

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2023/44/93464/W
Site Address:	Land at, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY
Description:	Discharge of conditions 4 (Phase II report), 5 (Remediation Strategy), 8 (Construction Environmental Management Plan), 9 (CEMP: Biodiversity), 10 (road condition survey), 11 (estate roads), 12 (Lingards Road footway), 13 (highway retaining walls), 14 (highway embankments), 15 (Stability Remediation Strategy), 16 (drainage infrastructure in highway), 17 (drainage scheme), 18 (flood routing), 19 (temporary drainage), 20 (Arboricultural Method Statement), 21 (bridge details), 22 (green retaining wall), 23 (Ecological Design Strategy), 24 (ecological measures), 25 (materials), 26 (footpath connections), 27 (landscaping), 28 (lighting), 29 (temporary waste arrangements), 30 (pedestrian improvements), 31 (pedestrian improvements) and 33 (cycle parking) of previous permission 2020/93954 for erection of 42 dwellings and associated works
Recommending Officer:	Nick Hirst

DECISION – Discharge of Conditions – Split Decision

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

Victor Grayson

AUTHORISED OFFICER

Date: 09-May-2024

Application: 2023/44/93464/W

Site: Land at, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY

Proposal: Discharge of conditions 4 (Phase II report), 5 (Remediation Strategy), 8 (Construction Environmental Management Plan), 9 (CEMP: Biodiversity), 10 (road condition survey), 11 (estate roads), 12 (Lingards Road footway), 13 (highway retaining walls), 14 (highway embankments), 15 (Stability Remediation Strategy), 16 (drainage infrastructure in highway), 17 (drainage scheme), 18 (flood routing), 19 (temporary drainage), 20 (Arboricultural Method Statement), 21 (bridge details), 22 (green retaining wall), 23 (Ecological Design Strategy), 24 (ecological measures), 25 (materials), 26 (footpath connections), 27 (landscaping), 28 (lighting), 29 (temporary waste arrangements), 30 (pedestrian improvements), 31 (pedestrian improvements) and 33 (cycle parking) of previous permission 2020/93954 for erection of 42 dwellings and associated works

Assessment

Condition 4 (Phase II report)

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

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

The submitted details have been reviewed and accepted by K.C. Environmental Health. Officers support this assessment, and it is recommended that condition 4 be discharged.

Condition 5 (Remediation Strategy)

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

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

The submitted details have been reviewed and accepted by K.C. Environmental Health. Officers support this assessment, and it is recommended that condition 5 be discharged.

The outcome of condition 5 activates the requirements of condition 6 and 7. It is recommended that this be noted on the decision notice.

Condition 8 (Construction Environmental Management Plan)

8. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- a) Any phasing of development and timetable of all works;
- b) Hours of works;
- c) Details of construction access arrangements;
- d) Construction vehicle sizes and routes;
- e) Numbers and times of construction vehicle movements;
- f) Locations of HGV waiting areas and details of their management;
- g) Parking for construction workers;
- h) Loading and unloading of plant and materials;
- i) Storage of plant and materials;
- j) Signage;
- k) Lighting during construction works;
- l) Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- m) Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- n) Street sweeping;
- o) Measures to control and monitor the emission of dust and dirt during construction;
- p) Site waste management, including details of recycling/disposing of waste resulting from construction works;

- q) Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;*
- r) Artificial lighting used in connection with all construction-related activities and security of the construction site;*
- s) Site manager and resident liaison officer contact details, including details of their remit and responsibilities;*
- t) Engagement with local residents and occupants or their representatives; and*
- u) Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).*

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: *In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.*

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

The submitted details have been reviewed by K.C. Highways, K.C. Environmental Health, and planning officers.

K.C. Highways and K.C. Environmental Health have confirmed that the submitted details are acceptable for their respective interests. Planning officers expressed the following concerns (with reference to the condition's subsections):

a) Phasing details are limited and while phase 1 is shown, the document states '*further phasing is not finalised at this time*'. The submission must be definitive on intended phasing. Plans should be provided per phase to address aspects of the CEMP (i.e., location of storage of plan and material, contractor parking per phase).

d) A plan showing routing from Manchester Road should be provided. Explicit reference to there being no access from Chain Road to the south of the site should be provided. Elaboration on the expected construction vehicles accessing the site should be provided and their numbers / frequency. Timings of vehicle movements should be provided and avoid aligning with school start / finish (which should be researched and confirmed in the report).

e) No details of typical expected vehicle movements or sizes have been provided.

g) Confirm number of contractor parking spaces and location. This should be per phase.

i) Regarding moving of materials, details of “SB site rules” should be provided. A plan of each phase and the location of plant and material store should be provided.

j) A plan showing the location of signage. Will directional signage be placed in the area for delivery drivers? If not, why. If so, where?

l) See comments from Lead Local Flood Authority.

m) Confirm location of the wheel washing station (per phase). Confirm method of capturing waste water.

n) Confirm criteria for when street sweepers will be activated.

q) “All deliveries will be organised for one hour after the starting day and before one hour before the end of the working day” is unclear and imprecise. Furthermore, one hour after the start of the day is 0830, which would likely conflict with local schools and commuter traffic. Elaboration and further consideration are required to avoid conflict with the busiest time in the local network.

s) A resident liaison contact should be provided. Details of remit and responsibility should be provided.

t) You have stated you will “set up a process and procedure for keeping the neighbouring occupiers informed of the process of the works and of any works or indeed any matters that might cause an inconvenience to occupiers”. What is the process / procedure?

u) A process of dealing with nearby developers has been provided. However, confirmation should be provided whether any local other developments have been identified at this time and the means to identify them.

In light of the above, the details submitted for condition 8 cannot be supported.

