



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

**NOTE: This approval should be read in conjunction with an Agreement made under
Section 106 of the Town and Country Planning Act 1990**

Application Number: 2022/62/93154/W

**To: Aisling Kelly,
Lichfields
3rd Floor
15, St Paul's Street
Leeds
LS1 2JG**

For: NEWETT HOMES

**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:-**

**ERECTION OF 68 DWELLINGS WITH ASSOCIATED ACCESS, PARKING,
OPEN SPACE, LANDSCAPING AND INFRASTRUCTURE WORKS (INCLUDING
INSTALLATION OF SURFACE WATER ATTENUATION TANK)**

At: LAND AT, PENISTONE ROAD, FENAY BRIDGE, HUDDERSFIELD, HD8 0AW

**In accordance with the plan(s) and applications submitted to the Council on 23-Sep-
2022, subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan.

3. The hereby approved development's groundworks, retaining works, and dwelling Finished Floor Levels shall be undertaken in accordance with the level details shown upon plan ref. 22/491/EXT/001 Rev. B.

Reason: For the avoidance of doubt as to what is being permitted and in the interest of visual and residential amenity, in accordance with LP24 of the Kirklees Local Plan.

4. Details of any additional tree works required during the construction process that is 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 that provide visual amenity value, to comply with Policies LP24 and LP33 of the Kirklees Local Plan.

5. The removal of vegetation should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

Reason: In the interests of preserving the biodiversity of the site, in accordance with LP30 of the Kirklees Local Plan.

6. The hereby approved development shall be undertaken in accordance with the provisions detailed within the approved Sustainability Report, by Plasmor Concrete Products. Prior to the occupation of the hereby approved dwellings, a Post Construction Report that demonstrates the measures contained within the Sustainability Report have been implemented and achieved shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interest of promoting sustainable development, in accordance with LP24(d) of the Kirklees Local Plan.

Prior to development commencing

7. 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 shall include details on dwelling buildout phases and the provision of infrastructure including, but not limited to, public open space, road stages (including wearing course completion), on and off-site highway improvements, drainage infrastructure, delivery of the footpath to Whitegates Grove, and the stairs and connected footpath between plots 40 and 43. 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. This is a pre-commencement condition to ensure the appropriate infrastructure may be delivered alongside the delivery of units.

NOTE: Subsequent reference to phase and/or phasing shall, unless noted otherwise, relate to the detailed approved pursuant to condition 7.

8. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan. The undertaking of intrusive site investigations, prior to the commencement of development, is 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 to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 8 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan. The undertaking of intrusive site investigations, prior to the commencement of development, is 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 to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. 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.

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

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

12. 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 prior to traffic associated with the development commencing movements.

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

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

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

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

14. 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.

15. Prior to any development commencing within 20m of the Root Protection Area of the tree identified as T021, as per the Tree / Arboricultural Survey referenced ‘19321’, an updated Arboricultural Impact Assessment, Arboricultural Method Statement and Protection Plan including any necessary remedial measures specific to tree T021 shall be submitted to, and approved in writing by, the Local Planning Authority. The updated Impact Assessment shall elaborate upon the development’s potential impacts upon T021 and explore measures to prevent any and all detrimental impact upon the tree’s health. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To ensure a tree of amenity value is preserved, in accordance with Policies LP24 and LP33 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that appropriate investigation and the methodology of works is correct prior to potentially damaging works taking place.

16. Prior to development commencing, including any demolition and groundworks, an archaeological evaluation which reflects the site’s location close to an area of archaeological interest shall be submitted to, and approved in writing by, the Local Planning Authority.

Thereafter the development shall only take place in accordance with the approved WSI. The development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed. The evaluation shall include:

- The programme and method of site investigation and recording
- An evaluation of any identified features of importance and any necessary preservation in situ of identified features of importance
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved evaluation and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the evaluation have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present are investigated and a proper understanding of their nature, date, extent, and significance gained. 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.

17. Prior to development commencing, 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 including any modifications to the existing retaining wall on the Penistone Road (A629), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved development shall be undertaken in accordance with the approved details.

Reason: To ensure that any retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of highway retaining structures are agreed at an appropriate stage of the development process.

18. Prior to development commencing, a detailed scheme for the provision of right turn lanes from Penistone Road into the site, traffic islands within Penistone Road, and the details of the junctions and associated highway works, as shown on plan ref. Z078-002 Rev. P shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, lighting, signage, white lining, surface finishes, treatment of sight lines, together with an independent Safety Audit covering all aspects of the works. No dwelling shall be occupied until all of the agreed works to the access which serves the dwelling have been completed.

Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that access to the site is designed and approved at an appropriate stage of the development process.

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

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

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

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that appropriate mitigation measures are in place prior to works taking place that could lead to drainage issues.

Prior to above ground works commencing

20. Prior to above ground works commencing, a scheme restricting the rate of surface water discharge from the site to a maximum of 10.0 litres per second to Fenay Beck, along with the design of the surface water attenuation tank and associated infrastructure, shall be submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100-year storm event with a 30% allowance for climate change. This shall be demonstrated through a simulation of this event using an M5_60 design parameter equal to 19. The scheme shall include plans for the outfall and a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no phase of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter, or until such time as the system is formally adopted by a statutory undertaker.

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.

21. Prior to above ground works commencing, an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, shall be submitted to and approved in writing by the Local Planning Authority. This shall include mitigation works within plots where avoiding flood routing within curtilage is not reasonably practicable. No plot where mitigation works are identified as being required, pursuant to the approved scheme, shall be occupied until the required works for that plot have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.

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

22. Prior to above ground works commencing, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The BEMP shall detail the delivery of the Biodiversity Enhancements, as detailed within paragraph 4.33 of the Ecological Appraisal and also demonstrate how a minimum of 7.18 habitat units and 2.29 hedgerow units are to be achieved post-development and include details of the following:

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

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

Thereafter the development shall be implemented in accordance with the approved details and be so retained thereafter.

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.

23. Prior to above ground works commencing, a detailed scheme for the proposed internal roads, footways and footpaths, to an adoptable standard, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the program of works and phasing, swept paths for a 11.85m refuse vehicle, new or amended Traffic Regulation Orders, sight lines, treatment of visibility splays, verges, street trees, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage including construction details for all new surface water attenuation tanks / pipes / manholes located within the proposed highway footprint, surface finishes and street lighting, and independent road safety audits covering all aspects of these works. No part of the development shall be brought into use until the internal roads serving that part of the development have been completed to basecourse in accordance with the approved plans and details. Thereafter the road(s)' wearing course shall be implemented in accordance with the phasing strategy approved pursuant to condition 7.

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

24. Prior to above ground works commencing, notwithstanding the details shown on the approved plan(s), a scheme detailing the provision of a 2.0m wide footway to the Penistone Road frontage of the development site shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall exclude land falling within the Root Protection Areas of trees T005, T006, and T007 as identified in the Arboricultural Report, Impact Assessment and Method Statement ref. 19321 V3.0. The scheme shall include details of the proposed construction specification, surfacing, drainage, kerbing, the relocation of existing telegraph poles and street lighting columns, and associated highway works, with an independent Safety Audit covering all relevant aspects of the work. No dwelling shall be occupied until the approved scheme has been implemented.

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.

25. Prior above ground works commencing, notwithstanding the submitted plans, a comprehensive boundary treatment plan shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include typical elevations for all boundary treatments proposed. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To ensure an appropriate appearance and design, in the interest of visual and residential amenity, in accordance with Policy LP24.

26. Prior to above ground works commencing, a scheme for the new public footpath connecting the development to Whitegates Grove, as shown on plan ref. Z078-002 rev. P, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the program of works and phasing, detailed drawings showing levels and sections, gradients, construction details, surface materials, drainage, boundary treatments (where applicable) and a management and maintenance strategy. The footpath shall be delivered in accordance with the phasing details approved pursuant to condition 6. Thereafter the footpath shall be managed and maintained in accordance with the approved strategy.

Reason: To ensure affected Public Rights of Way are accessible, attractive, maintained to an acceptable standard and appropriate for their operation in accordance with Policies LP20, LP23, LP24 and LP47 of the Kirklees Local Plan.

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

- a) Planting plans
- a) Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment
- b) Schedules of plants noting species, planting sizes and proposed numbers/densities.
- c) Details of street trees, to include tree pit details
- d) Assessment of landscaping impact on public sewer infrastructure
- e) Details of an implementation and maintenance programme for a minimum 5-year period.
- f) Details of phasing of soft landscaping works.

