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: 2025/70/90105/W

To: Johnson Mowat Planning & Development
Coronet House
Queen Street
Leeds
LS1 2TW

For: Miller Homes Yorkshire

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

VARIATION OF CONDITIONS 6 (PROW), 9 (BOUNDARY TREATMENT), 38 (BIN COLLECTION), 40 (CAR PARKING) AND 41 (ACCESS) OF PREVIOUS OUTLINE PERMISSION 2022/91735 (WITH ACCESS AND LAYOUT) FOR THE ERECTION OF 80 DWELLINGS AND ASSOCIATED WORK

At: LAND OFF, HERMITAGE PARK, LEPTON, HUDDERSFIELD, HD8 0JU

In accordance with the plan(s) and applications submitted to the Council on 15-Jan-2025 [together with those plans and application(s) submitted to the Council on 19-May-2022 and incorporated into planning permission 2022/91735 granted on 10-Nov-2023] and subject to the condition(s) specified hereunder:-

1. Approval of the details of the appearance, landscaping, and scale (hereinafter called the “Reserved Matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: No details of the matters referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the Reserved Matters referred to in condition 1 above, relating to the appearance, landscaping, and scale shall be submitted in writing to the Local Planning Authority and the development shall be carried out in full accordance with the Reserved Matters so approved.
Reason: No details of the matters referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. All applications for approval of Reserved Matters shall be made to the Local Planning Authority by 10/11/2026.
Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of Reserved Matters or in the case of approval of different dates, the final approval of the last such matter to be approved.
Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. 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.

<u>Details to be provided at Reserved Matters stage</u>

6. Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include details of the treatment of Public Right of Way KIR/85/10 and the proposed footpath as shown on plan ref 22:5611:01 rev V. The details shall include full sections, construction specifications, drainage works, surface finishes, treatment of sightlines, and a timetable for implementation. Thereafter the development shall be undertaken in accordance with the approved details, and shall be implemented in accordance with the approved timetable.
Reason: In the interest of promoting alternative methods of travel and connectivity, in accordance with Policy LP21 of the Kirklees Local Plan.

7. Plans and particulars relating to the Reserved Matters of landscaping and/or scale, notwithstanding the submitted details, shall include details of finished floor levels and ground levels. Thereafter, the development shall be completed in accordance with the approved levels details.
Reason: To ensure acceptable final ground and floor levels, in the interest of visual and residential amenity and to comply with Policy LP24 of the Kirklees Local Plan.

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

- Identify those areas / features on site that are particularly sensitive for local species and that are vulnerable to disturbance in, or around their breeding sites and resting places, or along important routes used to access key areas of their territory, for example, for foraging;
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- Detail how appropriate lighting would be installed to mitigate and protect against crime.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances shall any other external lighting be installed on dwellings facing either Lepton Great Wood or areas of Public Open Space without prior consent from the Local Planning Authority.
Reason: To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to mitigate and protect against crime, and to comply with Policies LP24 and LP30 of the Kirklees Local Plan.

9. Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include details of boundary treatment along the site's boundary with Lepton Great Wood. This shall include a boundary treatment which prevents direct access into Lepton Great Wood by people except at the single point via Public Right of Way KIR/85/10, as shown on plan ref 22:5611:01 rev V. The details shall include provisions to allow access for wildlife throughout. The approved details shall be implemented prior to the occupation of the approved dwellings and shall thereafter be retained.
Reason: To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to comply with Policy LP30 of the Kirklees Local Plan.

<u>Development to be undertaken in accordance with</u>

10. The development (construction phase) shall be undertaken and completed in accordance with the mitigation measures to control fugitive dust emissions detailed in table 8-1 on page 32 of the Air Quality Assessment by SLR (ref 410.10429.00003, rev 3, February 2022), which shall be retained for the duration of the construction period.
Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policy LP52 of the Kirklees Local Plan.

11. The development shall be undertaken and completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Survey Report (Smeeden Foreman, 21376, 04/08/2025, Rev F), Tree Protection Plan 1 of 2 (21376 SFH XX XX DR L TPP01, Rev F) and Tree Protection Plan 2 of 2 (21376 SFH XX XX DR L TPP02, Rev F). These shall be implemented and maintained throughout the construction phase and retained thereafter.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

12. Details of any additional tree works required during the construction process, that are not identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

13. The development, specifically the installation of windows, shall be undertaken in accordance with the specifications detailed within section 6.7 of the hereby approved Acoustic Planning Report (Lighthouse Acoustics, ref 0752/APR1, rev 2, 30/09/2022). The windows so installed shall thereafter be retained.
Reason: In the interest of amenity, to mitigate harmful noise pollution, in accordance with, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan.

<u>Details to be provided prior to development commencing (and related conditions)</u>

14. Prior to development commencing, a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of dwelling buildout phases and the provision of infrastructure including, but not limited to, public open space and drainage. The development shall be implemented in accordance with the approved phasing plan.
Reason: To define the scope of this permission and to provide clarity in relation to the progression of development across the site.
This pre-commencement condition is necessary to ensure appropriate understanding and consideration of the phasing for the development is undertaken prior to such works being undertaken.

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

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

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan.

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

16. Prior to development commencing (including demolition, ground works and vegetation clearance), 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 include details of:

- Any phasing of development and timetable of all works;
- Hours of works;
- Details of construction access arrangements;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Lighting during construction works;
- Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- 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;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- 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;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- 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 and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

17. Prior to development commencing, a strategy detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

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

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

Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure adequate provisions are in place at the appropriate stage.

18. Prior to development commencing, a survey of the condition of the surrounding road network shall be submitted to, and approved in writing by, the Local Planning Authority. Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local Planning Authority.

Reason: As traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, and to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary given the need to undertake a baseline assessment.

19. Prior to development commencing, a scheme detailing the proposed adoptable internal adoptable estate road(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. No dwelling shall be occupied in any given phase as defined via condition 14 until the road for the phase is constructed to basecourse macadam level and/or block paved and connected to the existing highway network. Prior to the occupation of the final phase of development, the road shall be completed in its entirety.

Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure the necessary highway design has been secured prior to relevant works being undertaken.

20. Prior to development commencing, notwithstanding the submitted information, a Phase II Intrusive Site Investigation Report shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
This pre-commencement condition, and the undertaking of intrusive site investigations prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.

21. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 20 further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, and so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
This pre-commencement condition, and the undertaking of intrusive site investigations prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.

22. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 21. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

23. Following completion of any measures identified in the approved Remediation Strategy (or any approved revised Remediation Strategy) a Validation Report shall be submitted to the Local Planning Authority. No phase of the site pursuant to the details approved via condition 14 shall be brought into use until such time as the remediation measures have been completed for the phase in accordance with the approved Remediation Strategy (or the approved revised Remediation Strategy) and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in phases, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority alongside the final phases' Validation Report.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

24. Prior to development commencing within a given phase, pursuant to the details approved via condition 14, a scheme detailing the locations, cross-sections, proposed design and construction of all new surface water attenuation tanks / pipes / manholes located within the proposed highway footprint of that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be undertaken in accordance with the approved details, which shall thereafter be retained.
Reason: To ensure the stability of retaining structures on site, to ensure the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure the details of retaining structures have been secured prior to relevant works being undertaken.

25. Prior to development commencing within a given phase pursuant to the details approved via condition 14, a scheme detailing the locations, cross-sections, proposed design and construction of all new retaining walls / building retaining walls adjacent to the existing / proposed highways within the given phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be undertaken in accordance with the approved details, which shall thereafter be retained.
Reason: To ensure the stability of retaining structures on site, to ensure the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure the details of retaining structures have been secured prior to relevant works being undertaken.

Prior to specified time

26. As part of the development of a given phase pursuant to the details approved via condition 14, remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented within that phase in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
Reason: This is in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.
This pre-commencement condition, and the undertaking of intrusive site investigations prior to the commencement of development, is necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site.

27. Prior to above ground works commencing, a Biodiversity Enhancement and Management Plan (BEMP) to ensure that a biodiversity net gain is achieved post-development shall be submitted to and approved in writing by the Local Planning Authority. The BEMP shall accord with the submitted biodiversity net gain calculations dated 17/10/2022 (or amended calculations to be submitted to the Local Planning Authority) which state that the development will result in a minimum 10% net gain in habitats and a minimum 10% net gain in hedgerows. The BEMP shall also set out provisions for protected species, that are to be incorporated into the design. The BEMP shall include the following:

- Description and evaluation of features to be managed and enhanced;
- Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- Ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management Actions for achieving Aims and Objectives;
- An annual work programme (to cover an initial 5-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP;
- Ongoing monitoring programme and remedial measures; and
- Confirmation that the BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years.

The BEMP shall set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented in accordance with the approved details.
Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

28. Prior to the commencement of substructure works, a scheme finalising the location of the watercourse overflow swale (including a typical cross section and a maintenance and management plan) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the swale works comprising the approved scheme for the dwelling's respective phase have been completed. Thereafter the swale shall be retained and the approved maintenance and management regimes shall be implemented thereafter.
Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

29. Prior to the commencement of substructure works, a scheme restricting the rate of surface water discharge from the site to a maximum of 13.3 litres per second shall be submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30-year storm event as a minimum requirement. Volumes generated in excess of the critical 1 in 30-year event, up to and including the critical 1 in 100-year storm event with an appropriate allowance for climate change, shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no phase of the development shall be brought into use until the flow restriction and phased attenuation works for that phase, pursuant to the details approved via condition 14, have been completed. The approved maintenance and management scheme shall be implemented thereafter.
Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