Condition 9 (CEMP: Biodiversity)

9. Prior to development commencing, (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following: a. Risk assessment of potentially damaging construction activities.

- a. Identification of “biodiversity protection zones”.*
- b. 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).*
- c. The location and timing of sensitive works to avoid harm to biodiversity features.*
- d. The times during construction when specialist ecologists need to be present on site to oversee works.*
- e. Responsible persons and lines of communication.*
- f. The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.*
- g. 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 ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan.*

This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

The submitted details have been reviewed and accepted by K.C. Ecology. Officers concur with this assessment and recommend that the details be approved.

The condition has an ongoing clause which prevents full discharge at this time. A note to this effect shall be placed on the decision notice.

Condition 10 (road condition survey)

10. Prior to development commencing, a survey of the condition of the surrounding road network shall be submitted to, and approved in writing by, the Local Planning Authority. Within one month of the development’s completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24hours from the applicant being notified by the Local planning Authority.

Reason: *Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan.*

This is a pre-commencement condition given the need to undertake a baseline assessment.

The submitted details have been reviewed and accepted by K.C. Highways. Officers therefore recommend that the initial part of condition 10 be approved, with the decision notice to outline the remaining requirements of the proposal.

Condition 11 (estate roads), 12 (Lingards Road footway), 16 (drainage infrastructure in highway), 13 (highway retaining walls), 14 (highway embankments), 15 (Stability Remediation Strategy), 21 (bridge details) 30 (pedestrian improvements), and 31 (pedestrian improvements)

11. Prior to development commencing, a scheme detailing the proposed internal estate roads be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be to an adoptable standard and include full sections, details of speed reducing features, construction specifications, drainage works, lighting, signage, white lining, surface finishes, and treatment of sightlines together with an independent safety audit covering all aspects of the works. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: *To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.*

This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

12. Prior to development commencing, notwithstanding the details shown on the approved plan(s), a scheme detailing the provision of a 2.0m wide footway to the Lingards Road frontage of the development site shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the proposed construction specification, surfacing, drainage, kerbing, the relocation of existing telegraph poles and street lighting columns, and associated highway works, with an independent Safety Audit covering all relevant aspects of the work. No dwelling shall be occupied until the approved scheme has been implemented.

Reason: *To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.*

This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

13. Prior to development commencing, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls / building retaining walls adjacent to the existing / proposed highways including footpath (COL/133/10) shall be submitted to, and approved in writing by, the Local

Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development. The development shall be undertaken in accordance with the approved details, which shall thereafter be retained.

Reason: *To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan.*

This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

14. Prior to development commencing, a scheme assessing the adequacy of the embankment which will be surcharged by the new development shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include an assessment statement, all necessary ground investigations on which assessment assumptions are based on, method statements for the removal of any bulk excavation together with a full slope stability analysis and structural calculations to verify the structural adequacy of the embankment.

Reason: *In the interest of protecting the safe use of the highway network, in accordance with policy LP21 of the Kirklees Local Plan.*

This is a pre-commencement condition to ensure appropriate investigation and remediation is undertaken to not risk the safe use of the public highway.

15. Prior to development commencing, where the ground investigations undertaken pursuant to condition 14 identified for the need for remedial measures to deal with instability issues, a Stability Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: *In the interest of protecting the safe use of the highway network, in accordance with policy LP21 of the Kirklees Local Plan.*

This is a pre-commencement condition to ensure appropriate investigation and remediation is undertaken to not risk the safe use of the public highway.

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

Reason: *To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan.*

This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

21. Prior to above ground works commencing, a scheme detailing the proposed design and construction details for the new bridge structure(s), including any wing walls, carrying the new access roads over the unnamed watercourse shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the new bridge structures shall be implemented in accordance with the approved details and shall thereafter be retained so.

Reason: To ensure acceptable design details of the bridge structures, in accordance with policy LP21 of the Kirklees Local Plan.

30. Prior to the occupation of the hereby approved dwellings, notwithstanding the details shown on the approved plan(s), a scheme detailing the improvement of pedestrian provisions between the junctions of Lingards Road and Nields Road, and Lingards Road and Manchester Road shall be submitted to, and approved in writing by, the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall include details of construction specification, surfacing, drainage, kerbing and any necessary Transport Regulation Orders and associated highway works, with an independent Safety Audit covering all relevant aspects of the work. No dwellings shall be occupied until the approved scheme has been implemented.

Reason: In the interests of mitigating highway impacts of the proposal, to ensure highway safety and compliance with LP21 of the Kirklees Local Plan.

31. Prior to the occupation of the hereby approved dwellings, notwithstanding the details shown on the approved plan(s), a scheme for the provision of pedestrian improvements along Lingards and Nields Road at the Springfield Avenue and Yew Tree Lane junctions shall be submitted to, and approved in writing by, the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall include details of the proposed construction specifications, white lining, signing, surface finishes, Traffic Regulation orders, with an independent Safety Audit covering all relevant aspects of the work. No dwellings shall be occupied until the approved scheme has been implemented.

Reason: In the interests of mitigating highway impacts of the proposal, to ensure highway safety and compliance with LP21 of the Kirklees Local Plan.

The above conditions all relate to works associated with the highway (either the existing highway or that proposed within the site) and are part of ongoing separate assessment / approval processes, including those under Section 38, Section 278, and Structures AIP. None of these processes have been concluded.

For planning purposes, the submitted details are unacceptable, pending either approval by the Local Highways Authority or updated details that demonstrate safe and effective arrangements. As it stands the submission has failed to demonstrate appropriate arrangements which would ensure the safety,

effectiveness, and efficiency of the existing highway and its users, or the new road to be constructed. Failure to provide an acceptable internal road would also affect the amenity of future occupiers.

