

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	2023/70/91472/E
Site Address:	adj, 115, Westfield Lane, Wyke, BD12 9LY
Description:	Variation of conditions 9, 11, 12, 22, 23, 25, 27, 29, 30, 33, 34 and 38 of previous outline permission 2020/90436 for the demolition of one dwelling and erection of residential development and associated works with details for access
Recommending Officer:	Callum Harrison

DECISION – Variation of Conditions – 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: 22-Jun-2023

Officer Report

Application ref: 2023/91472

Address: 115 Westfield Lane (and adjacent land), Wyke, BD12 9LY

Proposal: Variation of conditions 9, 11, 12, 22, 23, 25, 27, 29, 30, 33, 34 and 38 of previous outline permission 2020/90436 for the demolition of one dwelling and erection of residential development and associated works with details for access.

Site Description

The application site consists of the dwelling at 115 Westfield Lane, Wyke, which is a substantial detached stone-built bungalow building with a two-storey element that utilises the topography, set within a large landscaped curtilage. Historic OS Maps show that the bungalow was developed between 1922 and 1931, and known as “Fieldhead”. The building is not listed or within a conservation area.

The application site measures 0.691 hectares in size and slopes downhill by approximately 7m from northeast to southwest. The site is accessed from Westfield Lane. The site is surrounded by a variety of both conifer and broadleaf trees and bordered on the south and east by a large tree group of mixed species. There are a number of Tree Preservation Orders found along the site’s eastern and southern boundaries, as well as two groups of Tree Preservation Orders along the site’s northern boundary.

A Public Right of Way (PROW) SPE/31/10 follows a route outside the site’s eastern boundary, separated by a palisade fence. Beyond the PROW there is a cul de sac of recently developed two-storey detached dwelling houses. Beyond the site boundary to the northwest there are large dwelling houses set within large garden curtilages fronting onto Westfield Lane. Beyond the boundary to the south there are a mixture of house types set within fairly spacious plots associated with Brookfields Road. Beyond the boundary to the west there are open views of fields that form part of the adjacent green belt

Description of Proposal

The application is seeking permission for the variation of conditions 9, 11, 12, 22, 23, 25, 27, 29, 30, 33, 34 and 38 of previous outline permission 2020/90436 for the demolition of one dwelling and erection of residential development and associated works with details for access. All of these conditions are pre-commencement conditions.

The applicant wishes to reword the trigger point of these conditions to allow for the demolition of the bungalow. The applicant’s agent proposed the rewording to be as follows: “No development shall commence except for the demolition of the existing dwelling house until...” (or similar).

The reason for the application to vary the wording is to allow for early demolition. The applicant alleges that the site has been subject to vandalism and break-ins and deem that the early demolition would make the site safer.

History of Negotiations

Prior to submission of the application, the agent contacted the council to assess their options for demolition with regard to the pre-commencement conditions. The council then informed the agent that they would have to apply to vary the wording of the conditions to do so. There have not been any negotiations since the application was submitted.

Relevant Planning History

2007/90862 – Demolition of dwelling and erection of 20 dwellings with garages – Refused.

2020/90436 – Outline application for the demolition of one dwelling and erection of residential development and associated works with details for access – Approved.

2023/90909 – Reserved matters application pursuant to outline permission 2020/90436 for demolition of 1 dwelling and erection of residential development and associated works with details for access – Undetermined.

2023/90915 – Discharge of conditions 6, 7, 8, 9, 10, 12, 13, 14, 21, 22, 24, 27, 29, 30, 32, 33, 34, 35, 38 of previous outline permission 2020/90436 for demolition of 1 dwelling and erection of residential development and associated works with details for access – Undetermined.

Representations

Final publicity date expired: 21st June 2023.

One representation was received, which was an objection. This has been summarised as follows:

- Dispute the reason for the variation of condition.
- Consider that demolition should not be allowed prior to the conditions being met on grounds of trees, ecology, highway safety, amenity and waste.

Consultation Responses

- KC Highways (informal response) – No objection.
- KC Trees (informal response) – No objection subject to securing a tree protection plan.
- KC Environmental Health (informal response) – No objection.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). The site is unallocated in the Kirklees Local Plan.

