

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS - REGULATION 3 TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992 (AS AMENDED)

Reference No: **2024/48/91963/W**

Site Address: Bradley Mills Road, between Kilner Bank and Brownroyd Avenue

Description: Highway improvements works comprising carriageway and footway widening along with new kerb line and pedestrian barrier on north side of the highway between Kilner Bank and Brown Royd Avenue; new planting and hedgerow on northern land boundary to replace existing chain link fence

Recommending Officer: Katie Chew

DECISION – Granted Under Regulation 3.

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nicholas Hirst

AUTHORISED OFFICER

Date: 13-May-2025

Application:	2024/48/91963/W
Site:	Bradley Mills Road, between Kilner Bank and Brownroyd Avenue
Proposal:	Highway improvements works comprising carriageway and footway widening along with new kerb line and pedestrian barrier on north side of the highway between Kilner Bank and Brown Royd Avenue; new planting and hedgerow on northern land boundary to replace existing chain link fence

Site Description

The site covers an area of circa 1.37ha, encompassing part of Bradley Mill Road (the section between Kilner Bank and Brown Royd Avenue) and adjacent woodland. Woodland surrounds the site to the north and south. Land levels fall steeply from south to north, with steeply sloping banks on each side of the road, with the road being a level cutting. A narrow (varied, but circa 0.5m) footway runs along the south side of the road only. There is no footway to the north.

The Grade 2 Listed Dalton Grange is located to the north of Bradley Mill Road, on a lower land level and through the woodland.

Public Right of Way HUD/79/20 links Bradley Mills Road with Brown Royd Avenue, via the open land to the site's south.

There are no residential properties fronting onto Bradley Mills Road within the site area. A terrace row hosting nos. 94 - 130 Bradley Mills Road is located to the south-west. Due south, in excess of 60m at the closest point from Bradley Mills Road, are properties on Brown Royd Avenue.

Description of Proposal

The proposed works comprise carriageway and footway widening along with a new kerb line and pedestrian barrier on the north side of the highway, between Kilner Bank and Brown Royd Avenue. The proposed scheme would increase the width of the highway to 6.0m minimum and increase the width of the footway to 1.5m minimum.

To accommodate the proposed highway widening, excavations into the slope face on the uphill (south) side of the road are proposed. The slope face would be excavated at 50 degrees and supported using soil nails and rockfall netting. A new stone wall with a maximum retained height of 1.2m would be constructed at the base of the newly formed slope. Above the wall, the soil nails and rockfall netting on the upper part of the newly formed slope would be covered with a cellular topsoil containment system and erosion control matting to provide a

'green' finish. The new slope above the stone wall would be planted with native wildflowers to maintain the existing character of the woodland.

On the north side of the highway, a raised (trief) kerb will be provided above a reinforced concrete ground beam which also supports a 1.2m high pedestrian parapet. New sections of Hawthorn hedgerow are proposed on the north side of the highway to infill gaps in the existing vegetation and promote biodiversity.

The works would require the felling of 154 trees. This includes 40 category B trees (moderate quality), 110 category C (low quality), and four category U (Unsuitable). No category A (high quality) trees would be lost. The application proposes to replace these with 110% canopy cover, although specific details of the replanting are not currently held.

The proposal would remove 9 lighting columns from the north side of the highway. These would be replaced with new street lighting columns on the south side of the highway, retaining the existing LED lanterns (where possible).

PROW (HUD/79/20) steps would be reconstructed, including re-grading. The new steps would be constructed on the same alignment as the existing PROW, using the same materials, at a similar gradient but with the addition of new handrails on both sides of the steps and a 500mm landing space at the bottom. The average step height is to be 219mm, although the steps do vary given the re-use of existing materials.

Relevant Planning History

Application Site

None.

Surrounding Area

None relevant to the current proposal.

History of Negotiations

Clarification was sought over the ecological and arboricultural impacts, as well as the proposed mitigation measures. Further details were provided and found to be acceptable.

Representations

Final publicity date expired: 21/10/2024

The application has been advertised as a departure, affecting a PROW, affecting the historic environment, and as a major development via site notices

and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement

In total, two public representations were received in response to the proposal. Both were in support of the proposal. The following is a summary of the comments received:

- Improvement works to Bradley Mill Road are overdue and need to happen soon. The road is currently dangerous for drivers and walkers. The road and footway are both too narrow and poorly surfaced.
- Seeking confirmation that the new safety rail will be set off the footpath, to avoid wingmirrors striking it.
- Questions over whether HGVs will use the road and whether the 7.5 tonne weight limit will be enforced. Will HGVs be able to use the road and have vehicles pass them?

Local Ward Councillor Tyler Hawkins also commented, stating:

Very supportive of this application - Bradley Mills Road has to be one of the worst roads in Huddersfield which has been in desperate need of widening and resurfacing for years. It has become an arterial road for those coming from Dalton and the Wakefield side to Huddersfield, particularly the cinema and the stadium.