Feedback on the various concerns either has been, or shall, be provided by the Local Highway Authority.

Condition 17 (drainage scheme)

17. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including agreed off site works, finalised surface water discharge limits agreed with the LLFA, attenuation design, catchment analysis and pipe design for land drainage to be agreed with LLFA, longitudinal sections, hydraulic calculations, existing drainage maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detail maintenance and management plan for surface water and land drainage incorporating a risk assessment and method statement. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

Reason: *In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.*

The submitted details have been reviewed but have not been accepted by the Lead Local Flood Authority, as detailed within their consultation response dated 20/12/2023. No further details have been provided in response by the applicant. Therefore, officers recommend against the approval of the submitted details.

Condition 18 (flood routing)

18. Prior to development commencing, an assessment of, and a design to mitigate, the effects of 1 in 100-year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: *In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.*

This is a pre-commencement condition to ensure the appropriate investigations and design work be undertaken before the site is materially changed.

The submitted details have been reviewed and accepted by the Lead Local Flood Authority. Officers support this assessment and recommend that the details be approved, with a note regarding ongoing compliance.

Condition 19 (temporary drainage)

19. Prior to development commencing, a strategy detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

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

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

Reason: *In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.*

This is a pre-commencement condition to ensure the appropriate investigations and mitigation be undertaken before the site is materially changed.

The submitted details have been reviewed but have not been accepted by the Lead Local Flood Authority, as detailed within their consultation response dated 20/12/2023. No further details have been provided in response by the applicant. Therefore, officers recommend against the approval of the submitted details.

Condition 20 (Arboricultural Method Statement)

20. Prior to development commencing and prior the installation of any drainage infrastructure, an Arboricultural Method Statement with Tree Protection Plan in accordance with British BS5837 shall be submitted to, and approved in writing by, the Local Planning Authority. The method statement shall include details on how the construction work, to include the installation of drainage features, will be undertaken with minimal damage to the adjacent 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 and protected trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan.*

This is a pre-commencement condition, given the need for adequate consideration of mitigation measures (again harm to trees) prior to works commencing on site.

The submitted details have been reviewed by K.C. Trees, who have expressed concerns. The following is a summary of the issues raised:

- The proposed protection fencing around T3 and T4 isn't acceptable. There is a requirement to protect the overhanging canopies of trees where they could be damaged by machinery, vehicles, barriers or scaffolding, where it will be necessary to increase the extent of the tree protection barriers to contain the canopy (BS5837:2012 5.2.3.e). It is likely the canopies of T3 and T4 will be vulnerable to damage by machinery and vehicles to a point that their canopy spread should be encompassed with default specification tree protection fencing as shown in Appendix 2: Protective Barrier of the AMS.
- Considering the trees T3 and T4 are within a POS and the value of T3, it would be good to protect the nominal RPA of the trees with fencing as shown in Appendix 2: Protective Barrier of the AMS and then treat it as sacrosanct.
- Section 4.3 of the AMS is not correct. New hard surfaces are proposed within the RPA of T10 based on the TPP plan.
- Lastly, conditions 16 (drainage infrastructure in highway), 17 (drainage scheme) and 19 (temporary drainage) are being discharged too as part of this application. Since details on service routes are not available at the time the AMS was written the AMS needs amendments. It would be good for these details to be provided to the project arboriculturist so they can be included for consideration within the revisions.

Given the above, the submitted details for condition 20 cannot be approved.

Condition 22 (green retaining wall)

22. Prior to above ground works commencing, details of the proposed Green Retaining Wall System, as shown on plan ref. "E19/7567/000 Rev. N", shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include, but not be limited to design, management and maintenance arrangements. Thereafter the Green Retaining Wall System shall be implemented in accordance with the approved details and thereafter retained so.

Reason: *In the interest of visual and residential amenity, to comply with the aims of Policy LP24 of the Kirklees Local Plan.*

The submitted covering letter states 'Refer to manufacturers literature regarding the green retaining wall'. No such document has been provided, therefore, officers can make no assessment or offer any comment.

Condition 23 (Ecological Design Strategy)

23. *Prior to above ground works commencing, an Ecological Design Strategy (EDS) to ensure that a biodiversity net gain is achieved post-development shall be submitted to, and agreed in writing by, the Local Planning Authority. The EDS shall be in accordance with the Biodiversity Metric 3.1 calculations received on the 17th of September 2023, and shall provide a minimum of 6.32 habitat units and 2.18 hedgerow units post-development. The EDS shall also include the following:*

- a) Purpose and conservation objectives for the proposed works.*
- a) Review of site potential and constraints.*
- b) Detailed design(s) and/or working method(s) to achieve stated objectives.*
- c) Extent and location/area of proposed works on appropriate scale maps and plans.*
- d) Details on the establishment of hedgerow planting on the site.*
- e) Type and source of materials to be used where appropriate, e.g., native species of local provenance.*
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- g) Persons responsible for implementing the works and long-term maintenance.*
- h) Details of initial aftercare and long-term maintenance, for a minimum of 30 years.*
- i) Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain.*
- j) Details for disposal of any wastes arising from works.*

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

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

The submitted details have been reviewed and accepted by K.C. Ecology. Officers concur with this assessment and recommend that the details be approved.

The condition has an ongoing clause which prevents full discharge at this time. A note to this effect shall be placed on the decision notice.

Condition 24 (ecological measures)

24. *Prior to above ground works commencing, pursuant to the requirements of condition 23, details of the following ecological provisions and a timetable for their implementation, shall be submitted to, and approved in writing by, the Local Planning Authority:*

- *the location, both within the site and upon dwellings, and design of 1 swift box per dwelling (100% provision across site)*

- the location, both within the site and upon dwellings, and design of 1 bat box per five dwellings (20% provision across site)
- Location and design of access holes for hedgehogs (i.e., “hedgehog holes”) within fences throughout the site

The development shall thereafter be implemented in accordance with the approved details and timetable. The ecological provisions shall thereafter be retained.

