



**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: 2020/62/92368/E

To: SK Design (Yorkshire) Ltd
33a, Chapel Street
East Ardsley
Wakefield
WF3 2AA

For: Manning Properties Ltd

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

ERECTION OF 14 DWELLINGS WITH GARAGES AND FORMATION OF NEW
ACCESS ROAD

At: LAND SOUTH OF, LEEDS ROAD, MIRFIELD, WF14 0JE

**In accordance with the plan(s) and applications submitted to the Council on
06-Aug-2020, subject to the condition(s) specified hereunder:-**

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

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

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. 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) has been 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. 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 paragraphs 178 and 179 of the National Planning Policy Framework.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: 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. 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 paragraphs 178 and 179 of the National Planning Policy Framework.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 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, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. 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 paragraphs 178 and 179 of the National Planning Policy Framework.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

7. 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 part of the site shall be brought into use until such time as the remediation measures have been completed for the site 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 stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

8. The hereby approved development shall be undertaken and completed in accordance with the recommendations outlined in the section '9 – Conclusions' of the approved Ecological Impact Assessment, ref. '16537a/FS'.

Reason: To ensure a scheme that does not harm local ecological value, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. Prior to development commencing, a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) shall be submitted to, and approved in writing by, the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

Reason: To deliver effective sustainable drainage systems that will be operated, maintained and managed for the lifetime of the development that it will serve, in accordance with Policy LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure adequate assessment and implementation may take place at the appropriate stage of the development process.

10. Prior to development commencing, a scheme 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.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and 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: To prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the necessary mitigations (against flood risk) are considered and implemented at the appropriate stage.

11. Prior to development commencing, notwithstanding the submitted details, a scheme detailing the provision of a 3.0m wide footway/cycleway to the Leeds Road frontage of the development site, construction specification, surfacing, drainage white lining, kerbing, relocation of existing telegraph pole and street lighting columns, traffic regulation orders and associated highway works together with an independent safety audit covering all aspects of work shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and the works so implemented be thereafter retained.

Reason: To support sustainable travel and alternative methods of transport, in accordance with Policy LP21 of the Kirklees Local Plan.

12. 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 24hours from the applicant being notified by the Local planning Authority.

Reason: 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, to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition given the need to undertake a baseline assessment.

13. Prior to development commencing, a scheme detailing the proposed internal adoptable estate roads, as shown on plan ref. '202 Rev. D', shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, lighting, signage, white lining, surface finishes, treatment of sightlines together with an independent safety audit covering all aspects of the works. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

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

14. Prior to development commencing, a schedule for the retention and restoration of the milestone on the site frontage adjacent to Leeds Road shall be submitted to, and approved in writing by, the Local Planning Authority. The schedule shall include details for the stone's protection during the construction phase. Prior to the occupation of the final dwelling, the approved works shall be implemented, and the milestone retained thereafter.

Reason: To protect the character of the area and visual amenity, in accordance with Policy LP24 of the Kirklees Local Plan. This is a pre-commencement condition given the need to ensure appropriate protection / arrangements prior to site clearance.

15. Prior to development commencing, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted to, and approved in writing by the Local Planning Authority. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan. This is a pre-commencement condition, given the need for adequate consideration of mitigation measures (again harm to trees) prior to works commencing on site.

16. Prior to development commencing, an 'invasive non-native species protocol' shall be submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the containment, control, and removal of Japanese Knotweed on site. Thereafter the development shall be undertaken in accordance with the approved scheme.

Reason: To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure ecological measures are capable of being fully integrated into the construction phase.

17. Prior to development commencing, a schedule of the means of access to the site for construction traffic shall be submitted to, and approved in writing by, the Local Planning Authority. The schedule shall include, but not necessarily be limited to:

- Construction traffic means of access, including times of use of access
- Routing of construction traffic to and from the site
- Temporary warning and direction signing on the adjacent highway
- Construction workers parking facilities
- Loading/unloading areas for materials, including internal turning facilities
- A detailed scheme of proposed wheel cleaning facilities, including but not limited to jet washes, mud stopper mats etc, to prevent any mud and debris being deposited on the adopted highway from vehicles leaving the site.
- Site Compound

Unless otherwise approved in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: Due to the restrictive nature of the site, so as to ensure adequate arrangements are approved which allow heavy vehicles to safely access the site, in the interest of the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-construction condition, given the need to ensure safe access to the site and on-site arrangements, prior to construction traffic attending the site.

