the commencement of development (excluding demolition, but including ground works, other than those required to inform a site investigation report) a Remediation Strategy shall be 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 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.

21. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 20. 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 on site (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 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.

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.

22. 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. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site 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 areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure 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.

23. Prior to the commencement of superstructure works, details of measures to prevent and deter crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of windows overlooking publicly-accessible areas (including the pedestrian connection to The Lodge, and public footpath HUD/235/10), and details of boundary treatments, external lighting, pedestrian connections and landscaping corresponding with details to be provided pursuant to conditions 26, 29, 30 and 32. No part of the development shall be brought into use until the development has been implemented in accordance with the details so approved.

Reason: In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

24. Prior to the commencement of superstructure works, and notwithstanding what is shown on the drawings hereby approved, details of all electricity substations to be provided on-site in association with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans, elevations and sections, and details of external materials, and any boundary treatments. The substation(s) shall be constructed in accordance with the details so approved.

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

25. Prior to the commencement of superstructure works, details of all external materials to be used shall be submitted to the Local Planning Authority, and samples shall be left on site for the inspection and approval in writing of the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

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

26. Prior to the commencement of superstructure works, and notwithstanding what is shown in the boundary treatments plan (ref: 911277 40 rev P4 as amended) hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, shall be submitted to and approved in writing by the Local Planning Authority. The details shall correspond with measures relating to flood routing to be submitted pursuant to condition 18 and shall provide for the movement of hedgehogs. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: In the interests of visual amenity, highways safety and biodiversity, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, and to accord with Policies LP21, LP24, LP27 and LP30 of the Kirklees Local Plan.

27. The boundary treatment to the southwest boundary of the curtilage of unit 1 as shown in the boundary treatments plan (ref: 911277 40 rev P4 as amended) hereby approved shall be maintained to a height of 2m for as long as the cricket pitch to the southwest of the site remains in use.

Reason: To minimise the risk of ball strike in the interests of safety and to accord with Policies LP24 and LP47 of the Kirklees Local Plan.

28. Prior to the commencement of superstructure works, a landscaping and enclosure scheme which discourages public access and use shall be submitted and approved in writing by the Local Planning Authority (in consultation with Sport England) for the area at the south end of the site adjacent to the vehicular access to Church Lane and annotated "Habitat / Wild Flower Area – No Public Access" on drawing 911277 20 rev P10. The approved scheme shall be implemented in full and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To minimise the risk of ball strike in the interests of public safety and to accord with Policies LP24 and LP47 of the Kirklees Local Plan.

29. Prior to the first occupation of any dwelling with external lighting (other than street lighting on streets to be adopted), details of the external lighting for that dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a scheme detailing street lighting to all private (unadopted) roads/drives/courtyards and shall not include low-level or bollard street lighting. The external lighting shall be designed to avoid harm to residential amenity, increased highway safety risk, risk of creating opportunities for crime and anti-social behaviour, and disturbance to wildlife. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. No dwellings accessed from a private (unadopted) road/drive/courtyard shall be brought into use until the street lighting so approved for that road/drive/courtyard has been installed and brought into use, and the street lighting shall be retained as such thereafter. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety, to prevent significant ecological harm, to safeguard habitat, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP30 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

30. Prior to the commencement of superstructure works, details of:

- the pedestrian connection between the site and The Lodge;
- the footpaths parallel to Church Lane and connecting to the development's internal roads, Church Lane and public footpath HUD/235/10; and
- other pedestrian connections between the site and public footpath public footpath HUD/235/10

shall be submitted to and approved in writing by the Local Planning Authority. The details shall relate to levels, surface materials, construction methods, any steps, any handrails, and boundary treatments and gates. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: In the interests of ensuring usable, convenient, safer and attractive pedestrian routes are provided, to contribute toward the provision of a walkable and well-connected neighbourhood, to encourage the use of sustainable modes of transport, and to mitigate the highway and air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

31. Other than where indicated on the drawings hereby approved, and other than in relation to elevations not facing a highway, no cables, plumbing, foul pipes, vents, burglar alarm boxes, and/or CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) of the development hereby approved. Should any such equipment or installations be considered necessary, details of these shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the details so approved.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

32. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details of existing and proposed levels, and regrading;
- Species schedule and planting plans;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;
- Details (including samples, if requested), of paving and other hard surface materials;
- Details of all on-site open spaces (including details of their purpose(s) and management) and of any areas for designated, informal, incidental and/or doorstep play;
- Details of covenants regarding street tree retention; and
- Details of how soft landscaping has been designed to prevent and deter crime and anti-social behaviour.