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

The submitted details have been reviewed and accepted by K.C. Ecology. Officers concur with this assessment and recommend that the details be approved.

The condition has an ongoing clause which prevents full discharge at this time. A note to this effect shall be placed on the decision notice.

Condition 25 (materials)

25. Prior to their use, details of all the external facing materials, to include natural stone, and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

The applicant has provided a document with images of the proposed materials. No names or sources have been provided, and only limited technical details have been provided. Facing stone is stated to be “similar to the below”, yet two clearly different materials are shown in the submission. The details provided are not accurate enough and cannot be accepted.

Condition 26 (footpath connections)

26. Prior to above ground works commencing, a scheme detailing the proposed ‘Footpath Link’s, as shown on plan ref. “E19/7567/000 Rev. N” shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include where the path(s) connect to PROW COL/133/10 and COL/117/10. The scheme shall include full sections, construction specifications, drainage works, lighting, surface finishes, signage, and treatment of sightlines. Before any building is brought into use the footpath(s) shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: *To ensure that suitable and safe access is available for the development, in the interest of the safe and efficient operation of the highway and amenity, to comply with the aims of Policy LP21 and LP24 of the Kirklees Local Plan.*

The submitted details are not considered acceptable, for the following reasons:

- The condition requires details of all paths identified as 'footpath link's' on plan ref: E19/7567/000 rev N. The plan submitted with this application includes a similar plan to E19/7567/000 rev N, but then highlights only two smaller link paths and gives specific details on them. There is a general path section, but it is unclear if that relates solely to the highlighted section or all elements.
- Further to this uncertainty, there are various concerns with the general path section:
 - A 100mm sandstone surface is proposed. Given the varied topography of the site concerns are held over this, although limited levels of the paths have been provided to confirm. Rainfall or general usage will result in this surface falling downhill, resulting in its steady removal from the path or constant maintenance burden. Confirmation of levels across all paths should be provided and, if notably steep, consideration given to whether sandstone is appropriate or if other materials should be used.
 - No details of the grade of the hardcore are provided.
 - No details of the proposed stairs are provided. On the submitted plans the connection to PROW COL/133/10 is shown as a ramp, yet other plans show it as stairs. The plans should be updated to be consistent. Details of stairs including their steepness, use of handrails, size and treatment throughout the site, should be provided.
 - Specific details of land drain locations should be provided. There are concerns over the indicative details and whether the drains would conflict with features such as proposed trees or domestic curtilages.

Condition 27 (landscaping)

27. Notwithstanding the submitted information, prior to landscaping works commencing and/or the occupation of any of the hereby approved dwellings, a comprehensive schedule of hard and soft landscaping with management and maintenance strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The schedule shall include:

- a) Layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species across the site. This shall include, but not be limited to:*
 - a. Appropriate trees and hedgerow planting along the site's north boundary, to provide screening between the new properties and existing properties fronting onto Manchester Road*
 - b. Planting specifications to provide appropriate screening between the new access road and no. 45 Lingards Road.*
- b) Details of all hard landscape materials and boundary treatments, garden fences/walls etc. and proposed treatment to existing boundaries and retained features. This shall include, but not be limited to:*

- a. *Specifications for the western boundary to the adjacent open land.*
- b. *Specifications for the boundary treatment between the site and the adjacent property Lower Wood Farm*
- c. *Boundary treatment to provide screening between the new access road and no. 45 Lingards Road, to include section plan(s).*
- c) *Timescales for implementation of the hard and soft landscaping, to include the land identified as Public Open Space on plan ref. "XXXX"*
- d) *A management and maintenance strategy of the hard and soft landscaping to cover a minimum of five years.*

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. The approved soft 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. The hard landscape proposals shall thereafter be retained.

Reason: *In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policies LP24 and LP63 of the Kirklees Local Plan.*

The submitted covering letter states "Landscaping drawing to follow" regarding condition 27. At the time of writing, no such details have been provided. Therefore condition 27 remains.

Condition 28 (lighting)

28. Prior to the installation of any external lighting (excluding that within the adoptable highway), a 'lighting design strategy' giving due regard to amenity, biodiversity and security, shall be submitted to and approved in writing by the local planning authority. The strategy shall include, but not be limited to:

- a. *identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their breeding / nesting areas and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- a. *show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*
- b. *Specific lighting measures with specific regard relating to crime mitigation for public paths and the car parking spaces associated with plots 6 – 8, 15, 17 and 19 – 23.*

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: *To avoid indirect impacts on local species in the interest of ecological mitigation, while balancing residential amenity and crime mitigation, to comply with Policies LP24 and LP30 of the Kirklees Local Plan.*

The submitted details have been reviewed and accepted by K.C. Ecology. Furthermore, officers are satisfied that the information submitted regarding the condition's crime prevention and amenity elements are also acceptable. It is therefore recommended that the details be approved.

The condition has an ongoing clause which prevents full discharge at this time. A note to this effect shall be placed on the decision notice.

Condition 29 (temporary waste arrangements)

29. Where implementation of the development hereby approved is to be phased and / or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units. The temporary arrangements so approved shall be implemented prior to first occupation of those residential units and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

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

The submitted details have been reviewed and opposed by K.C. Waste Strategy.

No information is provided on how plots 1 – 12 and 24 – 33 would have their waste collected during the construction phase and/or prior to the adoption of the road. Of note, council waste collection crews are unable to enter a construction site and/or an unadopted road.

The submitted information therefore cannot be supported.

