



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: 2024/62/91476/E

To: Karl Brennan,
eleven52architects
30, The Fairway
Pudsey
Leeds LS28 7RE

For: JONATHAN BAILEY, WORDSWORTH PROPERTY DEVELOPMENTS 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:-**

ERECTION OF 24 DWELLINGS

At: CLOUGH FARM, LONG LANE, EARLSHEATON, DEWSBURY, WF12 8LQ

**In accordance with the plan(s) and applications submitted to the Council on
23-May-2024, subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun not later than three years from the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 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 SPD.

3. Development shall not commence until a scheme of details of finished floor levels of each dwelling, together with corresponding finished ground levels of land, including land within their curtilages, have been submitted to and approved in writing by the Local Planning Authority. These shall show the height of any retaining walls to the site boundaries. 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 dwelling have been completed, and these works shall be so retained.

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

This is a pre-commencement condition to ensure that the appropriate levels are ascertained at an appropriate stage of the development process.

4. Remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy authored by Lithos dated May 2024 (ref: 2986/2A). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

5. 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 dwelling shall be occupied 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. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification 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 paragraph nos. 189 and 190 of the National Planning Policy Framework.

6. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include 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 detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included.

The CEMP thus approved shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Part 15 of the NPPF and LP52 of the Local Plan. This is a pre-commencement condition to ensure that any impacts on amenity that may occur at any stage in the construction process are appropriately mitigated.

7. Prior to development commencing, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following:

- 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;
- Details of arrangements for loading and unloading and the storage of materials;
- Measures to prevent mud and grit from being deposited on the public highway.

All construction arrangements shall be carried out in accordance with the approved CMP throughout the period of construction.

Reason: In the interests of protecting amenity and highway safety during the construction phase, and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan, as well as Chapters 9 and 12 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure appropriate measures to protect amenity and maintain highways safety are agreed at an appropriate stage of the development process.

8. Before development commences, a survey of the existing condition of the highway on Long Lane shall be submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before any new building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on Long Lane shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into use.

Reason: To ensure that any deterioration in the quality of the highway that may occur during construction is remedied in the interests of the safety and convenience of highway users, and to accord with the aims of Policies LP20-21 of the Kirklees Local Plan. This information is required pre-commencement to ensure that an accurate record of the condition of the highway is obtained so that any defects arising from construction can be accurately identified and remediated.

9. Before development commences, a scheme detailing the location, design and construction details for all new retaining walls / building retaining walls adjacent to the existing and proposed adoptable highway, including cross sectional information shall be submitted to and approved in writing by the Local Planning Authority in the form of an Approval In Principle. The approved scheme shall be implemented, in accordance with a programme agreed with the Local Planning Authority and thereafter retained as such.

Reason: To ensure that the proposal does not endanger the stability of land that is within or adjacent to the public highway, in accordance with the aims of Policies LP20, LP21 and LP53 of the Kirklees Local Plan as well as Chapter 9 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that safe retaining walls are designed and approved at an appropriate stage of the development process.

10. Before development commences, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the construction phase of the proposed development and thereafter retained as such.

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

11. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation construction details/design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure.

No part of the development 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 and retained thereafter.

Reason: To ensure the safe and sustainable drainage of the site in accordance with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF. This is a pre-commencement condition to ensure that safe and sustainable drainage infrastructure is incorporated into the development at an appropriate stage.

12. 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 the safe and sustainable drainage of the site and mitigation of flood risk in accordance with the aims of Policies LP27-28 of the Kirklees Local Plan and Chapter 14 of the NPPF. This is a pre-commencement condition to ensure that safe and sustainable drainage infrastructure and flood routing are incorporated into the development at an appropriate stage.

13. 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.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 5-year storm.

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 is a pre-commencement condition to ensure that safe and sustainable arrangements for the disposal of surface water are in place throughout the construction period.

14. Notwithstanding the submitted ecological information, no development shall take place (including ground works and vegetation clearance) until a reptile survey has been undertaken by a competent person and the results submitted to the Local Planning Authority. The results shall be used to inform the Construction Environmental Management Plan – Biodiversity referred to in condition (15) below.

Reason: To ensure that harm to biodiversity does not occur as a result of development and to accord with the aims of Policy LP30 of the Kirklees Local Plan since the Preliminary Ecological Appraisal does not conclusively demonstrate the absence of reptiles. This information is required pre-commencement to ensure that if reptiles are present on site, they are not harmed at any stage in the development process.

15. 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 incorporate the recommendations within part 5 of the Preliminary Ecological Appraisal, and 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, including those associated with Chickenley Beck.
- A strategy for temporary lighting during construction (if required) that follows best practice guidelines outlined in Bats and Artificial Light at Night (2023) to maintain suitable foraging and commuting routes,
- An invasive species survey undertaken within the botanical growing season, to include all land within the red line as shown on the location plan, and blue line on the site plan, to determine if Schedule 9 invasive non-native species are present. If such species are present, then an Invasive Species Management Plan to be submitted as part of the CEMP: Biodiversity.
- 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.
- Use of protective fences, exclusion barriers and warning signs.

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

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 is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase and that invasive species, if found to be present, are safely eliminated from the site.

16. Prior to development commencing, details shall be submitted to and approved in writing by the Local Planning Authority of measures to improve pedestrian provision between the proposed site access and Woodburn Avenue.

- (i) The location of the proposed footpath enhancement works;
- (ii) Details of footpath improvements, including white lining, taking into consideration the existing features found around Clough House;
- (ii) A timescale for its implementation.

The development shall then be carried out in accordance with this approved scheme in accordance with the approved timescales and thereafter retained.

Reason: To ensure that pedestrian provision is improved to compensate for the increased vehicular and pedestrian traffic flows on Long Lane in a way proportionate to the scale of the development, in the interests of highway safety and to facilitate sustainable means of transport in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that details of works can be agreed at an early stage in the development process so that they can be implemented before the development is occupied.

17. Prior to their use, details and samples of all the external facing materials for the dwellings hereby approved, and any and all retaining walls, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

18. No development shall take place within the root protection area of any trees to be retained on site, as shown on the approved Arboricultural Survey and Arboricultural Impact Assessment, until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in full accordance with the approved AMS.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

19. Prior to the first occupation of any dwelling hereby approved, notwithstanding the submitted indicative landscape scheme, a scheme detailing the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. This shall include boundary treatments around the perimeter of the site, around/between the dwelling houses, and (in the case of Plots 8-10) measures to screen raised or terraced areas within the plot if it cannot be demonstrated that boundary screening alone would be effective at preventing or mitigating mutual overlooking between proposed and existing ground floor habitable room windows. Boundary treatments to the perimeter of the site shall demonstrate how the movement of hedgehogs across the site will be facilitated. All of the approved works shall be completed before any dwelling to which they relate is first occupied, and these shall thereafter be retained.

Reason: In the interests of visual amenity, to safeguard the privacy of existing and future residents, and to ensure that the screening does not cause harm to biodiversity in the site or its surroundings, in accordance with Policy LP24 and LP30 of the Kirklees Local Plan and Chapter 12 and 15 of the National Planning Policy Framework.

20. Before construction starts above foundation level on the dwelling on Plot 7, notwithstanding the details on the approved drawings, amended details of the north-facing first floor window demonstrating how overlooking of private amenity space and any south-facing habitable room windows within the adjacent dwelling will be prevented or mitigated. Any first-floor windows in the northern elevation of this dwelling shall be installed in full accordance with the approved details, and shall thereafter be retained as such.

Reason: To ensure that mutual overlooking between existing and proposed development is prevented or mitigated in the interests of residential amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

21. Notwithstanding the submitted details, development above foundation level shall not commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- Indications of all existing trees, shrubs and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development;
- Details of all hard landscaping, to include material as appropriate;
- Soft planting details to include species, planting density and size;
- Details of tree pits including soil volumes and root barriers;
- Measures to facilitate the movement of hedgehogs by means of gaps in boundary fencing;
- A schedule of implementation;
- Details of aftercare and long-term maintenance.

All planted materials shall be maintained for a minimum of five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

Reason: In the interests of the visual amenity and character of the surrounding area and to accord with Policies LP24 and LP32 of the Kirklees Local Plan and Chapter 12 and 15 of the National Planning Policy Framework.

22. Before any new dwelling is occupied, the sightlines shown on drawing AMA/20466/SK003 within the Highways Supporting Statement shall be cleared of all obstructions to visibility exceeding 1m in height above the adjacent carriageway and these shall thereafter be retained free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

23. The construction of any new estate streets shall not commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the local planning authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the works that are to be completed for each phase of the development. No dwelling within each relevant phase shall be occupied until the estate street(s) that provide access to those dwelling(s) has been completed in accordance with the Estate Street Phasing and Completion Plan.

Reason: To ensure that the estate streets serving the development are completed to an acceptable standard and are available for use by the occupants and other users of the development, in the interest of highway safety and to accord with the aims of Policies LP20 and LP21 of the Kirklees Local Plan.

24. All approved vehicle parking areas shown on the approved site plan shall be provided and laid out with a hardened and drained surface before the dwelling to which they relate is first occupied, or in the case of visitor parking spaces outside the adoptable highway, before any dwelling is first occupied. The parking areas shall thereafter be retained as such, free from obstructions to their use for the parking of vehicles.