No part of the development hereby approved shall be occupied until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value and visual amenity, to ensure high quality open spaces are provided, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP24, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan, and chapters 8, 12 and 15 of the National Planning Policy Framework.

33. Prior to the commencement of superstructure works, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The BEMP shall ensure that no less than a 12.36% biodiversity net gain (i.e., 12.36% above the 14.29 habitat units baseline set out in the Ecological Impact Assessment by Middleton Bell Ecology (ref: MBE/ECO/2020/20/03, dated 12/08/2021)) is achieved post-development, and shall include the following:

- Description and evaluation of features to be managed and enhanced;
- Details of the extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- Details corresponding with landscaping details to be submitted pursuant to condition 32;
- Details of ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management actions for achieving the Aims and Objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP; and
- Details of an ongoing monitoring programme and remedial measures.

The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years. The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP 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 BEMP. The development shall be implemented in accordance with the approved BEMP and all measures and features shall be retained in that manner thereafter.

Reason: To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

34. 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 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.

35. 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) no development included within Classes A, D and E of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

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 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 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 Council 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: To discuss road adoption arrangements under Section 38 of the Highways Act 1980, please contact Highway Adoptions on 01484 221000 or highways.section38@kirklees.gov.uk.

NOTE: All new storm water attenuation tanks / pipes / culverts 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. 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 Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally-binding undertaking to the Highway Authority explicitly stating that they have a full understanding of 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 the Well-managed Highway Infrastructure – A Code of Practice 2016 or any corresponding superseding document thereafter.

NOTE: References to “(as amended)” documents in the plans and specifications schedule below reflect the amendments made during the life of the application. Not all documents were updated to reflect these amendments. For example, the landscaped gaps (or wildlife corridor) shown on drawing UG_721_LAN_DET_DRW_09 rev P01 is not shown on all other drawings, however for the avoidance of doubt its implementation is a requirement of this planning permission.

Plans and specifications schedule:

Plan/document type	Reference	Version	Date received
Existing Site Plan and Location Plan	911277 01	P4	19/04/2021
Proposed Site Plan	911277 20	P10	27/08/2021
General Arrangement (as amended)	UG_721_LAN_GA_DRW_01	P09	11/08/2021
LVA Site Plan (as amended)	UG_721_LAN_LVA_DRW_08	P03	11/08/2021
Soft Landscape 1/4 (as amended)	UG_721_LAN_SL1_DRW_03	P04	11/08/2021
Soft Landscape 2/4	UG_721_LAN_SL2_DRW_04	P04	11/08/2021
Soft Landscape 3/4 (as amended)	UG_721_LAN_SL3_DRW_05	P04	11/08/2021
Soft Landscape 4/4	UG_721_LAN_SL4_DRW_06	P04	11/08/2021
Landscape Supporting Notes	UG_721_LAN_LSN_DRW_07	P02	19/04/2021
Landscape Detail: Wildlife Corridor	UG_721_LAN_DET_DRW_09	P01	06/09/2021
Proposed Street Scene Elevations and Site Sections	911277 68	P4	11/08/2021
Proposed Street Scene Elevations and Site Sections (as amended)	911277 70	P2	11/08/2021
Open Space Sections	911277 42	P1	19/08/2021
Boundary Treatments – Plan and Elevations (as amended)	911277 40	P4	19/08/2021
Bin Store – Plans and Elevations	911277 41	P2	19/08/2021
Visibility Splays and Road Dimensions Plan	BRO-AJP-00-ZZ-DR-C-1010	P02	11/08/2021

