



**Town and Country Planning Act 1990**

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

**OUTLINE PLANNING PERMISSION**

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

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**Application Number: 2023/60/93503/W**

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**To:** Sam Ruthven  
Johnson Mowat Planning & Development Con  
Coronet House  
Queen Street  
Leeds  
LS1 2TW

**For:** Richard Morton, KCS Development Ltd

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

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 82  
DWELLINGS AND ASSOCIATED WORKS, WITH LAYOUT AND ACCESS AS  
CONSIDERATIONS

**At:** LAND OFF, ROSLYN AVENUE, NETHERTON, HUDDERSFIELD, HD4 7EW

**In accordance with the plan(s) and applications submitted to the Council on  
12-Dec-2023, subject to the condition(s) specified hereunder:-**

1. Approval of the details of the appearance, landscaping, and scale (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

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

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

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

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

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

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

#### **Details to be provided at Reserved Matters stage**

6. Plans and particulars relating to the Reserved Matters of landscaping and/or scale, notwithstanding the submitted details, shall include details of finished floor levels and external ground levels. Thereafter, the development shall be completed in accordance with the approved levels details.

**Reason:** To ensure acceptable final ground and floor levels, in the interest of visual and residential amenity and to comply with Policy LP24 of the Kirklees Local Plan.

7. Plans and particulars relating to the Reserved Matters of appearance, scale and/or landscape shall, notwithstanding the submitted information, be supported by a Heritage Impact Assessment. The Heritage Impact Assessment shall consider the Reserved Matters' potential impact(s) upon the heritage assets identified in section 7 of the submitted Archaeology and Heritage Desk Based Assessment.

**Reason:** To ensure that due regard is given to the potential impacts of the reserved matters upon nearby heritage assets, in accordance with Policy LP35 of the Kirklees Local Plan.

8. Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include details of boundary treatment along the site's northern boundary with Dean Wood. This shall include a boundary treatment which prevents direct access into the wood by people, except at the single point via the proposed 'link to existing footpath', as shown on plan ref. '2246 PL 105 Rev. D', and details of warning signs concerning the sheer drop to the immediate north of the site, including their proposed locations. The details shall include provisions to allow access for wildlife through the boundary treatment.

The approved scheme shall be implemented prior to the occupation of the approved dwellings and shall thereafter be retained.

**Reason:** In the interest of amenity, safety, ecology, and delivery of appropriate open space, in accordance with Policies LP24, LP30, and LP63 of the Kirklees Local Plan.

9. Plans and particulars relating to the Reserved Matters of landscaping shall adhere to the Public Open Space typologies identified on plan ref. 2246 PL 115 rev. B.

**Reason:** In the interest of the amenity of existing and new residents and to secure appropriate on-site Public Open Space provision, in accordance with Policies LP24 and LP63 of the Kirklees Local Plan.

10. Plans and particulars relating to the Reserved Matters of landscape shall, notwithstanding the submitted information, be supported by an Ecological Impact Assessment (EclA) which is informed by updated ecological survey(s) in accordance with relevant national and local guidelines.

**Reason:** To ensure due regard and appropriate assessment is given to the proposal's potential impact on local ecology and protected species, in accordance with Policy LP30 of the Kirklees Local Plan.

11. Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include a lighting design strategy. The strategy shall:

- a) identify those areas / features on site that are particularly sensitive for local species and that are likely to cause disturbance in, or around their breeding sites and resting places, or along important routes used to access key areas of their territory, for example, for foraging; and
- b) 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.
- c) With due regard to the requirements of points a and b, detail how appropriate lighting would be installed to mitigate and protect against crime.

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. Under no circumstances should any other external lighting be installed on dwellings facing either Dean Wood or areas of Public Open Space without prior consent from the Local Planning Authority.

**Reason:** To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to comply with Policy LP30 of the Kirklees Local Plan.

## **Development to be undertaken in accordance with**

12. The development (construction phase) shall be undertaken and completed in accordance with the mitigation measures to control fugitive dust emissions detailed in section 7.1 of the Air Quality Assessment by SLR (ref: 410.065407.00001) (version: rev 1), which shall be retained for the duration of the construction period.

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with LP52 of the Kirklees Local Plan.

13. Details of any additional tree works required during the construction process that are not identified within the submitted information shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

**Reason:** To protect trees that provide visual amenity value, to comply with Policies LP24 and LP33 of the Kirklees Local Plan.

## **Details to be provided prior to development commencing**

14. Prior to development commencing, a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan should include details on dwelling buildout phases alongside the provision of on-site infrastructure including, but not limited to, highways, public open space and drainage. The development shall be implemented in accordance with the approved phasing plan.

**Reason:** To define the scope of this permission and to provide clarity in relation to the progression of development across the site. This is a pre-commencement condition to ensure that due regard is given to the delivery of necessary infrastructure alongside the dwelling build outs.