All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, phasing and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved

landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

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

Prior to specific trigger

28. Prior to their use, details of all the external materials and finishes, in accordance with the initial details contained in plan ref. Z078-006 Rev. C, shall be submitted to and approved in writing by the Local Planning Authority. The finishes details shall include plans at a minimum 1:50 scale of the following:

- a) Windows
- b) Window reveals (minimum 75mm)
- c) Cills and lintels
- d) Eaves and verges
- e) Entrance canopies

The dwellings shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

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

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

30. Prior to their use, details of all the external facing materials for the proposed retaining walls shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the submitted plans, gabion walls shall not be utilised within 10.0m of Penistone Road (A629) (including the road's footway). The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Reason: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

31. Prior to works associated with the re-grading for the attenuation tank maintenance access track, details of the proposed grass-crete surfacing and a management and maintenance of the grass batter, for a minimum of five years, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the access track shall be constructed in accordance with the approved grass-crete surfacing and the details contained letter dated the 3rd of May 2023 from Dudleys Structural and Civil Consultants, and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure an appropriate finish and natural appearance to the engineering works, to protect the openness of the Green Belt, in accordance with Paragraph 150 of the National Planning Policy Framework.

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

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

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

Reason: To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, while ensuring appropriate crime mitigation without prejudicing the amenity of residents, to comply with Policies LP24 and LP30 of the Kirklees Local Plan.

33. Prior to the installation of fenestration glazing, notwithstanding the submitted information, a further/addendum Noise Risk Assessment specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development, including road traffic and neighbouring premises, shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall:

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

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

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

Prior to occupation of dwelling(s)

34. Where implementation of the development hereby approved is to be phased and / or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units. The temporary arrangements so approved shall be implemented prior to first occupation of those residential units in that phase and shall be so retained thereafter for the duration of the construction works.

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.

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

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

36. Prior to the occupation of a dwelling, the dwelling's respective bin-storage area as shown on plan ref. Z078-002 rev. P shall be laid out with a hardened surface and made ready for use. Thereafter the bin-storage area shall be retained.

Reason: In the interest of ensuring appropriate storage waste storage in the interest of visual and residential amenity, and to comply with Policy LP24 of the Kirklees Local Plan.

37. Prior to the occupation of plots 36 – 42, further to the details approved pursuant to condition 25, the approved boundary treatment to all of the southern landscaped area as identified by green chequers between plots 42 and 43 on plan ref. Z078-002 Rev. P shall be fully installed. Thereafter the southern landscaped area's boundary treatment so installed shall be retained.

Reason: In the interest of residential amenity, to preserve the privacy of existing residents, in accordance with Policy LP24 of the Kirklees Local Plan.

38. Prior to the occupation of plots 36 – 44, a detailed design strategy for the delivery of the pedestrian staircase and path connecting it to the highway, as shown between plots 40 and 43 on plan ref. Z078-002 rev. P, shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include details of the program of works and phasing, detailed drawings showing lighting, levels and sections, gradients, construction details, surface materials, drainage and boundary/railing treatments (where applicable). The footpath shall be delivered in accordance with the phasing details approved pursuant to condition 7. Thereafter the pedestrian staircase and path shall be managed and maintained in accordance with the approved strategy.

Reason: To promote effective pedestrian movements, in accordance with LP21 of the Kirklees Local Plan.

39. Prior to the occupation of any hereby approved dwelling, the sightlines of the new junctions onto Penistone Road, as shown on plan ref. "AMA/21312/SK/006.1" (contained within the Transport Assessment), shall be cleared of all fixed obstructions to visibility exceeding 1.0m in height. The sightlines as so made shall thereafter be retained free of any fixed obstruction.

Reason: To ensure adequate visibility in the interests of highway safety, in accordance with Policy LP21 of the Kirklees Local Plan.

40. Prior to the occupation of the hereby approved dwellings or works associated with the delivery of the Local Equipped Area of Play (LEAP) as shown indicatively on plan ref. "H22-0016_003 Rev. F" commencing, a scheme providing details of the play equipment to be installed within the LEAP shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timescale for the implementation of the play equipment. The approved scheme shall be fully implemented in accordance with the timescale and be so retained thereafter.

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

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

Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan.

42. Plot 68, as shown on plan ref. Z078-002 rev. P, shall not be occupied until all windows in the south facing side elevation of the dwelling have been obscure glazed. 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) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the south facing side elevation of plot 68 thereafter.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy, to accord with Policy LP24 of the Kirklees Local Plan.

Ongoing requirements

43. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B or E of Part 1 of Schedule 2 to that Order shall be carried out for any of the hereby approved dwellings without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and residential amenity, to comply with Policy LP24 of the Kirklees Local Plan.

NOTE: to accompany condition 33

All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

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: to accompany condition 23

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 agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with BD63- Inspection 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: 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: Contamination and Investigation

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

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

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

NOTE: Recommended 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 Rights of Way

Public footpath KIR/64/20 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by:

- telephone - 01484 221000
- email - publicrightsofway@kirklees.gov.uk

NOTE: It is the responsibility of the developer and landowner to secure a safe development.

