



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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2023/70/91472/E**

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**To:** Richard Mowat,  
Johnson Mowat  
Coronet House  
Queen Street  
Leeds  
LS1 2TW

**For:** Johnson Mowat

**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:-**

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

**At:** ADJ, 115, WESTFIELD LANE, WYKE, BD12 9LY

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**In accordance with the plan(s) and applications submitted to the Council on  
18-May-2023 [together with those plans and application(s) submitted to the  
Council on 13-Feb-2020 and incorporated into planning permission ref no.  
2020/60/90436/E granted on 02-Oct-2020] and subject to the condition(s) specified  
hereunder:-**

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 highway 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](mailto: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:

<b>Plan/document type</b>	<b>Reference</b>	<b>Version</b>	<b>Date received</b>
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.

**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.**

#### **Development within a Coal Mining Area**

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

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

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

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

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### **Digital Infrastructure: Fibre To The Property (FTTP)**

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

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

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

**To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at [carl.tinson@kirklees.gov.uk](mailto:carl.tinson@kirklees.gov.uk)**

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

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

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

### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or 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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
  - i) 28 days from the date of this notice where the enforcement notice has been served,
  - ii) 28 days of the date of service of the enforcement notice or,
  - iii) the specified period starting from 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 23-Jun-2023

Signed:



**David Shepherd**  
**Strategic Director Growth and Regeneration**

#### Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/70/91472/E .

If a paper copy of the decision notice or decided plans are required please email [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

**Write to:** Kirklees Council  
Planning and Development Service  
PO Box 1720  
Huddersfield  
HD1 9EL

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