



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**

Application Number: 2023/60/93539/E

To: Nick Willock,
Robert Halstead Chartered Surveyor
Office G of H
Bridge Mills
Huddersfield Road
Holmfirth
HD9 3TW

For: Helen Davies, Binks Executive Homes 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, including the considerations of access appearance, layout,
and scale, for the erection of a six-storey building to host 76 residential
apartments (C3 use) and ancillary works comprising demolition of vacant building,
formation of new access, parking areas, open space and landscaping; erection of
cycle and bin refuse storage structures

At: Land adj, Ledgard Bridge Mill, Back Station Road, Mirfield, WF14 8NZ

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

1. Approval of the details of the landscaping of the site (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 landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

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

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

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

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, 2, 20, 21, 22, 24, 28, 30 of the Kirklees Local Plan and Principles 2, 5, 6, 8, 9, 12, 13, 14, 15, 17, 18, 19 of the Housebuilders Design Guide Supplementary Planning Document.

6. Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include details of Public Open Space to serve the development. The details shall cover the following matters:

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

Reason: To secure Public Open Space, in the interest of visual and residential amenity, in accordance with the requirements of Policy LP63 of the Kirklees Local Plan and Chapters 8 and 12 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that open space and play details are approved at an appropriate stage of the development process

7. 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 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 the development hereby approved, a post-construction survey of the agreed extent of the 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 and prior to the occupation of any new dwelling hereby approved. 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 first 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 public highway, and to accord with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that the highway condition survey is undertaken at an appropriate stage of the development process, in advance of any construction works commencing that may affect the condition of the highway.

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

- Any phasing of development and timetable of works;
- Hours of works;
- Details of construction access arrangements;
- Construction vehicle sizes and routes (with swept path analysis testing if necessary);
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Details of parking for construction workers (including vans);
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- 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 arrangements;
- Noise & vibration arising from all construction related activities, including suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction
- Artificial lighting used in connection with all construction related activities and security of the construction site.
- A communications plan including site manager and liaison officer contact details, their remit and responsibilities, and how this will be communicated to residents and the Local Authority must be included.

The development shall be carried out strictly in accordance with the CMP so approved throughout the period of construction and no change there from 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, and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the highway network and to avoid increased risks to highway safety are devised and agreed at an appropriate stage of the development process.

9. When demolition of the existing structures is complete, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required before commencement of groundworks to ensure that any possible contamination on site is investigated before groundworks commence.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (9), further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required before commencement of groundworks to ensure that any possible contamination on site is remedied at an appropriate stage in the development process.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (10). If 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 and paragraph nos. 196 and 197 of the National Planning Policy Framework.

12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

13. The proposed building shall be built on voids. The soffit of the void shall be set to a minimum elevation of 45.68m Above Ordnance Datum (AOD). Before development above foundation level commences, details shall be submitted to and approved in writing by the Local Planning Authority of a grille to prevent unauthorised access to the void. These shall be installed before any part of the building is brought into use and the voids shall thereafter be kept open, with no obstruction installed or erected other than the approved grilles.

Reason: To ensure that the building is safe for all users and will not, at any time in the future, result in worsening of flooding outside the site, and to accord with the aims of Chapter 14 of the NPPF.

14. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 5/s/ha of developed/redeveloped land or 3.5 litres per second, whichever is the greater, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30-year storm event as a minimum requirement. Volumes generated above the critical 1 in 30-year event and the 1 in 100-year event, with a 45% allowance for climate change can be stored on site in areas to be approved in writing by the Local Planning Authority, i.e. a safe area above ground. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development, and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: To ensure that the site can be drained in a safe and sustainable manner at all times and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF. This pre-commencement condition is necessary to ensure that suitable drainage infrastructure can be incorporated into the development at the construction stage.

15. Development shall not commence until 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), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To ensure that the site can be drained in a safe and sustainable manner at all times and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF. This information is required pre-commencement to ensure that suitable drainage infrastructure can be incorporated into the development at the construction stage.

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

- Phasing of the development and phasing of temporary drainage provision;
- Methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented; and
- A plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm.

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

Reason: To ensure the safe and sustainable drainage of the site during construction and prevent pollution of the water environment in accordance with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF. This pre-commencement condition is necessary to ensure that safe and sustainable arrangements for the disposal of surface water are in place throughout the construction period.

