

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: 2022/60/91735/W

Site Address: Land off, Hermitage Park, Lepton, Huddersfield, HD8 0JU

Description: Outline application, with access and layout, for the erection of 80 dwellings and associated work

Recommending Officer: Nick Hirst

DECISION – S106 Outline Planning Permission- Granted

I hereby authorise the approval of this application for the reasons set out in the agenda of the Strategic Planning Committee dated 06/04/23 and the officer's post committee update below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 09-Nov-2023

Decision Authorisation: Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 06.04.2023

Application Number: 2022/91735

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: 16 units (20%) to consist of nine Affordable Rent (55%) and seven Intermediate Dwellings (45%), including four First Homes (25%).
- b) Open space off-site contribution: Delivery of on-site Public Open Space (amenity green space, natural and semi-natural green space, and parks and recreation) and an off-site contribution of £72,724, unless updated at Reserved Matters (Landscape) stage.
- c) Education: £225,821 towards education requirements arising from the development
- d) Metro / sustainable travel: £50,920 towards Sustainable Travel measures (including £40,920 for MetroCards and £10,000 towards Travel Plan Monitoring).
- e) Access to Masterplan Phase 3/4: £422,224 with overage clause if the identified cost is exceeded.
- f) Management and maintenance: Management and maintenance of on-site Public Open Space in perpetuity, drainage features in perpetuity (unless adopted by Yorkshire Water), and Biodiversity Net Gain measures for a minimum of 30 years.
- g) Footpath: Maintenance of public access to footpath along diverted claimed footpath route in perpetuity.

In the circumstances where the Section 106 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.

The above recommendation was modified within the Committee Update, published the 5th of April. The modification was to draft condition 6, to include the submission of an Ecological Impact Assessment dedicated to those works.

Committee Decision

Approve officer recommendation, as modified within the update.

Post Committee Update

The recommendation included the requirements of 'Access to Masterplan Phase 3/4: £422,224 with overage clause if the identified cost is exceeded'. Since the committee the applicant has expressed concerns over the overage clause due to being a, theoretically, uncapped additional fee. This has made progressing their development and/or looking to sell to housebuilders exceptionally difficult.

To attempt to address this, the applicant has supplied further details that more robustly demonstrate the cost of the roundabout that gives officers confidence the value is reasonable. The valuation includes a generous overage on the cost of the works, as a financial buffer. Sensitivity testing has also been undertaken. This shows that even if the roundabout increases in cost by 100%, it would not affect the viability of developing out Phase 3.

The overage clause was intended as a protection but given the level of detail provided it is no longer considered to be required: for the avoidance of doubt, its removal would not be a 'discount' to the value of the S106 agreement secured by the committee. Because of the additional work the applicant has done since the committee, officers are now satisfied that the overage clauses are not required for either application and would be unjustified. Officers also accept that the overage clause is causing issues for the developer. Therefore, officers are supportive of it being removed.

The chair of the committee has accepted the above and does not consider it necessary for the application to return to committee.

Furthermore, draft condition 28 in the committee report stated 'landscape details to be in accordance with approved Public Open Space plan'. Given that the delivery of Public Open Space is to be secured within the S106, this condition was concluded to be superfluous and omitted. Given the expectation would remain via the S106, this minor change is deemed to fall within officer's delegated powers.

Conditions and Reasons

Time limits, commencement period, and approved plans

1. Approval of the details of the appearance, landscaping, and scale (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: No details of the matter referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance, landscaping, and scale shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matter referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or in the case of approval of different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. 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.

Details to be provided at Reserved Matters stage

6. Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include details of the treatment of Public Right of Way KIR/85/10 and the 'proposed Public Right of Way', as shown on plan ref. "3284-0-002 rev. II", denoted in blue and pink respectively. The details shall include full sections, construction specifications, drainage works, surface finishes, treatment of sightlines, and a timetable for implementation. Thereafter the development shall be undertaken in accordance with the approved details, and be implemented in accordance with the approved timetable.

Reason: In the interest of promoting alternative methods of travel and connectivity, in accordance with LP21 of the Kirklees Local Plan.

7. Plans and particulars relating to the Reserved Matters of landscaping and/or scale, notwithstanding the submitted details, shall include details of finished floor levels and ground levels. Thereafter, the development shall be completed in accordance with the approved levels details.

