



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

PLANNING PERMISSION FOR DEVELOPMENT

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: 2024/70/90991/E

To: Kathryn Jukes
Directions Planning Consultancy Ltd
23, Victoria Avenue
Harrogate
HG1 5RD

For: Yorkshire Country Properties

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

VARIATION OF CONDITIONS 2 (PLANS) AND 28 (MATERIALS) OF PREVIOUS PERMISSION 2020/93358 FOR ERECTION OF 52 DWELLINGS – REVISIONS TO LAYOUT, HOUSE TYPES, UNIT SIZE MIX AND EXTERNAL MATERIALS

At: LAND EAST OF, ABBEY ROAD NORTH, SHEPLEY, HUDDERSFIELD,
HD8 8FG

In accordance with the plan(s) and applications submitted to the Council on 15-May-2024 [together with those plans and application(s) submitted to the Council on 16-Oct-2020 and incorporated into planning permission 2020/93358 granted on 05-Oct-2021] and subject to the condition(s) specified hereunder:-

1. [condition deleted]

2. 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 in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. Prior to the commencement of development (including ground works) a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- A timetable of all works;
- Details of any phasing of development;
- Details of point(s) of access for construction traffic;
- Details of vehicle sizes and routes;
- Times of vehicle movements;
- Parking for construction workers;
- Signage;
- Pre-development road condition surveys;
- Wheel washing facilities within the site;
- Hours of works;
- Details of dust and dirt suppression measures;
- Details of measures to control noise and vibration from construction-related activities;
- Details of artificial lighting to be used during construction;
- Details of any additional measures required in relation to cumulative impacts (should construction be carried out at both sites within the same site allocation (reference: HS203) during the same period); and
- Details of engagement with local residents and occupants (or their representatives) during the period of construction.

The development shall be carried out strictly in accordance with the CEMP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.

Reason: In the interests of amenity, to ensure the highway is not obstructed and in the interests of highway safety, to ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policies LP21, LP24, LP27 and LP52 of the Kirklees Local Plan and Chapters 9, 12, 14 and 15 of the National Planning Policy Framework.

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

4. No above ground works shall take place until a scheme of details of finished floor levels of each dwelling, together with corresponding finished ground levels and of surface and land drainage associated with any works, corresponding with details to be provided pursuant to condition 19 and have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details so approved and no dwelling shall be occupied until the works relating to that property have been completed. Thereafter the works shall be so retained.

Reason: To ensure the development is in character with its surroundings and to avoid adverse impacts to adjacent land/property, so as to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The development hereby approved shall not be brought into use until visibility splays of 2.4m x 43m in both directions along Abbey Road North at the site access junction (in which there shall be no obstruction to visibility above the level of the adjacent footway as indicated on the approved plan) have been completed. Thereafter, the visibility splays shall be retained throughout the lifetime of the development.

Reason: In the interest of the free and safe use of the highway in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

6. Prior to the commencement of development (including ground works), a scheme detailing the proposed internal adoptable roads and the widened footway of Abbey Road North shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, to include the provision of ducting infrastructure capable of housing fibre broadband to each of the dwellings, drainage details, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. No part of the development shall be brought into use until the internal adoptable roads have been completed in accordance with the approved plans and details or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, suitable infrastructure and to achieve a satisfactory layout and sustainability in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of internal adoptable roads are agreed at an appropriate stage of the development process.

7. No part of the development shall be brought into use until a Full Travel Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall include:

- Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets;
- The provision of Travel Plan Co-ordinator including roles, responsibilities and annual monitoring;
- The provision of travel information;
- Implementation and review timescale;
- Enforcement, sanctions and corrective/review mechanisms; and
- Details and the provision of a sustainable travel fund.

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

Reason: To ensure residents of the development are encouraged to use sustainable forms of transport and to mitigate the highway and air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, Chapters 8, 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

8. Prior to the occupation of any part of the development hereby approved, the approved vehicle parking areas shall be surfaced and drained in accordance with "Guidance on the permeable surfacing of front gardens (parking areas)", 13/05/2009 (ISBN 9781409804864) as amended or superseded, and shall thereafter be retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

9. [condition deleted]

10. Prior to the occupation of any part of the development hereby approved, details of secure, covered and conveniently-located cycle parking for use by residents of the residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved and the cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and encouraging the use of sustainable transport modes, and to accord with Policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

11. Prior to the installation of the electrical system of the development hereby approved, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space; and
- One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces.

