



**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**

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**Application Number: 2023/70/90066/E**

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**To:** Oliver Bottomley,  
Yorkshire Country Properties (Denby Dale)  
Principle House, Tandem Industrial Estate  
Wakefield Road  
Fenay Bridge  
Huddersfield  
HD5 0AL

**For:** Oliver Bottomley, Yorkshire Country Properties (Denby Dale)

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

VARIATION OF CONDITIONS 2 (PLANS) AND 6 (HIGHWAY LAYOUT) OF PREVIOUS PERMISSION 2019/91836 FOR ERECTION OF 34 DWELLINGS – VARIATIONS TO ALLOW DELETION OF RIGHT-TURN POCKET AND FOOTWAY BUILD-OUT

**At:** LAND ADJ, INKERMAN COURT, BARNSLEY ROAD, DENBY DALE, HUDDERSFIELD, HD8 8XA

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**In accordance with the plan(s) and applications submitted to the Council on 11-Jan-2023 [together with those plans and application(s) submitted to the Council on [12-Jun-2019 and incorporated into planning permission [ref 2019/91836 granted on 06-Oct-2021] and subject to the condition(s) specified hereunder:-**

1. [condition deleted].

2. The development hereby approved 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 in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. The development hereby approved shall be carried out strictly in accordance with the construction (environmental) management details approved on 28/04/2023 under application ref: 2022/90554 throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Engagement with local residents and occupants shall continue throughout the period of construction. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.

**Reason:** In the interests of amenity, to ensure the highway is not obstructed and in the interests of highway safety, and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan.

4. The development hereby approved shall be carried out strictly in accordance with the temporary surface water drainage details approved on 28/04/2023 under application ref: 2022/90554. 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 ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policy LP27 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

5. Where implementation of the development hereby approved is to be phased, and/or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of those residential units. The temporary arrangements so approved shall be implemented prior to the first occupation of those residential units, and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

6. Prior to commencement of development (including ground works) and notwithstanding the details shown on the drawings hereby approved, a scheme detailing arrangements and specification for layout, construction specification, surfacing, drainage, kerbing, and associated highway works together with independent safety audits covering all aspects of the works 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 approved scheme shall thereafter be retained. The visibility splays shall be cleared and kept clear of all obstructions to visibility thereafter.

**Reason:** To ensure adequate intervisibility is provided and maintained in the interests of pedestrian and highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that adequate visibility is provided to enable works vehicles to enter and exit the site.

7. Prior to the commencement of development (including ground works), a scheme detailing the proposed internal adoptable roads shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage details, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. No part of the development shall be brought into use until the internal adoptable roads have been completed in accordance with the approved plans and details or unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of internal adoptable roads are agreed at an appropriate stage of the development process.

8. Prior to the first occupation of any specified dwelling hereby approved, the approved vehicle parking areas for that dwelling shall be surfaced and drained in accordance with "Guidance on the permeable surfacing of front gardens (parking areas)", 13/05/2009 (ISBN 9781409804864) as amended or superseded, and shall thereafter retained throughout the lifetime of the development.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

9. Prior to development commencing on the superstructure of any dwelling hereby approved, the design and construction details of any permanent highway retaining structures (and any temporary highway retaining structures that may be deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.

**Reason:** To ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

10. Prior to the first occupation of any specified dwelling hereby approved, cycle parking for that dwelling shall be provided in accordance with the details approved on 28/04/2023 under application ref: 2022/90554. The cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of visual amenity and encouraging the use of sustainable transport modes, and to accord with Policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan.

11. Prior to the first occupation of any specified dwelling hereby approved, facilities for the charging of electric and hybrid vehicles for that dwelling shall be provided in accordance with the details approved on 28/04/2023 under application ref: 2022/90554. The charging points installed shall be retained thereafter.

**Reason:** To ensure residents of the development are encouraged to use low-carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

12. Prior to the first occupation of any specified dwelling hereby approved, arrangements for the storage and access for collection of wastes from that dwelling, and arrangements for the management of waste collection points serving that dwelling, shall be implemented in accordance with the details approved on 28/04/2023 under application ref: 2022/90554. The waste collection points shall not obstruct access to private driveways. The waste storage, collection and management arrangements shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

13. The development hereby approved shall be carried out strictly in accordance with the tree protection measures and related details approved on 23/01/2023 under application ref: 2022/90298.