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

25. Before development commences, details of any temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided before first occupation of the dwellings to which this applies and implemented throughout the construction process.

Reason: In the interests of amenity and highway safety, to comply with the Council's sustainability objectives, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as Chapter 9 and 12 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure that the necessary waste storage and collection facilities are provided throughout the proposed development.

26. Before any new dwelling is first occupied, details of the design of enclosures for bin storage for the new dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. All the approved bin enclosures shall be provided, and all of the areas shown on the approved site plan for the storage and collection of wastes including both private and communal bin presentation points, laid out with a hard surface and made available for use, before the dwelling(s) to which they relate are first occupied, and thereafter retained as such, free from all obstructions to their use.

Reason: In the interests of visual amenity and to ensure the provision of satisfactory facilities for the separation, storage and disposal of wastes, to meet the requirements set out in Policy LP24 part d(vi) of the Kirklees Local Plan.

27. No dwelling shall be occupied until details showing the provision of bicycle storage facilities to serve the residential properties have been submitted to and approved in writing by the local planning authority. These facilities shall be provided and made available for use prior to the first occupation of the dwelling to which it relates and thereafter retained as such.

Reason: To comply with the Council's sustainability objectives by encouraging the use of low-impact modes of travel, the promotion of healthy, safe and active lifestyles, and protection against crime and the fear of crime, in accordance with the aims of Policies LP20, 24 and 47 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document, and Chapter 8 of the National Planning Policy Framework.

28. Prior to occupation of any new dwelling, a minimum of one electric vehicle charging point shall be provided within the parking space of that dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of a minimum of 16 Amps and a maximum demand of 32Amps. The charging points 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.

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

a) identify those areas / features on site that are particularly sensitive for local species and that are likely to cause disturbance in, or around their breeding sites and resting places, or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

30. Prior to occupation of any new dwelling, a scheme to protect retained habitats and species shall be submitted to and approved in writing by the local planning authority and implemented as approved. This shall include methods to ensure the long-term protection of Chickenley Beck and the habitats it offers. Thereafter, the development shall be implemented in accordance with the approved scheme.

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.

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, B, C of E of Part 1 of Schedule 2 to that Order shall be made to Plots 8 to 12 and Plots 23 and 24, as shown on the approved site plan.

Reason: To ensure that extensions or outbuildings do not result in harmful overlooking or an overbearing impact upon occupants of neighbouring dwellings and that an adequate amount of private amenity space is retained for future residents, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

32. Before work on any dwelling commences above foundation level, details of the proposed solar panel array and/or other on-site microgeneration measures to serve the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme 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 LP24(d), Principle 18 of the Housebuilders' Design Guide SPD and Policy 12 of the Holme Valley Neighbourhood Development Plan.

33. Before any new dwelling is first occupied, before the development is brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of measures to protect future residents from crime and the fear of crime. The approved measures shall be implemented before any new dwelling is first brought into use and thereafter retained.

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

34. Before any part of the development is occupied, details, including the location, of 4 no. bat and 4 no. bird boxes to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. These shall be made of woodcrete or another durable material. Each shall be installed before any part of the building to which it relates is first occupied and thereafter retained.

Reason: To ensure that opportunities are taken to enhance the value of the site as a habitat for bats and birds and meet the requirements of para. 180(d) of the National Planning Policy Framework (NPPF) and Policy LP30 of the Kirklees Local Plan.

Note: In accordance Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) **development may not be begun unless:**

- a biodiversity gain plan has been submitted to the planning authority; and
- The planning authority has approved the plan.

The biodiversity gain plan must include:

- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- the pre-development biodiversity value of the onsite habitat;
- the post-development biodiversity value of the onsite habitat;
- any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- any biodiversity credits purchased for the development; and
- any such other matters as the Secretary of State may by regulations specify.

NOTE – Condition 3

Drawings 23590-DR-C-0600 and 23590-DR-C-0601 show a now superseded layout. Therefore, they are treated as indicative only and do not form part of the approved documents.

NOTE – Condition 18

It is recommended that the details submitted in respect of this condition should show that no part of the window that is less than 1.7m above internal first floor level is to be clear-glazed, and that all glazing below this level has a grade 5 degree of obscurity.