Condition 33 (cycle parking)

33. Prior to the occupation of the hereby approved dwellings, details of secure and covered cycle parking for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall then be implemented in accordance

with the approved details before each dwelling is occupied and therefore retained.

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

The applicant has submitted a plan which includes the following details:

- Units with garages are denoted and are stated to have internal cycle parking.
- A note stating that the remainder of dwellings would have cycle storage by means of:
 - External secure shed.
 - Cycle hoop into the ground.
 - Cycle storage within dwelling.

Cycles being stored in garages for plots that benefit from them is considered acceptable (although it is noted that not all units with garages are correctly identified). For the remaining dwellings the other submitted details are not accepted. No elevational treatments or locations for cycle sheds have been provided. Therefore, it is unclear which units would have sheds, which would have hoops, and which are proposed to have cycles stored within dwellings. The use of hoops, if not within sheds, is not supported as they offer no security from the elements and can render cycles vulnerable to theft. Storage within dwellings is a potential cause for concern as there may not be enough suitable space.

Accordingly, the submitted details cannot be supported.

Representations

Discharge of Condition applications are not subject to statutory publicity or representation period. Nonetheless representations are, in some cases, submitted for consideration. Three such representations have been received.

The comments received predominantly relate to the drainage strategy, raising concerns with the details submitted and the comments provided by the Lead Local Flood Authority. These concerns may be viewed online in full, but can be summarised as follows:

- The open water channel, which runs across the site is not a suitable discharge point for additional land drainage or exceedance flows.
- The concrete side-spill overflow on the open water channel is very crude and will do little to mitigate the frequency and severity of flooding of downstream properties.
- Concern regarding disposal of the land drainage from the site.
- Inappropriate configuration of the open water channel and integration with the land drainage system.
- Inappropriate integration between the exceedance flow system, the open water channel, and the land drainage system.

- Inadequate provision for “exceedance flow” from the storm water storage tank and associated hydro-brake control structure
- Inappropriate siting of the storm water storage tank.

The representations received have been shared with the Lead Local Flood Authority, who have reviewed them in full and provided the following response:

The author appears to be seeking a complete alteration to the status quo where a small land drainage pipe in poor condition carries some flow to the central watercourse. Where they cannot carry flow, it simply escapes overland and into the same channel. All roads currently lead to Rome as it were. In fact there are conveyance pipes from outside the site that come in this direction to the watercourse (as defined by the Land Drainage Act 1991). A private extraction of flows for agricultural use or even domestic use, does not alter this definition. Nor does the fact that it is man made as I have written previously, and repeated in the author's latest letter.

The developer only has to mimic this status quo (flows and risk) to comply with NPPF and doesn't have to have an overflow channel at all. Should the watercourse back up currently from the adjacent pond, it will head toward the existing properties on Manchester Road. The developer simply must not increase risk under NPPF. However, if there is an opportunity to reduce the current risk to nearby properties from the undeveloped situation, we should attempt to take the opportunity to encourage developers to do so. As with all decisions, this has to be reasonably practicable in terms of cost and benefit.

The vast majority of land post development will pick up flows from hardstanding and some run off from landscaped areas, and the outfall will be changed from uncontrolled discharge to the central watercourse, to severely restricted flows to Manchester Road. This represents an improvement in all rainfall events to the central watercourse.

The author fails to understand the concept of residual risk in NPPF given that the attenuation and flow control system caters not for the 1 in 30 year minimum standard, but for 1 in 100 year critical events with an allowance for climate change.

The author assumes that the land drainage pipe size will run at full bore and have a total blockage scenario to the downstream system of the central watercourse. The pipe sizes as listed are excessive for the need given most areas will be intercepted into the site's surface water system and not totally into land drainage or overland as is the case now. If the developer elects to use large pipes that are deemed more than adequate it is not the role of the LLFA to challenge this. Although I can understand a critique from a cost perspective of designing a system using 450mm pipes in one location.

An overflow system is exactly that, not a continuation of flows or a bypass. I would support, however, a more detailed design for the overflow. I do take this as fair comment.

I would re-iterate that the overflow 'requirement' could be challenged by the developer as it is installed in case the off site pond and its outfall arrangement cause backing up of flow. As long as new houses are protected, if the system overflows now it would simply head north toward Manchester Road. This has been included and agreed as a reasonable request to improve the status quo.

Comments made about watercourses and Manchester Road follow the same argument. An upgrade of a rather small and partially obstructed culvert that is not deemed fit for purpose will improve the current partial flooding in this area to the rear of and onto Manchester Road. Other flow routes simply currently come through retaining walls and onto the old trolley bus turning circle. It could be argued by the developer that this is not their problem to fix. However, the LLFA are within their rights to request the LPA demand that the problematic culvert is made fit for purpose until it discharges into another system under Manchester Road. From there on (into the cemetery) we consider systems too remote from the site and not reasonably practicable to upgrade to cover all eventualities, and under different riparian ownership, i.e. we believe it would not stand an appeal request if we objected.

I reiterate, all the discussion is about residual risk. The risk that remains after the developer has complied with surface water requirements under NPPF. A layperson may be misled into thinking that the scenarios being discussed could be an everyday occurrence, not what happens if the 1 in 100 + climate change critical storm is exceeded, or the on site system becomes totally blocked and the management company, and subsequently Yorkshire Water in the case of surface water, do not attend.

Please also remember that systems in Manchester Road relating to watercourse and highway drainage are the responsibility of the council. The central watercourse as it leaves the site is the responsibility of the adjacent landowners who have a duty to maintain flows. The scheme on site is trying to build in risk mitigation if adjacent landowners fail to perform their duties as riparian owner.