**Reason:** To protect trees in the interests of visual amenity and biodiversity and to accord with Policy LP33 of the Kirklees Local Plan.

14. The development hereby approved shall be carried out strictly in accordance with the drainage and related details approved on 28/04/2023 under application ref: 2022/90554. No part of the development hereby approved shall be occupied until the approved drainage scheme has been implemented in full. The approved drainage scheme shall thereafter be retained during the life of the development. No additional surface water and land drainage works, or deviation from the approved drainage scheme, shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

15. The rate of surface water discharge from the site shall be restricted to a maximum of 5 litres per second in accordance with the Flood Risk Assessment (Haigh Huddleston & Associates, E19/7371/FR01A, revised February 2021) and the details approved on 28/04/2023 under application ref: 2022/90554. There shall be no piped discharge of surface water from the development hereby approved and no part of the development hereby approved shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

**Reason:** To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

16. The development hereby approved shall be carried out strictly in accordance with the flood routing details approved on 28/04/2023 under application ref: 2022/90554. No part of the development hereby approved shall be brought into use (dwellings shall not be occupied) until the works comprising the approved flood routing scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.

**Reason:** To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

17. Remediation of the site shall be carried out in accordance with the approved details, which includes the Geo-environmental Ground Investigation Report by Haigh Huddleston and Associates (Ref: E19/7371/R001) and the Supporting Letter regarding Gas Report (ref: E19/7371/DP/001) by Haigh Huddleston and Associates. 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 works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the Local Planning Authority, 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

18. 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. 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan.

19. Prior to the commencement of superstructure works, a report specifying the measures to be taken to protect the development from noise from the A635 Barnsley Road shall be submitted to and approved in writing by the Local Planning Authority. The report shall:-

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

Unless otherwise agreed in writing with the Local Planning Authority none of the dwellings hereby approved shall be occupied until all works specified in the approved report have been carried out in full. The approved works shall be retained thereafter.

**Reason:** In the interests of amenity and to accord with Policy LP52 of the Kirklees Local Plan.

20. Prior to the commencement of superstructure works, details of measures to prevent and deter crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of windows overlooking publicly-accessible areas, and details of boundary treatments, pedestrian connections, lighting and landscaping corresponding with details to be provided pursuant to conditions 22, 23, 24 and 26. No part of the development shall be brought into use until the development has been implemented in accordance with the details so approved.

**Reason:** In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

21. The external materials of the development hereby approved shall be those detailed in the material description rev C dated 11/04/2023 (materials schedule), drawing DD-RT01 dated 11/04/2023 (roofing material plan) and drawing DD-MAT-10 dated 11/04/2023 (external materials image). No other external materials shall be used unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

22. Prior to the commencement of superstructure works, notwithstanding what is shown in the enclosures plan (ref: 1903-SI-04 rev C) hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, shall be submitted to and approved in writing by the Local Planning Authority. The details shall correspond with measures relating to flood routing to be submitted pursuant to conditions 15 and 16 and shall provide for the movement of hedgehogs. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

**Reason:** In the interests of visual amenity, highways safety and biodiversity, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, and to accord with Policies LP21, LP24, LP27 and LP30 of the Kirklees Local Plan.

23. Prior to the commencement of superstructure works, details of pedestrian connections between the site and adjacent open space to the north shall be submitted to and approved in writing by the Local Planning Authority. The details shall relate to levels, surface materials, any steps and boundary treatments/gates. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

**Reason:** In the interests of ensuring usable, convenient, safer and attractive pedestrian routes are provided, to contribute toward the provision of a walkable and well-connected neighbourhood, to encourage the use of sustainable modes of transport, and to accord with Policies LP20, LP24 and LP47 of the Kirklees Local Plan.