Kirklees Local Policy and Guidance:

Kirklees Local Plan

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP21 – Highways and access
LP24 – Design
LP27 – Flood Risk
LP28 – Drainage
LP30 – Biodiversity and Geodiversity
LP32 – Landscape
LP33 – Trees
LP51 – Local Air Quality
LP52 – Protection and improvement of environmental quality

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. They are now being considered in the assessment of planning applications, with full weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs are applicable:

- Biodiversity Net Gain Technical Advice Note
- Highway Design Guide SPD
- Housebuilders Design Guide SPD

National Policies and Guidance: National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications:

National Planning Policy (NPPF):

National Policies and Guidance: National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 8 – Promoting Healthy and Safe Communities

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the natural environment

Assessment

Principal of Development

No amendments are proposed to the actual scheme. The only issue that falls to be considered therefore is whether the variation of conditions requested by the applicant would have any implications for the development according with the relevant local and national policy and guidance. As such, the principle of residential development at this site is still considered acceptable.

Impact of the Proposed Variation

The key question in terms of this assessment is as to whether each condition passes the six tests of the conditions if applied to the demolition element alone. Furthermore, it must be assessed as to whether any material harm would be caused in relation to other planning matters, if demolition is permitted before to the information sought by the conditions is submitted. To best assess the case, this question is to be applied to each condition individually in the commentary below.

Condition 9 – temporary surface water drainage scheme

‘9. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

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

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

Reason: *To ensure the provision of adequate temporary means of drainage, in the interests of amenity, environmental well being and to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.'*

Condition 9 seeks a temporary surface water drainage scheme for the construction phase, after soil and vegetation strip stage, as specifically stated in the condition wording. As such, the demolition of the building is prior to the soil and vegetation strip stage and therefore it is not necessary for the condition to be met prior to the demolition works occurring. Furthermore, the demolition of the building would not represent a drainage risk as it would potentially create more permeable surface for the water to spread over. As such, this condition can be varied as per the applicant's request.

Condition 11 - Landscape Maintenance Schedule

'11. No development shall take place until a comprehensive schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method of site improvement,

- Where relevant removal of weed species,*
- ground preparation and details of new tree and shrub planting and maintenance, and*
- timescales and arrangements for its implementation.*

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.

Reason: *To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Policies LP24, LP32 and LP33, as well as Chapter 15 of the National Planning Policy Framework.*

This is a pre commencement condition to secure the necessary landscape maintenance scheme at the appropriate time in the development process.'

This condition relates to the end landscaping. It makes no material difference whether the details are submitted before or after the demolition of the dwelling. Furthermore, given it relates to the end landscaping, which would be carried out after the dwellings are constructed, it is unreasonable as per the six tests for conditions to have it as a pre-commencement condition. Now the council has received a reserved matters application, it is clear to see that there is sufficient space for landscaping and it would not be a retrofitted, poor quality finish. A suitable Landscape Maintenance Schedule can clearly be

achieved prior to the occupation of the dwelling, as such, the condition shall be varied to reflect this.

Condition 12 - Arboricultural Method Statement (AMS)

'12. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: *So as to protect to viability of the protected mature trees and to protect trees in the interests of visual amenity in accordance with Policy LP33 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.*

This is a pre commencement condition to ensure the proposed development does not have an adverse impact on the existing trees which are worthy of retention.'

The variation would permit works to demolish the existing dwelling only. If the condition was varied, it would not permit any works to the access or any works close to protected trees until the AMS was submitted. As such, the demolition is highly unlikely to have any impact on protected trees. The submitted Tree Protection Plan shows a protective barrier to be fitted across the site. It also proposed a 'cellweb' no-dig surfacing in root protection areas. These measures would suitably protect the trees during the demolition stage. As such, it is considered acceptable to vary the condition as per the application. This is subject to a new condition to ensure these measures are implemented while the works take place.

Condition 22 – Affordable Housing

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

- a) The number and type of affordable housing units to be provided;*
- b) The layout and disposition of the units' affordable housing to be provided;*
- c) The timescale for the implementation and completion of the affordable housing units; and*
- d) The mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.*

Reason: *To ensure the provision of affordable housing in accordance with the requirements of Policy LP11 of the Kirklees Local Plan, and Chapter 5 of the National Planning Policy Framework.*

This is a pre commencement condition to ensure the approved development delivers the necessary affordable housing.'

