

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2021/62/93567/E
Site Address:	Land off, Westgate, Cleckheaton, BD19 5DR
Description:	Demolition of existing commercial buildings and erection of 180 dwellings with associated works
Recommending Officer:	Nick Hirst

DECISION – S106 Full Permission - Granted

I hereby authorise the approval of this application for the reasons set out in the agenda and the agenda update of the of the Strategic Planning dated 06.04.23 and the committee decision authorisation sheet annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 16.10.23

Decision Authorisation: Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 06.04.2023.

Application Number: 2021/93567

Officer Recommendation

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

- a) Affordable Housing: 9 First Homes and 3 Affordable Homes (6.6% of total units).
- b) Open space off-site contribution: £59,770.28.
- c) Metro enhancements: £33,000 towards bus stop improvements.
- d) Sustainable Travel: £10,000 towards travel plan monitoring.
- e) Biodiversity: £199,916 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified.
- f) Management and maintenance: POS, drainage (including culverts), and ecological features.
- g) Viability Review Mechanism: An updated viability report to be provided to the LPA at 50% occupation, with additional Section 106 obligation to be provided in the event that a higher-than-expected profit is achieved.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

Committee Decision

Members decided that the proposed Open Space (£59,770.28), Metro (33,000) and Travel Plan monitoring (£10,000) should be added to the education contribution (to a total of £102,770.28).

Support office recommendation subject to S106 agreement being amended as follows:

a) Affordable Housing: 9 First Homes and 3 Affordable Homes (6.6% of total units).

b) Education Contribution: £102,770.28 (AMENDED)

c) Biodiversity: £199,916 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified.

d) Management and maintenance: POS, drainage (including culverts), and ecological features.

e) Viability Review Mechanism: An updated viability report to be provided to the LPA

at 50% occupation, with additional Section 106 obligation to be provided in the event

that a higher-than-expected profit is achieved.

Post committee update

The S106 has been drafted, as per committee's determination, and signed and sealed dated 11.10.2023.

Officers have drafted the conditions which have been agreed with the applicant, alongside with an extension of time for the application to be determined.

Conditions and Reasons

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. The development shall be undertaken in accordance with the advice and directions (recommendations) contained in the Arboricultural Impact Assessment and Arboricultural Method Statement, reference 14572 Rev. 4.0 by Ecus Ltd. These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

4. The development shall be carried out in accordance with the submitted flood risk assessment produced by Queensbury Design Limited, referenced QD1776 FRA Rev A dated 22 March 2023, and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 96.150 metres above Ordnance Datum (AOD)
- Compensatory storage shall be provided as shown on drawing "FLOOD RISK ASSESSMENT FLOOD COMPENSATION RE-PROFILING" drawing number QD1776-50-04, dated 14.03.2023, (Appendix 6 within the FRA).

These mitigation measures shall be fully implemented (save for the finished floor levels which will be completed on a plot by plot basis) prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development

Reason: In the interest of preventing flood risk, for future occupiers or elsewhere, in accordance with Policy LP27 of the Kirklees Local Plan.

5. Before any demolition and construction work commences, the mitigation measures to control fugitive dust emissions during the construction phase of the development shall be implemented in accordance with those detailed in Table 17, page 22, of the report by Ensaf Consultants (ref: AQ109055-1) (dated: 28/06/2021) and retained for the duration of the construction period.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with LP51 of the Kirklees Local Plan.

6. Prior to development commencing, a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan should include details on dwelling buildout phases and the provision of infrastructure including, but not limited to, public open space, road stages (including wearing course completion) and drainage. The development shall be implemented in accordance with the approved phasing plan.

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

Note: Subsequent reference to phase and/or phasing shall, unless noted otherwise, relate to the detailed approved pursuant to condition 6.

7. Prior to development commencing, notwithstanding the submitted information, a Phase II Intrusive Site Investigation Report shall be submitted to, and approved by, the Local Planning Authority.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees

Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7 further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation, phasing strategy and completion of the approved remediation measures.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. 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 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

10. Prior to the occupation of any phase, a Validation Report in respect to the approved Remediation Strategy for the phase shall be submitted to, and approved in writing by, the Local Planning Authority. The final phase's Validation Report shall include a Final Validation Summary Report that summarises and concludes site wide validation.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

11. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- a) Any phasing of development and timetable of all works;
- b) Hours of works;
- c) Details of construction access arrangements;
- d) Construction vehicle sizes and routes;
- e) Numbers and times of construction vehicle movements;
- f) Locations of HGV waiting areas and details of their management;
- g) Parking for construction workers;
- h) Loading and unloading of plant and materials;
- i) Storage of plant and materials;
- j) Signage;
- k) Lighting during construction works;
- l) Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- m) 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;
- n) Street sweeping;
- o) Measures to control and monitor the emission of dust and dirt during construction;
- p) Site waste management, including details of recycling/disposing of waste resulting from construction works;
- q) Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- r) Artificial lighting used in connection with all construction-related activities and security of the construction site;
- s) Site manager and resident liaison officer contact details, including details of their remit and responsibilities;
- t) Engagement with local residents and occupants or their representatives; and
- u) Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided,

and to accord with Policies LP21, LP24, LP30 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 and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

12. Prior to development commencing, an assessment of the condition of open channel and piped watercourse sections through the site, including but not limited to Blackup Beck, shall be carried out. From this assessment a scheme detailing the repair and/or renewal requirements for watercourses shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include trash screen and safety screen requirements, and a detailed maintenance and management regime for the piped and open sections of the watercourse (and ancillary screens) in the form of risk assessment and method statement, culminating in an itinerary and schedule of tasks. No part of the development shall be brought into use until the watercourse works comprising the approved scheme have been completed. The maintenance and management regimes shall be implemented thereafter.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

13. Prior to development commencing, a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail: -

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

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

14. Prior to development commencing, 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, in both directions, shall be submitted to and approved in writing by the Local Planning Authority. This shall include

mitigation works within plots where avoiding flood routing within curtilage is not reasonably practicable. No plot where mitigation works are identified as being required, pursuant to the approved scheme, shall be occupied until the required works for that plot have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

15. Prior to development commencing, a scheme restricting the rate of surface water discharge from the site to a maximum of 26.5 litres per second to Blacup Beck, shall be submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100-year storm event with a 30% allowance for climate change. The scheme shall include plans for the outfall and a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

16. No groundworks or material operations, specifically those defined in section 56(4)(a), (b), (c), and (d) of the Town & Country Planning Act 1990 (as amended), shall commence until the design and construction details of any proposed retaining walls and/or temporary retaining features has 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, method statements for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The details shall include a timetable for implementation. Thereafter the development shall be completed in accordance with the approved details and thereafter retained.

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

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

17. Prior to development commencing, where existing highway retaining walls are to be altered or affected, the design and construction details of any such structures shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements

for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The details shall include a timetable for implementation. Thereafter the development shall be completed in accordance with the approved details.

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

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

18. Prior to development commencing, a 'invasive non-native species protocol' shall be submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the containment, control, and removal of invasive non-native species, including the identified Japanese Rose, Giant Hogweed, and Himalayan Balsam species on site. The report shall include timescales for the implementation, and any ongoing stages, of the removal process(es). Thereafter the development shall be undertaken in accordance with the approved strategy.

Reason: To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure ecological measures are capable of being fully integrated into the construction phase.

19. Prior to development commencing, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint shall be submitted to, and approved by, the Local Planning Authority. The development shall be undertaken in accordance with the approved details, which shall thereafter be retained.

Reason: To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

20. Prior to development commencing, (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of "biodiversity protection zones".

- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

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

Reason: To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

21. Prior to development commencing, a survey of the existing condition of the highway (the extent of highway to be surveyed to be agreed with the Local Planning Authority in advance) shall be carried out jointly with the Local Highway Authority and 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 each phase of the development hereby approved (or at any earlier stage to be agreed with the Local Planning Authority in advance) a post-construction survey of the agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to each phase of development and prior to the occupation of the final dwelling associated with each phase of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. Should any highways defects (affecting highway safety) attributable to the construction traffic or activities of the development hereby approved be identified during the construction period, remediation of these shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

22. Prior to above ground works commencing, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The BEMP shall demonstrate how a minimum of 13.88 habitat units are to be achieved post-development and include details of the following:

- a. Description and evaluation of features to be managed and enhanced;
- b. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- c. Ecological trends and constraints on site that might influence management;
- d. Aims and Objectives of management;
- e. Appropriate management Actions for achieving Aims and Objectives;
- f. An annual work programme (to cover an initial 5-year period capable of being rolled forward over a period of 30 years);
- g. Details of the management body or organisation responsible for implementation of the BEMP;
- h. Ongoing monitoring programme and remedial measures; and
- i. The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years

The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP.

