



**Town and Country Planning Act 1990**

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

**OUTLINE PLANNING PERMISSION**

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**Application Number: 2022/60/91024/E**

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**To:** Hamish Gledhill,  
Acumen Designers & Architects Ltd  
Headrow House  
Old Leeds Road  
Huddersfield  
HD1 1SG

**For:** Techwill 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:-**

OUTLINE APPLICATION FOR DEMOLITION OF EXISTING WORKS AND  
ERECTION OF RESIDENTIAL DEVELOPMENT

**At:** YORK HOUSE, 198, BARNSLEY ROAD, DENBY DALE, HUDDERSFIELD,  
HD8 8TS

**In accordance with the plan(s) and applications submitted to the Council on 19-Apr-2022, subject to the condition(s) specified hereunder:-**

1. Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.

**Reason:** No details of the matter 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 appearance, layout, scale and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

**Reason:** No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

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 on different dates, the final approval of the last such matter to be approved.

**Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

5. Groundwork 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:** To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for investigations to be undertaken and assessed, to establish the exact situation regarding contamination at the site in a timely manner.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5, development 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:** To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for intrusive site investigations to be undertaken and assessed, to establish the exact situation regarding contamination issues at the site in a timely manner.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6, development 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:** To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for intrusive site investigations to be undertaken and assessed, to establish the exact situation regarding contamination issues at the site in a timely manner.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. If 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 works on site (save 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 that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. 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. Unless otherwise agreed in writing with the Local Planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed 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.

**Reason:** To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. 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 (of a minimum output of 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 interests of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

11. No development shall take place until provision has been made for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles of the workforce within the site.

**Reason:** In the interests of the free and safe use of the highway and to accord with Policy LP21 of the Kirklees Local Plan.

12. Before construction begins a report specifying the measures to be taken to protect the development from noise from Barnsley Road shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a. Determine the existing noise climate
- b. Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c. Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

**Reason:** In the interests of the amenity of future occupiers of the properties and to accord with Policies LP24 and LP52 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

13. No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building or structures for active birds' nests immediately before the building or structure is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

**Reason:** To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with Policy LP30 and the requirements of section 15 of the National Planning Policy Framework.

14. No development shall take place (including any demolition, or internal or external works to existing structures) until further ecological surveys sufficient to investigate a building of low suitability for bats (i.e., one survey visit) has been undertaken and used to prepare an Ecological Impact Assessment focusing on bats, which shall be submitted to and approved in writing by the Local Planning Authority. All survey and reporting shall be undertaken following national good practice guidelines.

**Reason:** This is a pre-commencement condition to ensure that the presence or likely absence of roosting bats is determined prior to any activities that could impact bats or their roosts, and consequently result in an offence under regulation 43 of the Conservation of Habitats and Species Regulations 2017. The protection of priority species is a requirement of policy LP30 of the Kirklees Local Plan.

15. Where the survey report required under condition 14 confirms the presence of bat roost(s) within the structure, no development shall take place until a method statement containing details of suitable replacement bat roost(s) and/or measures to avoid impacts to roosting bats and their roosts has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be informed by survey information sufficient to fully characterise the roost(s) present, as described in national good practice guidelines. The content of the method statement shall include the:

- a. conservation objectives of the proposed works;
- b. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c. number and location of replacement roost(s) shown on appropriate scale maps and plans (where relevant);
- d. extent and location of proposed mitigation measures, other than replacement roost(s), shown on appropriate scale maps and plans (where relevant);
- e. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- f. persons responsible for implementing the works;

- g. initial aftercare and long-term maintenance (where relevant). The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

**Reason:** This is a pre-commencement condition, to be triggered where the presence of roosting bats is identified, to ensure that mitigation proposals are sufficient to ensure the favourable conservation status of the bat species present will be maintained, prior to any damaging works being undertaken. Securing appropriate mitigation is a requirement of Policy LP30 of the Kirklees Local Plan and a prerequisite to obtain the appropriate protected species licence.

16. Where the method statement required under condition 15 (method statement) cannot demonstrate complete avoidance of impacts to roosting bats or bat roosts, no development shall take place in any circumstances unless the local planning authority has been provided with either:

- a. a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead.
- b. written confirmation of Site Registration under the Low Impact Bat Class Licence.
- c. a statement from a suitably qualified ecologist to the effect that suitable measures are in place to ensure the development can proceed without resulting in an offence under regulation 43 of the Conservation of Habitats and Species Regulations 2017.

**Reason:** This is a pre-commencement condition to ensure the proposed works do not result in a criminal offence under the Conservation of Habitats and Species Regulations 2017.

**NOTE:** The application is for outline planning permission with access and, therefore, does not give any weight to the scale or layout set out on the indicative layout provided. Details regarding the scale and layout of the development will be required to be considered as part of any subsequent reserved matters application along with matters relating to appearance and landscaping.

**NOTE:**

- A Standard electric vehicle charging point is one which is can provide 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:** 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.

Plans and specifications schedule:-

| <b>Plan Type</b>                                 | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|--|------------------|----------------|----------------------|
| Location Plan                                    | 1774 LOC         | A              | 19/04/2022           |
| Proposed Site Layout<br>(Layout Indicative Only) | (100) 07         | -              | 19/04/2022           |
| Planning Statement                               | 1774             | -              | 19/04/2022           |

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 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. As the submitted plans were considered acceptable, no amendments were sought.

#### **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](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.

**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](#). Alternatively the forms and supporting guidance for submitting an application can be found online at [Kirklees Council Planning Website](#).
- 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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
  - i) 28 days from the date of this notice where the enforcement notice has been served,
  - ii) 28 days of the date of service of the enforcement notice or,
  - iii) the specified period starting from 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 at [the Planning Inspectorates website](#). Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#)
- 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: 06-Oct-2022

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 [Kirklees Council Planning](https://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2022/60/91024/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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