When we've had international acts, football and rugby matches, visitors have been greeted with narrow pavements and an eroded edge of the carriageway, putting pedestrians and motorists in danger.

The program for widening and resurfacing will make this a safer road for all and would ask all involved to expedite the process where possible, particularly given the other major roads currently closed in the Dalton ward.

Planning Policy

Kirklees Local Plan (KLP)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The highway is unallocated land and the woodland is Urban Green Space (southern parcel ref. UG73 and northern UG74) on the LP Policies Map.

- **LP1** – Presumption in favour of sustainable development

- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP33** – Trees
- **LP35** – Historic environment
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP61** – Urban Green Space

The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

Supplementary Planning Documents

- Highways Design Guide SPD (2019)

Guidance documents

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published in December 2024 (updated February 2025) and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places

- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Climate change

The Council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On 12/11/2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Consultation Responses

K.C. Conservation and Design: No concerns.

K.C. Environmental Health: Consideration has been given to the potential sources of pollution and/or contamination. The sole concern identified relates to ground contamination. A Ground Investigation Report has been submitted and reviewed but found to be inadequate to address the concern. However, they are satisfied there are no fundamental issues that would prevent the development going forward, subject to conditions for further / amended details.

K.C. Highways (Development Management): No concerns.

K.C. Highways (Structures): No concerns.

K.C. Lead Local Flood Authority: No concerns.

K.C. Trees: Acknowledge that the proposal will cause a significant impact upon the surrounding trees. However, it has been demonstrated that, to provide the necessary safety improvements, there are no suitable alternative design

options. A tree planting mitigation plan has been proposed, although no details are provided. Subject to this being secured via condition, no objection.

Yorkshire Water: Comments provided regarding works affecting water infrastructure, to be addressed via the New Roads and Street Works Act 1991 (NRASWA regulations). No objection to the planning applications. These notes may be included on the decision notice, as an informative.

KC PROW: No concerns.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Urban design
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Drainage and flood risk
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development

The National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

Land allocation (unallocated and Urban Green Space)

The current highway is unallocated land. Development of unallocated land will be considered against the requirements of policy LP1, which state:

Where there are no policies relevant to the proposal or relevant policies are out of date at the time of making the decision then the council will

grant permission unless material considerations indicate otherwise – taking into account whether:

- a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- b. specific policies in that Framework indicate that development should be restricted.*

These requirements, in so far as they relate to the unallocated land within the application, will be considered where relevant within this assessment.

The land which the road is to be widened into, and the adjacent engineering works, is allocated as Urban Green Space (UGS), where LP61 falls to be considered. This policy reads:

Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:

- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or*
- b. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or*
- c. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space. The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.*

Through the encroachment of hard surfacing into open green space, namely the highway (carriageway and footway), the proposal would represent a loss of UGS land. The highway hard surfacing, excluding the engineering works, that would encroach into the UGS amounts to circa 550sqm. However, the retaining engineering works, which are to be covered in a geo-cells and would naturalise given time, are not considered to be a loss of the UGS. This is because, once naturalised, the retaining works would appear as an open green space that would continue to fulfil the established purpose of the UGS.

For the loss of UGS via the new highway, considering LP61 points a – c, no such assessment and/or mitigatory measures have been put forward for the

identified loss. Therefore, the proposal would represent a departure from LP61. As set out previously, planning permissions must be determined in accordance with the development plan, unless material considerations indicate otherwise.

In this case, the applicant contends that the proposal would result in material highway safety improvements that outweigh the harm caused through the departure from LP61. The following is stated within the applicant's Design and Access Statement:

The existing highway and footway are too narrow by current standards and the highway surfacing is in a poor state of repair. The narrow footway is a particular concern due to the high volume of pedestrian traffic during Stadium events. There is also inadequate edge restraint on the north side of the highway which allows vehicles to over-run the highway edge, causing erosion and a safety issue to road users. Additionally, there is inadequate surface water drainage and uncontrolled surface water run-off is contributing to erosion on the north side of the highway.

In summary, the road falls well below modern standards, and is not considered safe. The minimum width for a modern road of Bradley Mills Road's function is 6.0m, which Bradley Mills Road consistently falls well below, including 4.8m pinch points. Compounding this issue is that Bradley Mills Road is a highly trafficked road, being next to Huddersfield's football stadium (John Smith's Stadium) and a cinema complex. The road also links the settlements of Rawthorpe and Dalton with Leeds Road and the north of Huddersfield. Finally, the footway is on a single side and likewise well below the expected 2.0m minimum standard, including 0.5m sections.

Crash data does not record any records within the site boundary, with a slight incident recorded on Bradley Mills Road to the west. It is assumed by the applicant this is due to the restrictive nature of the road causing speeds to be so slow that such incidents are rare and/or are precluded. However, anecdotally stated by the applicant, observed by officers, and noted in representations, it is evident that minor incidents have taken place over the years. Officers saw wingmirrors and other car parts close to the road, evidently knocked off (but not warranting a crash data record due to no injury).