Thereafter the development shall be implemented in accordance with the approved details

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. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

23. Prior to above ground works commencing, notwithstanding the information shown on drawing AMA/20664/SK012 Rev A, full details of the permanent site entrance and associated alterations to Westgate and Quarry Road (footway works), including footway improvements and widening, upgrades to the adjacent Zebra crossing (including new high intensity beacons and upgraded high friction surfacing on both sides), new or amended Traffic Regulation Orders and other associated works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of vehicle swept paths for a 11.85m refuse vehicle, sight lines, treatment of visibility splays, verges, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage, surface finishes and street lighting, and independent road safety audits covering all aspects of these works. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until the approved works have been fully implemented.

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

This pre-commencement condition is necessary to ensure that access to the site is designed and approved at an appropriate stage of the development process.

24. Prior to above ground works commencing, a scheme for the new public footpath links to Quarry Road and SPE/93/20 (Brick Street) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the program of works and phasing, detailed drawings showing levels and sections, gradients, construction details, surface materials, drainage and boundary treatments. No part of the development shall be brought into use until the new public footpath links that form that part of the development have been completed in accordance with the approved plans and details, and shall be maintained in that manner thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure diverted and otherwise affected Public Rights of Way are accessible, attractive, maintained to an acceptable standard and appropriate for their operation in accordance with Policies LP20, LP23, LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details relating to Public Rights of Way are agreed at an appropriate stage of the development process.

25. Prior to above ground works commencing, a detailed scheme for the proposed internal roads, footways and footpaths, to an adoptable standard, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the program of works and phasing, swept paths for a 11.85m refuse vehicle, new or amended Traffic Regulation Orders, sight lines, treatment of visibility splays, verges, street trees, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage, surface finishes and street lighting, and independent road safety audits covering all aspects of these works. No part of the development shall be brought into use until the internal roads serving that part of the development have been completed to basecourse in accordance with the approved plans and details. Thereafter the road(s)' wearing course shall be implemented in accordance with the phasing strategy approved pursuant to condition 6.

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

26. Prior to above ground works commencing, notwithstanding the approved plans, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- a) Planting plans
- b) Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment
- c) Schedules of plants noting species, planting sizes and proposed numbers/densities.
- d) Assessment of landscaping impact on public sewer infrastructure

- e) Details of an implementation and maintenance programme for a minimum 5-year period.
- f) Details of phasing of soft landscaping works.

All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, phasing and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the provision and establishment of acceptable landscape scheme to ensure a good quality development.

27. Prior to any works commencing on the grass verges of the internal road network, details of the planting pit and planting the street trees shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following:

- a) The volume of tree pits proposed (or alternative system to be detailed);
- b) Details of soil, fill in tree pits;
- c) Details of root management;
- d) Details of installation and long-term management.
- e) A timescale for their planting.

The street trees shall be installed in accordance with the approved timescales and they shall therefore be maintained in accordance with the approved management scheme. If, within a period of five years from the date of the planting, any street tree, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season.

Reason: To ensure an appropriate and healthy landscape scheme in the interests of visual amenity and biodiversity

28. Prior to their use, details of all the external facing materials for plots 5 – 178 as shown on plan ref. “18-CL2-SEGB-WE-01 rev. J” shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

29. Prior to their use, details of all the external facing materials for the proposed retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

30. Notwithstanding the submitted details, plots 1, 2, 3, 4, 179, and 180 as shown on plan ref. "18-CL2-SEGB-WE-01 rev. J" shall be faced in natural stone. Prior to installation of the natural stone facing material on these plots, details of the proposed material shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

31. Prior to the installation of fenestration glazing, notwithstanding the submitted information, a further/addendum Noise Risk Assessment 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 road traffic and neighbouring premises, shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate.
- b) Predict the noise climate in living rooms (daytime), bedrooms (night-time) and other habitable rooms of the development.
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences. This shall include, if necessary, identifying which rooms of which plots require a ventilation system. Where ventilation is required, the details shall include the acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded.

Each dwelling shall not be occupied until all works specified in the approved report have been carried out to the relevant dwelling 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.

32. Prior to the installation of any external lighting (excluding that within the adoptable highway), a 'lighting design strategy' giving due regard to amenity, biodiversity and security, shall be submitted to and approved in writing by the local planning authority. The strategy shall include, but not be limited to:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to comply with Policy LP30 of the Kirklees Local Plan.

33. 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 in that phase 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.