Notwithstanding the above, it should be noted that the LLFA are objecting to the discharge of the drainage condition (condition 17) currently. However, their objection is principally upon specific technical matters, where the representation raises fundamental concerns with the whole drainage design.

Other comments received within the representations are:

- Lacking details on boundary treatments, specifically alongside Far Lower Wood Farm, but also along the east side of the development and

adjacent properties on Manchester Road. There are concerns over ensuring the boundary treatment would preserve resident's amenity.

Response: This is noted, and officers intend to refuse the condition relating to boundary treatments.

- The structural stability survey is inadequate and fails to consider historically tipped demolition material which forms the banking adjacent to Lingards Road. This will cause substantial issues in the future if not identified and addressed, such as subsidence to new dwellings, existing dwellings, and Lingards Road.

Response: The submitted details are being assessed by K.C. Highways (Structures), who consider them unacceptable currently and therefore the condition is not to be discharged. The above concerns have been passed to Structures to consider as part of their AIP process.

Summary

The following conditions may be discharged or have their initial details approved:

- 4 (Phase II report)
- 5 (Remediation Strategy)
- 9 (CEMP: Biodiversity)
- 10 (Road Condition Survey)
- 18 (Flood Routing)
- 23 (Ecological Design Strategy)
- 24 (Ecological Measures)
- 28 (Lighting)

Approvals cannot be issued pursuant to the following conditions:

- 8 (Construction Environmental Management Plan)
- 11 (estate roads)
- 12 (Lingards Road footway)
- 13 (highway retaining walls)
- 14 (highway embankments)
- 15 (Stability Remediation Strategy)
- 16 (drainage infrastructure in highway)
- 17 (drainage scheme)
- 19 (temporary drainage)
- 20 (Arboricultural Method Statement)
- 21 (bridge details)
- 22 (green retaining wall)
- 25 (materials)
- 26 (footpath connections)
- 27 (landscaping)
- 29 (temporary waste arrangements)

- 30 (pedestrian improvements)
- 31 (pedestrian improvements)
- 33 (cycle parking)

This decision is intended as an interim position, with dialogue and negotiations to continue as part of this Discharge of Condition application. However, a reasonable time limit of three months for when documents may be provided is deemed necessary. After this time a new application would be required.

Recommendation: Split Decision.

Report Dated: 02/05/2024.

Proposed Letter Text

Summary

This is an interim position letter and approves details pursuant to the following conditions:

- 4 (Phase II report)
- 5 (Remediation Strategy)
- 9 (CEMP: Biodiversity)
- 10 (Road Condition Survey)
- 18 (Flood Routing)
- 23 (Ecological Design Strategy)
- 24 (Ecological Measures)
- 28 (Lighting)

It should, however, be noted that most of these conditions have ongoing requirements which must be adhered to. See the specific details for each condition below.

Based on your submission, detailed submitted pursuant to the following conditions cannot be approved:

- 8 (Construction Environmental Management Plan)
- 11 (estate roads)
- 12 (Lingards Road footway)
- 13 (highway retaining walls)
- 14 (highway embankments)
- 15 (Stability Remediation Strategy)
- 16 (drainage infrastructure in highway)
- 17 (drainage scheme)
- 19 (temporary drainage)
- 20 (Arboricultural Method Statement)
- 21 (bridge details)
- 22 (green retaining wall)
- 25 (materials)
- 26 (footpath connections)
- 27 (landscaping)
- 29 (temporary waste arrangements)
- 30 (pedestrian improvements)
- 31 (pedestrian improvements)
- 33 (cycle parking)

The specific reasoning for each refusal can be found below. Ongoing negotiations are progressing with the intention of addressing the issues preventing conditions being resolved, as part of this Discharge of Condition application.

However, any further details required to be submitted to address the concerns raised must be provided within three months of the date of this letter to be accepted as part of this application. Please quote 2024/93464 and send the details directly to nick.hirst@kirklees.gov.uk.

After three months, a new Discharge of Condition application will be required for the submission of further details for consideration.

Condition 4 (Phase II report)

You have submitted the document titled Geo-environmental Ground Investigation Report, dated October 2023, and referenced 'E11/7931/R001' pursuant to condition 4.

I can confirm that the submitted details are acceptable and condition 4 is hereby discharged.

Condition 5 (Remediation Strategy)

You have submitted the document titled "Contamination Remediation Method Statement for Proposed development off Lingards Road, Slaithwaite" authored by Haigh Huddleston and Associates (ref: E19/7567/MD/06) pursuant to condition 5.

I can confirm that the submitted details are acceptable and condition 5 is hereby discharged.

Notwithstanding the above, K.C. Environmental Health provide the following note:

We remind the applicant that before site-won material is used as part of the development, additional testing is necessary and all site-won and imported material must be characterised as per good practice guidance. Further information can be found in the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) guidance, "Verification Requirements for Cover Systems: Technical Guidance for Developers, Landowners and Consultants" (version 4.1, June 2021).

You are also reminded that the determination of condition 5 hereby activates the requirements of conditions 6 and 7, which are repeated below for convenience:

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning

Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy

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

Condition 8 (Construction Environmental Management Plan)

You have submitted the document titled “Construction Environmental Management Plan for Land at Lingards Road, Slaithwaite, Huddersfield, HD7 5HY” and dated November 2023.

The submitted details are not accepted, with the following comments / queries needing resolution (with reference to the condition’s subsections):

a) Phasing details are limited and while phase 1 is shown, the document states ‘*further phasing is not finalised at this time*’. The submission must be definitive on intended phasing. Plans should be provided per phase to address aspects of the CEMP (i.e., location of storage of plan and material, contractor parking per phase).

d) A plan showing routing from Manchester Road should be provided. Explicit reference to there being no access from Chain Road to the south of the site should be provided. Elaboration on the expected construction vehicles accessing the site should be provided and their numbers / frequency. Timings of vehicle movements should be provided and avoid aligning with school start / finish (which should be researched and confirmed in the report).

e) No details of typical expected vehicle movements or sizes have been provided.

g) Confirm number of contractor parking spaces and location. This should be per phase.

i) Regarding moving of materials, details of “SB site rules” should be provided. A plan of each phase and the location of plant and material store should be provided.