Considering the above, Officers and K.C. Highways (Development Management) accept the applicant's position and concur the road at present is a notable safety concern. The proposal would represent a clear improvement to highway safety, for both road users and pedestrians.

The positive benefits of the proposal must be weighed against the harm caused by the proposal. In this case, the harm of departing from LP61 and resulting in the loss of Urban Green Space. Urban Green Spaces play an important role in the district, with the Local Plan's paragraph 19.39 stating:

Green spaces close to where people live provide opportunities for sport, recreation and play providing enjoyment, encouraging healthy lifestyles and benefiting mental well-being. They are also an essential component of the quality and local character of areas, providing visual amenity and wildlife value.

The Urban Green Space in question is woodland that is, largely, inaccessible due to the steepness of the land and thickness of the wood. The woodland largely (although not exclusively) consists of young trees. No sports take place upon it, nor walking through it (bar along PROW HUD/79/20, which is to be retained (albeit modified, as considered later)). However, it forms an attractive setting from the road, footway, and wider vistas, contributing to local character and provides mental health benefits.

The proposal would result in the loss of circa 550sqm of Urban Green Space, becoming hard surfaced highway (carriageway and footway). However, this would be via a thin stretch across a wide area, reducing the impact in a single area. As noted above, the other engineering works (retaining walls) within the Urban Green Space would not result in the loss of function within the Urban Green Space but would cause short term harm although this would be mitigated through the geo-cell approach allowing for it to re-naturalise over time, the provision of which may be secured via condition. There would also be the loss of numerous trees (which could not be re-planted over the geo-cell) and ecological impacts, which shall be considered further below. Nonetheless, overall, the woodland setting that the road and wider area enjoy would be retained and the changes would not result in the Urban Green Space's value being materially diminished.

Weighing the above on the planning balance, the overall harm caused through the loss of the Urban Green Space and departure of LP61 is considered limited. Officers are satisfied that the notable material public benefits of the proposal, namely via highway safety, would clearly outweigh the proposal's harm to the Urban Green Space. Therefore, the departure from LP61 is not considered grounds for a reason for refusal and is accepted.

Sustainable Development and Climate Change

As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions

Giving due regard to the nature of the proposal (i.e., no buildings proposed), the applicant has provided the following arrangements in regard to climate change:

- Contractors to adhere to the waste hierarchy through construction.
- Existing topsoil from excavations to be used within the cellular topsoil containment system, avoiding the need for importing / exporting of material.
- Existing drystone material to be reused wherever possible. Materials to be sourced locally, where possible.
- Drainage betterment for the road (as set out previously).
- Habitat and woodland creation to be provided, as set out previously.

Given the limited nature of the proposal, these arrangements are considered sufficient and are welcomed. A condition requiring the development to operate in accordance with the submitted Climate Change Statement, is recommended.

Urban design and loss of trees

Local Plan policies LP2 and LP24 and Chapter 12 of the NPPF are relevant to the proposed development in relation to design. Due regard should be given to ensure proposals preserve and enhance the attractive characteristics of an area.

Given the level of tree loss proposed, policy LP33 of the Kirklees Local Plan is also relevant and states:

The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks.

Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.

The site is currently a precariously narrow road, with woodland on each side. Notwithstanding the state of the road, the woodland provides a pleasant natural environment. The trees are largely young, self-seeded individuals which provide limited individual amenity value, although their cumulative appearance provides the aforementioned pleasant natural environment.

The proposal will result in the felling of 154 trees. This includes 40 category B trees (moderate quality), 110 category C (low quality), and four category U (Unsuitable). No category A (high quality) trees would be lost. This tree loss is, like the impact on the Urban Green Space, a negative of the proposal which must be considered in the planning balance.

The loss of the trees is to be mitigated by the proposals through the inclusion of re-planting. A total of 1,500m² of existing woodland canopy to the south of Bradley Mills Road is to be removed, with 1,650m² (a 10% increase) of new woodland canopy to be planted to infill the gaps in the existing woodland to the south and south-west of the site as compensation. Whilst no formal details have been provided in respect of this re-planting, the Council's Trees Officer has assessed the proposals and notes that subject to the submission of a detailed mitigation plan prior to work commencing on site, they have no objections to the proposals. Officers concur with this, and therefore the proposed mitigation works are to be secured via a pre-commencement condition. This is considered reasonable in respect of the proposed tree loss.

To accommodate the proposed highway widening, excavations into the slope face on the uphill (south) side of the road are proposed. The slope face would be excavated at 50 degrees and supported using soil nails and rockfall netting.

The proposed engineering retaining works are to consist of subterranean soil nails and rockfall netting, which will be topped by a cellular topsoil containment system and erosion control matting to provide a 'green' finish. While this could not host trees, it will allow for low level planting that will result in an attractive natural finish to the retaining structure. As a result, while trees would be set further away from the south boundary of the highway, officers are satisfied that the main positive characteristic of the road, namely the attractive natural green setting, would be retained, and therefore Officers consider the proposed development to be visually acceptable.