The reserved matters application proposes 20% affordable housing. Information for points a-d have also been submitted. Also, demolition of the dwelling only has no material impact on securing affordable housing. As such, this condition can be varied also.

Condition 23 – Public Open Space (POS)

'23. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of publicly-accessible open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:

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

Reason: *To ensure the provision of open space to serve the development and in accordance with Policy LP63 of the Kirklees Local Plan, and Chapter 8 of the National Planning Policy Framework.*

This is a pre commencement condition to ensure the approved development delivers the necessary Public Open Space'.

The reserved matters application is working to secure POS or a financial contribution to off-site POS. As with condition 22, the demolition of the dwelling only has no material impact on securing POS. As such, the condition can be varied as proposed.

Condition 25 – Temporary Waste Collection

'25. Before development commences, details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction, shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter until the development site is fully complete.

Reason: *In the interests of amenity and highway safety, to comply with the Council's sustainability objectives, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as Chapter 9 and 12 of the National Planning Policy Framework.*

This is a pre commencement condition to ensure that the necessary waste storage and collection facilities are provided throughout the proposed development.'

The purpose of this condition is to ensure early occupants of the development have their waste collected before the site is full completed. The demolition of the existing dwelling only has no impact on the purpose of this condition, as it will not lead to any dwellings being occupied. As such, the condition can be varied as proposed.

Condition 27 - Construction Management Plan

'27. Prior to the commencement of development (including demolition and ground works) a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include a timetable of all works, details of point(s) of access for construction traffic, vehicle sizes and routes, times of vehicle movements, parking for construction workers, signage, pre-development road condition surveys, wheel washing facilities within the site, lighting during construction works, hours of working, details of dust, noise and vibration suppression measures. The development shall be carried out strictly in accordance with the CMP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.

Reason: *In the interests of amenity and highway safety, and to accord with Policies LP21 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure appropriate measures to protect amenity and maintain highways safety are agreed at an appropriate stage of the development process.'*

If an application was submitted solely for the demolition of the existing dwelling, it is highly unlikely this condition would be applied as it would be deemed excessive and unreasonable.

It is not considered that the demolition of the building would cover a long time period, nor cause any significant material harm. The dwelling is built in good quality stone which retains notable monetary value if carefully handled for salvage. It is unlikely the demolition methods would be aggressive and disruptive.

Furthermore, condition 28 of the outline permission restricts the hours of noisy construction to between the hours of 07.30 to 18.30 hours Mondays to Fridays, 08.00 to 13.00 hours on Saturdays with no noisy activities on Sundays or Public Holidays. Beyond that, KC Environmental Health has powers under the Environment Act to stop harmful works with regard to the noises covered by the condition. These measures are proportionate for the demolition part of the scheme. Officer deem that it would be wholly unreasonable to apply the condition to the demolition phase. As such, the condition can be varied as applied for.

Condition 29 – Retaining Walls

‘29. Before any development commences, a scheme detailing the location, design and construction details for all new retaining walls/ building retaining walls adjacent to the existing/ proposed adoptable highway, including cross sectional information shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented, in accordance with a programme agreed with the Local Planning Authority and thereafter retained during the life of the development.

Reason: *In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan as well as Chapter 9 of the National Planning Policy Framework.*

This pre-commencement condition is necessary to ensure that access to the site is designed and approved at an appropriate stage of the development process.’

The proposed variation does not seek any works to any retaining walls whatsoever. As such, this condition can be varied as applied for.

Condition 30 – Internal Highways

‘30. No development shall take place until a scheme detailing the proposed internal highways have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location and cross sectional information together with the proposed design and construction details of drainage works (new surface water attenuation tanks/pipes/manholes), street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The approved scheme shall be completed in accordance with a programme agreed with the Local Planning Authority and thereafter the approved works shall be retained for the lifetime of the development.

Reason: *In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.*

This is a pre-commencement condition to create a safe and accessible estate road network at an appropriate stage of the development process.’

The proposed demolition does not have any impact on the proposed internal highways whatsoever. A suitable design can still be made post demolition. As such, this condition can be varied as applied for.

Condition 33 – Sustainable Transport’

‘33. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of measures to address highways impacts and to encourage the use of sustainable modes of transport have been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure residents of the development are encouraged to use sustainable forms of transport and to mitigate the highway impacts of the development in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework.*

This is a pre commencement condition to ensure the approved development delivers the necessary highway safety and modes of sustainable transport measures.'

