



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/70/92583/E

To: Jennie Hanbidge,
Johnson Mowat
Coronet House
Queen Street
Leeds
LS1 2TW

For: Stonewater

**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 OF CONDITIONS 5 (FOOTWAY) AND 14 (DRAINAGE) ON
PREVIOUS PERMISSION 2017/93347 FOR OUTLINE APPLICATION FOR
ERECTION OF 32 DWELLINGS

At: LAND OFF, FIELDHEAD LANE, BIRSTALL, BATLEY

**In accordance with the plan(s) and applications submitted to the Council on
03-Aug-2022 [together with those plans and application(s) submitted to the
Council on 20-Oct-2017 and incorporated into planning permission ref no.
2017/60/93347/E granted on 09-Jan-2018] and subject to the condition(s) specified
hereunder:-**

1. Approval of the details of the layout, scale, appearance, and the landscaping of the site (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 layout, scale, appearance, access and the landscaping of the site, 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. Before any materials are brought on site or development commences, the developer shall erect protective chestnut paling or similar fencing around all trees, shrubs or hedges to be retained, to the branch spread of individual trees or groups of trees/shrubs. The applicant shall obtain the Local Planning Authority's written confirmation that the fence is satisfactory and shall maintain such fencing unaltered until the development is completed.

Reason: In the interests of visual amenity and to safeguard mature trees in accordance with Policy LP33 of the Kirklees Local Plan.

4. Prior to development commencing, the wall to the site frontage shall be set back as shown on approved plan no. 17006/GA/01 rev D, and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have been previously approved in writing by the Local Planning Authority

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

5. Notwithstanding the detail shown on the approved plan, there shall be no construction works associated with the installation of any part of the approved Highway and/or Drainage infrastructure until a scheme detailing the provision of a 2.0m wide footway to the full Fieldhead Lane frontage of the development site, construction specification, surfacing, drainage and kerbing including the relocation of existing street light columns and associated highway works has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained throughout the lifetime of the development.

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

6. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

Reason: To ensure the site is fit to receive the new development in accordance with Policy LP53 of the Kirklees Local Plan.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6, development 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: To ensure the site is fit to receive the new development in accordance with Policy LP53 of the Kirklees Local Plan.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. 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 works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, 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 site is fit to receive the new development in accordance with Policy LP53 of the Kirklees Local Plan.

9. 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. Unless otherwise agreed in writing with 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 Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

Reason: To ensure the site is fit to receive the new development in accordance with Policy LP53 of the Kirklees Local Plan.

10. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the site is fit to receive the new development in accordance with Policy LP53 of the Kirklees Local Plan.

11. Before development commences a report specifying the measures to be taken to protect the development from road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The report shall

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

Unless otherwise agreed in writing by the LPA the development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason. To protect the residential amenities of future occupiers in accordance with Policy LP21 of the Kirklees Local Plan.

12. No development shall take place until a scheme detailing the provision of electric charging points within the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development, or in accordance with a timeframe to be agreed with the Local Planning Authority, and subsequently be retained permanently thereafter.

Reason. To accord with the guidance contained in Policy LP21 of the Kirklees Local Plan and part 9 of the National Planning Policy Framework.

13. No development shall take place until a scheme detailing bio diversity enhancement (including bird and bat roost opportunities within the development) has been submitted for the written approval of the Local Planning Authority. The approved scheme shall be implemented prior to occupation, or in accordance with a timetable to be agreed with the Local Planning Authority, and retained permanently thereafter.

Reason. To accord with the guidance contained in Policy LP30 of the Kirklees Local Plan and part 15 of the National Planning Policy Framework.

14. Prior to the occupation of the hereby approved dwellings, the drainage infrastructure as detailed within the hereby approved documents shall be implemented and made ready for use:

- Drainage Maintenance and Management Schedule
- Puddle Clay Specifications
- Puddle Clay Watercourse Details – Ref: E19/7418/035
- Drainage Feasibility Calculations – Ref: E19/7418 Rev B
- Engineering Feasibility Plan – E19/7418/01 Rev M

Thereafter the approved drainage infrastructure shall be retained.