In respect of boundary treatments, a new stone wall with a maximum retained height of 1.2m would be constructed at the base of the newly formed slope (to the south). This wall is to utilise the same facing materials as the existing stone wall and is to be of a similar height. A 1.2m high Class 3 Pedestrian Parapet with Class C infill, is also proposed along the northern side of the highway adjacent to the raised (trief) kerb. Finally, Hawthorne hedgerow is proposed to be planted on the northern side of the highway to infill gaps in the existing vegetation and promote biodiversity. The location of these hedgerows is shown on drawing no. 66083-KMC-3000-XX-C-DR. The above boundary treatments are considered to be sympathetic to the surrounding area, reflecting materials which already existing in the surrounding area. The boundary treatments are also considered to be functional in design, and thus appropriate for their use.

Taking the above assessment into account, whilst it is acknowledged that there would be some short-term visual harm, over time this would lessen once the proposed mitigation works via tree and shrub planting are implemented and develop. Overall officers consider that subject to the recommended condition, the short-term harm is reasonable when weighing up the long-term public benefits of the proposals. The proposal's tree loss, while negative, is necessary to deliver safety improvements and the harm would be mitigated through

compensatory tree planting (10% canopy uplift). The development is therefore considered to accord with local plan policies LP2, LP24 and LP33 and Chapters 12 and 15 of the National Planning Policy Framework.

Impact on residential amenity

Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.

Given the nature of the proposal and the distance of the proposed works to third party dwellings, officers are satisfied that there would be no material harm caused to residential amenity (i.e., overbearing, overshadowing, noise) post completion.

Considering indirect impacts upon existing residents in the area, such as during the construction phase, a condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative note regarding hours of noisy construction work is also recommended.

Subject to the above condition, the proposal is deemed to comply with policy LP24 regarding residential amenity.

Highways

The highway benefits of the proposal have been considered elsewhere within this report. The proposal would improve highway safety, for both vehicles and pedestrians, through provided a wider carriageway and footway. There are considered to be no other direct or indirect impacts upon the wider local highway network, beyond the identified safety improvements. Nearby dwellings' parking arrangements would not be prejudiced, and no nearby junctions would be affected.

The width of the footway would also be improved, providing direct pedestrian benefits; however, PROW HUD/79/20 would be affected by the proposal. Currently it connects to the (narrow) southern footway of Bradley Mills Road. It consists of a very steep and narrow section of steps, which then shallows out, before progressing to upward sloping land heading south of the site, towards Brown Royd Avenue. By virtue of the road widening and enforcement to the south, the current steps would be lost. A new set of steps are proposed, following the same route. The width of the PROW would not be reduced. The new steps would have a consistent steepness, shallower than the current

route's steepest section. Officers are satisfied that this would not prejudice PROW users and will deliver a betterment through shallower steps delivered to a modern standard. The delivery of the PROW works may be secured via condition.

The public benefits of the proposal stemming from the highway safety improvements have been considered previously. Beyond this, there is deemed to be no further direct or indirect highway harm caused via the proposal. This is subject to a condition requiring that the PROW improvements be delivered. With such a condition imposed, the proposal is deemed to comply with Policy LP21 of the Kirklees Local Plan.

Ecology

Policy LP30 of the Kirklees Local Plan states that the council will seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.

The application is supported by an Ecological Impact Assessment which has been reviewed by KC Ecology. Paragraphs 1.3 – 1.9 of the submitted EcIA details that the proposed development is unlikely to have a significant impact on the local bat population, barn owls, clawed crayfish, brown hare, Eurasian otter or European water vole. With suboptimal conditions recorded for amphibians, reptiles and invertebrates. Bluebells and Rhododendron were recorded however no further survey or recommendations are required. Floral diversity was also recorded as very low due to the poor ground layer within the woodland. No Himalayan balsam was found on site. However, the woodland is recorded as a Kirklees Wildlife Habitat Network. Recommendations and mitigation measures have been suggested within the report, and these measures are deemed to be sufficient and should be adopted as part of the scheme. The recommendations and mitigation measures shall be secured via a condition.

Furthermore, a condition for a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) is recommended, should planning permission

be granted, to ensure construction activity is managed in an appropriate way that causes no undue harm to local habitat and species.

The provision of a Biodiversity Net Gain (BNG) of 10% is now a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This is subject to limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12/02/2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has not put forward a case that the development is exempt from the mandatory BNG requirement, nor do officers consider exemption applicable in this case.