The proposed demolition does not have any impact on encouraging sustainable transport whatsoever. A suitable design can still be made post demolition. As such, this condition can be varied as applied for.

Condition 34 – Works to the Access

'34. Prior to the commencement of development a scheme detailing the layout, construction specification, and programme of works for the access to the development, visibility splays, internal roads, footways, turning areas to accommodate an 11.85m refuse vehicle, and all associated works, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved works have been implemented. Thereafter the approved works shall be retained for the lifetime of the development.

Reason: *In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.*

This pre-commencement condition is necessary to ensure that access to the site is designed and approved at an appropriate stage of the development process.'

The proposed demolition can be carried out using the existing access. The access does not need to be improved to facilitate this. All necessary works to the access can still be designed and completed post-demolition. As such, this condition can be varied as applied for.

Condition 38 – Construction Environment Management Plan

'38. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- *Risk assessment of potentially damaging construction activities.*
- *Identification of "biodiversity protection zones".*
- *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).*
- *The location and timing of sensitive works to avoid harm to biodiversity features.*
- *The times during construction when specialist ecologists need to be present on site to oversee works.*
- *Responsible persons and lines of communication.*

- *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- *Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority

Reason: *To prevent significant ecological harm and to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.*

This is a pre commencement condition to ensure the proposed development does not have an adverse impact on biodiversity.'

The demolition of the house is on hardstanding land with no ecological value. Furthermore, a bat survey and EclA has been conducted prior to this application. No presence of bats was found. The demolition is also not deemed a potentially damaging construction activity given its location on the hardstanding part of the site. Also, if any protected species are found, works legally must cease immediately. As such, this condition can be varied as applied for.

Conditions

As this is an application under Section 73 of Town and Country Planning Act 1990 it will, in effect, be a new permission.

Planning practice guidance (The Use of Conditions) confirms that the original planning permission will continue to exist whatever the outcome of the application under Section 73 and that the conditions imposed on the original permission still have effect unless they have been discharged.

The Planning Practice Guidance also confirms that for the purpose of clarity, decision notices for the grant of planning permission under Section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect (Paragraph: 040 Reference ID: 21a-040-20190723).

The remaining conditions from planning permission 2021/93190 should therefore be repeated.

Section 106 Matters

Outline permission ref: 2020/90436 was not subject to a Section 106 agreement, therefore a Section 106 Deed of Variation is not required in connection with this current Section 73 application.

Conclusion and Recommendation

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the Development Plan, the National Planning Policy Framework and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for **approval**, subject to the imposition of the conditions.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

As the variation only allows for demolition, officers consider that it would be unreasonable to apply all of these conditions to the demolition works only. On matters to do with Trees and Ecology, the agent has submitted sufficient information and proposed mitigation measures to address these matters through the demolition. Permitting the demolition alone is not considered to cause any material harm which is not mitigated by other, unaltered conditions.

This application has been assessed against relevant policies in the Development Plan, the National Planning Policy Framework and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for **approval**, subject to the imposition of the conditions.

Conditions and Reasons

1. Prior to the commencement of development, plans and particulars of the Reserved Matters relating to appearance, landscaping, layout and scale (hereinafter called the "Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the Reserved Matters so approved.

Reason: No details of the matters referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.

This pre-commencement condition is necessary to ensure that Reserved Matters are approved at an appropriate stage of the development process.

2. Plans and particulars of the Reserved Matters referred to in Condition 1 above, relating to the appearance, layout, scale, and landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any Reserved Matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. 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.

6. The Reserved Matters referred to in Condition 1 shall be accompanied by an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental wellbeing and to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7. The Reserved Matters referred to in Condition 1 shall be accompanied by a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests and associated soakaway design, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained throughout the lifetime of the development. No additional surface water drainage works, or deviation from the approved drainage scheme, shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with and to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

8. Prior to the development being brought into operation, details of the operation, maintenance and management of the surface water drainage infrastructure shall be submitted to and approved in writing with the Local Planning Authority. Details shall include adoption proposals of any adoptable structures, as necessary. The development shall thereafter be operated, managed and maintained at all times for the lifetime of the development, or up to the point of adoption, in accordance with the approved details.

