



**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: 2024/62/91760/E

To: Daniel Tomlinson,
GWP Architecture
1, Lidgett Lane
Leeds
LS8 1PQ

For: NICK BAILY, HALL ROAD ECCLESHILL 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 19 DWELLINGHOUSES WITH ASSOCIATED CAR PARKING,
LANDSCAPING AND BOUNDARY TREATMENT AND OTHER ASSOCIATED
WORKS

At: LAND ADJ HEALEY JUNIOR INFANTS AND NURSERY SCHOOL, HEALEY
LANE, HEALEY, BATLEY, WF17 8BN

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

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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, 27, 30 and 52 of the Kirklees Local Plan.

3. No development shall commence until:

- 3a. further intrusive site investigations have been carried out within the site, as recommended by Patrick Parsons (Section 9.1 / 10.0 of the Phase 2 Geoenvironmental Appraisal) in order to conclusively discount the presence of recorded mine entry (CA shaft ref: 422423-005), and;
- 3b. any remediation works and/or mitigation measures to address land instability arising from this feature, 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. This should include the submission of the approved site layout plan, to illustrate the exact location and grid co-ordinates of the mine entry (if found within the site) and the zone of influence of this feature.

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

Reason: To ensure that the site is safe for occupation having regard to coal mining legacy and to accord with the aims of Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

This information is required pre-commencement to ensure that any possible instability arising from coal mining legacy is addressed before groundworks begin.

4. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the site is safe for occupation having regard to coal mining legacy and to accord with the aims of Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

5. Groundworks (other than those required for a site investigation report) shall not commence until a supplementary Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required pre-commencement to ensure that any possible land contamination is identified and dealt with at an appropriate stage.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (5) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required pre-commencement to ensure that land contamination remedied at an appropriate stage.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (6). 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. 196 and 197 of the National Planning Policy Framework.

8. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. 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. 196 and 197 of the National Planning Policy Framework

9. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed 3.5 l/s discharge rate 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 that a safe and sustainable system of drainage is put in place to serve the site and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This information is required pre-commencement to ensure that satisfactory drainage infrastructure can be installed at an appropriate stage in the development process.

10. 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.
- The strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless a higher discharge rate is approved by the Local Planning Authority.

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

Reason: To ensure that the development process does not give rise to flood risk or pollution of the water environment and to accord with the aims of Policies LP27 and 28 of the Kirklees Local Plan. This information is required pre-commencement to ensure that suitable temporary drainage arrangements are in place before groundworks commence.

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

- 11a. Any phasing of development and timetable of all works;
- 11b. Hours of works;
- 11c. Details of construction access arrangements;
- 11d. Construction vehicle sizes and routes;
- 11e. Numbers and times of construction vehicle movements;
- 11f. Locations of HGV waiting areas and details of their management;
- 11g. Parking for construction workers;
- 11h. Loading and unloading of plant and materials;
- 11i. Storage of plant and materials;
- 11j. Signage;
- 11k. Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- 11l. Street sweeping;
- 11m. Measures to control and monitor the emission of dust and dirt during construction;
- 11n. Site waste management, including details of recycling/disposing of waste resulting from construction works;

- 11o. Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- 11p. Artificial lighting used in connection with all construction-related activities and security of the construction site;
- 11q. Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- 11r. Means of engagement undertaken with local residents, occupants and/or their representatives, and means of continued engagement during the construction process; and
- 11s. Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity are devised and agreed at an appropriate stage of the development process.

12. Prior to commencement of development, the following details associated with the proposed site access and estate streets, as shown on the preliminary site layout plan, ref. (557)2405-GWP-00-00-D-A-(PA)-0005 Rev. P17 Proposed Site Plan, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- 12a. Long Sections showing the vertical alignment of all estate streets;
- 12b. Stage 1 Road Safety Audit (RSA) based on an Approved RSA Brief, Designers Responses and Agreed RSA Actions, covering all aspects of these works.

The details to be provided shall include a timeframe for the delivery of the works. Thereafter the site access and estate streets shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: To achieve a satisfactory layout in the interests of the safe and convenient use of the highway 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 and junctions are agreed at an appropriate stage of the development process.

13. 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.

14. Before development commences, details of 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 arrangements shall be implemented throughout the construction period.

Reason: To ensure safe and satisfactory provision for the storage and collection of wastes during the development process in the interests of visual amenity and highway safety, and to accord with the aims of Local Plan Policy LP24 part d(vi) of the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate measures to protect amenity and maintain highway safety are agreed before development commences.

15. Prior to the construction of any dwellings above foundation level, samples of all external materials and finishes to be used shall be submitted for the inspection of and approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to preserve and enhance the character of the townscape and to accord with Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

16. Prior to construction work commencing on any new retaining walls within the site, details shall be submitted to and approved in writing by the Local Planning Authority of the facing materials for the retaining walls. All retaining walls within the site shall be constructed using the approved materials before any new dwelling is occupied, and thereafter retained as such.

Reason: In the interests of visual amenity, to preserve and enhance the character of the townscape and to accord with Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

17. Notwithstanding the submitted details, prior to work commencing on the superstructure of any dwelling, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- 17a. Details of existing and proposed levels, and regrading, and detailed landscape layout including, where applicable, maintenance of adequate visibility at new or existing junctions and private accesses;
- 17b. Species schedule, specification and planting plans, including layout, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species;
- 17c. Landscape Maintenance & Management Plan (LMMP) required with details of initial aftercare and long-term maintenance and management plan including

- details of the management company and a management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees and should also include any SuDS features, and existing trees and vegetation retained on site;
- 17d. Details of monitoring and remedial measures, including replacement of any trees, shrubs, hedge or planting that fails or becomes diseased within the first five years from completion;
- 17e. Details (including samples, if requested), of paving and other hard surface materials and boundary treatments, including means of enclosure to public open spaces.
- 17f. Notwithstanding the details on the submitted landscaping plan 101 Revision F, the Proposed Native Shrub Mix in the area between Plot 15 and the site boundary is not approved. The final approved scheme shall show a wildflower mix or other low-growing plants in this area.

All landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. 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, visual and residential amenity and highway safety, to accord with Policies LP24, LP30, LP32, and LP33 of the Kirklees Local Plan, chapters 12 and 15 of the National Planning Policy Framework, and to ensure the provision and establishment of an acceptable finalised landscape scheme in broad accordance with the overall plan and schedule submitted with the application.

18. Before development above foundation level commences, details shall be submitted to and approved in writing by the Local Planning Authority of a solar array to be installed on the roofs of the new dwellings and/or any other on-site renewable energy generation. The approved solar array or other measures shall be installed before the dwelling to which they relate is first brought into use and thereafter retained as such.

Reason: To ensure that the development contributes to reducing carbon emissions in accordance with the aims of Policy LP24(d) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

19. All of the recommendations in Section 6.6 of the Preliminary Ecological Appraisal and Biodiversity Net Gain (BNG) Feasibility Report P062 V03 shall be followed throughout the development process.

Reason: To protect biodiversity during construction by avoiding direct impacts to protected species, and to accord with Kirklees Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework. This information is required pre-commencement to ensure that biodiversity is safeguarded at all stages in the construction process.

20. The development shall be carried out in full accordance with the recommendations of the approved Arboricultural Method Statement at all times.

Reason: To ensure that mature trees are not harmed during construction and that their long-term health and viability are protected in accordance with the aims of Policy LP33 of the Kirklees Local Plan.

21. Notwithstanding the details within the submitted Arboricultural Method Statement, tree T10 shall not be removed until an aerial assessment to determine its potential and status for roosting bats has been undertaken by a competent person and the results submitted to and approved in writing by the Local Planning Authority. Should the assessment determine the tree as maintaining PRF-I status, the tree shall not be removed until details of compensatory provision of one or more artificial bat roost features and a Precautionary Working Method Statement for all works have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in full accordance with the Precautionary Working Method Statement and the compensatory bat roost feature(s), if applicable, shall be installed before any new dwelling is occupied and thereafter retained.

Reason: To protect biodiversity during construction by avoiding direct impacts to protected species, to ensure that any harm to habitats is compensated for, and to accord with Kirklees Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework.

22. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by PDA Acoustics dated June 2024 Ref J004896-7802-DH-02 shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby sources of noise and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

23. Before the development is brought into use, notwithstanding the details set out in the submitted boundary treatments plan and the requirements of condition 20, details of an acoustic barrier to the outer boundaries of residential garden plots as recommended in the Noise Impact Assessment authored by PDA Acoustics dated June 2024 Ref J004896-7802-DH-02, shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- 23a. A plan showing the location of the barrier
- 23b. The minimum height of the barrier relative to the adjacent ground level
- 23c. The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

No dwelling whose curtilage shares a boundary with the proposed acoustic barrier shall be occupied until the construction of the acoustic barrier has been completed in accordance with the approved details, and the barrier shall be retained thereafter.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby sources of noise and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

24. The scheme of boundary treatments (other than the acoustic barrier referred to above) as shown on the approved Boundary Treatment Plan and Elevations ref (557)2405-GWP-00-00-D-A-(PA)-0025 P09 and (557)2405-GWP-00-00-D-A-(PA)-0026 P07 shall be implemented in full before any dwelling to which they relate is first occupied, and shall thereafter be retained as such.

Reason: To ensure that existing and future occupiers have adequate protection from crime and the fear of crime, to ensure that the privacy of existing and future occupiers is protected, and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

25. All private and visitor parking spaces as shown on drawing (557)2405-GWP-00-00-D-A-(PA)-0005 P21 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 the visitor spaces, before any dwelling is first occupied) and thereafter retained free of all obstructions to their use by vehicles.

Reason: To ensure that satisfactory parking provision is provided at all times in the interests of highway safety and the efficient servicing of the site, and to accord with the aims of Policies LP21 and 22 of the Kirklees Local Plan.

26. Finished floor levels of the dwellings hereby approved shall be in accordance with the details shown on the approved drawing Levels Strategy, 24106-DCE-XX-XX-D-C-155 Rev P04.

Reason: For the avoidance of doubt, to ensure that the development harmonises with its surroundings, and in the interests of the amenity of existing and future residents, and to accord with the aims of Policy LP24(a&b) of the Kirklees Local Plan.

27. The facilities for the storage of wastes arising from the development shall be provided in the locations shown on the approved site plan (557)2405-GWP-00-00-D-A-(PA)-0005 P21 in accordance with the details shown on the boundary treatment elevations drawing (557)2405-GWP-00-00-D-A-(PA)-0026 P07 before any dwelling to which it relates is first occupied, and these shall thereafter be retained free from obstructions to their use for the storage of waste containers.

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.

28. The secure cycle storage facilities shown on the approved site plan and supporting details shall be provided and made available for use prior to the first occupation of the dwelling to which it relates, in accordance with the details shown on the plan, 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.

29. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), all windows in the side elevation of the dwelling on Plot 15 shall be non-opening and shall be fitted with obscure glazing to give a grade 5 degree of obscurity before the dwelling is first occupied. Windows of this type shall thereafter be retained.

Reason: To ensure that the development does not give rise to harm to the amenities of future or existing residents arising from loss of privacy and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan.

30. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), no windows other than those shown on the approved plans shall be formed within the side elevation of the dwelling on Plot 15 at ground floor level at any time.

Reason: To ensure that the development does not give rise to harm to the amenities of future or existing residents arising from loss of privacy and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan.

31. One electric vehicle recharging point shall be installed within the dedicated parking area for each of the approved dwellings before the dwelling to which the recharging point relates is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In accordance with the aims of Policy LP24(d & v) of the Kirklees Local Plan and Chapter 14 of the NPPF, to promote infrastructure which encourages modes of transport with low carbon emissions.

Note: Mandatory Net Gain Condition

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:**

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

The biodiversity gain plan must include:

- a) 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;
- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development; and
- f) any such other matters as the Secretary of State may by regulations specify

Notes – drainage infrastructure within the public highway

All new storm water attenuation tanks/pipes/culverts with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements.

See: <https://www.kirklees.gov.uk/beta/regeneration-anddevelopment/pdf/highways-structural-procedures.pdf>

The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450- Inspection of Highway structures.

Preliminary street design details – Informative

The discharge of the above condition does not constitute Technical Approval of the estate street works under Section 38 or 278 (or other relevant section) of the Highways Act 1980, for which separate approval is required from the Local Highway Authority.

Note: construction times

Noisy construction related activities should not take place outside the hours of –

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

With no noisy activities on Sundays or Public Holidays. Institute of Air Quality Management document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014 provides detailed information regarding dust control.

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

NOTE – Works within the highway

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) 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 without such permission is an offence which could lead to prosecution.