Reason: In the interest of the satisfactory drainage of the site, and to accord with the guidance contained in Policies LP27 and LP28 of the Kirklees Local Plan and part 14 of the National Planning Policy Framework “Meeting the challenge of climate change, flooding and coastal change”.

15. No development shall commence until a detailed assessment of, and scheme to mitigate, the effects of 1 in 100 year storm events, with an additional allowance for climate change, exceedance events and blockage scenarios on drainage infrastructure and surface water run-off, pre and post development between the development and the surrounding area, in all directions has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed. The approved scheme shall be retained permanently thereafter.

Reason: In the interest of the satisfactory drainage of the site, and to accord with the guidance contained in Policies LP27 and LP28 of the Kirklees Local Plan and part 14 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".

16. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development in accordance with the requirements of Policy H18 of the Council's Unitary Development Plan have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the layout and disposition of the public open space.
- b) the timescale for the implementation and completion of the works to provide the public open space;
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
- d) maintenance of the public open space in perpetuity.

Reason: To accord with Policy LP11 of the Kirklees Local Plan.

17. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing within the development in accordance with the requirements of the Council's Interim Affordable Housing Policy have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:

- 1. the number and type of affordable housing units to be provided.
- 2. the layout and disposition of the units affordable housing to be provided.
- 3. the timescale for the implementation and completion of the affordable housing units;
- 4. the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

Reason: To accord with the Council's Interim Affordable Housing policy.

18. Any subsequent reserved matters or full application shall include details for the provision of a pedestrian/ cycleway route across the site from Field Head Lane to the boundary with Oakwell Hall Park. This pedestrian/ cycleway route shall be provided prior to the occupation of the site, or in accordance with a timeframe agreed with the Local Planning Authority and permanently retained thereafter.

Reason: To accord with Policy LP21 of the Kirklees Local Plan.

19. Prior to the erection of any of the approved dwellings' superstructure commencing, details of the legal and funding mechanism(s) by which the long-term management and maintenance of the site's drainage infrastructure, open and piped watercourses, and ancillary structures such as outfalls, weirs, and safety barriers will be secured by the developer, with the management body(ies) responsible for it's the management and maintenance, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interest of securing appropriate long-term management and maintenance of necessary infrastructure on site, as well as securing appropriate management bodies, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

Note: The applicant is advised that the above conditions, with the exception of condition 19, were originally imposed by planning permission 2017/93347 (i.e., those conditions that have not been sought for variation as part of this application). They are hereby reproduced on this notice, to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

Where the details pursuant to the above conditions, in accordance with 2017/93347's corresponding original list of conditions, have already been submitted for discharge and approved, or part approved, by the Local Planning Authority, and where there is no change to the details required by that condition, a further discharge of condition application pursuant to this application's reference will not necessary.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Submitted via Discharge of Condition ref. 2021/91883			
Drainage Maintenance and Management Schedule			05.05.2021
Puddle Clay Specifications			05.05.2021
Puddle Clay Watercourse Details	Ref: E19/7418/035		05.05.2021
Drainage Feasibility Calculations	Ref: E19/7418	Rev B	05.05.2021
Engineering Feasibility Plan	E19/7418/01	Rev M	05.05.2021
Submitted via 2017/93347			
Location plan	010	A	29.09.2017
Block Plan	010	C	05.12.2017
Access plan	17006/GA/01	D	12.12.2017
Site survey/ topographical plan			29.09.2017
Design and Access Statement			29.09.2017
Planning Statement			29.09.2017
Statement of Community Involvement			29.09.2017
Phase 1 Geo-environmental Survey	3719		29.09.2017
Preliminary Ecological Survey	R-2902-01.2		29.09.2017
Tree Survey	13778/TT		29.09.2017
Drainage/Foul Sewerage Assessment (updated)			29.09.2017

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 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.

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

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: 01-Dec-2022

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 2022/70/92583/E .

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