24. Prior to the first occupation of any part of the development hereby approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be designed to avoid harm to residential amenity, increased highway safety risk, and disturbance to wildlife. The details shall identify areas or features within or adjacent to the development that are visited by bats, and where external lighting may cause disturbance to bat breeding, resting or foraging places or to important routes used by bats to access key areas of their territory. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

**Reason:** In the interests of residential amenity and highway safety, to prevent significant ecological harm, to safeguard habitat and to accord with Policies LP21, LP24 and LP30 of the Kirklees Local Plan.

25. Other than where indicated on the drawings hereby approved, and other than in relation to elevations not facing a highway, no cables, plumbing, foul pipes, vents, burglar alarm boxes, and/or CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) of the development hereby approved. Should any such equipment or installations be considered necessary, details of these shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the details so approved.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

26. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall have regard to the details to be submitted pursuant to conditions 27 and 28 with regard to biodiversity management and enhancement. These shall include:

- Details of existing and proposed levels, and regrading;
- Species schedule and planting plans;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;
- Details (including samples, if requested), of paving and other hard surface materials; and
- Details of the on-site open space (including details of its purpose and management) and of any areas for designated, informal, incidental and/or doorstep play.

No part of the development hereby approved shall be occupied until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

**Reason:** In the interests of local ecological value and visual amenity, and to accord with Policies LP24, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework.

27. Prior to the commencement of development (including ground works), a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The BEMP shall ensure that no less than a 10% biodiversity net gain (i.e., 10% above the baseline biodiversity value of the site as assessed by the Biodiversity Metric 3.0) is achieved post-development, and shall include the following:

- Description and evaluation of features to be managed and enhanced;
- Details of the extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- Details corresponding with details to be submitted pursuant to conditions 26 and 28;
- Details of ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management actions for achieving the Aims and Objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP; and
- Details of an ongoing monitoring programme and remedial measures.

The BEMP shall be reviewed and updated every five years and implemented for a minimum of 30 years. The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully-functioning biodiversity objectives of the originally-approved BEMP. The development shall be implemented in accordance with the approved BEMP and all measures and features shall be retained in that manner thereafter.

**Reason:** To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in accordance with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

28. Prior to the commencement of development (including ground works), a Biodiversity Gain Plan (BGP) shall be submitted to and approved in writing by the Local Planning Authority. The BGP shall demonstrate a measurable biodiversity net gain and shall include:

- Details of the measures taken or to be taken to minimise the adverse effect of the development on the biodiversity of the on-site habitat and any other habitat;
- The pre-development biodiversity value of the on-site habitat, measured using the Biodiversity Metric 3.0 (or latest version, if available);
- The post-development biodiversity value of the on-site habitat, measured using the Biodiversity Metric 3.0 (or latest version, if available); and
- Details of any off-site habitat enhancement required to achieve a biodiversity net gain, including predevelopment and target biodiversity value.

The BGP shall inform the BEMP referred to under condition 27 and the landscaping scheme referred to under condition 26.

**Reason:** To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in accordance with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

29. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority in response to evidence to be submitted to the Local Planning Authority demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

**Reason:** To prevent significant ecological harm to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

30. 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 with or without modification) no development included within Classes A, D and E of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual amenity and to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

**NOTE:** References to "(as amended)" documents in the plans and specifications schedule below reflect the amendments made during the life of application ref: 2019/91836. Not all documents were updated to reflect these amendments. References to "(as amended)" also denote drawings and documents that were approved under permission ref: 2019/91836, but which were not updated under applications refs: 2022/90955 or 2023/90066.

**NOTE:** Some drawings listed below still show a right-turn pocket and footway build-out in Barnsley Road. For the avoidance of doubt, it is confirmed that the council does not require the implementation of these highway works.

**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:** 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:** All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

**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 07.30 and 18.30 hours Mondays to Fridays, and 08.00 and 13.00 hours on Saturdays, with no working Sundays or Public Holidays. These hours should be referred to in any Construction Environmental Management Plan to be submitted to the Local Planning Authority for approval. In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974 (Section 60), Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

**NOTE:** Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction" Version 1.1 2014 provides detailed information regarding dust control. 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.

**NOTE:** 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. 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. For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable. The installation must comply with all applicable electrical requirements in force at the time of installation.

