



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/91871/E

To: Alan Ramsay,
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Architecture519
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For: ALEX BAILLIE, VISTRY PARTNERSHIPS YORKSH, TRUSTEES OF LORD
SAVILLE TRUST 1965

**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 RESIDENTIAL DEVELOPMENT (55 DWELLINGS) INCLUDING
ACCESS AND ASSOCIATED INFRASTRUCTURE**

At: LAND ADJ, HIGH STREET AND CHALLENGE WAY, HANGING HEATON,
BATLEY

**In accordance with the plan(s) and applications submitted to the Council on 05-
May-2021, 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 and Chapter 12 of the National Planning Policy Framework.

3. Prior to development commencing, a schedule of the means of access to the site for construction traffic (a Construction Management Plan (CMP)) shall be submitted to, and approved in writing, by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. It shall also include details of a site manager and point of contact for residents in the event of any issues arising through the construction process. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: Due to the nature of the site and local road network, so as to ensure adequate arrangements are approved which allow heavy vehicles to safely access the site, in the interest of 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 ensure safe access to the site and on-site arrangements, prior to construction traffic attending the site.

4. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing by, the Local Planning Authority. The Construction Environmental Management Plan shall provide details of:

- a) timetable of all works
- b) the construction access(es) and confirmation that adequate visibility splays shall be provided prior to the commencement of development including groundworks
- c) vehicle sizes and routes, times of vehicle movements, identify the location of any HGV waiting areas and include details of the management of said areas
- d) the parking of vehicles of site operatives and visitors
- e) details and location of signage
- f) loading and unloading of plant and materials
- g) storage of plant and materials used in constructing the development
- h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- i) 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
- j) measures to control and monitor the emission of dust and dirt during construction
- k) a Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works
- l) mitigation of noise and vibration arising from all construction related activities to (these details should also include suitable restrictions on the hours of working on the site including times of deliveries)
- m) artificial lighting used in connection with all construction related activities and security of the construction site

- n) site manager and resident liaison officer contact details (including their remit and responsibilities); and
- o) details of engagement with local residents and occupants or their representatives.

The agreed plan shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP24 and LP52 of the Kirklees Local Plan. This is a pre-commencement condition, given the need for adequate consideration of mitigation measures (for the amenity of residents) prior to works commencing on site.

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

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

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5 further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

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

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be 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 and paragraph nos. 178 and 179 of the National Planning Policy Framework.

9. Prior to development commencing, a scheme detailing the proposed internal adoptable estate roads 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, and treatment of sightlines together with an independent safety audit covering all aspects of the works. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

10. 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 highways including any modifications to the existing retaining wall supporting High Street shall be submitted to, and approved by, the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development. The development shall be undertaken in accordance with the approved details, which shall thereafter be retained.

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

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

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

12. Prior to development commencing, a scheme detailing measures to protect from damage the historic stone boundary wall within the site, as denoted on plan ref. '4807/02' and is between plots 19 – 26 and 30 – 35, shall be submitted to, and approved in writing by, the Local Planning Authority. Such measures shall thereafter be installed prior to works commencing and shall remain in place for the duration of the development hereby permitted. Thereafter the historic stone boundary wall shall be retained.

Reason: In the interest of preserving the historic environment, to comply with Policy LP35 of the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate protection measures are in place during initial works.

13. Prior to development commencing, notwithstanding the submitted information, a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained / diverted / abandoned, and percolation tests, where appropriate) shall be submitted to, and approved in writing by, the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

Reason: To deliver effective sustainable drainage systems that will be operated, maintained and managed for the lifetime of the development that it will serve, in accordance with Policy LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure adequate assessment and implementation may take place at the appropriate stage of the development process.

14. Prior to development commencing, notwithstanding the submitted information, 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 (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the

development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To ensure appropriate flood routing through the site, in accordance with Policy LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure adequate assessment and implementation may take place at the appropriate stage of the development process.