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	Z078.001		23.09.2022
Block Plan	Z078-002	Rev. P	16.11.2023
Proposed Elevations	Z078-004		23.09.2022
Block Plan	Z078-005	Rev. D	21.09.2023
Block Plan	Z078-006	Rev. D	21.09.2023
Block Plan	Z078-003	Rev. D	21.09.2023
Existing Site Layout	Z078.007		23.09.2022
Proposed Site Sections	Z078.008	Rev. B	29.08.2023
Existing Site Layout	Z078.010		23.09.2022
Proposed Site Sections	Z078-011	Rev. A	21.09.2023
Proposed Site Sections	Z078-012		18.09.2023
Proposed Landscaping Layout	Z078-013	Rev. A	21.09.2023
Proposed Landscaping Layout	H22-0016-003	Rev. F	27.09.2023
Block Plan	22/491/EXT/001	Rev. B	27.09.2023
Block Plan	AMA/21312/ATRO 13.1		18.09.2023
Block Plan	AMA/21312/ATRO 13.2		18.09.2023
Block Plan	AMA/21312/ATRO 13.3		18.09.2023
Block Plan	AMA/21312/SK010		18.09.2023
Proposed Site Sections	22/491/500/002		18.09.2023
Proposed Site Sections	22/491/500/003		18.09.2023
Grouped Plans and Elevations	Beeches (stone) - NH.SL03ALT.03		29.08.2023
Grouped Plans and Elevations	Tupelo (stone and render) - NH.SL02.05		29.08.2023
Grouped Plans and Elevations	Upton (stone) - NH.UPT.02		29.08.2023
Grouped Plans and Elevations	Rowan (stone) - NH.SL04.03		29.08.2023
Grouped Plans and Elevations	Saxton (stone) - NH.SAX.02		29.08.2023
Grouped Plans and Elevations	Ripponden (stone) - NH.RIP.T3.02		29.08.2023
Grouped Plans and Elevations	Ripponden (stone) - NH.RIP.02		29.08.2023
Grouped Plans and Elevations	Malham (stone) -		29.08.2023

Plan Type	Reference	Version	Date Received
	NH.MAL.02		
Grouped Plans and Elevations	Keyingham (stone and render) - NH.KEY.05		29.08.2023
Grouped Plans and Elevations	Keyingham (stone) - NH.KEY.02		29.08.2023
Grouped Plans and Elevations	Hovingham (stone) - NH.HOV.02		29.08.2023
Grouped Plans and Elevations	Twin Garage (stone) - NH.GTH.03		29.08.2023
Grouped Plans and Elevations	Single garage (stone) - NH.GSH.03		29.08.2023
Grouped Plans and Elevations	Saxton (stone and render) - NH.SAX.05		29.08.2023
Grouped Plans and Elevations	Grassington (stone) - NH.GRA.02		29.08.2023
Grouped Plans and Elevations	Dalton (stone) - NH.DAL.02		29.08.2023
Grouped Plans and Elevations	Addingham (stone) - NH.ADD.02		29.08.2023
Design and Access Statement			23.09.2022
Supporting Information	Planning Statement		16.09.2022
Supporting Information	Sustainability Report, by Plasmor		23.09.2022
Supporting Information	Statement of Community Involvement		23.09.2022
Supporting Information	Viability Assessment		02.11.2022
Supporting Information	Drainage Calculations / CAL01	Rev. B	28.09.2022
Supporting Information	Summary Report on Previous Site Investigation		23.09.2022
Flood Risk Assessment	21312-FRA-001		23.09.2022
Air Quality Assessment	PRO-078170		10.05.2023
Drainage and Flood Risk Assessment	Letter Dated 03.05.2023 / ref. 20257		10.05.2023

Plan Type	Reference	Version	Date Received
Tree / Arboricultural Survey	19321	V3.0	10.05.2023
Transport Assessment	Transport Assessment		23.09.2023
Transport Assessment	Travel Plan		23.09.2023
Transport Assessment	Road Safety Audit: Stage 1	Rev. 2	15.09.2023
Ecological / Biodiversity Statement	Ecological Appraisal		23.09.2022
Ecological / Biodiversity Statement	Biodiversity Impact Assessment		23.09.2022
Noise Assessment	Planning Noise Assessment		23.09.2022

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.

Digital Infrastructure: Fibre To The Property (FTTP)

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

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

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

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

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

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "submitted to and approved in writing by the Local Planning Authority".
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water.

Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is 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 grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

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

Purchase Notices

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

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

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

Dated: 02-Jul-2024

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 planning applications and decisions' and by searching for application number 2022/62/93154/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