34. Prior to the occupation of the hereby approved dwellings, notwithstanding the submitted information, a detailed scheme for the upgrade of the existing zebra crossing on Westgate located 20m east of the Hightown Road junction, to include new high intensity beacons, upgraded high friction surfacing on both sides and other associated works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of sight lines, road markings, signage, construction specifications and details, levels and sections, kerbing, drainage, surface finishes and street lighting, and independent road safety audits covering all aspects of these works. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until the approved works have been implemented.

Reason: In the interests of highway safety, and to facilitate sustainable forms of transport in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

35. Prior to the occupation of the dwellings to be accessed via a private drive, as shown by plan ref. "QD1776-00-08 rev. A", the dwelling's respective bin collection point, as shown "18-CL2-SEGB-WE-01 rev. J" shall be laid out and made ready for use. Thereafter each waste collection point shall be retained.

Reason: To ensure the provision of adequate waste storage, in the interest of highway efficiency and to comply with Policy LP21 of the Kirklees Local Plan.

36. Prior to the first occupation of any part of the development hereby approved, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include proposals for enabling and encouraging the use of active and sustainable modes of transport, monitoring, review and timings for delivery. The approved Travel Plan and measures shall be implemented prior to occupation or in accordance with the agreed timescales, or as otherwise agreed with the Local Planning Authority.

Reason: In the interests of enabling and encouraging the use of active and sustainable transport modes, to mitigate the air quality impacts of the development and to accord with policies LP20, LP21, LP22, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

37. Prior to the occupation of the hereby approved dwellings, details of secure and covered cycle storage for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved cycle parking facilities for that dwelling have been provided. The cycle storage facilities shall thereafter be retained.

Reason: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.

38. Prior to the occupation of each dwelling, each dwelling's respective car parking spaces as shown on plan ref. "SP1 Rev. A" shall be laid out with a hardened and drained surface 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 any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) each parking space shall be so retained.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP21 of the Kirklees Local Plan.

39. Prior to the occupation of each dwelling, each dwelling shall have an Electric Vehicle Charging Point (EVCP) installed to serve a dedicated parking space. The cable and circuitry ratings for the EVCP shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The provided electric vehicle charging points shall be retained thereafter.

Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

40. Prior to the occupation of the hereby approved dwellings or the installation of boundary treatment, details of the locations and specifications of the acoustic barrier (as recommended in the Noise Risk Assessment authored by C80 Solutions dated 02 April 2020 Ref 10555) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include –

- A plan showing the location of the barrier
- The minimum height of the barrier relative to the adjacent ground level
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

For each dwelling which requires an acoustic barrier, the dwelling shall not be occupied until the construction of the acoustic barrier has been completed. The acoustic barrier shall thereafter be retained.

Reason: In the interest of securing residential amenity and protecting the operation of adjacent commercial business, in accordance with Policies LP24, LP51 and LP67 of the Kirklees Local Plan.

41. Prior to the occupation of the hereby approved dwellings or works associated with the delivery of the Local Equipped Area of Play (LEAP) as shown on plan ref. “R/2487/1 Rev. L” commencing, a scheme providing details of the play equipment to be installed within the LEAP shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timescale for the implementation of the play equipment. The approved scheme shall be fully implemented in accordance with the timescale and be so retained thereafter.

Reason: To ensure adequate provision of equipment, in accordance with Policy LP63 of the Kirklees Local Plan.

42. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e., a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public sewer network

Note from the Environment Agency

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Note: (Highway Condition Surveys)

Highway conditions surveys should be undertaken jointly with Kirklees Council Highways Maintenance Team. For further information please contact James Donoghue, Highway Maintenance, 01484 221000.

Note: (Storm water attenuation)

All new storm water attenuation tanks/pipes/culverts with internal diameter/spans exceeding 0.9m should 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.

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) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Note: To discuss road adoption arrangements under Section 38 of the Highways Act 1980, please contact the Highway Development, Investment & Regeneration service, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or Highways.Section38@kirklees.gov.uk).

Note: Public footpath SPE/93/20 is 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 now based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Note: The responsibility of securing a safe development rests with the developer and land owner(s).

Note: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

Note: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

Monday to Friday: 0730 – 1830

Saturday: 0800 – 1300

With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Note: 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). A 32A (7kW) is however more likely to be futureproof.

Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.

The installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	18-CL2-SEGB-WE-LP-01		09.09.2021
Block Plan	18-CL2-SEGB-WE-01	Rev. J	29.03.2023
Plan General	18-CL2-SEGB-WE-MBSP-01	Rev. A	18.01.2023
Plan General	18-CL2-SEGB-WE-CPP-01	Rev A	18.01.2023
Proposed Landscaping Layout	R/2487/1L	Rev. L	28.03.2023
Plan General	50067_PSL_001_1	Rev. O	09.09.2021
Plan General	DWC_01_01		09.09.2021
Plan General	DWC_01_02		09.09.2021
Grouped Plans and Elevations	MY-A 451		18.01.2023
Grouped Plans and Elevations	MY A – 205		18.01.2023
Grouped Plans and Elevations	MY A – 352 (Stone)		18.01.2023
Grouped Plans and Elevations	MY A – 352 (Brickwork (red))		18.01.2023
Grouped Plans and Elevations	MY A – 352 (Brickwork (buff))		18.01.2023
Grouped Plans and Elevations	MY A – 251 (Stone)		18.01.2023
Grouped Plans and Elevations	MY A – 251 (Brickwork (red))		18.01.2023
Grouped Plans and Elevations	MY A – 251 (Brickwork (buff))		18.01.2023

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	M3-601		18.01.2023
Grouped Plans and Elevations	MY A -251 (heads and sills, plots 1 – 4 and 179 – 180)		18.01.2023
Grouped Plans and Elevations	MY_SG1		09.09.2021
Proposed Landscaping Layout	R/2487/2A	Rev. A	06.02.2023
Plan General	SD10.EX.06		09.09.2021
Grouped Plans and Elevations	SD10.EX.07		09.09.2021
Grouped Plans and Elevations	SD10.EX.17	Rev. A	09.09.2021
Grouped Plans and Elevations	SD10.EX.22	Rev. A	09.09.2021
Plan General	SD10.EX.24	Rev. A	28.03.2023
Plan General	Post development Habitat Map		18.01.2023
Plan General	QD1776-00-01	Rev. C	28.03.2023
Block Plan	QD1776-00-02	Rev. B	24.01.2023
Proposed Site Sections	QD1776-00-03	Rev. D	28.03.2023
Block Plan	QD1776-00-05	Rev. A	24.01.2023
Block Plan	QD1776-00-06	Rev. A	24.01.2023
Proposed Site Sections	QD1776-00-07		24.01.2023
Block Plan	QD1776-00-08	Rev. A	24.01.2023
Plan General	QD1776-100-10		28.03.2023
Design and Access Statement			09.09.2021
Contamination Report (Phase I/Ground)	Coal Mining Risk Assessment		09.09.2021
Contamination Report (Phase II/Ground)	3043/2	Rev. C	09.05.2023
Contamination Report (Phase II/Ground)	Gas Risk Assessment / 3043/5		09.05.2023
Contamination Remediation Strategy	3043/4	Rev. B	09.05.2023
Contamination Report (Phase II/Ground)	Detailed Site-Specific Risk Assessment / 3043/3		09.05.2023
Flood Risk Assessment		Rev. A	22.03.2023
Ecological/Biodiversity Statement		Rev. C	03.02.2023
Tree / Arboricultural Survey	14572	Rev. 4.0	16.05.2023
Transport Assessment	Highways Technical Note – Response to Highways		09.01.2023

Plan Type	Reference	Version	Date Received
	Comments from Kirklees Council		
Transport Assessment	Road Safety Audit with Designer's Response		01.02.2023
Transport Assessment	Road Safety Audit		26.01.2023
Travel Plan	Interim Travel Plan		09.09.2021
Ecological/Biodiversity Statement	Bat Activity Survey		28.09.2021
Ecological/Biodiversity Statement	Bat Report		09.09.2021
Ecological/Biodiversity Statement	White Clawed Crayfish Survey		09.09.2021
Ecological/Biodiversity Statement	Preliminary Ecological Appraisal		09.09.2021
Noise Assessment	10555		09.09.2021
Air Quality Assessment	AQ109055-1		09.09.2021
Supporting Information	Built Heritage Statement		09.09.2021
Supporting Information	Mineral Extraction Statement		09.09.2021
Supporting Information	Planning Case Report		09.09.2021
Supporting Information	Statement of Community Involvement		09.09.2021
Supporting Information	Sustainability Report		09.09.2021
Supporting Information	Health Impact Assessment		18.01.2023
Supporting Information	Earthworks Specification / 3043/7		09.05.2023

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.

Report Dated: 12.10.2023.