**Note:** For the purposes of this permission, all references to a 'phase' or 'phase of development' hereafter shall be interpreted as being a reference to the phasing as to be approved pursuant to condition 14.

15. Prior to development commencing within a given phase, a Construction (Environmental) Management Plan (C(E)MP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- Any phasing of development and timetable of all works;
- Hours of works;
- Details of construction access arrangements;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Lighting during construction works;
- Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;

- 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;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- 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;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Means of engagement with local residents and occupants or their representatives; and
- 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.

16. Prior to development commencing within a given phase, (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) for that phase 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, to be informed by an up-to-date ecological assessment;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

h) Use of protective fences, exclusion barriers and warning signs

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

**Reason:** To 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.

17. 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.

18. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 17 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, including any phasing, 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.

19. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 18. 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.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan.

20. 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 phase of the development shall be brought into use until such time as the remediation measures have been completed for the phase 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 phases, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority alongside the final phases' Validation Report.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan.

21. Prior to development commencing, a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rate of 5.0 l/s indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details / design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision and maintenance thereafter based upon the initial information contained within the Flood Risk Assessment referenced 1174-R001 rev. 3, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No phase of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development. The drainage so installed shall thereafter be 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. This is a pre-commencement condition to ensure adequate provisions are in place at the appropriate stage.

22. Prior to development commencing, an assessment of 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 (both upstream and downstream of the development), shall be submitted to and approved in writing by the Local Planning Authority. No phase 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 adequate provisions are in place at the appropriate stage.

23. Prior to development commencing within a given phase, details of temporary surface water drainage for the construction period (after soil and vegetation/site strip) for that phase 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 strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 5-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha unless otherwise agreed with the LLFA.

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 adequate provisions are in place at the appropriate stage.

24. Prior to development commencing, notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include a Tree Protection Plan and details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

**Reason:** So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Local Plan and advice within the National Planning Policy Framework. This is a pre-commencement condition to ensure appropriate regard is given to mitigation and that any necessary measures are in place to protect the trees, prior to works taking place.

25. Prior to the commencement of development (including ground works), a survey of the existing condition of the highway (the extent of highway to be surveyed to be agreed with the Local Planning Authority in advance) shall be carried out jointly with the Local Highway Authority and submitted to and approved in writing by the Local Planning Authority. The survey shall include all highway features, including carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signage and road markings. Upon completion of each phase of the development hereby approved (or at any earlier stage to be agreed with the Local Planning Authority in advance) a post-construction survey of the agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to each phase of development and prior to the occupation of the final dwelling associated with each phase of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. Should any highways defects (affecting highway safety) attributable to the construction traffic or activities of the development hereby approved be identified during the construction period, remediation of these highway defects shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety, to ensure the effective maintenance of the Highway and to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that an adequate survey of the surrounding road network is undertaken to establish a baseline position, prior to associated construction traffic causing potential impact.

26. Prior to development commencing within a given phase, 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 of that phase shall be submitted to, and approved by, the Local Planning Authority. The development of that phase 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.

27. Prior to the commencement of development within a phase of development, full details of any proposed temporary or permanent:

- retaining walls (including building retaining walls); and
- retaining structures

supporting and/or adjacent to the proposed adoptable highway or existing public highway (including PROWs), as well as full details of any proposed modifications to existing highway retaining walls or structures, within that phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location plan(s), drawings (including plans, elevations and cross-sections), design statement(s) and method statement(s).

The approved details shall be implemented prior to the commencement of development (unless otherwise agreed in writing by the Local Planning Authority) and shall be retained thereafter throughout the life of the development.

**Reason:** To ensure that any new or modified retaining walls and structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure suitable consideration and design may be undertaken prior to potentially prohibitive works taking place.

28. Prior to development commencing, a Written Scheme of Archaeological Investigation (WSI) shall be submitted to, and approved in writing, by the Local Planning Authority. The WSI shall include a statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme and timetable for post-investigation assessment and subsequent analysis, publication, dissemination, and deposition of resulting material.

Thereafter the development shall be undertaken in accordance with the approved WSI.

**Reason:** In the interest of the historic environment and archaeological interest, in accordance with Policy LP35 and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure appropriate investigation and mitigation take place prior to the detailed design stage and may be appropriately considered.

#### **Details to be provided prior to specified time**

29. Prior to above ground works commencing, an Ecological Design Strategy (EDS) to detail how the delivery of a minimum of 8.67 habitat units and a minimum of 6.10 hedgerow units, utilising the Biodiversity Net Gain Metric 4.0, shall be achieved post-development on site, as indicative detailed within the approved Ecological Impact Assessment ref. 424.064759.00001 version 3, shall be submitted to and agreed in writing by the Local Planning Authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Details on the establishment of grassland, tree planting, traditional orchard, hedgerow and scrub planting on the site.
- f) Details of faunal provisions for bats, birds and hedgehogs to be integrated into the design.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long-term maintenance.
- j) Details for monitoring and remedial measures.
- k) Details for disposal of any wastes arising from works.
- l) A lighting design strategy for biodiversity.

