



**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: 2023/62/91116/E**

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To: Jonathan Ainley,  
Savills UK Ltd  
12, Booth Street  
Manchester  
M2 4AW

For: JONES HOMES (YORKSHIRE) LTD

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

**ERECTION OF 77 DWELLINGS, WITH ACCESS FROM DARLEY ROAD AND  
ASSOCIATED WORKS**

At: LAND OFF, PRIMROSE LANE, HIGHTOWN, LIVERSEDGE, WF15

**In accordance with the plan(s) and applications submitted to the Council on  
02-Feb-2024, subject to the condition(s) specified hereunder:-**

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

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

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

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

3. Details of any additional tree works required during the construction process that are not identified within the Arboricultural Impact Assessment ref. 21600-E/AJB rev. E shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

**Reason:** To protect trees that provide visual amenity value, to comply with Policies LP24 and LP33 of the Kirklees Local Plan.

4. The removal of vegetation shall be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist shall be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

**Reason:** In the interests of preserving the biodiversity of the site, in accordance with LP30 of the Kirklees Local Plan.

#### Prior to development commencing

5. Prior to development commencing (other than works required for a site investigation report), a supplementary Phase II Intrusive Site Investigation Report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, and to accord with Policy LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187 and 196 of the National Planning Policy Framework.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5, 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. Thereafter, remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy. **Reason:** So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, and to accord with Policy LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187 and 196 of the National Planning Policy Framework.

7. Prior to development commencing, details of temporary surface water drainage for the construction period (after soil and vegetation/site strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Detail phasing of the development and phasing of temporary drainage provision;
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented; and
- Include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 5-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:** In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure adequate provisions are in place at the appropriate stage.

8. Prior to development commencing, a scheme detailing locations and including cross-sectional information together with the proposed design and construction details of all new surface water attenuation tanks / pipes / manholes located within the proposed highway footprint of that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details, prior to the occupation of the final dwelling, and shall thereafter be retained.

**Reason:** To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan.

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

9. Development (including demolition, ground works and vegetation clearance) shall not commence until a Construction (Environmental) Management Plan (C(E)MP) has been submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- Any phasing of development and timetable of all works;
- Hours of works;
- Construction access arrangements;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust which shall include measures to monitor and record the emissions of dust during construction, in accordance with Table 7-1 on page 23 of the Air Quality Assessment by SLR (ref. 410.064882.00001, dated November 2022);
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contact details, including information of their remit and responsibilities;
- Means of engagement undertaken, and means of ongoing engagement proposed, with local residents, occupants and/or their representatives; and

- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

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

**Reason:** So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure appropriate regard is given to mitigation and that any necessary measures are in place to protect the trees, prior to works taking place.

11. Prior to development commencing, a survey of the existing condition of the highway (the extent of highway to be surveyed to be agreed with the Local Planning Authority in advance and to include PROWs within the vicinity of the site) shall be carried out jointly with the Local Highway Authority, details of which shall be submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, other public rights of way, verges, kerbs, edgings, street lighting, signing and road markings. Upon completion of the development hereby approved (or at any earlier stage to be agreed with the Local Planning Authority in advance) a post-construction survey of the agreed extent of highway shall be carried out, and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to the development and prior to the occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. Should any highways defects (affecting highway safety) attributable to the construction traffic of the development hereby approved be identified during the construction period, remediation of these shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety, to ensure the effective maintenance of the highway and to accord with Policy LP21 of the Kirklees Local Plan.

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

12. Prior to development commencing, notwithstanding the submitted details, the following details associated with the proposed estate streets (including footpaths and cycle tracks), as shown indicatively on the Proposed Site Layout - Drawing 3416-1-0014 rev ZZ, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Geometric design of the street layout, including widths, radii, and horizontal and vertical alignment;
- Surface treatments;
- Junction visibility and forward visibility splays, and their treatment;
- Swept paths for the Kirklees Design Refuse vehicle and delivery vehicles;
- Street tree locations and species to be planted;
- Road markings;
- A 'highway areas plan' that confirms the extent of proposed highways (intended to be either adopted or privately maintained), including all streets and public footpaths / cycle-tracks and shared private drives; and
- A Stage 1 Road Safety Audit (RSA) based on an Approved RSA Brief, Designers Responses and Agreed RSA Actions, covering all aspects of these works.

The estate streets shall be implemented in accordance with the approved details and thereafter retained and maintained for the lifetime of the development.

**Reason:** To ensure the free and safe use of the highway, in the interest of highway safety and amenity, to comply with Policies LP21 and LP24 of the Kirklees Local Plan.

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

13. Development (including demolition, ground works, vegetation clearance) shall not commence until a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

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

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

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

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

14. No development shall commence until remediation works and mitigation measures to address land instability arising from coal mining legacy, including that posed by past shallow coal mining activity and recorded mine shafts, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The works shall be carried out in accordance with authoritative UK guidance.