A Biodiversity Net Gain calculation has been undertaken using the DEFRA Metric. This shows a baseline of 1.06 habitat units. The proposed development is predicted to lead to the loss of an estimated -0.84 (equivalent to -79.02%) of baseline habitat. Within the submitted Biodiversity Net Gain Report, it notes that the total off-site baseline biodiversity units for the proposed offsetting of the site were calculated at 3.04 units. No hedgerow units, watercourse units or irreplaceable habitats were recorded present on the baseline. An indicative strategy has been provided to demonstrate nearby net gain delivery. The total biodiversity units off-site post development shown by this is 4.10 units for habitats, following the enhancement of a section of woodland in line with the proposed indicative scheme. Under the current development proposals, post-development on site habitats and off-site enhancements will result in a net gain of 0.22 biodiversity units, representing a 21.19% net gain. This is deemed to be acceptable.

Under the legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. As such, it is not considered necessary for any further condition to be in place upon any grant of permission given the statutory requirements in relation to biodiversity. However, an informative note will be included to highlight this requirement to the applicant.

In summary, whilst it is acknowledged that the proposed development would result in the loss of part of the Wildlife Habitat Network, this would be a linear stretch of land directly adjacent to the public highway and when looking at the planning balance, the public benefits of providing a safe and efficient operation of the highway network on Bradley Mills Road, alongside the proposed landscaping and tree mitigation works are considered to outweigh the harm in this instance, Officers therefore deem the proposals to be acceptable, subject to the recommended conditions and informative.

Drainage and flood risk

The site is not within a flood zone nor is subject to other sources of flooding. However, due regard must be given to surface water (i.e., rainfall) arrangements. The submission is supported by a drainage strategy which has been reviewed and found to be acceptable by KC LFFA.

At present, surface water falling onto the road (carriageway and footway) is unattenuated and is collected into the public sewer network. The proposal would increase the impermeable hardstanding on the site from 2,170 sqm to 2,600 sqm. Policy requires developments to include positive drainage arrangements, to slow down the discharge of surface water. However, given the restrictive nature of the site, it is not feasible for attenuation structures to be constructed in this case. Such structures must be at the low-point and cannot be positioned under the highway nor within the adjacent woodland.

To address this, the applicant proposes that the new footway is constructed with a cross-fall towards the proposed soil nail slope, rather than towards the highway as would be more usual. Therefore, the surface water would infiltrate into the adjacent ground, as opposed to being collected into the sewer system. This would remove the proposed footway area (circa 500 sqm) from discharging into the public sewer, resulting a net decrease in impermeable area of 85sqm compared to the current arrangement. This represents an approximately 4% reduction in surface water runoff input to the drainage network.

This arrangement is considered appropriate and may be secured via condition. The proposal would not raise concerns of raising flood risk and is deemed to comply with policies LP27 and LP28.

Other matters

Contamination

Due regard must be given to potential ground contamination and risks to human health, in accordance with LP53. The application is supported by ground investigation reports which have been reviewed by K.C. Environmental Health. The submitted documents are not accepted, as they are not comprehensive in their detail and do not comply with the relevant standards. Nonetheless, K.C. Environmental Health are satisfied that there are no prohibitive issues that could not be overcome with appropriate remediation, which may be secured via condition. Subject to these conditions, the proposal is deemed to comply with LP53.

Representations

- Improvement works to Bradley Mill Road are overdue and need to happen soon. The road is currently dangerous for drivers and walkers. The road and footway are both too narrow and poorly surfaced.

Response: Comments in support are noted.

- Seeking confirmation that the new safety rail will be set off the footpath, to avoid wingmirrors striking it.

Response: On the north side of the road (where no footway is proposed), the security fence will be set behind a trief kerb which will be circa 0.3m wide. This is intended to limit wingmirrors strike etc. The new footway would be 1.5m wide, therefore having the new stone wall on the south set well back from vehicles on the carriageway.

- Questions over whether HGVs will use the road and whether the 7.5 tonne weight limit will be enforced. Will HGVs be able to use the road and have vehicles pass them?

Response: As noted, there is currently a 7.5tonne restricted on the road, the past enforcement of which is not a material planning consideration. It is outside the remit and knowledge of officers whether this would change and is a matter for the Highway Authority.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

The proposal is a departure from the Kirklees Local Plan, as it results in the loss of Urban Green Space. Such land plays an important role in place making and public health. Furthermore, the proposal would include the felling of 154 trees. These are negative elements of the proposal. However, the impact on the Urban Green Space is considered minimal and the lost trees would be replaced at a rate of 110% (canopy cover) (securable via condition). Therefore, the negative impacts of the proposal are considered to be lower end of harm. In terms of benefits, the proposal would deliver clear and demonstratable public benefits via the safe and efficient operation of the highway network. Other material planning considerations have been assessed and would provide benefits, such as the proposed drainage arrangements, or neutral impacts.

Weighing these matters, officers are satisfied that the proposal would, on the planning balance, result in a net positive. It would also constitute sustainable. Accordingly, the proposal is recommended for approval, subject to conditions.

Recommendation: Approve

Application Number: 2024/91963
Decision Authorisation: Delegated Powers
Officer Recommendation: Approve

Conditions and Reasons

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.