15. Prior to above ground works commencing, a scheme for the provision of a dropped kerb on the east side of Challenge Way opposite the hereby approved junction, to enable cyclists' direct access onto the cycleway, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a timetable for implementation. Unless otherwise agreed in writing the dropped kerb shall be implemented and retained in accordance with the approved timescales.

Reason: To support cycling as an alternative method of travel, in the interest of highway safety and efficiency and to comply with LP21 of the Kirklees Local Plan.

16. Prior to development commencing, an 'invasive non-native species protocol' shall be submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the containment, control, and removal of 'Montbretia' on site. Thereafter the development shall be undertaken in accordance with the approved scheme.

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

17. 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: To prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the necessary mitigations (against flood risk) are considered and implemented at the appropriate stage.

18. Prior to development commencing, a survey of the condition of the surrounding road network shall be submitted to, and approved in writing by, the Local Planning Authority. Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a

danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local planning Authority.

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

19. Prior to development commencing, details of the treatment of Public Rights of Way BAT/45/20, where it is adjacent to the site boundary, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include levels information, and details of construction, surface materials, and drainage. The approved scheme shall be implemented prior to the occupation of the first dwelling.

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

20. Prior to development commencing, a scheme detailing measures to protect from damage the listed building known as 'Boundary Stone Opposite St Paul's Vicarage' shall be submitted to, and approved in writing by, the Local Planning Authority. Such measures shall thereafter be installed prior to works to the wall or adjacent to High Street commencing and shall remain in place for the duration of the development hereby permitted.

Reason: To protect the character of the area and visual amenity, in accordance with Policy LP24 and LP35 of the Kirklees Local Plan. This is a pre-commencement condition given the need to ensure appropriate protection / arrangements prior to site clearance.

21. Before any above ground works commence, an Ecological Design Strategy (EDS) to ensure that a biodiversity net gain is achieved post-development shall be submitted to, and agreed in writing by, the Local Planning Authority. The EDS shall be in accordance with the Biodiversity Metric 2.0 calculations received on the 30th of September 2021, as already submitted with the planning application, and agreed in principle with the Local Planning Authority prior to determination. The EDS shall provide a minimum of 0.55 (14.88% gain) habitat units and 0.24 (30.86% gain) hedgerow units post-development and shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- a) Review of site potential and constraints.
- b) Detailed design(s) and/or working method(s) to achieve stated objectives.
- c) Extent and location/area of proposed works on appropriate scale maps and plans.
- d) Details on the establishment of hedgerow planting on the site.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain.

- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

22. Prior to above ground works commencing, a scheme detailing the proposed path connecting the development to PROW BAT/45/20 shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, construction specifications, drainage works, surface finishes, and treatment of sightlines together details of the connection to PROW BAT/45/20. Before any building is brought into use the footpath shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

23. Prior to above-ground building works commencing, details of all external materials (stonework / roof tiles / windows / verges etc.), to include details of the method of construction in terms of coursing/bonding pattern, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason: To ensure good design and in the interests of visual amenity, to comply with Policy LP24 of the Kirklees Local Plan.

24. Notwithstanding the submitted plans, prior to works associated with the provision of hard and / or soft landscaping commencing, a landscaping strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include details of tree-planting to mitigate the loss of trees. The approved landscaping plan shall be implemented prior to the hereby approved development being brought into use. All planted materials shall thereafter be maintained for five years, and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.
Reason: In the interests of preserving the local ecological value, the visual amenity and character of the surrounding area and to accord with Policies LP24, LP30 and LP63 of the Kirklees Local Plan.

25. Notwithstanding the submitted information, prior to the installation of fenestration glazing on the hereby approved dwellings, a further noise assessment report shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall:

- Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open and for these rooms, provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme which shall show how these rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid overheating during hot weather without the need to open windows.
- The ventilation Scheme must demonstrate how habitable rooms of these plots shall be provided with sufficient ventilation to help control thermal comfort and avoid overheating during hot weather without the need to open windows. This should include details of the air intake location and any summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.
- Clearly show which external amenity areas at which plots will have daytime noise levels that exceed 50dB LAeq,16hour and for these plots, provide a detailed specification for the noise mitigation measures that are required for outdoor noise levels of no more than 50dB LAeq,16hour to be achieved at these plots.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Reason: To mitigate against undue noise pollution, in the interest of residential amenity, to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

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

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

27. Prior to the occupation of the hereby approved dwellings, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- 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
- a. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

28. 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, and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

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

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

30. Prior to the occupation of the hereby approved dwellings, the bin collection points as shown on plan ref. '4807/02' shall be constructed and made ready for use. Thereafter the bin collection points shall be retained.

Reason: In the interest of amenity and highway safety, to comply with Policies LP21 and LP24 of the Kirklees Local Plan.

31. Prior to the occupation of the hereby approved dwellings, the boundary treatments, as specified on plan. 'ref. '4807/04'', shall be implemented. Thereafter the boundary treatment shall be so retained.

Reason: To preserve the visual amenity of the site and wider area, as well as securing the privacy of neighbouring and future occupiers, in accordance with Policy LP24 of the Kirklees Local Plan.

32. The hereby approved development shall be undertaken in accordance with the measures outlined within the Arboricultural Method Statement, ref. 'LTM0254.MS.01'.

These shall be implemented prior to, and be maintained throughout, the construction phase.

Reason: In the interest of preserving trees on site and the benefits they provide, in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

33. 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 and Chapter 15 of the National Planning Policy Framework

34. 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 within plots 47 – 53 without the prior written consent of the Local Planning Authority.

Reason: In the interest of residential amenity, for neighbouring and future residents, and in order to allow sufficient access for maintenance and repair work of underground assets at all times, in accordance with Policies LP24 and LP27 of the Kirklees Local Plan.

35. The hereby approved development shall be operated in accordance with the measures outlined within section 8.0 'Action Plan' of the hereby approved travel plan.

Reason: To promote alternative methods of travel, in the interest of highway safety and efficiency, to comply with Policies LP20 and LP21 of the Kirklees Local Plan.

36. No building or other obstruction including trees and landscape features, with the exception of 'Plot 53' shall be located over or within 6 (six) metres either side of the centre line of the public water main i.e. a protected strip width of 12 (twelve) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work of underground assets at all times, in accordance with Policy LP27 of the Kirklees Local Plan.

Note: Electric Vehicle Charging Points

A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof.

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

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

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

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

Monday to Friday: 0730 – 1830

Saturday: 0800 – 1300

With no working Sundays or Public Holidays

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

Note: Pursuant to condition ??, 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. Acoustic trickle ventilation alone is unlikely to provide sufficient ventilation to help control thermal comfort without the need to open windows and would therefore not be acceptable.

Note: Contaminated land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

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

Note: Public footpath BAT/45/20 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way are now based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Note: 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. 01484-225397 for further advice on this matter.

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) 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: 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	20520 – 300	Rev. 02	05.07.2021
Block Plan	4807/02		17.01.2022
Block Plan	4807/03		19.01.2022
Block Plan	4807/04		19.01.2022
Grouped Plans and Elevations	20520 – 302	Rev. 03	05.07.2021
Grouped Plans and Elevations	20520 – 303	Rev. 03	05.07.2021
Grouped Plans and Elevations	20520 – 304	Rev. 02	05.07.2021
Grouped Plans and Elevations	20520 – 305	Rev. 03	05.07.2021
Grouped Plans and Elevations	20520 – 306	Rev. 02	05.07.2021
Grouped Plans and Elevations	20520 – 307	Rev. 02	05.07.2021
Grouped Plans and Elevations	20520 – 308	Rev. 02	05.07.2021
Grouped Plans and Elevations	20520 – 309	Rev. 02	05.07.2021
Proposed Site Sections	20520 – 310	Rev. 03	08.09.2021
Existing Site Block Layout	20520 – 314	Rev. 02	05.07.2021
Proposed Site Sections	20520 – 315	Rev. 02	03.08.2021

Block Plan	45467 / 007 (Preliminary)	Rev. F	19.01.2022
Block Plan	45467 / 004	Rev. G	19.01.2022
Block Plan	45467 / 031	Rev. B	19.01.2022
Block Plan	45467 / 010	Rev. F	19.01.2022
Supporting Information	Committee Deferral Response Note (and appendixes)		01.11.2021
Supporting Information	Transport Note (email)		25.10.2021
Supporting Information	PICADY 9 - Priority Intersection Module		01.11.2021
Supporting Information	Noise Survey	Issue 2	01.11.2021
Supporting Information	APPENDIX A Vehicle Categories		01.11.2021
Supporting Information	Biodiversity Net Gain		30.09.2021
Supporting Information	Ecological Impact Assessment & Biodiversity Net Gain Assessment	Rev. V4	30.09.2021
Supporting Information	Stage 1 Road Safety Audit		17.05.2021
Supporting Information	SCP – Supplemental Access Comments		08.09.2021
Supporting Information	Hydro-Brake Optimum Flow Control		11.08.2021
Supporting Information	Flood Routing Layout (preliminary)		11.08.2021
Supporting Information	Drainage Calcs: 30-minute 2 year Winter		11.08.2021
Supporting Information	Drainage Calcs: 15-minute 2-year Winter		11.08.2021
Supporting Information	Drainage Calcs: 15-minute 100-year Winter		11.08.2021
Supporting Information	Drainage Calcs: 960-minute 100-year Winter		11.08.2021
Supporting Information	Drainage Calcs: 750-minute 30-year Winter		11.08.2021
Supporting Information	Drainage Calcs: 720-minute 100-year Winter		11.08.2021
Supporting Information	Drainage Calcs: 600-minute 30-year Winter		11.08.2021
Supporting Information	Drainage Calcs: 480-minute 30-year Winter		11.08.2021
Supporting Information	Drainage Calcs: 1440-minute 100-year Winter		11.08.2021
Supporting Information	Hydraulic Characteristics		11.08.2021
Supporting Information	Statement of Community Involvement	Rev. V2	05.07.2021
Supporting Information	Road Long Sections		05.07.2021
Supporting Information	Arboricultural Method Statement - LTM0254.MS.01		05.07.2021
Supporting Information	Arboricultural Impact Assessment		05.07.2021
Supporting Information	SCP Highway Email Response		05.07.2021
Supporting Information	Health Impact Assessment		05.07.2021

Supporting Information	Arc environmental email dated 15th of January 2021		12.05.2021
Supporting Information	Bat Activity Survey		12.05.2021
Supporting Information	Phase 1 Desktop Study and Coal Mining Risk Assessment		12.05.2021
Supporting Information	Phase 2: Ground Investigation Report		12.05.2021
Supporting Information	Design and Access Statement		05.05.2021
Supporting Information	Planning Commentary	Rev. v3	05.05.2021
Supporting Information	Heritage Statement		05.05.2021
Supporting Information	Transport Statement		05.05.2021
Supporting Information	Travel Plan	Rev. 2	05.05.2021
Supporting Information	Flood Risk Assessment	Issue 1	05.05.2021

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.

Officers expressed initial concerns on various subjects, including design, highways, drainage and ecology. Negotiations took place on the identified issues. Discussions were also required on securing the identified planning obligations. The applicant positively responded to all feedback and incorporated officer requests and recommendations into their design. On assessment of the amended proposal, final discussions took place on outstanding matters, which the applicant continued to respond positively to. Based on the negotiations undertaken and amendments made, officers were supportive of the proposal.

In accordance with the Council's Delegation Agreement the application was referred to the Heavy Woollen Area Planning Sub-Committee on the 14th of October 2021. Members of the committee resolved to defer the application to allow further information and clarifications to be brought before them. The applicant provided the requested information and the application was returned to the committee on the 25th of November, where members resolved to support 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 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 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 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/planning-inspectorate> . 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: 27-Jan-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 planning applications and decisions' and by searching for application number 2021/62/91871/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: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