Reason: To ensure acceptable final ground and floor levels, in the interest of visual and residential amenity and to comply with Policy LP24 of the Kirklees Local Plan.

8. Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include a lighting design strategy. The strategy shall:

- a. identify those areas / features on site that are particularly sensitive for local species 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
- a. 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.
- b. With due regard to the requirements of points a and b, detail how appropriate lighting would be installed to mitigate and protect against crime.

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. Under no circumstances should any other external lighting be installed on dwellings facing either Lepton Great Wood or areas of Public Open Space without prior consent from the local planning authority.

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.

9. Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include details of boundary treatment along the site's boundary with Lepton Great Wood. This shall include a boundary treatment which prevents direct access into the great wood by people except at the single point via Public Right of Way KIR/85/10, as shown on plan ref. "3284-0-002 rev. II". The details shall include provisions to allow access for wildlife throughout. The approved details shall be implemented prior to the occupation of the approved dwellings and shall thereafter be retained.

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.

Development to be undertaken in accordance with

10. The development (construction phase) shall be undertaken and completed in accordance with the mitigation measures to control fugitive dust emissions detailed in table 8-1 page 32 of the Air Quality Assessment by SLR (ref:

410.10429.00003) (version: rev 3) (dated: February 2022), which shall be retained for the duration of the construction period.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with LP52 of the Kirklees Local Plan.

11. The development shall be undertaken and completed in accordance with the advice and directions (recommendations) contained in the Tree Survey Plan, reference (Smeedon Foreman TPP01 rev C dated 17/10/22). 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.

12. Details of any additional tree works required during the construction process, that are not identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

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.

13. The development, specifically the installation of windows, shall be undertaken in accordance with the specifications detailed within section 6.7 of the hereby approved Acoustic Planning Report, ref. "0752/APR1 Rev. 2". The windows so installed shall thereafter be retained.

Reason: In the interest of amenity, to mitigate harmful noise pollution, in accordance with, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan.

Details to be provided prior to development commencing

14. 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 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.

15. 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.
- a. Identification of "biodiversity protection zones".

- b. 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).
- c. The location and timing of sensitive works to avoid harm to biodiversity features.
- d. The times during construction when specialist ecologists need to be present on site to oversee works.
- e. Responsible persons and lines of communication.
- f. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g. 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.

16. Prior to development commencing (including demolition, ground works, vegetation clearance), 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:

- Any phasing of development and timetable of all works;
- Hours of works;
- Details of construction access arrangements;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Lighting during construction works;
- Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- 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;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;

- 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;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- 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.

17. Prior to development commencing, a strategy 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. This is a pre-commencement condition to ensure adequate provisions are in place at the appropriate stage.

18. Prior to development commencing, a survey of the condition of the surrounding road network shall be submitted to, and approved in writing by, the Local Planning Authority. Within one month of the development's completion

(completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local planning Authority.

Reason: Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition given the need to undertake a baseline assessment.

19. Prior to development commencing, a scheme detailing the proposed adoptable internal adoptable estate road(s) shall be 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 sight lines, together with an independent safety audit covering all aspects of work. No dwelling shall be occupied in any given phase, as defined via condition 14, until the road for the phase is constructed to basecourse macadam level and/or block paved and connected to the existing highway network. Prior to the occupation of the final phase of development, the road shall be completed in its entirety.

Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of 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, 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.

21. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 20 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 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.

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

23. Following completion of any measures identified in the approved Remediation Strategy (or any approved revised Remediation Strategy) a Validation Report shall be submitted to the Local Planning Authority. No phase of the site, pursuant to the details approved via condition 14, shall be brought into use until such time as the remediation measures have been completed for the phase in accordance with the approved Remediation Strategy (or the approved revised Remediation Strategy) and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in phases, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority alongside the final phases' Validation Report.

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.

24. Prior to development commencing within a given phase, pursuant to the details approved via condition 14, 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 of that phase shall be submitted to, and

approved by, the Local Planning Authority. The development of that phase 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.

25. Prior to development commencing within a given phase, pursuant to the details approved via condition 14, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls / building retaining walls adjacent to the existing / proposed highways within the given phase shall be submitted to, and approved by, the Local Planning Authority. The development of that phase 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.

26. Prior to development commencing within a given phase, pursuant to the details approved via condition 14, remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented within that phase in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 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 and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site.

Prior to specified time

27. Prior to above ground works commencing, a Biodiversity Enhancement and Management Plan (BEMP) to ensure that a biodiversity net gain is achieved post-development shall be submitted to and agreed in writing by the Local Planning Authority. The BEMP shall accord with the submitted biodiversity net gain calculations dated 17th October 2022 which state that the development will result in a minimum 10% net gain in habitats and a minimum 10% net gain in hedgerows. The BEMP shall also lay out provisions for protected species, that are to be incorporated into the design. The BEMP shall include the following:

- a. Description and evaluation of features to be managed and enhanced;

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

The BEMP shall set out (where the results from the monitoring show that the Aims and

Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will 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.

28. Prior to the commencement of substructure works, a scheme finalising the location of the watercourse overflow swale including typical cross section and a maintenance and management plan shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the swale works comprising the approved scheme for the dwelling's respective phase have been completed. Thereafter the swale shall be retained and the approved 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. This is a pre-commencement condition to ensure adequate provisions are in place at the appropriate stage.

29. Prior to the commencement of substructure works, a scheme restricting the rate of surface water discharge from the site to a maximum of 13.3 litres per second 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 30-year storm event as a minimum requirement. Volumes generated in excess of the critical 1 in 30-year event, up to and including the critical 1 in 100-year storm event with an appropriate allowance for climate change shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include 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 phase of the development shall be brought into use until the flow restriction and phased attenuation works for that phase, pursuant to the details approved via condition 14, 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. This is a pre-commencement condition to ensure adequate provisions are in place at the appropriate stage.

30. Prior to the commencement of substructure works, detailed design changes to drawings ref. "1093-007 rev. D" and "1093-SK03" demonstrating the effects of 1 in 100 year storm critical 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. No phase of the development, pursuant to the details approved via condition 14, shall be brought into use until the approved works within the relevant build phase have been completed. Thereafter the approved scheme shall be retained.

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. This is a pre-commencement condition to ensure adequate provisions are in place at the appropriate stage.

31. Prior to the installation of windows, a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels, as detailed within Acoustic Planning Report, ref. "0752/APR1 Rev. 2", shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall provide the following information:

- Identify which rooms of which plots referenced back to the approved Noise Assessment require a ventilation system
- The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded
- The ventilation scheme must demonstrate that the air intake is located away from the sources of noise and/or poor air quality.

All works which form part of the approved scheme shall be completed prior to occupation of that dwelling and retained and maintained thereafter.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise pollution, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan.

32. Three months prior to the occupation of any of the hereby approved dwellings, a Full Travel Plan for the site, produced in accordance with the Framework Travel Plan ref. 13015 Rev. 3 by Optima, dated the 13th of January 2021, has been submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall include:

- Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets;
- The provision of Travel Plan Co-ordinator including roles, responsibilities, annual monitoring, and contact details;
- The provision of travel Information;
- Implementation and review timescale; and
- Enforcement, sanctions and corrective / review mechanisms.

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

Reason: To promote sustainable methods of travel, in accordance with Policy LP21 of the Kirklees Local Plan.

Prior to occupation

33. Prior to the occupation of any dwellings within a given phase, pursuant to the details approved via condition 14, details of temporary arrangements for the storage and collection of waste from the dwellings and details of temporary arrangements for the management of waste collection points within the phase shall be submitted to and approved in writing by the Local Planning Authority. The temporary arrangements so approved shall be implemented prior to first occupation of units within the 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 any of the hereby approved dwellings, notwithstanding the submitted information, details of the proposed junction and associated highway improvement works between the junction of Hermitage Park and Rowley Lane shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the timing of the proposed works, Ecological Impact Assessment, full sections, details of construction specifications, drainage works, street lighting, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an independent Safety Audit covering all aspects of the work. All of the approved works shall be implemented in accordance with the agreed scheme prior to the occupation of any of the hereby approved dwellings.

Reason: To ensure that suitable access is available for the development, in accordance with Policy LP21 of the Kirklees Local Plan.

