



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

PLANNING PERMISSION FOR DEVELOPMENT

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

Application Number: 2022/62/93306/E

To: Nick Willock,
Robert Halstead Chartered Surveyor
Office G of H
Bridge Mills
Huddersfield Road
Holmfirth
HD9 3TW

For: JALAL RANA, LEYTON HOMES (MIRFIELD) LTD

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

ERECTION OF 11 DWELLINGS, FORMATION OF NEW ACCESS ROAD AND
ASSOCIATED LANDSCAPING AND OPEN SPACE

At: LAND ADJ, 894, HUDDERSFIELD ROAD, RAVENSTHORPE, DEWSBURY,
WF14 9HS

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

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

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

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

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

Plan Type	Reference	Version	Date Received
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.

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

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

Details Reserved by Condition

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

Development within a Coal Mining Area

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

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

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: <http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](#)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](#)

Digital Infrastructure: Fibre To The Property (FTTP)

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

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

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

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

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

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

Appeals to the Secretary of State

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

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

Purchase Notices

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

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

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

Dated: 10-Jan-2025

Signed:



David Shepherd
Executive Director for Place

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

dc.admin@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

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