

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2022/62/93306/E</b>
Site Address:	Land adj, 894, Huddersfield Road, Ravensthorpe, Dewsbury, WF14 9HS
Description:	Erection of 11 dwellings, formation of new access road and associated landscaping and open space
Recommending Officer:	Nick Hirst

**DECISION – Full Planning Permission – Approve**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

*Victor Grayson*

**AUTHORISED OFFICER**

**Date:** 09/01/2025

**Decision Authorisation:** Committee Decision

**Committee:** Strategic Planning

**Date of Committee:** 01/08/2024

**Application Number:** 2022/93306

### **Officer Recommendation**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

- 1) Biodiversity: An off-site contribution of £15,870.
- 2) Public Open Space: An off-site contribution of £9,161.
- 3) Management and maintenance: The establishment of a management company for the purpose of maintaining shared spaces, the private drive and drainage infrastructure serving the site.

All contributions are to be index-linked. In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

### **Committee Decision**

Support office recommendation, with an additional condition stipulating that the new access road shall not include a gate (as was shown on the plans, at the time of the committee meeting).

### **Post Committee Update**

Following the committee meeting the applicant provided a new site plan which omitted the gate across the road, to comply with the committee's request. This negated the need for the condition requested by committee, with condition 2 (works to be implemented in accordance with the submitted plans) effectively preventing a gate being erected as part of the development. Nonetheless, officers recommend imposing an additional condition removing the potential Permitted Development right that may permit a future gate being erected (condition 33 below).

Following the committee meeting the below conditions were drafted and agreed in writing with the applicant. The Section 106 agreement was also completed in accordance with the recommendation, and dated 06/01/2025.

### **Conditions and Reasons**

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 Policies LP2, LP3, LP4, LP7, LP9, LP11, LP20, LP21, LP22, LP24, LP26, LP27, LP28, LP30, LP31, LP32, LP33, LP34, LP47, LP49, LP51, LP52, LP53, LP63 and LP65 of the Kirklees Local Plan and the aims of the Highway Design Guide SPD, Housebuilders Design Guide and the aims of the National Planning Policy Framework.

3. The hereby approved development shall be undertaken in accordance with the provisions set out within the Arboricultural Method Statement ref. 18064-B/AJB. This shall include, but shall not be limited to, the erection of tree protection barriers prior to development commencing, as detailed within section 3 of the report. These shall be implemented and maintained throughout the construction phase.

**Reason:** So as to protect the viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure tree protection measures are implemented at an appropriate stage of the development process.

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

**Reason:** To protect trees in the interests of visual amenity and to accord with the requirements of 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 Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Prior to development commencing

6. Prior to development commencing, a report of intrusive site investigations shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall establish the risks posed to the development by past coal mining activity and any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary. Thereafter, the development shall be undertaken in accordance with the approved remediation strategy.

**Reason:** In the interest of ensuring the development is safe for occupation, giving due regard to historic coal legacy, in accordance with Policy LP53 of the Kirklees Local Plan.

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.

7. Prior to development commencing (excluding demolition and works required to undertake a site investigation report) a Phase II Intrusive Site Investigation Report by a suitably competent person 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.

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.

8. Prior to development commencing, where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7, a Remediation Strategy by a suitably competent person shall be 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. Thereafter, remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy, prior to the occupation of any dwelling.

**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 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.

9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, pursuant to condition 8, 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 two 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 the National Planning Policy Framework

10. Prior to development commencing (including demolition, ground works, vegetation clearance), a construction environmental management plan for 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 that refers to the most up-to-date site specific survey information and specifically to nesting birds, bats, hedgehogs and badgers;
- b) Identification of "biodiversity protection zones", where appropriate;
- c) 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);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate;
- f) Responsible persons and lines of communication; and
- g) Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP: Biodiversity 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 protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Kirklees Local Plan Policy LP30.

This pre-commencement condition is necessary to ensure biodiversity protection measures are agreed at an appropriate stage of the development process.

11. Prior to development commencing, details of 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; and
- 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 ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

12. Prior to development commencing, a Construction (Environmental) Management Plan (C(E)MP) for that phase 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) 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;
- m) Street sweeping;
- n) Measures to control and monitor the emission of dust and dirt during construction;
- o) Site waste management, including details of recycling/disposing of waste resulting from construction works;
- p) 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;
- q) Artificial lighting used in connection with all construction-related activities and security of the construction site;
- r) Site manager and resident liaison officer contacts, including details of their remit and responsibilities;

s) Means of engagement undertaken with local residents, occupants and/or their representatives, and means of continued engagement during the construction process; and

t) 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.

13. Prior to development commencing, a strategy detailing all new retaining walls and building retaining walls adjacent to the proposed / existing highway on A644 Huddersfield Road shall be submitted to and approved in writing by the Local Planning Authority in writing. The strategy shall include details of locations and cross-sectional information together with the proposed design and construction details of the proposed retaining walls and shall include a timetable for implementation of the works. Thereafter development shall be undertaken in accordance with the approved details.

**Reason:** In the interest of the protection of the structural stability of the adjacent public 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 the necessary design has been secured prior to relevant works being undertaken.

14. Prior to development commencing, a strategy detailing all new surface water attenuation tanks/pipes/manhole features located within the proposed highway footprint or influence zone of highway loading shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of locations and cross-sectional information together with the proposed design and construction details of the identified features and shall include a timetable for implementation of the works. Thereafter development shall be undertaken in accordance with the approved details.

**Reason:** In the interest of the protection of the structural stability of the adjacent public 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 the design has been agreed at an appropriate stage of the development process.

15. Prior to development commencing, the following details associated with the proposed estate streets, as shown on the preliminary site layout plan ref.

21/6320/12 rev. B, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Geometric design of the street layout, including widths, radii, and horizontal and vertical alignment;
- Surface treatments;
- Junction visibility and forward visibility splays, and their treatment;
- Swept paths for the Kirklees Design Refuse vehicle and delivery vehicles;
- Street tree locations and species to be planted;
- Road markings;
- A 'highway areas plan' that confirms the extent of proposed highways (intended to be either adopted or privately maintained), including all streets and public footpaths / cycle-tracks and shared private drives;
- A Stage 1 Road Safety Audit (RSA) based on an Approved RSA Brief, Designers Responses and Agreed RSA Actions, covering all aspects of these works; and
- A phasing plan for the implementation of the street.

The estate streets shall be implemented in accordance with the approved details and thereafter retained and maintained.

**Reason:** To ensure the free and safe use of the highway, in the interest of highway safety and amenity, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure the design has been agreed at an appropriate stage of the development process.

16. Prior to development commencing, a detailed scheme for the provision of a right turn lane from Huddersfield Road into the site and associated signing and white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, drainage, kerbing, white lining, signing, surface finishes and street lighting together with an independent Safety Audit covering all aspects of the work. All of the agreed works shall be implemented before any part of the development is first brought into use and shall be retained thereafter.

**Reason:** To ensure the free and safe use of the highway and to achieve a satisfactory layout, in the interest of highway safety and amenity, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure the design has been agreed at an appropriate stage of the development process.

#### Prior to above ground works commencing

17. Prior to above ground works commencing, 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, 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 shall be retained so thereafter.

**Reason:** To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan.

18. Prior to above ground works commencing, a scheme restricting the rate of surface water discharge from the site to a maximum of 3.5l/s directly or indirectly to the river Calder shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30-year critical storm with an appropriate allowance for climate change as a minimum requirement. Additional flows and volumes generated in excess of the critical 1 in 30 plus climate change event, up to and including the critical 1 in 100-year storm events, also with an allowance for climate change, shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part 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 until such a time that it is formally adopted by the Statutory Undertaker.

**Reason:** To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan.

19. 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 plan shall demonstrate how a minimum of 1.68 habitat units and 0.08 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 five-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 include details of the legal and funding mechanisms by which the long-term implementation of the BEMP shall be secured by the developer with the management body responsible for its delivery. 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. The approved BEMP will be implemented in accordance with the approved details.

**Reason:** In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan.

20. Prior to above ground works commencing, a Crime Mitigation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall detail the development's measures to mitigate and protect from crime, having due regard to boundary treatment, lighting, glazing specification, means of locking, alarms, and vehicle storage. Thereafter the development shall be undertaken in accordance with the approved details, prior to the occupation of the approved dwellings.

**Reason:** To mitigate the harmful impacts of crime, and the perception of crime, in the interest of residential amenity and to comply with Policy LP24 of the Kirklees Local Plan.

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

- a) Planting plans;
- b) Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment;
- c) Schedules of plants noting species, planting sizes and proposed numbers/densities;
- d) Details of street trees, to include tree pit details;
- e) Details, to include typical elevations and materials, of any proposed retaining structures;
- f) Details of materials to be used for all hard surfaced areas including linking paths, vehicle and other circulation areas (excluding highway);
- g) Assessment of landscaping impact on public sewer infrastructure;
- h) Details of an implementation and maintenance programme for all landscaping works, for a minimum five-year period, including any existing trees to be retained on site;
- i) Details of implementation phasing of landscaping works; and
- j) Details of maintenance responsibility for the Public Open Space (POS), and any play or trim trail equipment, play features, safety surfacing and playable space, including details of initial safety inspections and long-term maintenance and management of any equipment or playable space, including safety inspection regime/programme.

All 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. 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 an acceptable landscape scheme, to ensure a good quality development, in accordance with Policy LP24 of the Kirklees Local Plan.

#### Prior to specific trigger

22. Prior to their use, details of all facing and roofing materials, to include artificial stone walling and blue slate tiles to the roofs, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be built in accordance with the approved materials and retained thereafter.

**Reason:** In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan and Principles 2 and 13 of the Housebuilders Design Guide SPD.

23. Prior to their installation, details / samples of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Windows shall be set back a minimum of 100mm into the reveal. The development shall thereafter be built in accordance with the approved details and retained thereafter.

**Reason:** In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan and Principles 2 and 13 of the Housebuilders Design Guide SPD.

24. Prior to the installation of windows or the erection of boundary treatment, a report 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) 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 and gardens (daytime), bedrooms (nighttime) and other habitable rooms of the development; and
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

Thereafter, the development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

**Reason:** To protect the amenity of occupiers of the proposed development from noise or disturbance, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

#### Prior to the occupation of dwellings

25. 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 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.

26. Prior to the occupation of the hereby approved dwellings, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to, and approved in writing by, the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

**Reason:** In the interest of ensuring the development is safe for occupation, giving due regard to historic coal legacy, in accordance with Policy LP53 of the Kirklees Local Plan.

27. Prior to the occupation of the hereby approved dwellings, a strategy for the permanent closure and making good for the existing access onto Huddersfield Road shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include any redundant footway crossings being removed and the footway reinstated. Thereafter, prior to the occupation of any dwellings, the approved works shall be implemented in full, and thereafter retained.

**Reason:** In the interests of highway safety, to avoid any danger and inconvenience to highway users in accordance with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

28. Prior to the occupation of the hereby approved dwellings, the approved vehicle parking areas and private driveways for that dwelling shall be surfaced and drained in accordance with "Guidance on the permeable surfacing of front gardens (parking areas)", 13/05/2009 (ISBN 9781409804864) as amended or superseded, and shall thereafter be retained.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout in accordance with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

29. Prior to the occupation of the hereby approved dwellings, a waste storage and collection strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall confirm the location and layout of the dedicated waste storage area(s), whether a separate collection point is proposed and its location, arrangements for the collection and removal of the

waste, along with any proposed screening. Prior to occupation, the development shall be implemented in accordance with the approved scheme and shall thereafter be retained.

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

30. Prior to the occupation of the hereby approved dwellings, or prior to the installation of any boundary treatment, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The details shall include typical elevations, sections and details of levels pursuant to the proposed boundary treatments. Thereafter the development shall be undertaken in accordance with the approved details, prior to the occupation of the dwellings, and the approved details shall be retained thereafter.

**Reason:** In the interests of visual amenity, and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

31. Prior to the occupation of the hereby approved dwellings, and following completion of any measures identified in the approved Remediation Strategy pursuant to condition 8 (or any approved revised Remediation Strategy) a Verification Report in respect of those remediation measures by a suitably competent person 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 the National Planning Policy Framework.

32. Prior to the occupation of the hereby approved dwellings, an electric vehicle recharging point shall be installed within each respective dwelling's dedicated parking area. 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 Policies LP24 and LP51 of the Kirklees Local Plan.

#### Ongoing requirements

33. 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 of Part 2 of Schedule 2 to that Order, including erecting a means of enclosure (including gates) shall be carried out within the extent of the site's shared access road, as shown on plan ref. 21/6320/11 rev. D.

**Reason:** In the interest of amenity and good design, to preserve the character and attractiveness of the area, and to promote healthy communities via community cohesion, in accordance with Policy LP24 of the Kirklees Local Plan.

#### **Note regarding hours of works**

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 15 (preliminary street design details)**

The discharge of the above condition does not constitute Technical Approval of the estate street works under Section 38 or 278 (or other relevant section) of the Highways Act 1980, for which separate approval is required from the Local Highway Authority.

### **Note pursuant to condition 25 (management of waste)**

This condition is required as the Waste Collection Authority will not enter construction sites, nor will they routinely enter private drives or unadopted streets. Therefore, should the applicant's intentions regarding the adoption of streets change from that considered at the planning approval stage, this may necessitate changes to the developments waste strategy and the facilities that have been agreed in principle, which may require applications to vary the approved plans. For further information regarding the Waste Collection Authority requirements, see the following guidance note:

<https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

### **Note regarding approved access**

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38 or 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the

works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

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 regarding off-site highway works**

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the works.

This process will involve entering into a Section 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Interference with the highway without such permission is an offence which could lead to prosecution.

### **Note regarding attenuation tanks/pipes**

All new storm water attenuation tanks/pipes/culverts 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 CS450- 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 must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or

HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

### **Note pursuant to ground contamination (conditions 7 – 9 and 31)**

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.

### **Note regarding Building Control**

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

### **Note pursuant to condition 24**

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.

### **Note pursuant to condition 32**

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 at least 16A (3.5kW) and have Type 2 socket outlet would 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.

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			07/10/2022
Grouped Plans and Elevations	21/6320/04	Rev. D	07/10/2022
Proposed Floor Plans	21/6320/08	Rev. D	07/10/2022
Proposed Elevations	21/6320/09		07/10/2022
Proposed Site / Block Layout	21/6320/10	Rev. F	08/08/2024
Proposed Landscaping Layout	21/6320/11	Rev. D	08/08/2024
Block Plan	21/6320/12	Rev. B	08/08/2024
Block Plan	21/6320/13	Rev. A	08/08/2024
Tree Constrains Plan			07/10/2022
Existing Site / Block Layout	6683/1		07/10/2022
Contamination Report	S11674-JNP-XX-XX-RP-G-0003		16/11/2022
Ecological/Biodiversity Statement	Preliminary Ecological Appraisal and BNG Feasibility Report	Rev. 2	02/11/2022
Ecological/Biodiversity Statement	Bat Survey Report	Rev. 1	13/10/2022
Ecological/Biodiversity Statement	Biodiversity Metric 3.0 Calculations		13/10/2022
Arboricultural Method Statement	18064-B/AJB		07/10/2022
Arboricultural Impact Assessment	18064-A/AJB		07/10/2022
Flood Risk Assessment	S11674-JNP-XX-XX-RP-C-0001	Rev. P01	07/10/2022
Transport Assessment	22003		07/10/2022
Arboricultural Survey	18064/AJB		07/10/2022
Planning Statement			07/10/2022
Coal Mining Risk Assessment			07/10/2022

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.

**Report Dated:** 07/01/2025