Reason: To deliver effective sustainable drainage systems that will be operated, maintained and managed for the lifetime of the development that it will serve, in accordance with Policies LP27, LP28 and LP34 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

9. No development shall commence except for the demolition of the existing dwellinghouse until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

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

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

Reason: To ensure the provision of adequate temporary means of drainage, in the interests of amenity, environmental wellbeing and to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage and so as to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

11. No development shall commence except for the demolition of the existing dwellinghouse until a comprehensive schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the method of site improvement,

- Where relevant removal of weed species,
- ground preparation and details of new tree and shrub planting and maintenance, and
- timescales and arrangements for its implementation.

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Policies LP24, LP32 and LP33, as well as Chapter 15 of the National Planning Policy Framework.

This is a pre commencement condition to secure the necessary landscape maintenance scheme at the appropriate time in the development process.

12. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority before development commences except for the demolition of the existing dwellinghouse. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: So as to protect to viability of the protected mature trees and to protect trees in the interests of visual amenity in accordance with Policy LP33 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

This is a pre commencement condition to ensure the proposed development does not have an adverse impact on the existing trees which are worthy of retention.

13. The Reserved Matters referred to in Condition 1 shall be accompanied by supporting ecological information in the form of an Ecological Impact Assessment (EclA). The EclA shall be informed by the PEA and Bat surveys

and demonstrate how the proposals will deliver a measurable biodiversity net gain of at least 10%. The submitted information shall include the following:

- Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- The pre-development biodiversity value of the onsite habitat, measured using the Biodiversity Metric 2.0 (or latest version, if available);
- The post-development biodiversity value of the onsite habitat, measured using the Biodiversity Metric 2.0 (or latest version, if available); and
- Details of any offsite habitat enhancement required to achieve a biodiversity net gain, including pre-development and target biodiversity value.

Reason: To ensure significant ecological harm is prevented and that a final scheme provides a biodiversity net gain in accordance with the NPPF and Policy LP30.

This is a pre-commencement condition to ensure the scheme design is able to account for the baseline ecological value of the site and so can be designed in accordance with the ecological mitigation hierarchy, as required under Policy LP30.

14. If in the event that an application for Reserved Matters is not made within two years of the date of the survey undertaken to determine the presence or likely absence of roosting bats, (as submitted in support of the outline application and dated 26th May 2020, the following shall be submitted to the Local Planning Authority. Either:

- evidence that no buildings on site have greater than negligible potential to support roosting bats; or
- a report detailing the results of nocturnal survey for bats, sufficient to determine presence or likely absence of bat roosts, commensurate with the potential of the features on site to support roosting bats. All surveys and reporting shall be undertaken in accordance with relevant national good practice guidelines.

Reason: To ensure that sufficient information is available to the Local Planning Authority at Reserved Matters stage to enable an assessment of likely impacts to European protected species, in accordance with government circular 06/2005, Policy LP30 of the Kirklees Local Plan, as well as Chapter 15 of the National Planning Policy Framework.

15. Groundworks (excluding demolition of the existing dwellinghouse) shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

16. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 15. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

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

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures agreed at an appropriate stage of the development process.

18. Prior to the first occupation of any part of the dwellings hereby approved, electric vehicle charging points shall be provided for that part of the development. One charging point shall be provided per unit where dwellings have dedicated parking. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The charging points shall be retained thereafter.

Reason: To ensure residents of the development are encouraged to use low carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, Chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

19. The Reserved Matters referred to in Condition 1 shall include details of the proposed realignment of the fence adjacent to public footpath SPE/31/10 (Spenborough 31) within the Eastern boundary of the site. Details shall be submitted to and approved in writing by the Local Planning Authority. The line of fence hereby approved shall be implemented in accordance with the agreed details that will include timing of the proposed re-alignment. The realigned fence shall be retained thereafter.

Reason: For the convenience of all those using the Public Right of Way and to accord with Policies LP23 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

This is a pre commencement condition to ensure the proposed development does not have an adverse impact on the users of the existing Public Rights of Way.

20. No development shall commence except for the demolition of the existing dwellinghouse, until arrangements for the provision of affordable housing within the development have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:

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

Reason: To ensure the provision of affordable housing in accordance with the requirements of Policy LP11 of the Kirklees Local Plan, and Chapter 5 of the National Planning Policy Framework.