Plan/document type	Reference	Version	Date received
Outline Drainage Layout (as amended)	BRO-AJP-00-ZZ-DR-C-1000	P02	11/08/2021
Bardale House Type Proposed Plans and Elevations	911277 50	P3	19/04/2021
House Type Elevation Variants - Bardale	911277 60	P3	11/08/2021
Bedale House Type Proposed Plans and Elevations	911277 57	P2	19/04/2021
House Type Elevation Variants - Bedale	911277 66	P3	11/08/2021
Birkdale House Type Proposed Plans and Elevations	911277 55	P3	19/04/2021
House Type Elevation Variants - Birkdale	911277 64	P3	11/08/2021
Cotdale House Type Proposed Plans and Elevations	911277 58	P4	28/09/2021
House Type Elevation Variants - Cotdale	911277 67	P4	29/09/2021
Fossdale House Type Proposed Plans and Elevations	911277 51	P3	19/04/2021
House Type Elevation Variants - Fossdale	911277 61	P3	11/08/2021
Garsdale House Type Proposed Plans and Elevations	911277 52	P3	19/04/2021
House Type Elevation Variants - Garsdale	911277 62	P3	11/08/2021
Malhamdale House Type Proposed Plans and Elevations	911277 54	P3	19/04/2021
Plan/document type	Reference	Version	Date received
Silverdale House	911277 53	P3	19/04/2021

Type Proposed Plans and Elevations			
House Type Elevation Variants – Silverdale and Malhamdale	911277 63	P3	11/08/2021
Stonesdale House Type Proposed Plans and Elevations	911277 56	P2	19/04/2021
House Type Elevation Variants - Stonesdale	911277 65	P3	11/08/2021
Planning Statement (as amended)	August 2021		13/08/2021
Affordable Housing Statement	Yorkshire Housing, April 2021		
Design and Access Statement (as amended)	TADW, 2021		04/05/2021
Design Evolution Report (as amended)	TADW		19/04/2021
Broad Oak Cricket Club – Boundary Risk Assessment	Labosport, LSUK.20-0711, 06/08/2021	rev 2.1	11/08/2021
Landscape and Visual Appraisal (as amended)	Urban Green, UG721, 11/08/2021	P04	11/08/2021
Transport Assessment (as amended)	Paragon Highways, 1098C, April 2021	rev 1	04/05/2021
Technical Note (as amended)	Paragon Highways, 1098G, July 2021		11/08/2021
Road Safety Audit Stage 1	Sevenairs Consulting, 2021-04 Linthwaite RSA1 – Revision 0, 06/04/2021	rev 0	04/05/2021
Designer's Response	Sevenairs Consulting, 2021-04 Linthwaite RSA1 – Revision 0, 06/04/2021	rev 0	04/05/2021
Flood Risk Assessment (as amended)	Alan Johnston Partnership, BRO-AJP-ZZ-XX-RP-C-3000-P01, 01/04/2021	P01	03/06/2021

Plan/document type	Reference	Version	Date received
Phase I Site Appraisal (Desk Study)	GRM, P8985, April 2020	rev A	04/05/2021
Phase II Site Appraisal	GRM, P8985, May 2020		04/05/2021
Letter regarding ground gas and groundwater	GRM, P8985\GAL, 15/05/2020		07/07/2021
Letter regarding contamination and ground gas	GRM, P8985 EHOLet01, 21/07/2021		23/07/2021
Air Quality Assessment	Ensafe, AQ109512, 07/04/2021		16/06/2021
Noise Impact Assessment (as amended)	ENS, NIA/9248/20/9221/v3/ Church Lane, 01/03/2021		19/04/2021
Desktop Health Impact Assessment (as amended)	Hodkinson, 09/04/2021	v.2	19/04/2021
Ecological Impact Assessment (as amended)	Middleton Bell Ecology, MBE/ECO/2020/20/03, 12/08/2021		13/08/2021
Biodiversity Metric 3.0 Calculation			13/08/2021
Statement of Community Involvement	Grayling		19/04/2021

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 layout, ball strike risk, landscaping, landscape and visual impact, ground gas and contamination, highway matters, house types, ecological impacts and other planning matters. The Council proactively engaged with the applicant in order to ensure relevant planning matters were addressed.

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.

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.

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.

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 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:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on 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 the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- 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: 20-Dec-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

dc.admin@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Planning, Strategic Investment Service,
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR
