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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/70/91384/W

To: Alistair Flatman Planning
24, West End Grove
Horsforth
Leeds
LS18 5JJ

For: Erris Homes (Yorkshire) 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:-

REMOVAL OF CONDITION 10 (DRAINAGE) OF PREVIOUS OUTLINE PERMISSION 2016/93985 FOR RESIDENTIAL DEVELOPMENT

At: LAND OFF, BANK END LANE, ALMONDBURY, HUDDERSFIELD, HD5 8ES

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 30-Nov-2016 and incorporated into planning permission ref no. 2016/93985/62/W granted on 24-March-2017] and subject to the condition(s) specified hereunder:-

NOTE: The applicant is advised that the following conditions were originally imposed on planning permission 2016/93985 (i.e., those conditions that have not been sought for variation as part of this application). The original conditions where relevant, bar conditions, 1, 2, 3,4 ,10 and 11 which are hereby removed, are reproduced on this notice, to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

Where the details pursuant to the conditions below, in accordance with planning permission reference 2016/93985, have already been submitted for discharge and approved, or part approved, by the Local Planning Authority, and where there is no change to the details required by that condition, a further discharge of condition application pursuant to this application will not necessary.

1. [deleted]

2. [deleted]

3. [deleted]

4. [deleted]

5. Notwithstanding the details shown on drawing no. 13/D69/05 titled 'Access layout' no development shall take place until details of the junction and associated highway works, between the proposed estate road and Bank End Lane have been submitted to and approved in writing by the Local Planning Authority. The details shall include full sections, details of speed reducing features, construction specifications, drainage works, street lighting, signage, white lining, surface finishes, treatment of sight lines together with an appropriate independent road safety audit covering all aspects of the works. The development shall not be brought into use until all the works under the approved scheme have been carried out complete in accordance with the approved scheme.
Reason: This is a pre-commencement condition to ensure that an appropriate scheme is agreed in the interests of highway safety for existing and future residents in accordance with Local Plan Policy LP21 and guidance in the National Planning Policy Framework

6. No development shall take place until a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new temporary and permanent retaining walls/structures adjacent to existing and proposed adoptable highways have been submitted to and approved in writing by the Local Planning Authority. The development shall commence only on completion of the retaining structures/walls in accordance with the approved details or in accordance with an alternative timescale agreed in writing by the Local Planning Authority and thereafter retained as such.
Reason: This is a pre-commencement condition to ensure that new structures do not compromise the stability of the highway and in the interest of highway and pedestrian safety, in accordance with Local Plan Policy LP21 and guidance in the National Planning Policy Framework

7. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
Reason: This is a pre-commencement condition to ensure that an appropriate scheme is agreed in the interests of highway safety before construction works commence in accordance with Local Plan Policy LP21 and guidance in the National Planning Policy Framework

8. The development hereby approved shall be carried out in complete accordance with the mitigation and recommendations as set out under sections 7 and 8 of the submitted preliminary Ecological Site Appraisal dated 7th November 2016.
Reason: In the interest of visual amenity and to maintain and enhance ecological Interests within the site, in accordance with Local Plan Policy LP30 and guidance in the National Planning Policy Framework

9. Details of layout and landscape pursuant to conditions 1 and 2 shall be accompanied by the results of the further surveys recommended in the submitted preliminary Ecological Site Appraisal dated 7th November 2016 and a method statement for the protection of the identified ecological features. The development shall thereafter be carried out in complete accordance with any recommendations mitigation and enhancements measures set out in these further surveys and in accordance with the approved method statement. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.
Reason: In the interest of visual amenity and to maintain and enhance ecological interests within the site, in accordance with Local Plan Policy LP30 and guidance in the National Planning Policy Framework

10. [deleted]

11. [deleted]

12. Development 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: This is a pre- commencement condition so as to ensure ground investigation are undertaken to assess the suitability of the existing and proposed ground conditions for the proposals and in the interest of the safe occupation of the site in accordance with Local Plan Policy LP53 and guidance in the National Planning Policy Framework.

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no. 12 development 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: This is a pre- commencement condition so as to ensure ground investigation are undertaken to assess the suitability of the existing and proposed ground conditions for the proposals and in the interest of the safe occupation of the site in accordance with Local Plan Policy LP53 and guidance in the National Planning Policy Framework.

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no. 13. 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 works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, 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 Local Plan Policy LP53 and guidance in the National Planning Policy Framework

15. 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. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed 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.
Reason: To ensure the safe occupation of the site and to ensure that the approved remediation measures are completed before the dwellings are occupied in the interests of the health and wellbeing of future residents and with Local Plan Policy LP53 and guidance in the National Planning Policy Framework

16. A scheme to show how and where the development shall incorporate facilities for recharging electric vehicles shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved scheme with the charging points installed and operational prior to occupation of the dwellings and retained thereafter.
Reason: To accord with the guidance contained within the National Planning Policy Framework “Promoting sustainable transport” and to encourage low carbon forms of transport.

FOOTNOTE: Contaminated land
All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

FOOTNOTE: - ADOPTION UNDER SECTION 38 OF THE HIGHWAYS ACT:
It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 01484 221000 or ' Highways.Section38@kirklees.gov.uk') must be contacted to discuss footway adoption arrangements under Section 38 of the Highways Act 1980.

FOOTNOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. 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.

FOOTNOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

FOOTNOTE: The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner.

FOOTNOTE: The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

FOOTNOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

FOOTNOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:
07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00 hours Saturdays
With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

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

FOOTNOTE: All new surface water attenuation pipes/culverts/ storage tanks with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway where possible. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM (Construction and Design Management) 2015 requirements. Furthermore, all new pipes/ culverts/storage tanks with internal diameter/ spans exceeding 0.9m, proposed for use within the footprint of an adopted highway must be accredited with a BBA (The British Board of Agreement Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	13/D69/01		30/11/16 pursuant to planning permission 2016/93985
Existing site/ topography survey plan	13/D69/04		30/11/16 pursuant to planning permission 2016/93985
Proposed access point plan	13/D69/05		30/11/16 pursuant to planning permission 2016/93985
Amended planning statement	Dated November 2016		11/01/17 pursuant to planning permission 2016/93985
PH I Desk study & Coal Mining Risk Assessment	RB 3119, dated Nov 2013		30/11/16 pursuant to planning permission 2016/93985
Tree survey	131128 by James Royston		30/11/16 pursuant to planning permission 2016/93985
Flood Risk Assessment	By HM design dated 23/02/17		24/02/17 pursuant to planning permission 2016/93985
Design & access statement	13/D69 dated 22/11/16	A	30/11/16 pursuant to planning

Plan Type	Reference	Version	Date Received
			permission 2016/93985
Drainage strategy			30/11/16 pursuant to planning permission 2016/93985
Preliminary Ecological Site Appraisal	7th Nov 2016 by Peter Middleton		30/11/16 pursuant to planning permission 2016/93985
Transport assessment	By PAH Highway Consultants 808/Dec/2013		30/11/16 pursuant to planning permission 2016/93985

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 Planning 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. Other than clarification of certain details, no negotiations were required. The application is determined to be acceptable.

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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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.

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.

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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from the date of this notice,

whichever period expires earlier.

- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.

- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.

- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or 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: 27-Jun-2024

Signed:

David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/70/91384/W.

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