



**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: 2021/62/93006/E

**To: Michael Powell
Peacock and Smith
Central House
47 St Paul's Street
Leeds
LS1 2TE**

For: RADCLIFFE DEVELOPMENTS(FARNLEY)LTD

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

**CONVERSION OF EXISTING BARN TO FORM 8 DWELLINGS, ERECTION OF
9 DWELLINGS, DEMOLITION OF REDUNDANT AGRICULTURAL BUILDINGS
AND ASSOCIATED WORKS (LISTED BUILDING WITHIN A CONSERVATION
AREA)**

**At: YEW TREE FARM, THE VILLAGE, FARNLEY TYAS, HUDDERSFIELD, HD4
6UQ**

**In accordance with the plan(s) and applications submitted to the Council on
27-Jul-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 in the interests of highway safety and design to accord with Policies LP1, LP2, LP3, LP4, LP7, LP11, LP20, LP21, LP22, LP23, LP24, LP26, LP27, LP28, LP30, LP32, LP33, LP35, LP47, LP49, LP51, LP52, LP53, LP58, LP63, and LP65 of the Kirklees Local Plan, Principles 2, 5, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 5, 8, 9, 11, 12, 13, 14, 15, 16 and 17 of the National Planning Policy Framework.

3. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person 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 the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure site investigation is carried out at an appropriate stage of the development process.

4. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (3) further groundworks 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 the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure site investigation is carried out at an appropriate stage of the development process.

5. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (4). 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 the National Planning Policy Framework.

6. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification 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 the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been 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 the National Planning Policy Framework.

7. Prior to development commencing (including any groundworks) a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The CEMP shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties and highway safety 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.
- Point(s) of access for construction traffic.
- Vehicle sizes and routes, times of vehicle movements, identify the location of any HGV waiting areas and include details of the management of said areas.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction.
- Signage.
- Any phasing of development.
- Site waste management, including details of recycling/disposing of waste resulting from construction works.
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site and street sweeping.
- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Artificial lighting used in connection with all construction related activities and security of the construction site.

A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included. The agreed plan shall be adhered to throughout the construction of the development and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties, to ensure the highway is not obstructed, in the interests of highway safety and to accord with Chapters 9, 12 and 15 of the National Planning Policy Framework and 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.

8. Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (including the Golden Cock Public House and electricity substation) shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

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

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure noise mitigation measures are devised and agreed at an appropriate stage of the development process.

9. Prior to the installation of electrical systems, 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 providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space; and
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings

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 LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

10. Development shall not commence until a detailed design scheme detailing 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/soakaway structure, and an itinerary of maintenance tasks with schedules. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: To deliver effective sustainable systems that will be operated, maintained and managed for the lifetime of the development that it will serve, in accordance with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

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

11. 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 reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

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

12. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site 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;
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented; and
- the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year. 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: To prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

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

13. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority before development commences. The method statement shall include details of trees to be retained and removed and provide a Tree Protection Plan with details of how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: So as to protect to viability of the protected mature trees within and in close proximity to the application site and to accord with Policies LP24(i) and LP33 of the Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure tree retention and protection measures are devised and agreed at an appropriate stage of the development process.

14. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

Reason: In the interests of highway safety and to achieve a satisfactory layout. Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide Supplementary Planning Document, the Council's Highways Design Guide and the policies contained within Chapter 9 of the National Planning Policy Framework.

15. Prior to the occupation of the dwellings, a plan detailing the positioning and location of 11 bat boxes (comprising 5 Schwegler 1FD, 4 Schwegler 2FN and 2 Vivara Pro Build-in Wood Stone bat boxes) shall be submitted to and approved in writing to the local authority.

Reason: To provide an enhancement to biodiversity in line with LP30 and the requirements of section 15 of the National Planning Policy Framework.

16. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A-E of Part 1, Class A of Part 2, and Class A of Part 14 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Location Plan without the prior written consent of the Local Planning Authority.

Reason: To prevent any significant domestication of the site and to reduce any future/additional impact on the openness of the Green Belt and protected trees, as well as ensuring that no large, overly dominant extensions, outbuildings or dormer windows could be constructed which would have an adverse harmful impact on the character and setting of the development, and may result in overdevelopment of the site or create significant amenity issues to adjacent neighbouring properties, to accord with Policies LP2, LP24, LP33 and LP35 of the Kirklees Local Plan, Principles 2, 6, and 8 of the Housebuilders Design Guide SPD and Chapters 12, 13, 15 and 16 of the National Planning Policy Framework.

17. Access/egress to/from the site is not permitted to be taken from the existing agricultural access road to the south of the site onto Farnley Road.

Reason: In the interests of highway safety and to protect the amenity of adjacent noise sensitive receptors, as well as limiting any impact upon the openness of the Green Belt, in accordance with Local Plan Policies LP21, LP24, LP35 and LP52 and Chapters 9, 12 and 13 of the National Planning Policy Framework.

18. Prior to demolition of the existing farmhouse, the external elevations shall be recorded prior to demolition to enable external detailing of hereby approved plot 15 as outlined on approved drawing (72)006 Rev C to match the detailing of the existing house. The new dwelling shall be constructed to match the existing detailing unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of preserving the historic and architectural interest and setting of the heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

19. Notwithstanding the submitted plans and information, full details of all window frames, doors and garage doors (joinery details at 1:5 and elevations at 1:20) of the hereby approved new build dwellings (plots 9-17) shall be submitted to and approved in writing by the Local Planning Authority before the superstructure of the development commences. Submitted information shall include materials, profiles, colour, opening light configuration, depth within the reveals. The work shall be carried out in complete accordance with the approved details and shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of adjacent designated heritage assets, to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 2, 8 and 14 of the Housebuilders Design Guide SPD, as well as Chapters 12 and 16 of the National Planning Policy Framework.

20. Demolition of the farmhouse must not be allowed to proceed unless the larger development as a whole goes ahead.

Reason: In the interest of preserving the historic and architectural interest/setting of heritage assets to accord with Local Plan Policy LP35 and Chapter 16 of the National Planning Policy Framework.

21. The roof slopes of the farmhouse (plot 15) shall be covered with natural stone slates and laid in diminishing courses. Existing stone slates shall be re-used where possible, and any replacement slates required shall match the existing. Slates shall not be turned. No development shall take place until samples of the roofing materials have been provided to the Council and approved in writing by the Local Planning Authority. Thereafter the replacement roof shall be completed in accordance with the samples so approved.

Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of adjacent designated heritage assets, to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 2, 8 and 13 of the Housebuilders Design Guide SPD, as well as Chapters 12 and 16 of the National Planning Policy Framework.

22. The external materials used in the construction of new dwellings (plots 9-17) hereby approved shall consist of natural stone walling and stone roofing slates. No development shall take place until samples of the proposed walling stone, ashlar stone and roofing materials have been provided to the Council and approved in writing by the Local Planning Authority. Notwithstanding the submitted plans and details the proposed tumbled and dyed stone is not permitted, and instead pitch faced stone should be considered.

Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of adjacent designated heritage assets, to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 2, 8 and 13 of the Housebuilders Design Guide SPD, as well as Chapters 12 and 16 of the National Planning Policy Framework.

23. No external walls of the new dwellings hereby permitted (plots 9-17) shall be constructed until a mortar mix, together with its sand/aggregate specification has been submitted to and approved in writing by the Local Planning Authority. A 1 sq. metre sample shall be prepared on site for the inspection and approval in writing of the Local Planning Authority before construction is commenced. The works shall be carried out in accordance with the approved mortar mix thereafter. Weatherstruck, strap or ribbon pointing is not permitted.

Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of adjacent designated heritage assets, to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 2, 8 and 13 of the Housebuilders Design Guide SPD, as well as Chapters 12 and 16 of the National Planning Policy Framework.

24. The external masonry used in the construction of the farmhouse (plot 15) shall consist of reclaimed natural stone taken from the existing farmhouse and laid to match the detailing of the existing building. Where there is a shortfall in re-useable stone, replacement stone shall match the existing in terms of stone type, tooling, bedding and coursing. No development shall take place until samples of the proposed walling stone and ashlar stone, along with a sample panel of external masonry, have been provided on site for the inspection and approval in writing by the Local Planning Authority. Weatherstruck, strap or ribbon pointing is not permitted.

Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of adjacent designated heritage assets, to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 2, 8 and 13 of the Housebuilders Design Guide SPD, as well as Chapters 12 and 16 of the National Planning Policy Framework.

25. Prior to 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;
- Detailing 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; and
- Details of the on-site open space (including details of its purpose and management) and of any areas for designated, informal, incidental and/or doorstep play.

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 protect and enhance the setting of the Conservation Area and adjacent heritage assets, and to accord with Policies LP24, LP30, LP32, LP33, LP35, LP47 and LP63 of the Kirklees Local Plan and Chapters 12, 15 and 16 of the National Planning Policy Framework.

26. No development is to take place within the site outlined in red on the hereby approved Location Plan until the applicant, or their agents or successors in title, has secured the implementation of a programme archaeological and architectural recording. This recording must be carried out by an appropriately qualified and experienced archaeology consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure that an appropriate level of archaeological investigation has been carried out at the site which is located at the heart of a settlement recorded in the Domesday Book of 1086, partially within the Farnley Tyas Conservation Area and contains the presence of 4 grade II listed buildings. This is in accordance with Policy LP35 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure archaeological and architectural recording is agreed at an appropriate stage of the development process.

27. Windows within the first floor en-suite of Plot 4 (front elevation), first floor en-suite of Plot 12 (rear elevation) and first floor en-suites and bathroom within Plot 11 on the front elevation hereby approved, shall be fitted with obscure glazing minimum grade 4. Notwithstanding the provisions of Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development)(England)Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the windows shall thereafter be so retained obscurely glazed.

Reason: To protect the amenity of adjacent neighbouring properties, in accordance with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide SPD.

28. 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) the garages hereby permitted shall not be converted into additional residential accommodation without the prior written approval of the Local Planning Authority.

Reason: This is to ensure that suitable off-street parking is provided for each dwellinghouse and to avoid the need for on-street parking in the interests of highway safety, to accord with Policy LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Principle 12 of the Housebuilders Design Guide SPD.

29. Prior to the commencement of superstructure works, and notwithstanding what is outlined on the hereby approved plans, details (including sections and details of levels) of all boundary treatments, and any retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details and thereafter retained.

Reason: In the interests of visual amenity in order to ensure that character of the area is safeguarded and that the amenities of existing and future occupiers are protected in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

30. 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 occupation of those residential units. The temporary arrangements so approved shall be implemented prior to 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 and Chapters 9 and 12 of the National Planning Policy Framework.

31. Rooflights hereby approved within the dwellinghouses (plots 9-17) shall be of Conservation style.

Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of adjacent designated heritage assets, to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 2, 8 and 14 of the Housebuilders Design Guide SPD, as well as Chapters 12 and 16 of the National Planning Policy Framework.

32. Before development commences, the wall to the site frontage shall be set back to the rear of the proposed 2.4 x 43m visibility splays as shown on approved plans and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: To ensure adequate visibility is provided and maintained in the interests of pedestrian and highways safety and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

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

33. No development shall take place until a scheme detailing the proposed internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sightlines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

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

This pre-commencement condition is necessary to ensure that suitable access is available for the development.