Dwellings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. The charging points installed shall be retained thereafter.

Reason: To ensure residents of the development are encouraged to use low-carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, Chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

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

Reason: To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

13. Prior to the commencement of superstructure works, details of storage and access for collection of wastes from the residential units hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access to private driveways, and shall include details of management measures and measures to discourage flytipping. The works and arrangements comprising the approved details shall be implemented before first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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 and Chapters 9 and 12 of the National Planning Policy Framework.

14. Prior to development commencing on the superstructure of any dwelling hereby approved, the design and construction details of all permanent highway retaining walls/structures (and any temporary highway retaining walls/structures that may be deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.

Reason: To ensure that any new retaining 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 and Chapters 9 of the National Planning Policy Framework.

15. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local

Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained throughout the lifetime of the development.

Reason: To ensure that the development does not increase flood risk elsewhere, to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site, details of which, including any balancing works and off-site works, shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The drainage works shall be completed in accordance with the approved details prior to the dwellings first being occupied.

Reason: In the interests of the satisfactory and sustainable drainage of this site, in accordance with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

17. Development shall not commence until a scheme detailing the piping of the watercourse at the point(s) of access or within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the piped watercourse and works for the lifetime of the development. No part of the development shall be brought into use until the watercourse piping works comprising the approved scheme have been completed. The maintenance and management regimes shall be implemented for the lifetime of the development.

Reason: To ensure that the development does not increase flood risk elsewhere, to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

18. Development shall not commence until a revised Flood Risk Assessment (FRA) is submitted in support of the approved site layout plan (reference: 8834-BOW-A0-00-DR-A-0108 rev P10). The FRA shall be in broad accordance with the Flood Risk Assessment (FRA) prepared by Haigh Huddleston and Associates, Reference: E19/7465/FR01, the principles of which were approved by the Local Planning Authority for an earlier development layout. The development shall be carried out in accordance with the revised FRA so approved.

Reason: To ensure that the development does not increase flood risk elsewhere, so as to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that a drainage scheme corresponding with the approved site layout plan is devised and agreed at an appropriate stage of the development process.

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

Reason: To ensure that the development does not increase flood risk elsewhere, so as to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details ensuring that the new houses and roads do not increase flood risk elsewhere are devised and agreed at an appropriate stage of the development process.

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

The scheme shall detail:

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

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

Reason: To ensure that the development does not increase flood risk elsewhere, to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

21. Prior to the commencement of superstructure works, a further noise assessment report shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme which shall show how these rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows.
- Clearly show which external amenity areas at which plots will have daytime noise levels that exceed 50dB LAeq,16hour and for these plots provide a detailed specification for the noise mitigation measures that are

required for outdoor noise levels of no more than 50dB LAeq,16hour to be achieved at these plots.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Reason: In the interests of amenity and to accord with Policy LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

22. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report 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 Chapter 15 of the National Planning Policy Framework.

23. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 22 further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

24. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 23. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

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

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

26. No development shall commence until:

- A scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure site stability is addressed at an appropriate stage of the development process.

27. Prior to the commencement of superstructure works, details of measures to prevent and deter crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. The required submission shall include details of windows overlooking publicly-accessible areas, and details of boundary treatments, lighting and landscaping corresponding with details to be provided pursuant to conditions 29, 30 and 31. No part of the development shall be brought into use until the development has been implemented in accordance with the details so approved.

Reason: In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and Chapters 8 and 12 of the National Planning Policy Framework.

