



**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: 2021/62/91914/E

**To: Johnson Mowat Planning Ltd
Coronet House
Queen Street
Leeds
LS1 2TW**

For: NEWETT HOMES

**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:-**

**DEMOLITION OF ONE DWELLING AND ERECTION OF 44 DWELLINGS WITH
ACCESS AND ASSOCIATED INFRASTRUCTURE**

At: REAR OF, 28, NORTHORPE LANE, NORTHORPE, MIRFIELD, WF14 0QN

**In accordance with the plan(s) and applications submitted to the Council on
07-May-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 91 of the Town and Country Planning Act 1990.

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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Details of the facing materials for the retaining walls within the site shall be submitted to and approved in writing by the Local Planning Authority before works to construct the retaining walls commence. The retaining walls shall be faced in the approved materials and thereafter maintained as such.

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. No development shall take place until a scheme detailing the design and construction of all new retaining walls and building retaining walls adjacent to the existing / proposed adoptable highways (including any modifications to any existing retaining wall supporting Northorpe Lane) have been submitted to and approved by the Local Planning Authority. The scheme shall include locational and cross-sectional information together with the proposed design and construction details. In the event that the submitted scheme indicates that there are no new retaining walls or amendments to existing retaining walls within or adjacent to the development site which affect an adoptable highway, the scheme shall include details confirming this. The approved scheme shall be implemented and adhered to prior to commencement of superstructure works and thereafter retained during the life of the development.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway in accordance with the requirements of Policies LP21 and LP24 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that load-bearing structures are designed and agreed to a satisfactory standard.

5. No development shall take place until the design and construction details for all temporary and permanent retaining structures supporting embankments within the site have been 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 on, method statements for both temporary and permanent works, removal of any bulk excavations, a full slope stability analysis together with structural calculations and all associated safety measures for the protection of adjacent public highway. All highway retaining structures shall be designed and constructed in accordance with the approved details and shall be so maintained throughout the life of the development. The permanent retaining structures relating to the main access embankment shall be implemented before works to construct the superstructure of the first dwelling commence.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway in accordance with the requirements of Policies LP21 and LP24 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that load-bearing structures are designed and agreed to a satisfactory standard.

6. No development shall take place until a scheme detailing all new surface water attenuation pipes and manholes located within the proposed highway footprint has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include locational and cross-sectional information together with the proposed design and construction details, and timescales of delivery. The approved scheme shall be implemented in accordance with the agreed timescales and thereafter retained during the life of the development.

Reason: To ensure that any engineered structural highway features do not compromise the stability and safety of the highway in accordance with the requirements of Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that load-bearing highway structures are designed and agreed to a satisfactory standard prior to their use by vehicular traffic.

7. No development shall take place until a scheme detailing the construction of the internal estate roads, footpaths and all associated works to adoptable standards has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, details of 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 development shall be carried out in accordance with the approved scheme and phasing and thereafter retained as such.

Reason: To ensure that safe and suitable access is available across the residential estate in accordance with the requirements of Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that satisfactory highway construction details are provided to prevent abortive works being incurred by the applicant.

8. No development shall take place until a full scheme detailing arrangements, specification and delivery for the layby opposite the site entrance has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until those works have been completed in accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority.

Reason: In the interest of free and safe use of the highway and to ensure safe access to the site for refuse collection vehicles in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that a highway widening scheme is provided for the purpose of providing a satisfactory highway access into the development.

9. Prior to each dwelling being occupied, the approved vehicle parking area for the relevant dwelling shall be surfaced and drained in accordance with the "Guidance on the permeable surfacing of front gardens" (Department for Communities and Local Government / Environment Agency, 13/05/2009 (ISBN 9781409804864)) as amended or superseded, and shall thereafter be retained throughout the lifetime of the development.

Reason: In the interest of ensuring adequate surfacing for parking facilities to prevent detritus being emitted onto the highway thereby inhibiting highway safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

10. No development shall take place until details of the junction and associated highway works between the proposed estate road and Northorpe Lane have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works to provide the junction have been completed in accordance with the approved details.

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

This pre-commencement condition is necessary to ensure measures are implemented to avoid increased risks to highway safety.

11. Prior to the occupation of any dwellinghouse hereby permitted, a travel plan shall be submitted to and approved in writing by the LPA. The travel plan shall include measures to improve and encourage the use of sustainable transport. The measures shall include as a minimum:

- the provision of 'live' and other bus/train information;
- provision of METRO passes;
- car sharing facilities
- the upgrade of bus stops and shelters where necessary;
- the introduction of working practices to reduce travel demand; and
- the provision of on site cycle facilities and information.

The Travel Plan shall include details of when these measures will be introduced. To support the promotion of the use of sustainable modes the travel plan will also include:

- how the travel plan will be managed;
- targets aimed at lowering car use, particularly single occupancy trips, from/to the site;
- a program for monitoring the travel plan and its progress; and
- how the travel plan and its objective of more sustainable travel will be promoted.

The approved travel plan shall thereafter be retained throughout the lifetime of the development.

Reason: In the interests of promoting sustainable travel, and to accord with Policy LP20 of the Kirklees Local Plan.

12. Prior to the commencement of any superstructure works, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

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

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

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, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

14. The development shall not commence until a survey of the existing condition of the highway on Northorpe Lane has been submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before no more than 33 dwellings on the site are occupied, a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on the aforementioned street(s) shall be submitted to and approved in writing by the Local Planning Authority. All of the identified defect repair works shall be implemented before the 35th and 36th market dwellinghouses on the site are occupied.

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

This pre-commencement condition is necessary to ensure measures are implemented to avoid increased risks to highway safety.

15. Prior to the commencement of superstructure works of any part of the development, written specifications and physical samples of all external facing materials, including but not limited to elevation and roof slope materials, mortar types and widths, rainwater goods and fenestration detailing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved materials specifications.

Reason: In the interests of the visual amenity and to accord Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

16. All soil and vent pipes are to be located within the internal envelope of each residential unit and shall not project above the roof-slope.

Reason: In the interests of the visual amenity and to accord Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

17. Prior to commencement of development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These submitted details shall include:

- Location(s) and detailed design and layout of any public on-site open space or managed areas;
- Details of tree pits within highways and root barrier details for any trees proposed within drainage easements. The number and type of trees proposed on the approved Landscape Masterplan (fda landscape [R/2470/1J]) shall be maintained and provided on-site;
- Maintenance responsibility for on-site POS or managed areas;
- Materials to be used for all hard surfaced areas;
- Soft landscape works to include planting plans, plant schedules noting species, plant sizes and proposed numbers/densities; and an implementation, management, and maintenance programme; and
- Landscape Management Plan to include details of initial aftercare and long-term maintenance for minimum of five years. This shall also include any SuDS features, existing trees and vegetation retained on site;

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the implementation programme agreed with the Local Planning Authority.

Reason: To enhance and conserve visual amenity as well as the natural environment to accord with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that a detailed landscaping scheme is designed and secured for the development in advance of potential abortive works being undertaken.

18. The detailed landscaping scheme required under condition 17 shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance and conserve visual amenity as well as the natural environment to accord with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework

19. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include details on the following.

- Risk assessment of potentially damaging construction activities that refers to the most up-to-date site-specific survey information and specifically to nesting birds, bats, badgers and invasive plant species;
- Identification of “biodiversity protection zones”, where appropriate;
- 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);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate;
- Responsible persons and lines of communication; and
- Use of protective fences, exclusion barriers and warning signs, where appropriate.

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

Reason. To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Policy LP30 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure details relating ecological protection during the construction period are devised and agreed at an appropriate stage of the development process.