17. Notwithstanding the submitted details, development shall not commence above foundation level until a scheme detailing the provision of a flood warning system, arrangements for emergency access to the site and egress from the site to a place of safety (evacuation plans) for the construction and post development phases have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of elevated dry walkways including how this structure is designed to withstand pressures and impacts associated with flowing flood waters at depths

- associated with the 1 in 100 year + climate change event, and how it will not increase flood risk elsewhere.
- Details of how residents/tenants are to be informed of the procedures to follow in the event of receiving a flood warning or in the event of a flood.

The evacuation plans, including the elevated dry walkway, shall be implemented in accordance with the accepted details prior to work commencing on site (for the construction phase) and prior to the occupation of the development (for the future residents) and be retained thereafter.

Reason: This information is required pre-commencement to ensure that adequate escape arrangements are implemented during the construction phase and are operational before the building is first occupied.

18. Development shall not commence until a scheme demonstrating that surface water from vehicle parking and other hard standing areas will pass through an oil/petrol interceptor of adequate capacity prior to discharge has been submitted to and approved in writing by the Local Planning Authority. Roof drainage should not be passed through any interceptor.

Reason: To prevent pollution of the water environment and to accord with the aims of Policy LP28(c) of the Kirklees Local Plan. This information is required pre-commencement to ensure that suitable measures to prevent pollutants entering the water environment are incorporated into the development during the construction phase.

19. Matters relating to landscaping shall be supported by an updated ecological assessment (undertaken not more than 12 months prior to submission) and completed by an appropriately qualified ecologist and in the appropriate season. The surveys shall be of an appropriate type for the habitats and/or species identified within the Ecological Impact Assessment submitted at outline, and survey methods shall follow national good practice guidelines. The information collected shall be used to update information on the species and to assess potential impacts of the development, including the need for any additional surveys. The survey report shall inform the preparation of a Construction Environmental Management Plan: - Biodiversity as set out in condition (19) below.

Reason: In the interests of ensuring that the baseline habitat value of the site is accurately recorded and that potential harm to biodiversity can be anticipated and prevented, in accordance with the aims of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

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

- Risk assessment of potentially damaging construction activities;
- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- An Ecological Watching Brief;
- An Invasive Weeds Management Plan to eradicate Japanese Knotweed and Himalayan Balsam from the site;

- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period in full accordance with the approved details.

Reason: To ensure avoidance of ecological and subsequent harm in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This information is required pre-commencement to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

21. Development, including groundworks, shall not commence until an Arboricultural Method Statement (AMS) detailing the specific protection measures necessary for each tree identified as being retained on the approved Arboricultural Impact Assessment Ref: 16856-B/AJB) has been submitted to and approved in writing by the Local Planning Authority. This shall specify the required fencing standard and positions (the creation of the Construction Exclusion Zone), acceptable construction techniques within the Root Protection Areas of T10, T11 and T12 and necessary facilitation tree works.

Reason: To ensure that the development does not give rise to harm to mature trees within or on the boundaries of the site, and to accord with the aims of Policy LP33 of the Kirklees Local Plan.

22. No development above foundation level shall commence until a Biodiversity Enhancement and Management Plan (BEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how a minimum of 4.12 habitat units, 0.70 hedgerow units and 2.76 watercourse units are to be achieved post-development and include details of the following:

- a. Description and evaluation of features to be managed and enhanced;
- b. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- c. Details of a scheme of bat and bird boxes to be installed within the site;
- d. Ecological trends and constraints on site that might influence management;
- e. Aims and Objectives of management.

The approved BEMP shall be implemented in accordance with the approved details, including the approved phasing, and maintained thereafter.

Reason: To ensure that opportunities are taken to enhance the long-term biodiversity of the site and to accord with the aims of LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

23. Prior to the commencement of development above foundation level, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the Local Planning Authority before operational use of the building. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats 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.

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: In the interests of minimising harm to biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

24. Before work on any dwelling commences above foundation level, details of measures to limit carbon emissions associated with the development, which may include but not be restricted to solar panel arrays or other on-site microgeneration measures, and measures to provide energy efficiency performance above the standards mandated by the Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The measures thus approved shall be implemented and made operational before any new dwelling to which it relates is first occupied and shall thereafter be retained as such.

Reason: To ensure that the development contributes to the council’s ambition to have net zero carbon emissions by 2038 and to accord with the aims of Chapter 14 of the NPPF, Policy LP24(d) of the Kirklees Local Plan, and Principle 18 of the Housebuilders Design Guide Supplementary Planning Document.

25. Notwithstanding the details on the approved plans, full details of all external materials (including, where requested, samples made available for inspection on site) shall be submitted to and approved in writing by the Local Planning Authority, before work commences on the superstructure of the building. The development shall be constructed only using the approved materials.