35. Prior to the occupation of any of the hereby approved dwellings, notwithstanding the submitted information, a detailed scheme for the improvement to the junction of Rowley Lane / Penistone Road shall be submitted to and approved in writing by the Local Planning Authority. The

scheme shall include the timing of the works, full sections, details of speed reducing features, construction specifications, drainage works, street lighting, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an independent Safety Audit covering all aspects of the work. All of the approved works shall be implemented in accordance with the agreed scheme prior to the occupation of any of the hereby approved dwellings.

Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.

36. Prior to the occupation of each phase of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable pursuant to coal legacy for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 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 and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site.

37. Prior to the occupation of the hereby approved dwellings, an electric vehicle recharging point shall be installed within the dedicated parking area of each of the approved dwellings. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

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.

38. Prior to the occupation of each dwelling to be accessed via a private drive, the dwellings' respective bin collection point, as shown on plan ref. "3284-0-002 Rev. II" 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.

39. Prior to the occupation of the hereby approved dwellings, details of secure and covered cycle parking for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall then be implemented in accordance with the approved details before each dwelling is occupied and therefore retained.

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

40. Prior to the occupation of each dwelling, each dwelling's respective car parking spaces as shown on plan ref. "3284-0-002 Rev. II" 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.

41. Prior to the occupation of any of the hereby approved dwellings, details of the method of preventing motorised vehicles using the 'Maintenance Access / Potential Emergency Access' (adjacent to the pumping station), as shown on plan ref. "3284-0-002 rev. II", to access adjacent land shall be submitted to and approved in writing by the Local Planning Authority. This shall include the provision of a physical barrier which prevents unauthorised motorised vehicles and details of how it would be secured and openable by emergency services and maintenance workers only. Thereafter, the approved works shall be implemented prior to the occupation of any of the hereby approved dwellings.

Reason: In the interest of highway safety and the safety of pedestrians, in accordance with Policy LP21 of the Kirklees Local Plan.

Ongoing

42. The combined noise from any fixed mechanical services and external plant and equipment, including water pumping stations, shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

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.

- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

Note: Lighting

Pursuant to condition ?, note the following advice on appropriate lighting strategies that balance ecological and crime mitigation measures:

- Non adoptable areas can be lit to two lighting classes less than the nearest road. For instance, if the adoptable areas are lit to P4 under BS5489 then we can light non adoptable to P6 which is equivalent to moon light so nice low levels but with good uniformity and at least its lit to a recognised standard under a recognised standard.
- Shields, or integral back light reduction optical control, can be used to define a stronger rear cut off behind luminaires to ensure dark corridors are maintained. With the right control light dips to below 1 lux within a few meters of a road or path so it should be possible to maintain the darkness where required whilst providing lighting for the security of human receptors.
- Vertical lux level calculation grids can demonstrate the light that is likely to affect different types of bats. Some fly high and some low, some like light (or at least tolerate it) some are very light sensitive and need different approaches. A designer showing the vertical effects of a design in key areas is a good way to provide comfort to those assessing it that all receptors are catered for. It can also be used for you to see how facial recognition might be ascertained in high crime areas.
- If a dark ecology corridor crosses a road then luminaires can (where possible) be placed either side to give the lowest level of light in the centre of the corridor which should mean levels are kept to something suitable for most species to tolerate.
- Bollards should not be used on any design unless just for waymarking. They are unsuitable for bats as they dump all of their light beneath the bollard creating bright patches which are higher than that achieved with lighting columns. They also push light upwards to provide the spread of light and therefore provide increased levels of upward light and spill light (both not good for ecology despite what the new ILP and bat conservation trust guidance may say). A 5-6m high column with the appropriate optical controlled street light will always give a better result and lessen the impact against bollards.
- Using a 3000K, or less, colour temperature LED will reduce the blue spectral peak within the light and therefore provide a reduced negative effect on ecology and their food sources. It also reduces the impact on

egg identification and predation. See attached image which shows the spectral difference. It's the blue light that predominately affects ecology (and humans) the most so we would always push for a warm LED (3000K) or below (2200-2700K) for every scheme regardless of ecology.