This is a pre commencement condition to ensure the approved development delivers the necessary affordable housing.

21. No development shall commence except for the demolition of the existing dwellinghouse until arrangements for the provision of publicly-accessible open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:

- The layout and disposition of the open space;
- The timescale for the implementation and completion of the works to provide the open space;
- The mechanism for ensuring that the open space will be available for public use in perpetuity; and
- Maintenance of the open space in perpetuity.

Reason: To ensure the provision of open space to serve the development and in accordance with Policy LP63 of the Kirklees Local Plan, and Chapter 8 of the National Planning Policy Framework.

This is a pre commencement condition to ensure the approved development delivers the necessary Public Open Space.

22. The Reserved Matters referred to in Condition 1 shall include details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of amenity and highway safety, to comply with the Council's sustainability objectives, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as Chapter 9 and 12 of the National Planning Policy Framework.

23. No development shall commence except for the demolition of the existing dwellinghouse until details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction, shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter until the development site is fully complete.

Reason: In the interests of amenity and highway safety, to comply with the Council's sustainability objectives, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as Chapter 9 and 12 of the National Planning Policy Framework.

This is a pre commencement condition to ensure that the necessary waste storage and collection facilities are provided throughout the proposed development.

24. The development shall not be brought into use until the sightlines of 2.4metres x 43 metres shown on the approved plans are cleared of all obstructions to visibility exceeding 1 m in height. These sightlines shall be retained free of any such obstruction throughout the lifetime of the development.

Reason: In the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

25. Prior to the commencement of development (except for the demolition of the existing dwellinghouse) (including demolition and ground works), a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include a timetable of all works, details of point(s) of access for construction traffic, vehicle sizes and routes, times of vehicle movements, parking for construction workers, signage, pre-development road condition surveys, wheel washing facilities within the site, lighting during construction works, hours of working, details of dust, noise and vibration suppression measures. The development shall be carried out strictly in accordance with the CMP so approved throughout the period of construction and no change therefrom shall take place without the

prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.

Reason: In the interests of amenity and highway safety, and to accord with Policies LP21 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure appropriate measures to protect amenity and maintain highways safety are agreed at an appropriate stage of the development process.

26. Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays, 08.00 to 13.00 hours Saturdays, with no noisy activities on Sundays or Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP21 and LP24 of Kirklees Local Plan as well as Chapter 15 of the National Planning Policy Framework.

27. No development shall commence except for the demolition of the existing dwellinghouse until, a scheme detailing the location, design and construction details for all new retaining walls/ building retaining walls adjacent to the existing/ proposed adoptable highway, including cross sectional information has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented, in accordance with a programme agreed with the Local Planning Authority and thereafter retained during the life of the development.

Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan as well as Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that access to the site is designed and approved at an appropriate stage of the development process.

28. No development shall commence except for the demolition of the existing dwellinghouse until a scheme detailing the proposed internal highways has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location and cross sectional information together with the proposed design and construction details of drainage works (new surface water attenuation tanks/pipes/manholes), street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The approved scheme shall be completed in accordance with a programme agreed with the Local Planning Authority and thereafter the approved works shall be retained for the lifetime of the development.

Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.

This is a pre-commencement condition to create a safe and accessible estate road network at an appropriate stage of the development process.

29. The sole means of vehicular ingress to and egress from the site shall be gained from and to Westfield Lane by no more than 15 dwelling houses, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20, P21 and LP24 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.

30. Prior to occupation of the development, a Travel Plan which shall set out measures to discourage the use of high-emission vehicles and encourage the use of public transport, cycling and walking, as well as the uptake of low emission fuels and technologies, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure residents of the development are encouraged to use sustainable forms of transport and to mitigate the highway and air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

31. No development shall commence except for the demolition of the existing dwellinghouse until arrangements for the provision of measures to address highways impacts and to encourage the use of sustainable modes of transport have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure residents of the development are encouraged to use sustainable forms of transport and to mitigate the highway impacts of the development in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework.

This is a pre commencement condition to ensure the approved development delivers the necessary highway safety and modes of sustainable transport measures.