**Reason:** To comply with the requirements of Policy LP53 of the Kirklees Local Plan. The undertaking of remedial measures, prior to the commencement of development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

#### Prior to above ground works commencing

15. Prior to above ground development commencing, a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall set out the development phases and the works that are to be completed for each phase of the development including, but not limited to, footpath connections pursuant to condition 17, roadworks, public open space and drainage. No dwelling within each relevant phase shall be occupied until the estate street(s) that provide access to those dwelling(s) has/have been completed in accordance with the approved phasing plan.

**Reason:** To define the scope of this permission and to provide clarity in relation to the progression of development across the site.

16. Prior to above ground development commencing, a scheme detailing locations and including cross-sectional information, together with the proposed design and construction details of all new retaining walls / building retaining walls adjacent to the existing / proposed adoptable highways (including any modifications to existing retaining walls adjacent to the highway), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to the occupation of the final dwelling, and shall be maintained in accordance with the approved details thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that any 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.

17. Prior to above ground works commencing, a scheme for the upgrade of public footpaths SPE/110/20 and SPE/116/20, and new footpath / active travel links to public footpaths SPE/110/20 and SPE/116/20, public bridleway SPE/111/120 and the Spen Valley Greenway, as indicatively shown on plan ref. 3416-1-001 rev. ZZ, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the program of works and phasing, detailed drawings showing levels and sections, visibility, gradients, construction details, surface materials, drainage and boundary treatments. No phase of the development (as defined by the details approved pursuant to condition 15) shall be brought into use until the new public footpath / active travel links and upgrade works within that phase have been completed in accordance with the approved plans and details. The new public footpath / active travel links shall be maintained in accordance with the approved details thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure new public footpaths / active travel links and affected Public Rights of Way are accessible, attractive, maintained to an acceptable standard and appropriate for their operation in accordance with Policies LP20, LP21, LP23, LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

18. Prior to above ground works commencing, notwithstanding the approved plans, full details of soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- Planting plans;
- Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment;
- Schedules of plants noting species, planting sizes and proposed numbers/densities;
- Details of street trees, to include tree pit details;
- Assessment of landscaping impact on new and public sewer infrastructure;
- Details of an implementation and maintenance programme for a minimum 5-year period; and
- Details of phasing of soft landscaping works.

All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, phasing and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the provision and establishment of acceptable landscape scheme to ensure a good quality development, without conflicting with necessary infrastructure, in accordance with Policy LP24 of the Kirklees Local Plan.

19. Prior to above ground works commencing, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how a minimum of 8.27 habitat units and 1 hedgerow unit are to be achieved on site post-development, shall include details of protected species provisions to be incorporated into the proposals, and shall include details of the following:

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

**Reason:** In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

20. Prior to above ground works commencing, a detailed design scheme detailing foul, surface water and land drainage, including a discharge rate of 3.8 l/s indirectly or directly to watercourse, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, and phasing of drainage provision, shall be 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 the scheme shall include a maintenance and management plan for surface water infrastructure. 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:** In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

21. Prior to above ground works commencing, 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), shall be 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:** In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

22. Prior to above ground works commencing, and notwithstanding what is shown on the drawings hereby approved, details of any electricity substations to be provided on-site in association with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans, elevations and sections, and details of external materials and any boundary treatments. The substation(s) shall be constructed 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 and the National Planning Policy Framework.

23. Prior to above ground works commencing, details of insulation, on-site micro-generation, or other measures to be incorporated into the development to reduce carbon emissions associated with it shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development during construction and shall thereafter be retained as such.

**Reason:** To ensure that the proposed development contributes to the council's target of achieving 'net zero' carbon emissions by 2038 and thereby reducing the causes of climate change, and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan.

#### Prior to a specific time

24. Before the installation of external artificial lighting commences, notwithstanding the submitted information, an External Lighting Design Strategy for Biodiversity, Crime Mitigation, and Residential Amenity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:

- The proposed hours of operation of the lighting;
- The location and specification of all of the luminaires;
- The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated;
- The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity;
- The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site;
- The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required;

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy (once approved), and these shall be maintained thereafter in accordance with the strategy. Under no circumstances shall any other external lighting be installed without prior consent from the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of nearby properties, to limit ecological harm, and to promote sustainable development in accordance with part 2 and 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

25. Following completion of any measures identified in the Remediation Strategy approved pursuant to condition 6, or any revised Remediation Strategy approved pursuant to condition 6, a Verification Report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been 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 the National Planning Policy Framework.