Reason: To ensure that the development respects the character of its surroundings, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

26. Before development commences above foundation level, details shall be submitted to and approved in writing by the Local Planning Authority of measures to protect future users of the site from crime and the fear of crime. The approved details shall be implemented before any part of the development (or in the event that development is phased, the phase to which those measures relate) and shall be thereafter retained and operated in accordance with manufacturer's instructions.

Reason: In the interests of minimising the risk of crime for the development and its users, and to accord with the aims of Policy LP24(e) of the Kirklees Local Plan.

27. Prior to first occupation of the hereby approved development, full details shall be submitted to and approved in writing by the Local Planning Authority of the cycle parking facilities indicated on drawing 17001/13 Revision E. The facilities thereby approved shall be provided and made operational before any dwelling is occupied (or in accordance with any phasing approved as part of the details submitted for this condition) and retained thereafter.

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

28. Prior to the first occupation of any part of the development hereby approved, 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, together with monitoring and management measures associated with the on-site parking facilities. The Travel Plan shall also include the proposed allocation arrangements for the car parking on-site, including for residents and visitors, and measures to review effectiveness. 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, the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

29. Details of all arrangements for the storage and collection of wastes and the management of waste storage collection points, and (where any of the dwellings hereby approved are to become occupied prior to the completion of the development), details of the temporary arrangements for the storage and collection of waste from the dwellings, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. All temporary arrangements (where applicable) and permanent arrangements so approved shall be implemented prior to first occupation of the development or in accordance with any phasing approved under this condition. Waste storage and collection facilities shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure satisfactory arrangements are implemented in relation to waste, including 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.

30. Prior to occupation of the hereby approved development, elevational plans, to include the proposed materials, of each of the proposed Bin Stores, as shown on plan (17001) 13 Landscape Hub Revision E, shall be submitted to, and approved in writing by, the Local Planning Authority. Subsequently the Bin Stores shall be delivered in accordance with the approved details, prior to any dwelling being occupied and they shall thereafter be retained.

Reason: To ensure satisfactory arrangements are implemented in relation to waste, including 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.

31. No dwelling or building shall be occupied, until all areas and associated features to be used by vehicles and pedestrians, including footpaths, cycle tracks, loading, servicing and parking areas have been laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the adjacent highway. These shall thereafter be retained and maintained as such.

Reason: To ensure the free and safe use of the highway, in the interest of highway safety and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

32. Means of access to and from the site shall be in accordance with the preliminary access arrangements shown on the approved plans, including the main access as shown indicatively on 17001)2_Site Plan Revision I and the new overflow car park access shown indicatively on drawing 17/321/TR/002 Revision E, and shall be fully constructed and made operational prior to first occupation of the development and thereafter retained as such.

Reason: To ensure the free and safe use of the highway, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

33. Before any part of the development is brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the dedicated facilities that will be provided for charging electric vehicles as shown on plan reference (17001)2_Site Plan Revision K, including any phasing. They must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The facilities approved under this condition shall be installed and made operational before any part of development is brought into use, or in accordance with the approved phasing, and shall be thereafter retained.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement and reducing the causes of climate change, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

34. Before any part of the development is brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall detail the control measures that will be taken to ensure that excessive noise does not arise from the use of the gym and the actions that will be taken to control any noise, including arrangements for periodic review. The approved Noise Management Plan shall be implemented before the proposed use of any gym within the development commences and retained thereafter.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

35. Before any part of the development is brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall detail the control measures that will be taken to ensure that excessive noise does not arise from the use of the communal terrace with barbeque area and the actions that will be taken to control any noise, including arrangements for periodic review. The approved Noise Management Plan shall be implemented before the use of any communal terrace / barbeque area commences and retained thereafter.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Approved Access – Informative

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 site access(es).

This process will involve entering into a Section 38 or 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the 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 such permission is an offence which could lead to prosecution.

Note – Waste collection

The Waste Collection Authority will not enter construction sites, nor will they routinely enter private drives or unadopted streets. Therefore, should the applicant's intentions regarding the adoption of streets change from that considered at the planning approval stage, this may necessitate changes to the developments waste strategy and the facilities that have been agreed in principle, which may require applications to vary the approved plans. For further information regarding the Waste Collection Authority requirements, see the following guidance note:

<https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

Construction Environmental Management Plan – Informative

No construction related noise should not audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays. For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document “*Guidance on the assessment of dust from demolition and construction*” Version 2.1 2023.