28. Prior to development commencing on the superstructure of any dwelling or electricity substation hereby approved details and samples of all external materials to be used shall be left on site for the inspection and approval in writing of the Local Planning Authority. The submitted details shall conform with the annotations on the proposed materials drawing (reference: 8834-BOW-A0-00-DR-A-0111 rev P08). No materials other than those approved in accordance with this condition shall be used.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

29. Prior to the commencement of superstructure works, notwithstanding what is shown in the enclosures plan (reference: 8834-BOW-A0-00-DR-A-1021 rev P10) hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, shall be submitted to and approved in writing by the Local Planning Authority. The details shall correspond with measures relating to flood routing to be submitted pursuant to condition 19 and shall provide for the movement of hedgehogs. The development shall be

implemented in accordance with the details so approved and shall be retained thereafter.

Reason: In the interests of visual amenity, highways safety and biodiversity, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, and to accord with Policies LP21, LP24, LP27 and LP30 of the Kirklees Local Plan, and Chapters 9, 12 and 15 of the National Planning Policy Framework.

30. Prior to occupation of any part of the development hereby approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be designed to avoid harm to residential amenity, increased highway safety risk, and disturbance to wildlife. The details shall identify areas or features within or adjacent to the development that are visited by bats, and where external lighting may cause disturbance to bat breeding, resting or foraging places or to important routes used by bats to access key areas of their territory. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. No other external lighting shall be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety, to prevent significant ecological harm, to safeguard habitat and to accord with Policies LP21, LP24 and LP30 of the Kirklees Local Plan, and Chapters 9, 12 and 15 of the National Planning Policy Framework.

31. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details of existing and proposed levels, and regrading of areas of public open space;
- An indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development;
- Species schedule and a full planting specification including planting plans (showing the layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates);
- The scheme shall detail the phasing of the landscaping and planting;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;
- Details (including samples, if requested), of paving and other hard surface materials; and
- Details of the on-site open space (including details of its purpose and management) and of any areas for designated, informal, incidental and/or doorstep play.

No part of the development hereby approved shall be occupied until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value and visual amenity, and to accord with Policies LP24, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan, and Chapters 12 and 15 of the National Planning Policy Framework.

32. The hereby approved development shall be undertaken and completed in accordance with the recommendations outlined in the section 8 “Assessment of effects and mitigation” and section 9 “Recommendations for ecological enhancement & compensation” of the approved Ecological Impact Assessment, reference: ‘2020-962 Rev 2’.

Reason: To ensure a scheme that does not harm local ecological value, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

33. Prior to the commencement of development a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The BEMP shall deliver a minimum of 2.57 Habitat Biodiversity Units and 0.58 Hedgerow Biodiversity Units on-site, and 0.58 Habitat Biodiversity Units off-site within the area identified as “The Knowle Boundary” on Plan reference: FE78_01. The BEMP shall include all the measures in the Biodiversity Impact Assessment reference: FE78/BIA01 dated February 2021 by Futures Ecology and the following:

- Description and evaluation of features to be managed and enhanced;
- Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- Ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management Actions for achieving Aims and Objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP;
- Ongoing monitoring programme and remedial measures; and

The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years. The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the Plan will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP shall be implemented in accordance with the approved details.

Reason: In the interests of local ecological value and visual amenity, and to accord with Policies LP24, LP30, LP32 and LP33, of the Kirklees Local Plan, and Chapters 12 and 15 of the National Planning Policy Framework.

34. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- Risk assessment of potentially damaging construction activities;

- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs; and

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

Reason: To ensure avoidance of ecological harm in accordance with Policy LP30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework.

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

35. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority in response to evidence to be submitted to the Local Planning Authority demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason: To prevent significant ecological harm to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, D and E of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

37. Other than where indicated on the drawings hereby approved, and other than in relation to elevations not facing a highway, no cables, plumbing, foul pipes, vents, burglar alarm boxes, and/or CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) of the development hereby approved. Should any such equipment or installations be considered necessary, details of these shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the details so approved.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Please refer to the informative notes attached to permission ref: 2020/93358 dated 05/10/2021.

Plans and specifications schedule:

Plan/document type	Reference	Version	Date received
Location Plan	1914-SI-21		07/10/2020
Proposed Site Plan – S73	8834-BOW-A0-00-DR-A-0108	P10	18/10/2024
Enclosures Plan (as amended)	8834-BOW-A0-00-DR-A-1021	P10	04/07/2024
Proposed Materials – S73	8834-BOW-A0-00-DR-A-0111	P6	04/07/2024
Electric Vehicle Charging Points	8834-BOW-A0-00-DR-A-1022	P2	25/04/2024
Road and Sewer Long-Sections Roads 4 - 6	E17/7465/505_03	C	30/09/2024
Proposed site sections	8834-BOW-A0-ZZ-DR-A-1050	P3	04/07/2024
Proposed site section – sheet 2	8834-BOW-A0-ZZ-DR-A-1052	P4	30/09/2024
Proposed materials – S73	8834-BOW-A0-00-DR-A-0111	P8	22/07/2024
House Type B1 Proposals	8834-BOW-A18-ZZ-DR-A-0100	P4	04/07/2024
House Type B2 Proposals	8834-BOW-A32-ZZ-DR-A-0100	P3	09/04/2024
House Type C Proposals	8834-BOW-A15-ZZ-DR-A-0100	P4	04/07/2024
House Type C1 Proposals	8834-BOW-A22-ZZ-DR-A-0100	P4	04/07/2024
House Type D Proposals	8834-BOW-A6-ZZ-DR-A-0100	P1	09/04/2024
House Type D1 Proposals	8834-BOW-A7-ZZ-DR-A-0100	P2	09/04/2024
House Type D2 Proposals	8834-BOW-A12-ZZ-DR-A-0100	P3	09/04/2024
House Type L2 Proposals	8834-BOW-A23-ZZ-DR-A-0100	P2	09/04/2024
House Type L2 Proposals (Elevations)	8834-BOW-A23-ZZ-DR-A-0101	P2	09/04/2024
House Type R Proposals	8834-BOW-A24-ZZ-DR-A-0100	P2	09/04/2024
House Type R1 Proposals	8834-BOW-A31-ZZ-DR-A-0100	P2	09/04/2024
House Type U Proposals	8834-BOW-A14-ZZ-DR-A-0100	P3	09/04/2024

Plan/document type	Reference	Version	Date received
House Type V Proposals	8834-BOW-A27-ZZ-DR-A-0100	P2	15/05/2024
House Type V Proposals	8834-BOW-A27-ZZ-DR-A-0101	P2	09/04/2024
House Type W Proposals	8834-BOW-A29-ZZ-DR-A-0102	P4	04/07/2024
House Type W (Semi)	8834-BOW-A28-ZZ-DR-A-0100	P1	09/04/2024
House Type W (Semi)	8834-BOW-A28-ZZ-DR-A-0101	P1	09/04/2024
House Type Y Proposals	8834-BOW-A17-ZZ-DR-A-0100	P2	09/04/2024
Single Garage	8834-BOW-A21-ZZ-DR-A-0100	P2	09/04/2024
Twin Garage	8834-BOW-A20-ZZ-DR-A-0100	P2	09/04/2024
Design & Access Statement (as amended)	Parker Peel Architectural, 1914-RE-02		07/10/2020
Materials Descriptions		02/07/2024 version	04/07/2024
Proposed materials (images)			04/07/2024
Schedule of Accommodation – S73			11/12/2024
Table of Housing Size and Tenure		12/12/2024 version	12/12/2024
Transport Statement (as amended)	Via Solutions, 20082		13/10/2020
Background Noise Assessment (as amended)	Clover Acoustics, 4423-R1		13/10/2020
Phase 1 Geoenvironmental Report (as amended)	Haigh Huddleston and Associates, E19/7465/R003		19/10/2020
Flood Risk Assessment (as amended)	Iain Tavendale, E19/7465/FR01		23/10/2020
Survey Details for Trees			13/10/2020
Ecological Impact Assessment (as amended)	MAB, 2020-962	2	05/02/2021
Biodiversity Impact Assessment (as amended)	Future Ecology, FE78/BIA01		08/02/2021

Plan/document type	Reference	Version	Date received
Th Biodiversity Metric 2.0 – Calculation Tool			17/02/2021

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 Local Planning Authority provided opportunities for the proposals to be amended.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

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

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

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

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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

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

www.gov.uk/government/organisations/the-coal-authority

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 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.

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: 17-Dec-2024

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 2024/70/90991/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