Plan Type	Reference	Version	Date Received
Application form			21-Jun-2024
Site Location Plan	(557)2405-GWP-00-00-D-A-(PA) 0001	P02	21-Jun-2024
Topographical Survey	(557)2405-GWP-00-00-D-A-(PA) 0002	P02	21-Jun-2024
Existing Site Sections	(557)2405-GWP-00-00-D-A-(PA) 0004	04	21-Jun-2024
Proposed Site Plan	(557)2405-GWP-00-00-D-A-(PA) 0005	21	10-Feb-2025
Proposed Materiality (3D visualisation)	(557)2405-GWP-00-00-D-A-(PA) 0006	P03	19-Aug-2024
Waste Management Strategy	(557)2405-GWP-00-00-D-A-(PA) 0007	P07	10-Feb-2025
Proposed Site Sections	(557)2405-GWP-00-00-D-A-(PA) 0009	P07	10-Feb-2025
Proposed House – 2b3p	(557)2405-GWP-00-00-D-A-(PA) 0010	P03	21-Jun-2024
Proposed House – 3b4p	(557)2405-GWP-00-00-D-A-(PA) 0011	P02	21-Jun-2024
Proposed House – 3b4p (turned)	(557)2405-GWP-00-00-D-A-(PA) 0012	P03	21-Jun-2024

Plan Type	Reference	Version	Date Received
Block A Architectural Drawings	(557)2405-GWP-00-00-D-A-(PA) 0015	P06	23-Jan-2025
Block B Architectural Drawings	(557)2405-GWP-00-00-D-A-(PA) 0016	P04	23-Jan-2025
Block C Architectural Drawings	(557)2405-GWP-00-00-D-A-(PA) 0017	P06	23-Jan-2025
Block D Architectural Drawings	(557)2405-GWP-00-00-D-A-(PA) 0018	P05	23-Jan-2025
Block E Architectural Drawings	(557)2405-GWP-00-00-D-A-(PA) 0019	P05	23-Jan-2025
Block F Architectural Drawings	(557)2405-GWP-00-00-D-A-(PA) 0020	P05	23-Jan-2025
Block G Architectural Drawings	(557)2405-GWP-00-00-D-A-(PA) 0021	P06	23-Jan-2025
Block H Architectural Drawings	(557)2405-GWP-00-00-D-A-(PA) 0022	P05	23-Jan-2025
Proposed boundary treatments	(557)2405-GWP-00-00-D-A-(PA) 0025	P09	11-Feb-2025
Proposed boundary treatment elevations	(557)2405-GWP-00-00-D-A-(PA) 0026	P07	11-Feb-2025
Proposed bike store	(557)2405-GWP-00-00-D-A-(PA)-002	P02	21-Jun-2024
Landscape layout	4622 101	F	23-Jan-2025
Planting plan 1 of 2	4622 201	C	23-Jan-2025
Planting plan 2 of 2	4622 202	C	23-Jan-2025
Flood Risk Assessment	24106	P01	21-Jun-2024
Drainage Strategy & Calculations	102	P03	05-Feb-2025
Proposed Impermeable Areas	103	P03	05-Feb-2025
Flood Exceedance Route	129	P04	05-Feb-2025
Noise Impact Assessment	J004896-7802-DH-02		21-Jun-2024
Air Quality Impact Assessment	7921r1		21-Jun-2024
Arboricultural Report	22019/AJB		21-Jun-2024
Arboricultural Method Statement	22019-A/AJB		21-Jun-2024
Highways Technical Statement	24036	P01	22-Oct-2024
Highways Section 38 plan	138	P04	05-Feb-2025
Highway Longitudinal Sections	160	P01	10-Feb-2025
Levels Strategy	155	P04	20-Feb-2025
Visibility Splays	191	P01	24-Oct-2024
Adoptable highway plan	(557)2405-GWP-00-00-D-A-(SK)-0012		06-Dec-2024
Plan of managed	(557)2405-GWP-00-00-D-A-(SK)-0013		11-Feb-2025

Plan Type	Reference	Version	Date Received
landscaped areas			
Proposed lighting layout	WECE / HEALEY LANE /E / 001		21-Jun-2024
Energy & sustainability Statement	Watt	A	21-Jun-2024
Biodiversity net gain calculation tool			05-Dec-2024
Preliminary ecological assessment and feasibility report	P062	03	05-Dec-2024
Geoenvironmental appraisal			13-Sep-2024
Coal Mining Risk Assessment	H17075CMRA		13-Sep-2024
Phase 1 Contaminated Land Report	H17075DTS		21-Jun-2024
Phase 2 Contaminated Land Report	H17075		21-Jun-2024
Hazardous Gas Risk Assessment	ACV/JR/H17075GRA/ 2018.07.27		21-Jun-2024
Rotary Boreholes Log	H17075		21-Jun-2024
Trial Pit Log	H17075		21-Jun-2024
Drawing issue sheet			10-Feb-2025
Civils issue sheet			10-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 requested several amendments during the application process in the interests of highway safety and amenity, which informed the final decision.

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.**

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](#)

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: 17-Mar-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