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

Electric Vehicle Charging Points – Informative

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. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Application form			01/12/23
Location plan	(17001)0_Location Plan	B	01/12/23
Existing site plan	17001_1_As existing	A	01/12/23
Site survey	6873/1D		10/11/25
Proposed site plan	17001_2_Site Plan	K	05/02/26
Proposed elevations	17001)10_Elevations	F	17/12/25
Typical section	17001)11_Typical Section	C	02/07/24
Circulation core sections	17001)12_Circulation core sections	C	02/07/24
Landscaping, EV charging and refuse store drawing	17001)13_Landscape Hub	E	05/02/26
Unit floorplans	(17001)5_Apartment Plans	C	02/07/24

Plan Type	Reference	Version	Date Received
Floorplans levels 3-5	(17001)4_Floor Plans (Levels 3-5)	C	02/07/24
Floorplans (ground and 1-2)	(17001)3_Floor Plans (Levels G - 2)		02/07/24
Overflow car park access junction	17/321/TR/002	E	21/07/24
Evacuation walkway plan	(17001)15	F	17/12/25
Car park flood plan			12/02/25
Flood risk assessment and drainage strategy	2017/2153	J	10/12/25
Flood warning and evacuation plan	2017/2153	L	17/12/25
Technical note (void design)	2024s0643		09/12/25
Sequential test addendum – discounted sites in Green Belt	Robert Halstead		01/07/25
Technical note 001: LLFA comments response	2017/2153		12/02/25
Sequential & exception test addendum	Robert Halstead		18/12/24
Sequential & exception test appendix 1 unidentified windfall site images	Appendix 1		18/12/24
Sequential & exception test appendix 2 sites review by Michael Steel	2659/A/M		18/12/24
Sequential & exception test appendix 3 sustainable benefits appeal decision	3135277		18/12/24
Appendix 1 – Map of Search Area	Appendix 1		09/07/24
Appendix 2 Remaining discounted housing allocation sites	Appendix 2		09/07/24
Appendix 3 Approved & expired windfall sites	Appendix 3		09/07/24
Appendix 4 Unidentified windfall sites	Appendix 4		09/07/24
Appendix 5 Supporting information on local housing market	Tudor Sales & Lettings		09/07/24
Formal response to Environment Agency comments			04/03/24
Revised planning statement	Robert Halstead		15/12/24
Climate change statement	Appendix A		07/12/23
Phase 1 desktop study	E23/8012/R001		06/12/23
Appendix 2: Discounted housing sites			01/12/23
Appendix 3: Approved and expired windfall sites			01/12/23
Biodiversity net gain metric	3.1		01/12/23
Rapid Health Impact Assessment	Kirklees Council – Public Health		01/12/23

Plan Type	Reference	Version	Date Received
Appendix 4: Unidentified windfall sites			01/12/23
Arboricultural Report	16856-A/AJB		06/12/23
Arboricultural Impact Assessment	16856-B/AJB		12/02/24
Bat Survey	Quants 1776b		01/12/23
Design & Access Statement (including Crime Prevention Statement)		B	01/12/23
Indicative landscape plan	Smeeden Foreman LL01		01/12/23
Technical drainage note response to Environment Agency			01/07/24
Ecological Impact Assessment and BNG report	1776c	C	01/12/23
Otter survey	1776d		19/02/2026
FRA Sequential and Exception Test Addendum 2	Robert Halstead		25/04/25
Flood Risk Sequential and Exception Test Assessment	Robert Halstead	A	09/07/24
Noise Impact Assessment	NIA-11149-23-11388	1	01/12/23
Travel Plan, revised	17-321-006.03		10/07/24
Transport Assessment, revised	17-321-005.03		10/07/24
Road Safety Audit brief	17-321-007.02		20/09/24
Road Safety Audit stage one	MAL/BSRMRSA1	0	24/09/24
Road Safety Audit Designers' Response	17-321-008.01		04/10/24

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The case officer requested several amendments during the application process in order to deliver a scheme that would ensure that the proposed development would be safe for future users having regard to the site's flood risk status.

Development within a Coal Mining Area

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](http://www.mra.gov.uk)

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 speeder 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.

Where 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

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 at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- 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.

Appeals to the Secretary of State

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

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

Purchase Notices

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

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

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.

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 so that we can work on continually improving our customer service. Thank you.

Dated: 27-Mar-2026

Signed:



David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/60/93539/E.

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

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

E-mail: dc.admin@kirklees.gov.uk

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