



**Town and Country Planning Act 1990**

**Town and Country Planning (Development Management Procedure) (England) Order  
2015**

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2021/62/94599/E**

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**To: Michael Townsend,  
Townsend Planning Consultants  
Townsend Planning Consultants  
PO Box 788  
Wakefield  
WF1 9UX**

**For: MR & MRS LIGHT**

**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:-**

**DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 6 DWELLINGS  
AND ASSOCIATED WORKS**

**At: MOORHOUSE FARM, MOORHOUSE LANE, BIRKENSHAW, BD11 2AY**

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**In accordance with the plan(s) and applications submitted to the Council on 10-Dec-2021, 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 to ensure the satisfactory appearance of the development on completion, to preserve the significance and setting of the listed building in accordance with Policies LP24 and LP35 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapters 12 and 16 of the National Planning Policy Framework.

3. Before development commences on the superstructure of the dwellings hereby approved, the sightlines at the Moorhouse Lane junction of 2.4 x 33m shall be cleared of all obstructions to visibility exceeding 1 m in height and these shall be retained free of any such obstruction.

**Reason:** To ensure adequate visibility in the interests of highway safety in accordance with Kirklees Local Plan Policy LP21 and Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the details shown on the approved plan, development shall not commence on the superstructure of the dwellings hereby approved until a scheme detailing the provision of widening of the Moorhouse Lane shared driveway to at least 4.8 metres (allowing for simultaneous two-way traffic flow) along with a 2-metre footway to the western side as shown on Paragon Highways plan number 1919-101 rev A, construction specification, surfacing, drainage and kerbing and associated highway works has been submitted 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 thereafter retained throughout the lifetime of the development.

**Reason:** To ensure a suitable access and layout in the interests of highway safety, in accordance with Kirklees Local Plan Policy LP21 and Chapter 12 of the National Planning Policy Framework.

5. Prior to development commencing (excluding demolition), a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the LPA. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

**Reason:** This is a pre-commencement condition to ensure a suitable and safe access for construction traffic as required for highway safety, in accordance with Kirklees Local Plan Policy LP21, Chapters 9 and 12 of the National Planning Policy Framework and The Highways Design Guide SPD.

6. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that ground investigations are carried out at an appropriate time.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition as it may affect the method of construction of the dwellings. This is a pre-commencement condition to ensure that ground investigations are carried out at an appropriate time.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that ground investigations are carried out at an appropriate time.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. 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. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that remediation of the site is carried out at an appropriate time.

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a 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. 183 and 184 of the National Planning Policy Framework.

11. Development shall not commence (excluding demolition) until a detailed design scheme detailing foul, surface water and land drainage, (including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details /design, hydraulic calculations, phasing of drainage provision) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an itinerary of maintenance tasks with schedules. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

**Reason:** This is a pre-commencement condition to ensure that suitable drainage can be achieved to serve the site in accordance with Kirklees Local Plan Policy LP28 and Chapter 14 of the National Planning Policy Framework.

12. The development shall not commence (excluding demolition) until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

**Reason:** This is a pre-commencement condition to ensure that suitable drainage can be achieved to serve the site in accordance with Kirklees Local Plan Policy LP28 and Chapter 14 of the National Planning Policy Framework.

13. Development shall not commence (excluding demolition) until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA.

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** This is a pre-commencement condition to ensure that suitable temporary drainage for the construction phase can be achieved to serve the site in accordance with Kirklees Local Plan Policy LP28 and Chapter 14 of the National Planning Policy Framework.

14. Prior to work commencing on the superstructure of development, samples of all external facing walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The materials approved shall be incorporated, as approved, into the development hereby approved and thereafter retained.

**Reason:** To ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, as well as the aims of the Housebuilders Design Guide SPD.

15. Prior to work commencing on the superstructure of development, a landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall include:

- Details of all soft and hard landscaping / surfacing;
- Details of all boundary treatments; and
- Details of all planting and a schedule for their future maintenance and replacement if necessary.

Works shall be carried out in full accordance with the approved plan prior to the occupation of any dwelling and thereafter retained.

**Reason:** To ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, as well as the aims of the Housebuilders Design Guide SPD.

16. Prior to work commencing on the superstructure of any dwelling, a preliminary ecological assessment and ecological design strategy shall be submitted to and approved in writing by the Local Planning Authority. The preliminary ecological assessment shall set a biodiversity baseline whereby the ecological design strategy shall set out a strategy and plan to ensure a biodiversity net gain on the site for the lifetime of the development. Works shall then be carried out in complete accordance with the approved ecological design strategy prior to the occupation of any dwellings. All works shall be retained thereafter.

**Reason:** To ensure the site achieved a biodiversity net gain, as to accord with Policy LP30 Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework, as well as the aims of the Biodiversity Net Gain Technical Advice Note.

17. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

**Reason:** In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

#### Plans and Specifications Table:-

Plan Type	Reference	Version	Date Received
Existing Site Location	100 A	2	22/03/2023
Plan General	1919-101	B	25/01/2023
Proposed Street Scene	124	A	25/01/2023
Proposed Plot 6 Elevations	123	A	25/01/2023
Proposed Plot 6 Layout	122	A	25/01/2023
Proposed Plot 5 Elevations	121	B	25/01/2023
Proposed Plot 5 Layout	120	B	25/01/2023
Proposed Plot 4 Elevations	119	A	25/01/2023
Proposed Plot 4 Layout	118	A	25/01/2023
Proposed Plot 3 Elevations	117	A	25/01/2023
Proposed Plot 3 Layout	116	A	25/01/2023
Proposed Plot 2 Elevations	115	C	25/01/2023
Proposed Plot 2 Layout	114	B	25/01/2023
Proposed Plot 1 Elevations	113	A	25/01/2023
Proposed Plot 1 Layout	112	A	25/01/2023
Proposed Site Location	110	C	25/01/2023
Existing Site Layout	101	1	25/01/2023
Moorhouse Farm Birkenshaw Existing Runoff	EWE.2801.01	1	13/12/2021
Moorhouse Farm Birkenshaw	EWE.2801.02	1	13/12/2021

Drainage Strategy			
Moorhouse Farm Birkenshaw Drainage Details	EWE.2801.03	1	13/12/2021
Statement of Significance	-	2	01/03/2022
Highway Statement	1919 101	A	14/12/2021
Design and Access Statement	-	1	13/12/2021
Planning Statement	-	1	13/12/2021
Coal Mining Risk Assessment		1	13/12/2021
Drainage Assessment	291121	1	13/12/2021
Bat Survey	MBE BAT 2021 63	1	13/12/2021

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 has, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. There have been extensive discussions and negotiations throughout the lifetime of this scheme. A separate on-site meeting also took place between the Applicant, Agent and Local Planning Authority. Negotiations have led to several revisions to the scheme, some informal and some official submitted, in order to address the Green Belt / Principal of Development concerns. There have also been discussions regarding design, heritage and public rights of way.

#### **Development within a Coal Mining Area**

The proposed development lies within an area that has been defined by the Coal 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 Coal 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 that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal 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. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://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](mailto: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.

**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 Tel No: (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](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://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.**

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

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
  - i) 28 days of the date of service of the enforcement notice, or
  - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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

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

#### Purchase Notices

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

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

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

Dated: 29-Mar-2023

Signed:



David Shepherd  
Strategic Director Growth and Regeneration

#### 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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2021/62/94599/E.

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

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

E-mail: [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

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

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