20. Prior to superstructure works of any dwellinghouse commencing, an Ecological Design Strategy (EDS) detailing how the biodiversity units for habitats, hedgerows and rivers stated in the Biodiversity Impact Assessment (Report Reference FE90_BIA02) are to be achieved post-development, along with roosting bat and nesting bird provisions as detailed in the EclA and details of a sensitive lighting scheme shall be submitted to, and agreed in writing by, the Local Planning Authority. The EDS shall include the following.

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

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

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

21. Development shall not commence until a detailed design scheme setting out the means of providing satisfactory foul, surface water and land drainage, (including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an itinerary of maintenance tasks with schedules. No dwellings shall be occupied until the approved drainage scheme has been provided on the site to serve the development and shall be retained thereafter.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan as well as the NPPF (Para 167).

This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging flooding occurring that could harm the existing and approved dwellinghouses.

22. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. 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 exceedance events resulting from surface water flooding are managed on-site appropriately, in the interests of amenity, environmental well being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan as well as the NPPF (Para 167).

This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging flooding occurring that could harm the existing and approved dwellinghouses.

23. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been 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.
- Methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- A plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 5-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second, unless otherwise agreed with the LLFA.

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: In the interest of satisfactory and sustainable drainage as required by the principles set out within Policy LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to minimise the risk of flooding of adjacent land.

24. No groundworks or material operation, as defined in section 56(4)(a) (b) (c) and (d) of the Town & Country Planning Act 1990 (other than operations required for a site investigation report) shall 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 in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 183 and 184 of the National Planning Policy Framework

The requirement of this pre-commencement condition is due to the need to make the site safe for habitation.

25. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to details required under condition 24, further groundworks and/or material operations in the affected areas of the site shall not commence until a Remediation Strategy by a suitably competent person 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 in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 183 and 184 of the National Planning Policy Framework

The requirement of this pre-commencement condition is due to the need to make the site safe for habitation.

26. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 25. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 183 and 184 of the National Planning Policy Framework

27. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report by a suitably competent person 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 areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 183 and 184 of the National Planning Policy Framework.

28. Before the development is brought into use, a full Air Quality Impact Assessment shall be submitted to and approved by the Local Planning Authority. The assessment shall:

- Determine the impact that the development will have on air quality (taking into consideration any cumulative impact from other local developments);
- Include a calculation of the monetary damages from the development; and
- 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 shall be implemented before the development comes into use and retained thereafter.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 and 15 of the NPPF and Policies LP20, LP24, LP47 of the Local Plan.

29. Before the electrical system is installed a scheme detailing the dedicated facilities that will 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:

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space.

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, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

30. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise and vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries;
- Dust arising from all construction related activities;
- The emission of debris onto the public highway, including measures to prevent and rectify such issues;
- Artificial lighting used in connection with all construction related activities and security of the construction site; and
- Residential amenity issues (to include details of a complaint handling system and the provision of contact details [phone and email] of the site project manager and a mechanism for providing these to all residents whose property adjoins the development site).

The agreed plan shall be adhered to throughout the construction of the development.

Reason: To ensure avoidance of ecological and subsequent harm in accordance with Policy LP30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework.

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

31. No material operation, as defined within Section 56, Clause 4, Paragraphs (a) – (e) of the Town and Country Planning Act 1990 shall commence until a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site and location of sufficient on-site parking facilities for site operatives. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: To ensure satisfactory arrangements are implemented in relation to the construction phase, in the interests of ensuring highway safety in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that adequate plans to counteract construction issues are set out prior to development commencing.

32. The development shall not commence until a written scheme of archaeological investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. The WSI shall include:

- The statement of significance and research objectives;
- The programme and methodology of site investigation and recording;

- The nomination of a competent person(s) or organisation to undertake the agreed works; and
- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

The development shall be conducted in accordance with the approved WSI.

Reason: In the interests of recording the historic environment of the local area in accordance with Policy LP35 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that the archaeological remains are recorded before they are disturbed, and potentially removed, by the development.