- j) A plan showing the location of signage. Will directional signage be placed in the area for delivery drivers? If not, why. If so, where?
- l) See comments from Lead Local Flood Authority.
- m) Confirm location of the wheel washing station (per phase). Confirm method of capturing waste water.
- n) Confirm criteria for when street sweepers will be activated.
- q) "All deliveries will be organised for one hour after the starting day and before one hour before the end of the working day" is unclear and imprecise. Furthermore, one hour after the start of the day is 0830, which would likely conflict with local schools and commuter traffic. Elaboration and further consideration are required to avoid conflict with the busiest time in the local network.
- s) A resident liaison contact should be provided. Details of remit and responsibility should be provided.
- t) You have stated you will "set up a process and procedure for keeping the neighbouring occupiers informed of the process of the works and of any works or indeed any matters that might cause an inconvenience to occupiers". What is the process / procedure?
- u) A process of dealing with nearby developers has been provided. However, confirmation should be provided whether any local other developments have been identified at this time and the means to identify them.

For the avoidance of doubt, condition 8 is not hereby discharged.

Condition 9 (CEMP: Biodiversity)

You have submitted the document titled "Construction Environmental Management Plan: Biodiversity Land off Lingards Road, Slaithwaite" pursuant to condition 9.

I can confirm that the submitted details are acceptable for the initial purpose of condition 9.

Be aware that condition 9 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance with the condition:

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.

Condition 10 (road condition survey)

You have submitted the document titled "Road condition survey to accompany discharge of condition application for Erection of 42 dwellings at Lingards Road, Slaithwaite HD7 5HY" pursuant to condition 10.

The submitted document is acceptable for the initial (pre-commencement) requirement of condition 10 and is hereby approved. Nonetheless, you are reminded of the conditions ongoing requirements, which are repeated below:

Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local planning Authority.

Condition 11 (estate roads), 12 (Lingards Road footway), 13 (highway retaining walls), 14 (highway embankments), 15 (Stability Remediation Strategy), 16 (drainage infrastructure in highway), 21 (bridge details), 30 (pedestrian improvements), and 31 (pedestrian improvements)

These conditions are all subject to ongoing negotiations with the Local Highway Authority that have not concluded. This includes in relation to Section 38, Section 278, and Structures Approval in Principle processes.

The details submitted pursuant to the above conditions raise numerous concerns. The details submitted would fail to ensure the safe, effective and efficient operation of the existing highway and the road, nor would they ensure a suitable standard of amenity for new occupiers.

It is advised that negotiations with the Local Highway Authority should continue, to resolve the issues raised. For the avoidance of doubt, none of the following conditions are hereby approved:

- 11 (Estate Roads)
- 12 (Lingards Road Footway)
- 13 (Highway Retaining Walls)
- 14 (Highway Embankments)
- 15 (Stability Remediation Strategy)
- 16 (Drainage Infrastructure in Highway)
- 21 (Bridge Details)
- 30 (Pedestrian Improvements),
- 31 (Pedestrian Improvements)

Condition 17 (drainage scheme)

You have submitted the following information pursuant to condition 17:

- Plan ref: 7567/019 rev F
- Plan ref: 7567/035 rev B
- Plan ref: 7567/036 rev B
- Doc ref: SWS calculations rev G

The submitted details are not accepted. Please refer to the consultation comments from the Lead Local Flood Authority dated 20/12/2023 for details.

For the avoidance of doubt, the details submitted pursuant to condition 17 are not hereby approved.

Condition 18 (flood routing)

You have submitted the plan ref: E19/7567/019F pursuant to condition 18.

I can confirm that the submitted details are acceptable for the initial purpose of condition 18. However, be aware that condition 18 has the following ongoing requirement which must be adhered to, to ensure ongoing compliance:

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.

Condition 19 (temporary drainage)

You have submitted the plan ref: SK S 03 pursuant to condition 19.

The submitted details are not accepted. Please refer to the consultation comments from the Lead Local Flood Authority dated 20/12/2023 for details.

For the avoidance of doubt, the details submitted pursuant to condition 19 are not hereby approved.

Condition 20 (Arboricultural Method Statement)

You have submitted the Arboricultural Method Statement referenced 20427/AJB by JCA Limited pursuant to condition 20.

The submitted details are not accepted, for the following reasons:

- The proposed protection fencing around T3 and T4 isn't acceptable. There is a requirement to protect the overhanging canopies of trees where they could be damaged by machinery, vehicles, barriers or scaffolding, where it will be necessary to increase the extent of the tree protection barriers to contain the canopy (BS5837:2012 5.2.3.e). It is likely the canopies of T3 and T4 will be vulnerable to damage by machinery and vehicles to a point that their canopy spread should be encompassed with default specification tree protection fencing as shown in Appendix 2: Protective Barrier of the AMS.
- Considering the trees T3 and T4 are within a POS and the value of T3, it would be good to protect the nominal RPA of the trees with fencing as shown in Appendix 2: Protective Barrier of the AMS and then treat it as sacrosanct.

- Section 4.3 of the AMS is not correct. New hard surfaces are proposed within the RPA of T10 based on the TPP plan.
- Lastly, conditions 16 (drainage infrastructure in highway), 17 (drainage scheme) and 19 (temporary drainage) are being discharged too as part of this application. Since details on service routes are not available at the time the AMS was written the AMS needs amendments. It would be good for these details to be provided to the project arboriculturist so they can be included for consideration within the revisions.