18. Before any above ground works commence, the mitigation measures to control fugitive dust emissions during the construction phase of the development shall be implemented in accordance with those listed in Appendix E of the Air Quality Assessment by Miller Goodall (ref: 102447v3) (dated 9th March 2021). The mitigation measures, so implemented, shall be retained for the duration of the construction period.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

19. Before any above ground works commence, details of finish floor levels and ground levels shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be completed in accordance with the approved levels details, which shall thereafter be retained.

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.

20. Before any above ground works commence, the visibility splays as shown on plan ref. '202 Rev. D' shall be created and cleared of all obstructions to visibility exceeding one metre in height. The implemented visibility splays shall thereafter be retained.

Reason: To ensure adequate visibility in the interests of highway safety, to comply with Policy LP21 of the Kirklees Local Plan.

21. Before any above ground works commence, an Ecological Design Strategy (EDS) to ensure that a biodiversity net gain is achieved post-development shall be submitted to, and agreed in writing by, the Local Planning Authority. The EDS shall be in accordance

with the Biodiversity Metric 2.0 calculations received on the 10th of April 2020, as already submitted with the planning application, and agreed in principle with the Local Planning Authority prior to determination. The EDS shall provide a minimum of 0.66 habitat units and 0.62 hedgerow units post-development and shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Details on the establishment of hedgerow planting on the site.
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long-term maintenance.
- j) Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain.
- k) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

22. Prior to their use, details of all the external facing materials, to consist of red brick unless otherwise agreed in writing by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

23. Prior to their use, details of the proposed roofing material, to consist of concrete tiles unless otherwise agreed in writing by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

24. Prior to the installation of windows, a noise assessment report shall be submitted, to and approved in writing by, the Local Planning Authority. The report shall:

- Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme which shall show how these rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows.
- Clearly show which external amenity areas at which plots will have daytime noise levels that exceed 50dB LAeq,16hour and for these plots provide a detailed specification for the noise mitigation measures that are required for these outdoor noise levels to be reduced to the lowest practical levels.

All works which form part of the approved scheme shall be completed prior to occupation of the relevant plots and retained thereafter.

Reason: To mitigate against undue noise pollution, in the interest of residential amenity, to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

25. Prior to the occupation of the hereby approved dwellings, each dwelling's respective waste storage area, as shown on plan ref. '202 Rev. D', shall be provided and thereafter 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.

26. Prior to the occupation of the hereby approved dwellings, details of secure cycle parking / storage for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking / storage 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.

27. Prior to the occupation of the hereby approved dwellings, notwithstanding the submitted plans, a scheme detailing the boundary treatment of all the site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include details of the gabion basket wall, including a management and maintenance plan for the gabion wall. New boundary treatment along the south boundary shall be erected to the retaining wall's rear. The approved dwellings shall not be brought into use until the works comprising the approved boundary scheme have been completed. The approved boundary treatment shall thereafter be retained.

Reason: In the interests of visual and residential amenity, and highway safety, to comply with Policies LP21 and LP24 of the Kirklees Local Plan.

28. Prior to the occupation of the hereby approved dwellings, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or

along important routes used to access key areas of their territory, for example, for foraging; and

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed 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 comply with Policy LP30 of the Kirklees Local Plan.

29. Prior to the occupation of the hereby approved dwellings, 2 integrated bat bricks, 2 bird boxes (on buildings), 2 bird boxes (on boundary fencing), 1 hedgehog shelter and 1 insect log, shall be provided on site and made ready for use, in accordance with the submitted Ecological Impact Assessment's recommendations. The given facilities shall thereafter be retained.

Reason: In the interest of ecological mitigation and enhancement, in accordance with Policy LP30 of the Kirklees Local Plan.

30. Prior to the occupation of the hereby approved dwellings, a comprehensive schedule of hard and soft landscaping, with timescales, and a maintenance plan shall be submitted, to and approved in writing by, the Local Planning Authority. The soft landscaping scheme shall include, but not be limited to, an assessment of the trees to be removed, mitigatory tree re-planting and layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species and details of green planting on the approved gabion retaining wall. The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species. The hard landscape proposals shall thereafter be retained.

Reason: In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policies LP24 and LP63 of the Kirklees Local Plan.

31. Prior to the hereby approved development being brought into use, an electric vehicle recharging point shall be installed within the dedicated parking area of the approved dwelling. 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 and Chapters 9 and 15 of the National Planning Policy Framework.