1. 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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The development shall be carried out strictly in accordance with the Appendix A – Climate Change Statement, received 12/07/2024.

Reason: To ensure sustainable construction and to reduce carbon emission, in accordance with Policies LP26, LP51 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

3. The development shall be carried out strictly in accordance with the Drainage Strategy, Project No. 25/65449, Rev (0), dated July 2024, received 12/07/2024. Once implemented this shall be retained as such thereafter.

Reason: In the interests of ensuring an appropriate surface water drainage system is provided, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

4. The retaining works hereby approved shall incorporate geo-cells (or similar) as shown on drawing no. 446370/BEL1451/BMR/XX/XX/C/D/003, received 12/07/2024.

Reason: To ensure the stability of the retaining works and in the interests of visual amenity, to accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. Pursuant to condition 5, landscaping and planting shall be undertaken in accordance with drawing no. 66083-KMC-3000-xx-C-DR and Landscaping Table 1: Proposed Wildflower Seed Mixture Specification. Details of the management and maintenance of the landscaping and

planting shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of the development. Thereafter the landscaped area(s), per the approved plans, shall be managed and maintained in accordance with the approved details.

Reason: This pre-commencement condition is required to ensure that suitable landscaping has been agreed at an appropriate stage in the development process, in the interests of visual amenity and to accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

6. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties and highway safety and should include details of:

- a) Any phasing of development and timetable of all works;
- a) Hours of works;
- b) Details of construction access arrangements;
- c) Construction vehicle sizes and routes;
- d) Numbers and times of construction vehicle movements;
- e) Locations of HGV waiting areas and details of their management;
- f) Parking for construction workers;
- g) Loading and unloading of plant and materials;
- h) Storage of plant and materials;
- i) Signage;
- j) Lighting during construction works;
- k) Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- l) 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;
- m) Street sweeping;
- n) Site waste management, including details of recycling/disposing of waste resulting from construction works;
- o) Mitigation of noise and vibration, giving due regard to both nearby commercial and residential properties, arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- p) Artificial lighting used in connection with all construction-related activities and security of the construction site;
- q) Site manager and resident liaison officer contact details, including details of their remit and responsibilities;
- r) Engagement with local residents, occupants and nearby businesses or their representatives; and

- s) 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).
- t) Dust arising from all construction related activities, and what measures to monitor and record the emissions of dust during construction are to be taken.

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, highway safety, and to accord with Policies LP21, LP24, 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 impacts on amenity are devised and agreed at an appropriate stage of the development process.

- 7. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study 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 Chapter 15 of the National Planning Policy Framework.

- 8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

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

- 9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8, 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 and in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. 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 Chapter 15 of the National Planning Policy Framework.

11. 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 Chapter 15 of the National Planning Policy Framework.

12. Within 6 months of the commencement of the hereby approved highway improvement works being started, improvement works to Public Right of Way HUD/79/20 as shown on approved drawing nos. 66083/KMC/PROW/XX/DR/C rev A – PRoW Steps Detail & 66083/KMC/PROW/XX/DR/C rev A – Prow Proposed Steps, received 10/03/2025 shall be completed.

Reason: To ensure that a suitable public right of way access is provided, in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

13. Prior to development commencing, a detailed mitigation scheme for the loss of surrounding trees shall be submitted to and approved in writing

by the Local Planning Authority. This shall include details of the amount of canopy cover to be lost and deliver a minimum 110% replacement canopy cover. Furthermore, it shall include a woodland management and maintenance strategy, to cover a minimum of five years. The development shall then be undertaken in accordance with the approved details and be retained thereafter.

Reason: This pre-commencement condition is required to ensure that suitable mitigation works are agreed at an appropriate stage in the development process, in the interests of safeguarding future tree cover and amenity and to ensure that the suitable planting is carried out to accord with LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14. Prior to works on-site commencing, a precautionary working method statement (PWMS) detailing all precautionary working methods in respect of protected species must be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: This pre-commencement condition is required to ensure that suitable precautionary methods are agreed at an appropriate stage in the development process, in the interests of biodiversity and in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

15. Prior to works commencing a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

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

The development shall be undertaken strictly in accordance with the approved CEMP: Biodiversity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This pre-commencement condition is required to ensure that a system is agreed at an appropriate stage in the development process, in the interests of protecting biodiversity during construction works and in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. The development shall be carried out strictly in accordance with the recommendations and mitigations sets out within the hereby approved Ecological Impact Assessment, Ref SQ-1138, authored by Estrada Ecology Ltd, dated 28/06/2023.