For the avoidance of doubt, the details submitted pursuant to condition 20 are not hereby discharged.

Condition 22 (green retaining wall)

The submitted covering letter states “Refer to manufacturers literature regarding the green retaining wall”. No such document has been provided. Therefore, officers can make no assessment or offer any comment.

For the avoidance of doubt, condition 22 is not hereby discharged.

Condition 23 (Ecological Design Strategy) and Condition 24 (Ecological Measures)

You have submitted the document titled “MBE/OTH/2023/7/02 - Lingards Road Slaithwaite – Ecological Design Strategy” pursuant to conditions 23 and 24.

I can confirm that the submitted details are acceptable for the initial requirements of conditions 23 and 24. However, each condition has ongoing requirements which must be adhered to, to ensure continued compliance with the relevant condition. These are as follows:

Condition 23

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

Condition 24

The development shall thereafter be implemented in accordance with the approved details and timetable. The ecological provisions shall thereafter be retained.

Condition 25 (materials)

You have submitted the document titled “Proposed Materials – Lingards” pursuant to condition 25.

The information contained within the document lacks sufficient detail and accuracy. A source, name, and/or product details should be provided for the roofing and walling materials.

Officers have no immediate concerns over the roofing material proposed, subject to the requested details being provided. Regarding the walling stone, two different products are shown. The use of a dyed product, as shown in the first image, is not supported as a natural weathered appearance, as per the second image, is preferred. The source of the material and further images of the second product should be provided.

For the avoidance of doubt, details submitted pursuant to condition 25 are not hereby discharged.

Condition 26 (footpath connections)

You have submitted the plan ref: Sk S 05 f pursuant to condition 26. The submitted details are not acceptable, for the following reasons:

- The condition requires details of all paths identified as 'footpath link's' on plan ref: E19/7567/000 rev N. The plan submitted with this application includes a similar plan to E19/7567/000 rev N, but then highlights only two smaller link paths and gives specific details on them. There is a general path section, but it is unclear if that relates solely to the highlighted section or all elements.
- Further to this uncertainty, there are various concerns with the general path section:
 - A 100mm sandstone surface is proposed. Given the varied topography of the site concerns are held over this, although limited levels of the paths have been provided to confirm. Rainfall or general usage will result in this surface falling downhill, resulting in its steady removal from the path or constant maintenance burden. Confirmation of levels across all paths should be provided and, if notably steep, consideration given to whether sandstone is appropriate or if other materials should be used.
 - No details of the grade of the hardcore are provided.
 - No details of the proposed stairs are provided. On the submitted plans the connection to PROW COL/133/10 is shown as a ramp, yet other plans show it as stairs. The plans should be updated to be consistent. Details of stairs including their steepness, use of handrails, size and treatment throughout the site, should be provided.
 - Specific details of land drain locations should be provided. There are concerns over the indicative details and whether the drains would conflict with features such as proposed trees or domestic curtilages.

Given the limited details provided, officers reserve the right to provide a full commentary once a detail strategy is submitted.

For the avoidance of doubt, the details submitted pursuant to condition 26 are not hereby discharged.

Condition 27 (landscaping)

The submitted covering letter states “Landscaping drawing to follow” regarding condition 27. However, at the time of writing, no such details have been provided. Therefore no approval pursuant to condition 27 can be issued.

Condition 28 (lighting)

You have submitted the following details pursuant to condition 28:

- Document titled: Lighting Design Strategy – Lingards Road, Slaithwaite
- Document titled: Lingard Road, Slaithwaite Installation: Proposed Lighting
- Untitled / Unreferenced site plan with illuminance levels, received 18/04/2024.

I can confirm that the submitted details are acceptable for the initial requirement of condition 28, and are hereby approved. However, be aware that condition 28 has the following requirement which must be adhered to, to ensure ongoing compliance:

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Condition 29 (temporary waste arrangements)

You have submitted the plan ref: SK S 02 pursuant to condition 29.

The submitted details are not accepted. No information is provided on how plots 1 – 12 and 24 – 33 would have their waste collected during the construction phase and/or prior to the adoption of the road. Of note, council waste collection crews are unable to enter a construction site and/or an unadopted road.

Officers would therefore expect details of a waste collection point (for units not fronting Lingards Road) within an appropriate collection distance of Lingards Road (circa 8m from the adopted highway). Confirmation on who is responsible for the collection and return of the bins is also required.

The council’s waste operations planning coordinator would welcome a meeting to discuss these matters and any ongoing issues, and can be contacted at:

Mike.hibbert@kirklees.gov.uk

For the avoidance of doubt, the details submitted pursuant to condition 29 are not hereby discharged.

Condition 33 (cycle parking)

You have submitted the plan ref: SK S 06 pursuant to condition 33.

The submitted details are not acceptable. The following needs to be addressed:

- Not all units which garages are correctly identified.
- Clear details must be provided that identify which plots are intended to have an external shed, a hoop, or storage within the dwelling.
- The location of the shed or hoops must be shown on the plan.
- Details of the size and appearance of the cycle shed(s) proposed must be provided.
- Details of the cycle hoops and any additional security measures must be provided.
- Notwithstanding the above, the use of cycle hoops (unless within a shed) is not supported as they provided limited cover from the elements, and inadequate protection from theft. Likewise, the reliance of internal storage within dwellings (excluding units with garages) is not supported as appropriate dedicated facilities for cycles are needed in order to promote the use of this form of active and sustainable travel.

The above issues must be resolved to address condition 33.

For the avoidance of doubt, the details submitted pursuant to condition 33 are not hereby discharged.