33. The rear boundary erected to the rear of plots 17-20 shall be composed of a 900mm stone wall with 900mm close boarded timber fence infill panels.

Reason: In the interests of ensuring the visual amenity of the site in accordance with Policy LP24 of the Kirklees

Footnotes

1. Highway Works:

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.

2. Highway Adoption:

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.

3. Retaining Structures:

It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on 01484 225616 who can advise further on this matter.

4. Contaminated Land:

All contamination reports shall be prepared in accordance with guidance in:

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

5. Noise Assessments:

All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

6. Pollution:

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.

7. EVCP Advice:

- 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.
- 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.

8. PROW:

The public footpaths that cross and are adjacent to the site shall not, at any time, prior to, during or after construction of the dwellings, be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

9. Highway Structures:

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. 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 CS450-Inspection of Highway structures. See <https://www.kirklees.gov.uk/beta/regeneration-anddevelopment/highways-guidance-and-standards.aspx> for further details.

10. CEMP Construction Environmental Management Plan:

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

Institute of Air Quality Management document "*Guidance on the assessment of dust from demolition and construction*" Version 1.1 2014 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.

11. Imported Soils:

A Validation Report for Imported Soils by a suitably competent person needs to demonstrate that the requirements of the current version of "*Verification Requirements for Cover Systems - Technical Guidance for Developers, Landowners and Consultants*" by Yorkshire and Lincolnshire Pollution Advisory Group have been met.

12. Air Quality Impact Assessment:

For anything to be considered as acceptable as part of the approved low emission mitigation measures it must be something that is to be provided in addition to what is normally provided at a development and also is not otherwise required. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as part of the costed mitigation measures.

In the absence of acceptable proposals for Low Emission Mitigation Measures of sufficient value, a section 106 agreement may be required for the amount up to the estimated damage cost made available to the local authority to spend on air quality improvement projects within the locality.

13. Retaining Wall Materials:

The facing material of the retaining walls on the site should be agreed in conjunction with the AiP process with the Local Highway Authority.

14. Street Lighting Specification:

The street lighting specifications to be submitted via detail of conditions applications shall include private drives and shall not include provision of bollard lighting.

15. Superstructure Definition:

For the purpose of interpretation, the definition of 'superstructure' is the part of a building or construction entirely above its foundation or basement.

16. Affordable Housing Landscaping/Parking:

The Proposed Site Layout (Rev FF) provides the correct parking layout for the affordable housing units.

Approved Document Schedule

Plan/Document Type	Reference	Version	Date Received
Location Plan	0899-EA-A-P001	B	05/12/2022
Proposed Site Layout	0899-EA-A-P002	FF	27/01/2023
POS Management Plan	NLM-003	D	21/04/2023
Proposed Materials Plan	0899-EA-A-P004	K	05/12/2022
Landscape Masterplan	R-2470-1	K	05/12/2022
Proposed Site Sections	0899-EA-A-P005	M	05/12/2022
Proposed Street Elevations	0899-EA-A-P006	J	05/12/2022
Northorpe Lane Existing and Proposed Street Elevation	0899-EA-A-P007	J	05/12/2022
Proposed Boundary Treatment Plan	0899-EA-A-P003	K	05/12/2022
Boundary Detail - 1800mm Closeboarded Timber Fence	0899-EA-A-P010	-	05/12/2022
Boundary Detail - 900mm Wall and Closeboarded Timber Fence	0899-EA-A-P011	-	05/12/2022
Typical Window Detail	0899-EA-A-P050	-	05/12/2022
Mainonette 3 – Stone & Render	NH.MAI3.03	-	05/12/2022
House Type - May - Contrasting Brick	MA-02	-	15/06/2023
House Type - Sesille - Render	0899-EA-A-P041	A	05/12/2022
House Type - Sesille - Stone	0899-EA-A-P036	A	05/12/2022
House Type - Cedar - Contrasting Brick	0899-EA-A-P037	-	05/12/2022
House Type - Willow - Render	0899-EA-A-P034	-	05/12/2022
House Type - Willow Alt - Stone	0899-EA-A-P040	-	05/12/2022
House Type - Birch - Render	0899-EA-A-P035	-	05/12/2022
House Type - Birch - Stone	0899-EA-A-P029	-	05/12/2022
House Type - Beeches - Render	0899-EA-A-P033	B	05/12/2022
House Type - Beeches - Stone	0899-EA-A-P032	B	05/12/2022
House Type - Buckthorn - Stone	0899-EA-A-P031	-	05/12/2022