32. Prior to the hereby approved development being brought into use, all areas indicated to be used for parking on the listed plans shall be marked and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 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) these areas shall be so retained, free of obstructions and available for the use specified on the listed plans.

Reason: In the interests of amenity and traffic safety, so as to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP21 of the Kirklees Local Plan.

33. Prior to the hereby approved development being brought into use, all side facing windows in each dwelling hereby approved shall be obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) the obscure glazing shall thereafter be retained.

Reason: To prevent concerns of overlooking, to preserve the amenity of future occupiers and neighbouring residents, to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

34. The hereby approved integral garage shall not be used for any purpose other than the parking of vehicles and for uses ancillary to the enjoyment of the dwellinghouse.

Reason: To ensure that the site retains an adequate provision of off-street parking, in the interests of the safe and efficient use of the highway, in accordance with Policy LP21 of the Kirklees Local Plan.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual and residential amenity, to prevent an overdevelopment of the site, in accordance with Policy LP24 of the Kirklees Local Plan.

36. 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) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in any side facing elevation of the dwellings hereby approved.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy, to accord with Policy LP24 of the Kirklees Local Plan.

Note: Public footpath MIR/1/10 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The public rights of way team are based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Note: The responsibility of securing a safe development rests with the developer and landowner.

Note: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

Note: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Note: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

Note: Pursuant to condition 24, a ventilation scheme that meets the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975 is likely to be acceptable. Acoustic trickle ventilation alone is unlikely to provide sufficient ventilation to help control thermal comfort without the need to open windows and would therefore not be acceptable.

Note: Electric Vehicle Charging Points

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Note: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

Monday to Friday: 0730 – 1830

Saturday: 0800 – 1300

With no working Sundays or Public Holidays

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

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

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	SLP		24.07.2020
Existing Site Plan	100		14.12.2020
Proposed Block Plan	202	Rev. D	25.03.2021
Proposed Site Sections	204	Rev. B	31.03.2021
Grouped Plans and Elevations	300 (3-bed dwelling)	Rev. B	13.01.2021
Grouped Plans and Elevations	300 (4-bed dwelling, gabled roof)		14.12.2020
Grouped Plans and Elevations	302 (4-bed dwelling, hipped roof)		13.01.2021
Flood Routing Plan	141-18-501	Rev. E	30.03.2021
Indicative Drainage Plan	141-18-500	Rev. C	25.02.2021
Proposed Site Sections	1905 – 104	Rev. D	14.12.2020
Proposed Block Plan	1905 – 102		01.03.2021
Supporting Information	Design and Access Statement		06.08.2020
Supporting Information	Ecological Impact Assessment		10.04.2021
Supporting Information	Metric 2.0 Calculations		10.04.2021
Supporting Information	Drainage Connection Addendum		31.03.2021
Supporting Information	Air Quality Impact Assessment		09.03.2021
Supporting Information	Noise Impact Assessment		15.12.2020
Supporting Information	Speed Survey, from Leeds		19.11.2020
Supporting Information	Speed Survey, from Huddersfield		19.11.2020
Supporting Information	Road Safety Audit and Designers Response		07.12.2020
Supporting Information	Flood Risk Assessment		02.12.2020

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.

The application was initially submitted for 12 dwellinghouses. Officers objected to this number of units as it was well below LP7's target density and the layout was considered an inefficient use of land. This led to the proposal being amended to 14 units and subsequently readvertised.

Beyond the quantum of development, negotiations on numerous aspects of the proposal have taken place. These include securing access and evidence of appropriate possible drainage to the remainder of the allocation, improved access arrangements, the provision of a cycle track along the frontage, the provision of on-site public open space and on matters of design. The applicant has worked positively with officers, resulting in an application assessed as being compliant with policy.

Following a request from a local ward councillor, in accordance with the Delegation Agreement, the application was presented to the Heavy Woollen Planning Sub Committee on the 14th of April 2021, where members of the committee resolved to support the application subject to an additional condition for the retention of a mile stone on the site frontage.

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

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

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “*submitted to and approved in writing by the Local Planning Authority*”.
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

Digital Infrastructure: Fibre To The Property (FTTP)

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

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

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

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk.

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 grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. 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: 04-Jun-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Application Plans

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

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

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

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

dc.admin@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Planning, Strategic Investment Service,
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR
