



**Town and Country Planning (Development Management Procedure) (England)
Order 2015**

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/70/92365/W

To: M Carter,
Farrar Bamforth Associates
51, Trinity Street
Huddersfield
HD1 4DN

For: Holroyd Homes Ltd

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

VARIATION CONDITION 2 (PLANS) ON PREVIOUS PERMISSION 2019/92361
FOR ERECTION OF 19 DWELLINGS

At: FORMER RAILWAY GOODS YARD, ADJ, FOLD FARM, NETHERTON FOLD,
NETHERTON, HUDDERSFIELD, HD4 7HB

**In accordance with the plan(s) and applications submitted to the Council on
15-Jul-2022 [together with those plans and application(s) submitted to the Council
on 15-Jul-2019 and incorporated into planning permission ref no.
2019/62/92361/W granted on 20-Jul-2020] and subject to the condition(s) specified
hereunder:-**

1. 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.

2. The development shall be faced in natural stone in accordance with the materials specification prepared by Farrar Bamforth Associates (reference e19/D19) and shall be retained as such.

Reason: In the interests of visual amenity of the area and to preserve the setting of the adjacent Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The roofing materials for plots 1-3 shall be natural blue slate and the roofing material for plots 4-19 shall be concrete interlocking tiles. The materials used shall be in accordance with the materials specification prepared by Farrar Bamforth Associates (reference 19/D19) and shall be retained as such.

Reason: In the interests of the visual amenity of the area and to preserve the setting of the adjacent Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

4. All construction arrangements shall be carried out in full accordance with the approved construction management plan (Ref: 19D19-FBAZZ-XX-DR-A-1001-P02) discharged in accordance with 2020/93669 throughout the period of construction.

Reason: In the interests of highway safety and amenity and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

5. The development shall be carried out in complete accordance with the approved Arboricultural Method Statement (Ref: BE-1027-04D 4/3/21) discharged in accordance with 2020/93669.

Reason: So as to protect the viability of the protected mature trees within the application site and to accord with Policy LP33 of the Kirklees Local Plan.

6. The temporary surface water drainage works shall be implemented in accordance with the approved Construction Phase Surface Water Management Plan (Ref: P19-00650-M2-C-016 Version 3) discharged in accordance with 2020/93669. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place for that phase and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

7. None of the dwellings shall be occupied until the approved drainage scheme discharged in accordance with 2020/93669 has been provided on the site to serve the development, or each agreed phasing of the development to which the dwellings relate. The approved drainage scheme shall thereafter be retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

8. The development shall be provided in accordance with the approved Flood Routing Plan (P19-00650-M2-C-033 Rev 3) and Land Drainage Flood Routing Plan (P19-00650-M2-C-039 Version 1) discharged in accordance with 2020/93669 and shall thereafter be retained as such.

Reason: To mitigate the risk to property of flooding and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

9. The development hereby permitted shall be carried out in accordance with the Phase III Remediation Statement prepared by Met Consultancy Group, reference P19-00650. In the event that remediation is unable to proceed in accordance with the approved Remediation Statement 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 remove unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy LP35 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

10. Following completion of the measures identified in the approved Remediation Statement (or any approved revised Remediation Strategy), a Final Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy (or the approved revised Remediation Strategy) and a Final Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To address unacceptable risks to human health and the environment arising from potential contamination. This is to accord with Policy LP53 of the Kirklees Local Plan and guidance given in the National Planning Policy Framework.

11. The private vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded before the dwelling to which they relate is first occupied. The parking spaces shall thereafter be retained as such.

Reason: In the interests of highway safety and to mitigate flood risk and to accord with Policies LP21 and LP28 of the Kirklees Local Plan.

12. A scheme detailing the proposed internal adoptable estate roads 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. Before any dwelling is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained as such thereafter.

Reason: To ensure that suitable access is available for the development in the interest of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

13. Design and construction details of the junction of Station Road and Netherton Fold shall be submitted to and approved in writing by the Local Planning Authority before development commences (excluding demolition and site clearance). No building shall be occupied until the works to provide the junction has been completed in accordance with the approved plans. The junction shall thereafter be retained as such.

Reason: To ensure that suitable access is available for the development in the interest of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

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 adoptable highways and including any modifications to the existing retaining wall supporting Netherton Fold/Lea Lane shall be submitted to and approved by the Local Planning Authority before development commences. The approved scheme shall be provided before any of the dwellings are first occupied and shall thereafter be retained as such.

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

15. Security measures shall be provided in accordance with the approved statement entitled 'Security Measures' prepared by Farrar Bamforth Associates (ref (19/D19)). The approved security measures shall be incorporated into the development and shall thereafter be retained as such.

Reason: To enhance the security of the development and reduce the fear of crime. This is to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

16. The proposed ecological mitigation and enhancement measures as set out in the approved Ecological Design Strategy prepared by Bagshaw Ecology (reference BE1027.3a, dated 13th October 2019) and on the approved Landscaping Plan shall be provided in full before the occupation of the 19th dwelling and shall thereafter be retained as such.

Reason: To provide mitigation and enhancement measures in the interests of the biodiversity of the site and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

17. An electrical vehicle recharging point shall be provided for each dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The recharging points shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained.

Reason: To accord with Policy LP24 of the Kirklees Local Plan, guidance in the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

18. The boundary treatment of the site shall be provided in accordance with the approved Landscaping Plan. No additional walls, fences or other means of enclosure shall be erected adjacent to the proposed core walking and cycling network within the site (the 'Greenway Route' as identified on the Landscaping Plan).

Reason: To provide an open aspect to this section of the proposed core walking and cycling network in the interests of the amenity and safety of users of the route and so as to achieve a well-designed development. This is to accord with Policies LP23 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

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, Civic Centre 3, Market Street, Huddersfield (Kirklees Highway Design: 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: All new storm water attenuation tanks/pipes/culverts/manholes with internal diameter/spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding undertaking to the Highway Authority explicitly stating that they have a full understanding of their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with BD63-Inspect of Highway Structures. Furthermore, all new precast pipes/culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agreement Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

NOTE: Noisy construction related activities should not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours Saturdays With no noisy activities on Sundays or Public Holidays Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Received via this approved Variation of Condition Application			
Proposed site layout plan	0701	P16	15th July 2022
Proposed site layout overlay	0721	P01	15th July 2022
Proposed Private Cantilevered RC Burr Wall	P19-00650-Met-M2-S-080	-	15th July 2022
House Type A approved	0702	P02	15th July 2022
House Type A proposed	0702	P03	15th July 2022
House Type B approved	0703	P01	15th July 2022
House Type B proposed	0703	P02	15th July 2022
Received via approved Variation of Condition Application Reference. 2021/94606			
Proposed Site Sections	0711	P02	14th December 2021

Plan Type	Reference	Version	Date Received
Received via Discharge of Condition Application Reference. 2021/94576			
Phase IV Validation Statement (Plots 4-11)	P19-00650	-	9th December 2021
Gas Membrane Installation Validation Report	By MEC Environmental LTD Version 3 Dated 27/09/21	-	9th December 2021
Received via approved Variation of Condition Application Reference. 2021/94065			
House Type C – Plans & Elevations	19-D19-0704-P02	-	25th October 2021
Received via approved Discharge of Condition Application Reference. 2020/93669			
Flood Routing Plan	P19-00650-M2-C- 033	3	12th March 2021
Land Drainage Flood Routing	P19-00650-M2-C- 039	1	12th March 2021
Drainage Layout Plan	P19-00650-M2-C- 008	3	3rd November 2020
Section 104 Plan	P19-00650-M20- C-031	5	12th March 2021
Site Land Drainage Plan – Sheet 1	P19-00650-M2-C- 017	3	10th June 2021
Site Land Drainage Plan – Sheet 2	P19-00650-M2-C- 025	2	12th March 2021
Greenway Cycle/Footpath Details	P19-00650-M2-C- 019	2	12th March 2021
Land Drainage Details	P19-00650-M2-C- 018	3	10th June 2021