Management and Maintenance of Private Estate Streets – Informative

The applicant is advised that it is their responsibility to inform the potential purchasers of the properties served by any unadopted streets that the streets will remain unadopted and provide details of the ongoing management and maintenance requirements and their obligations. The potential purchasers must also be advised by the developer of the potential implications of the streets remaining private, which are described in DfT Advice Note 'Highway Adoption' at Annex C 'A Guide for Home Buyers': Highways Adoption (publishing.service.gov.uk)

The applicant is advised to consult with the Local Highway Authority guidance document on 'Private Streets and the Advance Payments Code': Highways guidance note: Private Streets and the Advance Payments Code (kirklees.gov.uk)

S38 Agreement – Informative

The applicant should be aware that the internal street layout will need to be built to adoptable standards if offered for adoption under Section 38 of the Highways Act 1980. The applicant is advised to make early contact with the Highways Section 38 team at Highways.Section38@kirklees.gov.uk to initiate the Section 38 process, technical approval and agreement. Further information is available on the council's website at: Highways Guidance Note - Section 38 Agreements for Highway Adoptions (kirklees.gov.uk)

Any future applications for adoption under S37 must demonstrate to the satisfaction of the Highway Authority that all of the roads applied for under S37 have been constructed to an adoptable standard in accordance with Highways Guidance Note - Section 38 Agreements for Highway Adoptions (kirklees.gov.uk)

Section 38 adoption arrangements

The developer is advised that as part of the section 38 adoption the area within the splay which is currently outside the proposed highway boundary will need to be dedicated as highway.

Environmental permit – advice to developer

Chickenley Beck is designated as a main river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Application form			24-May-2024
Location plan	0389_EARL_101		24-May-2024
Site survey	0389_LON_102		24-May-2024
Proposed site plan	0389_EARL_102	N	06-Mar-2025
Adopted highway and managed areas plan	0389_LON_109		06-Mar-2025
House type C1 floorplans	0389_LON_0_HT003		24-May-2024
House type C1 elevations	0389_LON_0_HT003		24-May-2024
House type B1 floorplans	0389_LON_0_HT002		31-Jul-2024
House type B1 elevations	0389_LON_0_HT002		31-Jul-2024
House type B2 floorplans	0389_LON_0_HT004		31-Jul-2024
House type B2 elevations	0389_LON_0_HT004		31-Jul-2024
House type E1 floorplans	0389_LON_0_HT005		24-May-2024
House type E1 elevations	0067_LON_0_HT005	A	17-Mar-2025
House type E2 floorplans	0067_LON_0_HT010		06-Mar-2025
House type E2 elevations	0067_LON_0_HT010	A	06-Mar-2025
Proposed site sections A, B, C	0067_LON_105		31-Jul-2024
Proposed site sections D and E	0389_LON_106		18-Mar-2025
Outline Landscape Masterplan & Specification	PWP 368 002	03	06-Mar-2025
Design & Access Statement			24-May-2024
Highway Supporting Statement	Andrew Moseley Associates		19-Aug-2024
Pedestrian Infrastructure Audit	22229		04-Nov-2024
Road Safety Audit	Meraki Alliance	2	20-Dec-

Plan Type	Reference	Version	Date Received
			2024
Drainage Strategy	23590-DR-C-0101	P4	24-May-2024
Proposed Impermeable Areas	23590-DR-C-0101	P3	24-May-2024
Temporary Drainage	23590-DR-C-0102	P1	24-May-2024
Flood Risk Assessment	23590-FRA-001		24-May-2024
Flow Calculations	23590		24-May-2024
Geoenvironmental Appraisal	2986/1B		24-May-2024
Remediation Strategy	2986/2A		24-May-2024
Health Impact Assessment	ID Planning		24-May-2024
Utilities Statement	LLE-BWB-ZZ-XX-RP-U-0001-DD		24-May-2024
Noise note	LE/Environment/243830/L01		24-May-2024
Arboricultural survey	LLE-BWB-ZZ-XX-T-EE-0003_Arboricultural Survey		24-May-2024
Arboricultural impact assessment	LLE-BWB-ZZ-XX-T-EE-0004_AIA		24-May-2024
Preliminary Ecological Appraisal	LLE-BWB-ZZ-XX-RP-LE-0001_PEA		24-Nov-2024
BNG Metric	243830		07-Mar-2025
BNG Metric (watercourse units)	243830		26-Mar-2025
Biodiversity Net Gain Statement	LLE-BWB-ZZ-XX-T-EE-0002		26-Mar-2025
Biodiversity Net Gain plan	LLE-BWB-ZZ-XX-T-EE-0003		26-Mar-2025
Climate Change Statement			05-Feb-2025

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 undertook negotiation with the applicant to ensure that the proposal would harmonise with its surroundings, deliver safe access and servicing arrangements, and protect the amenities of existing and future residents.

DEVELOPMENT WITHIN A COAL MINING AREA

The proposed development lies within an area that has been defined by the Mining Remediation 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.

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 Mining Remediation 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 a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: <http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](#)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - 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 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.

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.

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

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".
- You can apply online for approval of these details at the Planning Portals website 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.

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

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served 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:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on 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: 30-Apr-2025

Signed:



**David Shepherd
Executive Director for Place**

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required, please email:

dc.admin@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

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