30. Prior to the commencement of substructure works, detailed design changes to drawings ref 1093-007 rev D and 1093-SK03 demonstrating the effects of 1 in 100 year storm critical events with an additional allowance for climate change, blockage scenarios, and exceedance events, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, shall be submitted to and approved in writing by the Local Planning Authority. No phase of the development, pursuant to the details approved via condition 14, shall be brought into use until the approved works within the relevant build phase have been completed. Thereafter the approved scheme shall be retained.
Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

31. Prior to the installation of windows, a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels, as detailed within the Acoustic Planning Report (Lighthouse Acoustics, ref 0752/APR1, rev 2, 30/09/2022), shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall provide the following information:

- Identify which rooms of which plots referenced back to the approved Noise Assessment require a ventilation system; and
- The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded
- The ventilation scheme must demonstrate that the air intake is located away from the sources of noise and/or poor air quality.

All works which form part of the approved scheme shall be completed prior to occupation of that dwelling and retained and maintained thereafter.
Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise pollution, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan.

32. Three months prior to the occupation of any of the hereby approved dwellings, a Full Travel Plan for the site, produced in accordance with the Travel Plan (Optima, 13015, Rev 3, 13/01/2022), shall be submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall include:

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

The measures contained within the Full Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.
Reason: To promote sustainable methods of travel, in accordance with Policy LP21 of the Kirklees Local Plan.

<u>Prior to occupation</u>

33. Prior to the occupation of any dwellings within a given phase pursuant to the details approved via condition 14, details of temporary arrangements for the storage and collection of waste from the dwellings and details of temporary arrangements for the management of waste collection points within the phase shall be submitted to and approved in writing by the Local Planning Authority. The temporary arrangements so approved shall be implemented prior to first occupation of units within the phase and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

34. Prior to the occupation of any of the hereby approved dwellings, notwithstanding the submitted information, details of the proposed junction and associated highway improvement works at the junction of Hermitage Park and Rowley Lane shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the timing of the proposed works, Ecological Impact Assessment, full sections, details of construction specifications, drainage works, street lighting, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an independent Safety Audit covering all aspects of the work. All of the approved works shall be implemented in accordance with the agreed scheme prior to the occupation of any of the hereby approved dwellings.
Reason: To ensure that suitable access is available for the development, in accordance with Policy LP21 of the Kirklees Local Plan.

35. Prior to the occupation of any of the hereby approved dwellings, notwithstanding the submitted information, a detailed scheme for the improvement to the junction of Rowley Lane / Penistone Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the timing of the works, full sections, details of speed reducing features, construction specifications, drainage works, street lighting, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an independent Safety Audit covering all aspects of the work. All of the approved works shall be implemented in accordance with the agreed scheme prior to the occupation of any of the hereby approved dwellings.
Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.

36. Prior to the occupation of each phase 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 pursuant to coal legacy 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 the safety and stability of the development, in accordance with the National Planning Policy Framework.

37. Prior to the occupation of the hereby approved dwellings, an electric vehicle recharging point shall be installed within the dedicated parking area of each of the approved dwellings and made operational. 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 point so installed shall thereafter be retained.
Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan.

38. Prior to the occupation of each dwelling to be accessed via a private drive, the dwellings' respective bin collection point, as shown on plan ref 22:5611:01 rev V shall be laid out and made ready for use. Thereafter each waste collection point shall be retained.
Reason: To ensure the provision of adequate waste storage, in the interest of highway efficiency and to comply with Policy LP21 of the Kirklees Local Plan.

39. Prior to the occupation of the hereby approved dwellings, details of secure and covered cycle parking for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall then be implemented in accordance with the approved details before each dwelling is occupied and therefore retained.
Reason: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.

40. Prior to the occupation of each dwelling, each dwelling's respective car parking spaces as shown on plan ref 22:5611:01 rev V shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government / Environment Agency's "Guidance on the permeable surfacing of front gardens (parking areas)" published 13/05/2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) each parking space shall be so retained.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to accord with Policy LP21 of the Kirklees Local Plan.

41. Prior to the occupation of any of the hereby approved dwellings, details of the method of preventing motorised vehicles using the "Maintenance Access / Potential Emergency Access" (adjacent to the pumping station), as shown on plan ref 22:5611:01 rev V, to access adjacent land shall be submitted to and approved in writing by the Local Planning Authority. This shall include the provision of a physical barrier which prevents unauthorised motorised vehicles and details of how it would be secured and openable by emergency services and maintenance workers only. Thereafter, the approved works shall be implemented prior to the occupation of any of the hereby approved dwellings.
Reason: In the interest of highway safety and the safety of pedestrians, in accordance with Policy LP21 of the Kirklees Local Plan.