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

**Reason:** In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

30. Prior to above ground works commencing, a scheme for the upgrade of public footpath HUD/228/10 within the site, and its associated links from the estate streets, and the provision of the two new footpath links identified on plan ref. 2246 PL 105 Rev. D, as 'link to existing footpath' and 'new link footpath to adjacent land', shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the submitted information, the scheme shall include details of the program of works and phasing of delivery, detailed drawings showing levels and sections, gradients, construction details, surface materials, drainage, and boundary treatments for each respective footpath. Thereafter the approved works shall be implemented in accordance with the approved details and shall be retained so thereafter.

**Reason:** To ensure new and affected Public Rights of Way are accessible, attractive, maintained to an acceptable standard and appropriate for their operation in accordance with Policies LP20, LP21, LP23, LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

31. Prior to above ground works commencing, a detailed scheme for the proposed internal roads, footways and footpaths, to an adoptable standard, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the program of works and phasing, swept paths for a 11.85m refuse vehicle, new or amended Traffic Regulation Orders, sight lines, treatment of visibility splays, verges, street trees, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage including construction details for all new surface water attenuation tanks / pipes / manholes located within the proposed highway footprint, surface finishes and street lighting, and independent road safety audits covering all aspects of these works. No part of the development shall be brought into use until the internal roads serving that part of the development have been completed to basecourse in accordance with the approved plans and details. Thereafter the wearing course of the road(s) shall be implemented in accordance with the phasing strategy.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

32. Prior to above ground works commencing, notwithstanding the information shown on drawing 23046/IN/20/A and 23046/GA/01, full details of the permanent site access works and the road marking improvements at the Roslyn Avenue / Henry Frederick Avenue junction shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of vehicle swept paths for a 11.85m refuse vehicle, sight lines, treatment of visibility splays, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage, surface finishes and street lighting, and independent road safety audits covering all aspects of these works. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until the approved works have been fully implemented.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout and quality of delivery in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

33. Prior to above ground works commencing, notwithstanding the information shown on drawing 23046/IN/20/A, a detailed scheme for the proposed internal estate streets to an adoptable standard, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of vehicle swept paths for a 11.85m refuse vehicle, sight lines, treatment of visibility splays, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage, surface finishes, street trees and street lighting, and independent road safety audits covering all aspects of these works. Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use until the approved works have been fully implemented and maintained thereafter.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

#### **Details to be provided and/or works to take place prior to occupation**

34. Prior to the occupation of the hereby approved dwellings or works associated with the delivery of the Play Area (a Local Equipped Area of Play (LEAP)), as shown indicatively on plan ref. 2246 PL 105 Rev. D commencing, notwithstanding the submitted details, a scheme providing details of the play equipment to be installed within the Play Area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for the implementation of the play equipment. The approved scheme shall be fully implemented in accordance with the timetable and be so retained thereafter.

**Reason:** To ensure adequate provision of equipment, in accordance with Policy LP63 of the Kirklees Local Plan.

35. Prior to the occupation of the hereby approved dwellings, notwithstanding the submitted details, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include proposals for enabling and encouraging the use of active and sustainable modes of transport, monitoring, review and timings for delivery. The approved Travel Plan and measures shall be implemented prior to occupation or in accordance with the agreed timescales, or as otherwise agreed with the Local Planning Authority.

**Reason:** In the interests of enabling and encouraging the use of active and sustainable transport modes, to mitigate the air quality impacts of the development and to accord with Policies LP20, LP21, LP22, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan.

36. Prior to the occupation of the hereby approved dwellings, details of secure and covered cycle storage for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved cycle parking facilities for that dwelling have been provided.

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

37. Prior to the occupation of the hereby approved dwellings, a strategy for the delivery of ancient woodland information boards within the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a board to be sited at the 'link to existing foot path' and a board at the 'new link foot path to adjacent land', as shown on plan ref. 2246 PL 105 rev. D, as well as:

- The precise proposed location of each board.
- The physical design of the information board units
- Intended wording and any image(s) to be portrayed on the boards
- Timeframe(s) for the implementation of the boards
- Ongoing management and maintenance arrangements for the boards

Thereafter the information boards shall be installed in accordance with the approved details, and thereafter retained.

**Reason:** In the interest of mitigating potential harm to local ecology, to comply with Policy LP33 of the Kirklees Local Plan.

38. Prior to the occupation of the hereby approved dwellings, a strategy for the delivery of ancient woodland information packs to new residents shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include the details to be contained in the information pack and when they shall be provided to (first-time) new residents of the development. Thereafter the approved strategy shall be implemented.