Reason: In the interests of protecting biodiversity and in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

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

NOTE: No noisy construction related noise should be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Monday to Friday
- 08.00 to 13.00 hours Saturdays

With no noisy construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

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 sites 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: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination – Technical Guidance for Developers, Landowners & Consultants – (V11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: YORKSHIRE WATER NOTES

1. The position of Yorkshire Water Services Ltd (YWS) apparatus shown on the existing mains record drawing(s) indicates the **general** position and nature of our apparatus and the accuracy of this information cannot be guaranteed. Any damage to YWS apparatus as a result of your works may have serious consequences and you will be held responsible for all costs incurred. Prior to commencing major works, the exact location of apparatus must be determined on site, if necessary, by excavating trial holes. The actual position of such

apparatus and that of service pipes which have not been indicated must be established on site by contacting the Customer Helpline (0845 124 24 24) for water and (0845 124 24 29) for sewerage.

2. The public sewer and water network is lawfully retained in its existing position and the sewerage and water undertaker is entitled to have it remain so without any disturbance. The provisions of section 159 of the Water Industry Act 1991 provides that the undertaker may "inspect, maintain, adjust, repair or alter" the network. Those rights are given to enable the undertaker to perform its statutory duties. Any development of the land or any other action that unacceptably hindered the exercise of those rights would be unlawful. The provisions contained in Section 185 of the Water Industry Act 1991 state that where it is reasonable to do so, a person may require the water supply undertaker to alter or remove a pipe where it is necessary to enable that person to carry out a proposed change of use of the land. The provisions contained in Section 185 also require the person making the request to pay the full cost of carrying out the necessary works.

3. Ground levels over existing YWS apparatus are to be maintained. Sewers in highways will **generally** be laid to give 1200mm of cover from finished ground level working to kerb races, other permanent identification of the limits of the road or to an agreed line and level. Substantial increases or decreases to this 1200mm depth of cover will result in the sewer being re-laid at your expense. Water mains and services will **generally** be laid with a minimum of 750mm depth of cover however some mains and services usually those installed over 50 years ago may have less ground cover.

4. If surface levels are to be decreased / increased significantly the effects on existing water supply apparatus will be carefully considered and if any alterations are necessary, the costs of the alterations will be recharged to you in full. Outlets on fire hydrants must be no more than 300mm below the new levels and all surface boxes must be adjusted as part of the scheme.

5. To enable future repair works to be carried out without hindrance; any pipe, cable, duct, etc. installed parallel to a water main or service pipe should not be installed directly over or within 300mm of a water main or service pipe or 1000mm of a wastewater asset. Where a pipe, cable, duct, etc. crosses a main or service it should preferably cross perpendicular or at an angle of no less than 45° and with a minimum clearance of 150mm. These requirements apply to activities within an existing highway and are relevant to the installation of pipes, cables, ducts, etc. up to and including 250mm in diameter (*see illustration below*). Necessary protection measures for installations greater than 250mm in diameter and/or in private land will need to be agreed on an individual basis. Installations within a new development site must comply with the National Joint Utilities Group Publication Volume 2: NJUG Guidelines On The Positioning Of Underground Utilities Apparatus For New Development Sites.

6. All excavation works near to YW apparatus should be by hand digging only.
7. Backfilling with a suitable material to a minimum 300mm above YW apparatus is required.
8. Adequate support must be provided where any works pass under YW apparatus.
9. Jointing chambers, lighting columns and other structures must be installed in such a way that future repair or maintenance works to YW apparatus will not be hindered.
10. Apparatus such as; railings, signposts, etc. must not be placed in such a way that they prevent access to or full operation of controlling valves, hydrants or similar apparatus. YWS surface boxes must not be covered or buried. Any adjustment, alteration or replacement of manhole covers must be agreed on site prior to the commencement of the works with a YWS Inspector who may be contacted via our Call Centre on 0845 124 24 29.
11. Explosives shall not be used within 100 metres of any Yorkshire Water Services apparatus or installations.
12. Vibrating plant should not be used directly over any apparatus. Movement or operation by vehicles or heavy plant is not to be permitted in the immediate vicinity of YWS plant or apparatus unless there has been prior consultation and, if necessary, adequate protection provided without cost to YWS.
13. ***Under no circumstances*** should thrust boring or similar trenchless techniques commence until the actual position of the Company's mains/services along the proposed route have been confirmed by trial holes.
14. Any alterations to the highway should be notified following the procedures outlined in the New Road and Street Works Act 1991 Code of Practice; Measures Necessary Where Apparatus Is Affected By Major Works (Diversionary Works).
15. You will be held responsible for any damage or loss to YWS apparatus during and after completion of work, caused by yourselves, your servant or agent. Any damage caused or observed to YWS plant or apparatus should be immediately reported to YWS. Should YW incur any costs as a result of noncompliance with the above, all costs will be rechargeable in full.
16. You should ensure that nothing is done on the site to prejudice the safety or operation of YWS employees, plant or apparatus.

17. In accordance with the New Roads and Street Works Act 1991, Chapter 22, Part 3, Section 80. The location of any identified YW asset "*which is not marked, or is wrongly marked, on the records made available*" should be communicated back to Yorkshire Water. The location of the apparatus should be identified on copies of the supplied plans which should be returned to Yorkshire Water (Asset Records Team) with photographic supporting evidence where possible.

