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Date: 09-May-2024
Our Ref: 2023/93464

Dear Sir / Madam

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

**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
Land at, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY
Application Number: 2023/93464**

I write with reference to your application to discharge the conditions for the above development as submitted on 27-Nov-2023.

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



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(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.

Yours faithfully,

Mathias Franklin
Head of Planning and Development