**Reason:** In the interest of mitigating potential harm to local ecology, to comply with Policy LP33 of the Kirklees Local Plan.

39. Prior to the occupation of any dwelling hereby approved, the dwelling's respective vehicle parking areas as shown on plan ref. 2246 PL 105 Rev. D shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. The vehicle parking areas shall thereafter be retained and available for use as vehicle parking.

**Reason:** To ensure that sufficient parking is provided and retained to serve 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.

40. Prior to the occupation of any dwelling hereby approved, an electric vehicle recharging point shall be installed within the respective dwelling's dedicated parking area. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

**Reason:** In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan.

41. Prior to the occupation of any dwelling hereby approved, the dwelling's respective bin storage area and bin collection point, as shown on plan ref. 2246 PL 105 Rev. D, shall be laid out and made ready for use. Thereafter each bin storage area and waste collection point shall be retained.

**Reason:** To ensure the provision of adequate waste storage, in the interest of highway efficiency and to comply with Policy LP21 of the Kirklees Local Plan.

## **Highways Informative Note: General**

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the highway works.

This process will involve entering into Section 38 / 278 agreements of the Highways Act 1980 or other appropriate agreements to enable delivery of the highway works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85).

Interference with the highway without the required permission(s) is an offence that could lead to prosecution.

## **Highways Informative Note: Structures**

All new storm water attenuation tanks/pipes/culverts with internal diameter / spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450- Inspection of Highway structures.

Furthermore, all new precast pipes/culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

## **Note: Electric Vehicle Charging Points**

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3

- charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.
  - The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

**Note: Pursuant to conditions 17 - 20 regarding contaminated land**

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

**Note: Hours of construction**

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- Monday to Friday: 0730 – 1830
- Saturday: 0800 – 1300
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

**Note:** Public footpath HUD/228/10 runs through the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The Public Rights of Way team is now based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk)

**Note:** Pursuant to conditions 8 and 11, for the avoidance of doubt reference to Dean Wood refers to both the areas of woodland designated as both ancient woodland as well as the non-designated area.

**Note:** The responsibility of securing a safe development rests with the developer and land owner.

**Note:** Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	2246 PL 100	Rev. A	12/12/2023
Block Layout	2246 PL 105	Rev. D	18/03/2024
Block Layout	2246 PL 106		29/11/2023
Proposed Site Sections	2246 PL 107		29/11/2023
Proposed Site Sections	2246 PL 108		29/11/2023
Proposed Site Sections	2246 PL 109		29/11/2023
Plan General	2246 PL 110	Rev. A	07/03/2024
Plan General	2246 PL 111	Rev. A	07/03/2024
Plan General	2246 PL 112	Rev. A	07/03/2024
Plan General	2246 PL 113	Rev. A	07/03/2024
Plan General	2246 PL 114	Rev. A	07/03/2024
Proposed Landscaping Layout	2246 PL 115	Rev. B	13/05/2024
Plan General	2246 PL 116	Rev. A	07/03/2024
Plan General	2246 SK 11		05/02/2024
Plan General	23046-ATR-10	Rev. F	07/03/2024
Plan General	23046/IN/20	Rev. A	18/05/2024
Block Layout	1174 - 001	Rev. C	07/03/2024
Plan General	1174 - 006		07/03/2024
Plan General	1174 - 007		07/03/2024
Existing Site Levels	S1710		29/11/2023
Design and Access Statement		Rev. 1.5	07/03/2024
Statement of Community Involvement			23/04/2024
Ecological Statement	Ecological Impact Assessment		07/03/2024
Flood Risk Assessment	1174-R001	Rev. 3	07/03/2024
Tree / Arboricultural Survey	Arboricultural Impact Assessment		01/12/2023
Travel Plan			01/12/2023
Transport Assessment			01/12/2023
Air Quality Assessment			29/11/2023
Supporting Information	Desk Study Report	Rev. 3	01/12/2023
Conservation/Heritage Assessment	Archaeology and Heritage Desk Based Assessment		29/11/2023
Supporting Information	Soft Landscaping Specification		29/11/2023

Plan Type	Reference	Version	Date Received
Supporting Information	Rapid Health Impact Assessment		18/01/2024
Supporting Information	Geophysical Survey Report		04/01/2024
Supporting Information	Planning Statement		29/11/2023

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

#### **Details Reserved by Condition**

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

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

### **DEVELOPMENT LOW RISK AREA – STANDING ADVICE**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

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

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

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

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

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

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

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

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

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

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

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

### **Purchase Notices**

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

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

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

**Dated:** 29-Jul-2024

**Signed:**



David Shepherd  
Strategic Director Growth and Regeneration

### **Decision Documents**

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at [Kirklees Council Planning](http://Kirklees Council Planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/60/93503/W .

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

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

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

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

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