Plan Type	Reference	Version	Date Received
Catchment Area Plan	P19-00650-M2-C-029	1	3rd November 2020
Gulley Catchment Plan	P19-00650-M2-C-020	1	3rd November 2020
Drainage Long Sections	P19-00650-MET-M2-C-028	01	3rd November 2020
Typical Manhole Construction Details	P19-00650-M2-C-030	1	3rd November 2020
Manhole Construction Details S7	P19-00650-M2-C-021	1	3rd November 2020
Manhole Construction Details S8	P19-00650-M2-C-022	1	3rd November 2020
Manhole Construction Details S9	P19-00650-M2-C-023	1	3rd November 2020
Flow Control Construction Details S10	P19-00650-M2-C-027	1	3rd November 2020
Manhole Schedule	P19-00650-M2-C-026	1	3rd November 2020
Site Levels Plan	P19-00650-M2-C-008	3	3rd November 2020
Foul Drainage Outfall	P19-00650-M2-C-032	1	3rd November 2020
Flood Risk & Drainage Impact Assessment – Supporting Information	P19-00650	02	12th March 2021

Plan Type	Reference	Version	Date Received
Drainage Calculations & Simulation Results – Supporting Information	P19-00650	Rev 4/AK	12th March 2021
Surface Water Drainage Operations and Maintenance Manual – Supporting Information	P19-00650-O+M-01	02	10th June 2021
Security Measures Document – Supporting Information	(19/D19)	-	3rd November 2020
Arboricultural Impact Assessment & Method Statement – Supporting Information	BE-1027-04	D	12th March 2021
Arboricultural Method Statement – Supporting Information	BE-1027-05	A	9th June 2021
Construction Plan	19-D19-1001-P02	-	12th March 2021
Construction Phase Surface Water Management Plan	P19-00650-M2-C-016	3	12th March 2021
Received Via approved Original Full Planning Application Reference. 2019/92361			
Location Plan	19-D19-0101-P01	-	15th July 2019
Landscaping Plan	19-D19-0715-P02	-	14th October 2019

Plan Type	Reference	Version	Date Received
House Type D - Plans & Elevations	19-D19-0705-P01	-	15th July 2019
House Type D1 – Plans & Elevations	19-D19-0706-P01	-	15th July 2019
House Type E – Plans & Elevations	19-D19-0707-P01	-	15th July 2019
House Type F – Plans & Elevations	19-D19-0708-P01	-	15th July 2019
House Type G – Plans & Elevations	19-D19-0709-P01	-	15th July 2019
House Type H – Plans & Elevations	19-D19-0710-P02	-	15th July 2019
Typical Garage Layouts	19-D19-0713-P01	-	15th July 2019
Boundary Details	19-D19-0714-P01	-	15th July 2019
Transport Statement – Supporting Information	Prepared by Met Engineers P1900650 Revision 02 July 2019	-	15th July 2019
Soakaway Testing Factual Report – Supporting Information	Prepared by Met Engineers P19-00650 August 2016	Rev B July 2019	15th July 2019
Ecological Impact Assessment – Supporting Information	Prepared by Bagshaw Ecology BE-2017.1 Rev A 11th June 2019	-	15th July 219
Ecological Design Strategy – Supporting Information	Prepared by Bagshaw Ecology BE1027.3a 13th October 2019	-	14th October 2019
Biodiversity Metric – Supporting Information	-	-	14th October 2019

Plan Type	Reference	Version	Date Received
Phase 1 Desk Study – Supporting Information	Prepared by Met Engineers P19-00650 February 2016	Rev B July 2019	15th July 2019
Phase 2 Geoenvironmental Site Assessment – Supporting Information	Prepared by Met Engineers P19-00650 February 2016	Rev C July 2019	15th July 2019
Phase 3 Remediation Statement – Supporting Information	Prepared by Met Engineers P19-00650	-	15th July 2019
Statement of Community Involvement – Supporting Information	Prepared by ID Planning July 2019	-	15th July 2019
Materials Specification – Supporting Information	Prepared by Farrar Bamforth Associates 19/D19	-	15th July 2019
Planning Statement incorporating a Heritage Statement – Supporting Information	Prepared by ID Planning July 2019	-	15th July 2019
Design and Access Statement – Supporting Information	Prepared by Farrar Bamforth Associates 19/D19 July 2019	-	15th July 2019

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. In this instance, no amendments were requested as the proposals were considered to be acceptable as submitted.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

**Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority**

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- **Economic prosperity** – workforces that are digitally-literate enables business to thrive.
- **Digital literacy** – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- **New services** – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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

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

Purchase Notices

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

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

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 11-Jan-2023

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2022/70/92365/W .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

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