House Type - Hazel+ - Stone	0899-EA-A-P030	A	05/12/2022
House Type - Mulberry - Render	0899-EA-A-P027	C	05/12/2022
House Type - Mulberry - Contrasting Brick	MUM3-02	-	15/06/2023
House Type - Guelder - Stone	0899-EA-A-P025	A	05/12/2022
House Type - Aspen - Stone	0899-EA-A-P024	-	05/12/2022
House Type - Aspen - Contrasting Brick	0899-EA-A-P023	-	05/12/2022
House Type - Blackthorn - Render	0899-EA-A-P021	C	05/12/2022
Single Garage Details - Stone	0899-EA-A-P015	-	05/12/2022
Design and Access Statement (Edward Architecture)	0899-EA-ADAS01	H	05/12/2022
Drainage Strategy	DR-C-0100	G	12/07/2022
Topographical Survey (Drainage)	2106	-	27/10/2022
Drainage Calculations (Andrew Moseley Associates – written by Gavin Shepherd dated 12/10/2022)	-	-	17/10/2022
Surface Water Drainage Maintenance and Management Schedule (Andrew Moseley Associates)	21111	-	07/05/2022
Flood Risk Assessment (Andrew Moseley Associates December 2022)	20983-003	G	05/12/2022
Proposed Levels - (Andrew Moseley Associates March 2022)	DR-C-0600	D	17/12/2021
Transport Statement (Andrew Moseley Associates June 2022)	20983-001	4	12/07/2022
Interim Travel Plan (Andrew Moseley Associates June 2022)	20983-002	3	12/07/2022
Road Safety Audit: Stage 1 S278 and S38 – (Meraki Alliance – 30th June 2021)	1	1	05/07/2021
On Anite – ‘Southern Turning Head – Vehicle Tracking’ By Newett	Created 11/10/202	-	11/10/2022

Homes – Document Properties cite the Author as ‘Anita Thomas and the Title as ‘Mirfield Vehicle Track’			
Road Long Sections (Andrew Moseley Associates – April 2022)	AMA/20983/R/001	P1	21/04/2021
Geophysical Survey (West Yorkshire Archaeology Service – Archaeological Services – April 2021)	3555	1.0	07/05/2021
Health Impact Assessment – (Johnson Mowat 27th May 2021)	-	-	28/05/2021
Noise Impact Assessment (ENS Ltd – 20/06/2022)	NIA/9654/21/9697/v4/ Northorpe Lane	V4	12/07/2022
Arboricultural Report & Impact Assessment to BS5837:2012 (AWA Tree Consultants) – June 2022	AWA4137.23.06.22	-	12/07/2022
Geoenvironmental Appraisal (Lithos – March 2022)	3422	2C	26/04/2022
Preliminary Ecological Appraisal – (Brindle & Green – September 2019)	BG19.267	Rev 1	14/06/2021
Ecological Impact Assessment – (Futures Ecology – March 2022)	FE90/EcIA01	A	26/04/2022
Biodiversity Net Gain Metric (EcIA Appendix A) Dated 29.03.2022 by J Harries and K Haymes	FE90/BM3	-	12/07/2022

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.

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

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.

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/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

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

Purchase Notices

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

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

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: 16-Jun-2023

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:

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