Ongoing

42. The combined noise from any fixed mechanical services and external plant and equipment, including water pumping stations, shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: Please refer to the informative notes attached to permission 2022/91735 dated 10/11/2023.

NOTE: References to “(as amended)” documents in the plans and specifications schedule below reflect the amendments made under this application. Not all documents were (or needed to be) updated to reflect these amendments.

Plans and specifications schedule:

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan		Rev A	16/01/2025
Framework Development Plan (as amended)	338-UW-P-006	Rev R	01/03/2023
Lepton Sites HS2 & HS3 Masterplan Document	Carve et al, January 2025	Rev H	16/01/2025
POS Typologies Plan	22:5611:105	Rev G	26/08/2025
Affordable Housing Plan	22:5611:08	Rev A	26/08/2025
Site Layout	22:5611:01	Rev V	21/08/2025
Penistone Rd / Rowley Lane Junction Proposed Junction Improvements	13015/GA/01	Rev D	03/04/2023
Rowley Lane / Hermitage Park Proposed Junction Improvements	13015/GA/08	Rev C	03/04/2023
Design and Access Statement (as amended)	Niemen, 3284		02/03/2023
Flood Risk Assessment (as amended)	Fortem, 1093-R002, 22/02/2023	Rev 8	02/03/2023
Homeowners’ Guide to Wildlife	SLR		03/03/2023
Ecological Impact Assessment (as amended)	SLR, 424.064656.00001, October 2022	Version 1	18/10/2022
Existing Site Layout (tree information)	3284-0-001		18/10/2022

Plan Type	Reference	Version	Date Received
Arboricultural Survey Report	Smeeden Foreman, 21376, 04/08/2025	Rev F	05/08/2025
Arboricultural Impact Assessment 1 of 2	21376 SFH XX XX DR L AIA01	Rev F	05/08/2025
Arboricultural Impact Assessment 2 of 2	21376 SFH XX XX DR L AIA02	Rev F	05/08/2025
Tree Protection Plan 1 of 2	21376 SFH XX XX DR L TPP01	Rev F	05/08/2025
Tree Protection Plan 2 of 2	21376 SFH XX XX DR L TPP02	Rev F	05/08/2025
Transport Assessment (as amended)	Optima, 13015, 13/01/2022	Rev 3	19/05/2022
Stage 1 Road Safety Audit (as amended)	Road Safety Initiatives, RSI-MH-0323-011	Issue 1.0	03/05/2023
Response Report to Road Safety Audit Stage 1 (as amended)	Optima, 13015, 03/04/2023		03/05/2023
Swept Path Analysis (as amended)	13015/ATR/06	Rev I	16/01/2025
Internal Visibility Analysis (as amended)	13015/IN/19	Rev A	16/01/2025
Travel Plan (as amended)	Optima, 13015, 13/01/2022	Rev 3	19/05/2022
Built Heritage Statement (as amended)	M B Heritage, April 2022		19/05/2022
Supplementary Statement (to Built Heritage Statement)	M B Heritage, 26/11/2024		16/01/2025
Desk Study Report	Betts Geo, 20FRT010/DS, October 2020		19/05/2022
Phase 2 Ground Investigation	FWS, 3959OR01, 04/05/2022	Rev 01	19/05/2022
Air Quality Assessment	SLR, 410.10429.00003, February 2022	Rev 3	19/05/2022
Acoustic Planning Report	Lighthouse Acoustics, 0752/APR1, 30/09/2022	Rev 2	18/10/2022
Response to Public Comments	Johnson Mowat, 22/07/2022		01/08/2022
Health Impact Assessment	Johnson Mowat, March 2022		19/05/2022
Planning Case Report (including Climate Change Statement)	Johnson Mowat, May 2022		19/05/2022
Archaeological Evaluation by Trial Trenching	MAP, 10/11/2022	Version A	10/11/2022

Plan Type	Reference	Version	Date Received
Archaeological Desk Based Assessment	MAP, 5.33.19, 12/10/2020	Version B	19/05/2022
Statement of Community Involvement	Johnson Mowat, May 2022		19/05/2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Local Planning Authority provided opportunities for the proposals to be amended.

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

Development within a Coal Mining Area

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

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground

stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
What is a permit and how to get one? - GOV.UK (www.gov.uk)

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

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

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

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- **Economic prosperity – workforces that are digitally-literate enables business to thrive.**
- **Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.**
- **New services – digital delivery can lower costs and provide innovative public and health services more conveniently.**

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at

least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**

- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:**
  28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/appeal-planning-decision**
  Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.

- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**

- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**

- **The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**

- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 29-Aug-2025

Signed:

David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2025/70/90105/W .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail:	dc.admin@kirklees.gov.uk
Write to:	Kirklees Council Planning and Development Service PO Box 1720 Huddersfield HD1 9EL