**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 Council with regard to 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:** To discuss road adoption arrangements under Section 38 of the Highways Act 1980, please contact Highway Adoptions on 01484 221000 or [highways.section38@kirklees.gov.uk](mailto:highways.section38@kirklees.gov.uk).

**NOTE:** All new storm water attenuation tanks / pipes / culverts with internal diameter / spans exceeding 0.9m must be located off the adoptable highway where possible. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements. Furthermore, all new precast pipes / culverts / storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally-binding undertaking to the Highway Authority explicitly stating that they have a full understanding of their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with the Well-managed Highway Infrastructure – A Code of Practice 2016 or any corresponding superseding document thereafter.

**NOTE:** Section 38 road adoption by Kirklees as a Highway Authority cannot take place unless sewerage located under the carriageway is adopted first. Therefore, all structures under an adoptable carriageway would need to meet the standards as set out by the statutory undertaker, including but not limited to Design & Construction Guidance\* and Yorkshire Water local guidance and any subsequent updates. \*Design & Construction Guidance has replaced 'Sewers for Adoption' giving provision for Sewerage Undertaker to adopt SuDS features and facilities.

**Plans and specifications schedule:**

<b>Plan/document type</b>	<b>Reference</b>	<b>Version</b>	<b>Date received</b>
Location Plan	1903-SI-03		10/06/2019
Site Layout Plan	1903-SI-01	M	18/03/2022
Enclosures Plan (as amended)	1903-SI-04	C	03/02/2021
POS Site Plan (as amended)	1903-SI-05	B	03/02/2021
Refuse Vehicle Tracking Plan (as amended)	1903-SI-11	A	11/02/2021
Refuse Vehicle Tracking Plan Option 2 (as amended)	1903-SI-12		12/02/2021
Fire Appliance Tracking	E18/7371/034	A	18/01/2023
Vehicle Tracking Analysis	E18/7371/023-08	B	18/01/2023
Engineering Feasibility (as amended)	E18/7371/001-03	H	08/02/2021
External Works Plan	E18/7371/021	D	18/01/2023
Plan of elevations with mullions removed (as amended)	1903-SI-15		18/03/2022
Denby Dale House Type Booklet	1903-HT-01	J	10/05/2022
NMA Application Proposed Amendments	[no reference]		18/03/2022
Streetscenes – Plots 1-9 (as amended)	1903-SS-05	B	17/12/2020
Streetscenes – Plots 17-20 (as amended)	1903-SS-06	B	17/12/2020
Streetscenes – Plots 26-34 (as amended)	1903-SS-07	B	17/12/2020
Streetscenes – Plots 9-12 (as amended)	1903-SS-08	A	17/12/2020
Material description		C	12/04/2023
Roofing material plan	DD-RT01		12/04/2023
External materials image	DD-MAT-10		12/04/2023
Design and Access Statement (as amended)	1903-RE-01		10/06/2019
Geo-environmental Ground Investigation Report	E19/7371/R001		10/06/2019
Supporting Letter (Gas Report)	E19/7371/DP/001		17/03/2021
<b>Plan/document type</b>	<b>Reference</b>	<b>Version</b>	<b>Date received</b>

Transport Statement (as amended)	18124	1	10/06/2019
Combined Stage 1-2 Road Safety Audit	Optima, 22025, 09/01/2023		18/01/2023
Road Safety Audit – Designer’s Response	Haigh Huddleston, E18/7371/HH/005, 09/01/2023		18/01/2023
Survey Details for Trees at Barnsley Road, Denby Dale			10/06/2019
Tree Survey Plan			10/06/2019
Preliminary Ecological Appraisal	2019-666		10/06/2019
Supporting Letter (Drainage)	E19/7371/HH/002mh		20/04/2020
Micro Drainage Calculations			20/04/2021
Ecological Impact Assessment	2019-666	3	20/02/2021
Schedule of Accommodation			05/02/2021
Flood Risk Assessment	E19/7371/FR01A		08/02/2021

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 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.

#### **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 Telephone: (01484) 221550 for more information.**

#### **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)**

**If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local area**

### **Appeals to the Secretary of State**

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

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

### **Purchase Notices**

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

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

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

**Dated:** 25-May-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 and view existing planning applications and decisions' and by searching for application number 2023/70/90066/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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