32. Prior to the commencement of development, excluding the demolition of the existing dwellinghouse, a scheme detailing the layout, construction specification, and programme of works for the access to the development, visibility splays, internal roads, footways, turning areas to accommodate an 11.85m refuse vehicle, and all associated works, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved works have been implemented. Thereafter the approved works shall be retained for the lifetime of the development.

Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that access to the site is designed and approved at an appropriate stage of the development process.

33. The Reserved Matters referred to in Condition 1 shall include a report of findings arising from intrusive site investigations which have been carried out

on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: To minimise risk associated with the area's mining legacy in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that the site's mining legacy is appropriately considered and the necessary mitigation measures are carried out at an appropriate stage of the development process.

34. Where the findings of the intrusive site investigations (required by condition 33 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: To minimise risk associated with the area's mining legacy in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that the site's mining legacy is appropriately considered and the necessary mitigation measures are carried out at an appropriate stage of the development process.

35. Following implementation and completion of the approved remediation scheme (required by condition 34 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Reason: To minimise risk associated with the area's mining legacy in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

36. No development shall commence except for the demolition of the existing dwellinghouse (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of "biodiversity protection zones";
- 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);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;

- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority

Reason: To prevent significant ecological harm and to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This is a pre commencement condition to ensure the proposed development does not have an adverse impact on biodiversity.

37. Prior to demolition of the existing dwellinghouse, protective fencing shall be erected in complete accordance with document titled 'Demolition Stage Tree & Root Protection' received on 20th June 2023. This fencing shall then be retained thereafter until demolition is completed.

Reason: To prevent any harm to protected trees and to accord with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: Where conditions state 'except for the demolition of the existing dwellinghouse', this relates to the superstructure of the dwelling only. Any other works shall represent a breach to the conditions set out above.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents. CLC 7 Contaminated land - Footnote All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is, however more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower

number of charging points may be acceptable. The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980

NOTE: All new storm water attenuation tanks/pipes/culverts/manholes with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with BD63- Inspection of Highway structures. Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate. For further information please contact Farhad Khatibi, Structures, 01484 221000.

NOTE: Section 38 road adoption by Kirklees as a Highway Authority cannot take place unless sewerage located under the carriage way is adopted first. Therefore, all structures under an adoptable carriageway would need to meet the standards as set out by the statutory undertaker, including but not limited to Design & Construction Guidance* and Yorkshire Water local guidance and any subsequent updates.

NOTE: As part of a Section 106 agreement the Council are required to ensure the site is managed in a safe and suitable way up until adoption by a regulatory body. This requirement should also apply to drainage on the site, during the build out a management and maintenance plan including responsible management company must be secured. This should be enforced until adoption and continued for the life of the development if adoption fails. Adoption can fail at any step in the development process from concept design to site inspection post construction. *Design & Construction Guidance has replaced 'Sewers for Adoption' giving provision for Sewerage Undertakes to adopt SuDS features and facilities.

NOTE: Public footpath number SPE31-10 (Spenborough 31), which abuts the site, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

NOTE: Details of proposed affordable housing and public open space provision should be submitted at Reserved Matters stage where the proposed details would have implications for layout.

Plans and specifications schedule:

Plan/document type	Reference	Version	Date received
Location Plan	PL001		11/02/2020
Existing Site Plan	PL002		11/02/2020
Proposed Site Access	AMA/20566/SK001		11/02/2020
Design and Access Statement (Vida Architects)	2019.042		11/02/2020
Planning Case Report (Johnson Mowat)			11/02/2020
Existing Photo Pack (Vida Architects)	2019.042		11/02/2020
Statement of Community Involvement (Johnson Mowat)			11/02/2020

Arboricultural Report	AWA3048		12/02/2020
Ecological Appraisal (Futures Ecology)			11/02/2020
Bat Emergence and Re-entry Surveys (Arbtech)			27/05/2020
Biodiversity Net Gain On-site baseline conditions (Futures Ecology)	FE02 / REH / JSE		12/05/2020
The Biodiversity Metric 2.0 – Calculation Tool			12/05/2020
Highway Support Statement (AMA)			11/02/2020
Proposed Underground Drainage Statement (Holdgate Consulting Ltd)	19-740	B	22/07/2020
'Demolition Stage Tree & Root Protection' (James Royston)	-	1	20/06/2023

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. No amendments were required or sought.