NOTE: Public footpath KIR/59/10 is located adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way is based at Flint Street, Fartown, Huddersfield, HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *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.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: 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-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: Electric Vehicle Charging Points:

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- 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.

NOTE: 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.

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 Design Engineer (Kirklees Street Scene: 01484 221000) regarding 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.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Swept Path Analysis Kirklees Design Refuse Vehicle (11.85m LONG)	300050-001	A	27th July 2021
Existing Site Plan	(EX)001	A	17th March 2023
Location Plan	(EX)002	A	4th November 2022
Proposed Site Plan	(20)001	I	10th May 2023
Demolition Works Plan	(20)002	B	29th March 2023
Boundary Treatment Details	(20)004	B	17th March 2023
Alternative Access	(20)005	B	17th March 2023
Site Sections	(35)001	F	17th March 2023
Rear Street Scene	(35)002	B	17th March 2023
Plot 9	(72)001	D	17th March 2023
Plot 10	(72)002	E	17th March 2023
Proposed Garage Details	(72)002	-	28th April 2023
The Village Section	(72)003	-	28th April 2023
Plot 11	(72)003	C	17th March 2023
Plot 16	(72)004	C	17th March 2023
Plot 17	(72)005	C	17th March 2023
The Farmhouse	(72)006	C	17th March 2023
Plot 14	(72)007	C	17th March 2023
Plot 13	(72)008	C	17th March 2023
Plot 12	(72)009	E	17th March 2023
Plot 5 - Conversion	(72)010	D	17th March 2023
Plots 5 - Demolition	(72)010D	A	17th March 2023
Plots 1-4 Conversion	(72)011	E	17th March 2023
Plots 1-4 - Demolition	(72)011D	D	17th March 2023
Plots 6-8 Conversion	(72)012	D	17th March 2023
Plots 6-8 - Demolition	(72)012D	C	17th March 2023
Vehicle Tracking & Forward Visibility	151748F-001	-	22nd December 2022
Topographical Survey	ODS_48_SP	-	27th July 2021
Measured Building Survey	ODS_48_FP	-	27th July 2021

Elevation Survey – 1 of 2	ODS_48_EL	-	27th July 2021
Elevation Survey – 2 of 2	ODS_48_EL	-	27th July 2021
Planning Statement – Supporting Information	-	-	28th March 2023
Drainage Strategy Report – Supporting Information	4011/DSR001	1	28th July 2021
Flood Risk Assessment – Supporting Information	4011/FRA001	1	28th July 2021
Stage 1 Road Safety Audit – Supporting Information	300050/002/01	-	28th July 2021
Heritage Statement – Supporting Information	BOW-4010-ZZ-ZZ-RP-A-0001	P2	26th April 2022
Yorkshire Water & Vision Geomatics Plans – Supporting Information	-	-	27th July 2021
Structural Inspection Report – Supporting Information	2877/SIR-17/06/19	-	27th July 2021
Structural Inspection Report – Original Farmhouse – Supporting Information	4011/SIR002	1	26th April 2022
Structural Inspection Report – Milking Shed - Supporting Information	4011/SIR001	1	26th April 2022
S106 Draft Heads of Terms – Supporting Information	-	-	11th November 2022
Bat Emergence and Re-Entry Survey Report – Supporting Information	17092h/JE	-	6th September 2021
Transport Statement – Supporting Information	300050/001/01	-	27th July 2021
Arboricultural Impact Assessment – Supporting Information	17092-A/AJB	-	28th July 2021
Arboricultural Method Statement – Supporting Information	17092-B/AJB	-	28th July 2021
Tree Planting Scheme – Supporting Information	17092-I/AJB	-	28th July 2021
Preliminary Geoenvironmental Investigation – Supporting Information	3381/1	-	27th July 2021
Design Pack – Supporting Information	-	-	27th July 2021
Climate Change Statement – Supporting Information	-	-	17th March 2023

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 speeder 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.

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

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local 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: 21-Dec-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