18. The Government has decided that responsibility for private sewers serving two or more properties and lateral drains (the section of pipe beyond the boundary of a single property, connecting it to the public sewer) will be transferred to the water companies on Oct 1 2011. Private pumping stations will also transfer during the period 1 October 2011 – 1 Oct 2016. Records of these assets may not yet be shown on the existing mains record drawing(s). If you encounter any of these assets you must inform Yorkshire Water Services Ltd (YWS).

19. Please note that the information supplied on the enclosed plans is reproduced from Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number 1000019559.

NOTE: Tree Planting Restrictions Adjacent to Water Mains

When planning tree planting, the risks trees may pose in the future should be minimised. The selection of the type of tree or shrub and its planting must be considered so that root damage to buried mains and services will be avoided.

Planting must also be planned so that damage to trees and shrubs will not be caused by excavations for repair and maintenance to mains and services.

To minimise any interruption to water supplies, unrestricted access to mains and services must be maintained at all times. Extensive root systems must not restrict access to mains and services.

To reduce the risk of damage and in order to ensure access for future maintenance and repair works to our apparatus remain unhindered, the following guidelines for tree planting in close proximity to water mains should be followed.

1. Poplar and Willow trees, having extensive root systems, should not be planted within 10 metres of the water main.

2. Other potentially large trees should not be planted within 6 metres of the main. These would include Ash, Beech, Birch, most conifers, Elm, Horse Chestnut, Lime, Oak, Sycamore, Apple and Pear.

3. Smaller trees should be planted in such a way that the eventual root spread reaches no more than one metre from the main. The use of 'root-proof' membranes or boxes may be considered.

4. No bushes or shrubs should be planted within one metre of the centre line of the main. This includes shallow rooting hedge plants and ground cover plants such as Blackthorn, Broom, Cotoneaster, Elder, Hazel, Laurel, Privet, Snowberry and most ornamental flowering shrubs.

5. In areas where soft fruit is grown, Blackcurrant, Raspberries and Gooseberries may be planted in close proximity to water mains, provided that a path is left clear for inspection access and surveys.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Site Location Plan	HD25/66083/PA/01/A	-	12/07/2024
PRoW Steps Detail	66083/KMC/PROW/XX/DR/C	A	10/03/2025
PRoW Retaining Wall Detail	66083/KMC/PROW/XX/DR/C	A	10/03/2025
PRoW Proposed Steps	66083/KMC/PROW/XX/DR/C	A	10/03/2025
Existing & Proposed Road Layout Drawing	446370/BEL1451/BMR/XX/XX/C/D/001	P04	12/07/2024
Existing & Proposed Cross Sections	446370/BEL1451/BMR/XX/XX/C/D/002	P03	12/07/2024
Reinforced Slope General Arrangement	446370/BEL1451/BMR/XX/XX/C/D/003	P03	12/07/2024
Proposed Soil Nail Slope Elevation Drawing	446370/BEL1451/BMR/XX/XX/C/D/006	P03	12/07/2024
Proposed Fence Detail	446370/BEL1451/BMR/XX/XX/C/D/009	P02	12/07/2024
Proposed Landscaping Plan	66083-KMC-3000-XX-C-DR	-	12/07/2024
Street Lighting	6625	-	12/07/2024
Cross Section Through the Proposed Construction	-	-	12/07/2024
Proposed Landscaping Tables	-	-	12/07/2024
Biodiversity Net Gain Report – Supporting Information	SQ-2465	3	31/01/2025
The Statutory Biodiversity Metric – Supporting Information	-	1	31/01/2025

Plan Type	Reference	Version	Date Received
Lighting Strategy – Supporting Information	6618	1st issue	12/07/2024
Construction Environment Management Plan (CEMP) – Supporting Information	SQ-1138	2	12/07/2024
Heritage Impact Assessment – Supporting Information	25/65449	0	12/07/2024
Ecological Impact Assessment – Supporting Information	SQ-1138	1	12/07/2024
Preliminary Ecological Appraisal – Supporting Information	20370/AD	-	12/07/2024
Drainage Strategy – Supporting Information	25/65449	0	12/07/2024
Ground Investigation Report – Supporting Information	446370	-	12/07/2024
Design and Access Statement – Supporting Information	25/64863	2	13/09/2024
Climate Change Statement – Supporting Information	-	-	12/07/2024
Approval in Principle for Design of Proposed Soil Nailed Slope – Supporting Information	K35208	D	12/07/2024
Factual Ground Investigation Report – Supporting Information	G191042	002	12/07/2024
Factual Ground Investigation Report Appendix C – Supporting Information	G19042	002	12/07/2024
Arboricultural Planning Statement – Supporting Information	10521190	-	13/09/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a

pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Clarification was sought over the ecological and Arboricultural impacts, as well as the proposed mitigation measures. Further details were provided and found to be acceptable.

Report Dated: 30/04/2025.