- Dimming after 10pm (or 11, 12) to 5 or 6am is also a possibility to further reduce any impact once most foot traffic has reduced. This can be done with a standalone pre-set dimming driver should a central management system (CMS) not be present or useable. Dimming by one lighting class can be implemented where the risk is okay to do so.
- 0.5 and 1 lux contours should be shown on all drawings to ensure spill light is shown and this enables impacts to be clearly assessed. These levels are around moon light and 1-2lux also is used for obtrusive light limitations for human receptors so this can help identify the potential for glare into bedrooms or disability glare for road users. G classes can also help with the right amount of light for facial recognition however these are now not utilised under BS5489-1:2020 as we have moved to a different method of evaluation. Ideally luminaires G class to be around G4 to G2 which would reduce glare but also provide a little facial lighting to aid identification would be used. G1 is too high a spread of light and G6 is too downward to provide anything on the face.
- For all designs you should insist on an independent lighting designer to produce the work, not a manufacturer or other type of consultant as these will not be compliant.

Note: Ventilation pursuant to condition 31

A ventilation scheme that meets the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975 is likely to be acceptable.

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: Pursuant to conditions 20 - 24 regarding contaminated land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. 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

Note: Hours of construction

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: Public footpath KIR/85/10 is adjacent and within 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. The Public Rights of Way team 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.

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

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	3284-0-000	Rev. A	19.05.2022
Block Plan	338-UW-P-006	Rev. R	01.03.2023
Block Plan	338-UW-P-010	Rev. A	01.03.2023
Existing Site / Block Layout	3284-0-001		18.10.2022
Block Plan	3284-0-002	Rev. II	27.03.2023
Block Plan	1093 – 007	Rev. D	23.02.2023
Proposed Site / Block Layout	1093 – 009	Rev. C	20.03.2023
Proposed Site Section	1093 – 011		23.02.2023
Proposed Site Section	1093 – 012		23.02.2023
Proposed Site Section	1093 – 013		27.02.2023
Block Plan	1093 – SK03		23.02.2023

Plan Type	Reference	Version	Date Received
Block Plan	13015/IN/09	Rev. E	24.02.2023
Block Plan	13015/GA/01	Rev. D	03.04.2023
Block Plan	13015/GA/08	Rev. C	03.04.2023
Block Plan	13015/ATR/06	Rev. B	18.10.2022
Existing Site / Block Layout	sss-4806 Lepton (1 of 2)	Rev. A	19.05.2022
Existing Site / Block Layout	sss-4806 Lepton (2 of 2)	Rev. A	19.05.2022
Design and Access Statement	3284		02.03.2023
Drainage / Foul Sewerage Assessment	Flood Risk Assessment	Rev. 8	02.03.2023
Ecological / Biodiversity Statement	Draft 'Homeowners Guide to Wildlife'		03.03.2023
Ecological / Biodiversity Statement	Ecological Impact Assessment (EcIA)		18.10.2022
Tree / Arboricultural Survey	Arboricultural Survey Report	Rev. F	18.10.2022
Tree / Arboricultural Survey	TPP01	Rev. C	18.10.2022
Transport Assessment	Travel Plan		19.05.2022
Transport Assessment	Project No. 13015	Rev. 3	19.05.2022
Transport Assessment	Road Safety Audit		03.04.2023
Transport Assessment	Road Safety Audit Designer's Response		05.04.2023
Conservation / Heritage Assessment	Built Heritage Statement		19.05.2022
Ground Investigation	Phase 2 Ground Investigation		19.05.2022
Ground Investigation	Desk Study Report		19.05.2022
Supporting Information	Air Quality Assessment		19.05.2022
Supporting Information	Acoustic Planning Report	Rev. 2	18.10.2022
Supporting Information	Response to Public Comments		22.07.2022
Supporting Information	Health Impact Assessment		19.05.2022
Supporting Information	Planning Statement		19.05.2022
Supporting Information	Lepton Sites HS3 and HS3 Masterplan Document	Rev. E	02.09.2023
Supporting Information	Archaeological Report	Ver. A	10.11.2022
Supporting Information	Archaeological Desk Based Assessment		19.05.2022
Supporting Information	Statement of Community Involvement		19.05.2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Due to initial concerns held by officers and consultees, negotiations have taken place regarding various elements including, but not limited to the proposed housing mix, the layout in terms of amenity, highways, and design, the wider highways impact, and ecological and drainage matters. The applicant and officers works proactively to resolve the matters which enabled the application to be supported (subject to conditions).

Report Dated: 08.11.2023.