26. Prior to their use, details and samples of all the external facing and roofing materials (including materials of fascias / soffits, doors, windows and frames) for the dwellings hereby approved, including the proposed colour of render, shall be submitted to and approved in writing by the Local Planning Authority. The proposed details shall adhere to the information shown on plan ref. 3416-1-100 rev. N (excluding the specific manufacturer named materials detailed within the 'materials key'), unless otherwise agreed in writing with the Local Planning Authority. Thereafter the development shall be completed using the approved materials.

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

27. Prior to their use, details of all the external facing materials for the proposed retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved development being brought into use.

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

Prior to occupation

28. No dwelling or building shall be occupied within each development phase, until all areas and associated features shown within each development phase on the approved plans to be used by vehicles and pedestrians, including streets, footpaths, cycle tracks, loading, servicing and parking areas, have been laid out, surfaced and drained, such that loose materials and surface water does not discharge or transfer onto the adjacent highway. Such areas and features shall thereafter be retained and maintained for the lifetime of the development.

**Reason:** In the interests of highway safety and amenity, and to achieve a satisfactory layout in accordance with Policies LP20, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

29. Prior to the occupation of any dwelling, notwithstanding the submitted details, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include proposals for enabling and encouraging the use of active and sustainable modes of transport, monitoring, review and timings for delivery. The approved Travel Plan and measures shall be implemented prior to occupation or in accordance with the agreed timescales, or as otherwise agreed with the Local Planning Authority.

**Reason:** In the interests of enabling and encouraging the use of active and sustainable transport modes, to mitigate the air quality impacts of the development and to accord with Policies LP20, LP21, LP22, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

30. Prior to the occupation of any dwelling or the erection of any boundary treatment, notwithstanding the submitted plans, a comprehensive boundary treatment strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include material details, which shall match the materials of nearby dwellings when adjacent to the public realm, typical elevations, and the proposed colour(s). Thereafter the approved boundary treatments shall be installed prior to the occupation of any dwelling.

**Reason:** To ensure an appropriate appearance and design, in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan.

31. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of all necessary remedial works and mitigation necessary to address the risks posed by past coal mining activity.

**Reason:** In the interest of safety, to ensure appropriate mitigation and/or remediation as been implemented to address coal legacy issues, in accordance with Policy LP53 of the Kirklees Local Plan.

32. Prior to the occupation of any dwelling hereby approved, the dwelling's respective vehicle parking areas as shown on plan ref. 3416-1-001 rev. ZZ shall be surfaced and drained in accordance with the Communities and Local Government and Environment Agency's "Guidance on the permeable surfacing of front gardens (parking areas)" published 13/05/2009 (ISBN 9781409804864) as amended or superseded. The vehicle parking areas shall thereafter be retained and available for use as vehicle parking.

**Reason:** To ensure that sufficient parking is provided and retained to serve the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.

33. Prior to occupation of any of the dwellings hereby approved, details of the temporary arrangements and facilities for the storage and collection of waste from the dwellings shall be submitted to and approved in writing by the Local Planning Authority. For developments that are to be occupied prior to completion of the development and the adoption of the estate streets (including where it has been agreed that the streets are to remain private), temporary arrangements and facilities for the storage and collection of waste (for each relevant phase) will be required. The arrangements and facilities so approved shall be implemented prior to first occupation of the development and shall thereafter be managed and maintained in accordance with the approved details for the lifetime of the development.

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

34. Prior to the occupation of the hereby approved dwellings, notwithstanding the submitted plans, a waste storage and collection strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall confirm the location and layout of the dedicated waste storage area(s), whether a separate collection point is proposed and its location, along with any proposed screening. The development shall be implemented in accordance with the approved scheme and shall thereafter be retained.

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

35. Prior to the occupation of the hereby approved dwellings, details of secure (from both crime and the elements) and covered cycle storage for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved cycle parking facilities for that dwelling have been provided. The cycle storage facilities shall thereafter be retained.

**Reason:** To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.

36. Prior to each dwelling hereby approved being first brought into use, the following electric vehicle charging points shall be provided:

- One electric vehicle charging for each residential unit with a dedicated parking space and/or a dedicated garage; and
- One electric vehicle charging point for every ten unallocated parking spaces.

The cable and circuitry ratings for the charging points shall be of adequate size / capacity to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The provided electric vehicle charging points shall be retained thereafter.

**Reason:** In the interest of supporting low emission vehicles, and to accord with Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

#### Ongoing requirements

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, D or E of Part 1 of Schedule 2 to that Order shall be carried out within the curtilages of plots 06, 07, 08, 09, 10, 54, and 55, as defined on plan ref. 3416-1-001 rev. ZZ, without the prior written consent of the Local Planning Authority.

**Reason:** Given the presence of zones of influence for historic coal mine shafts, and to enable the safety and stability implications of coal mining legacy to be considered by the Local Planning Authority in the event of future householder development proposals at the site, in accordance with Policy LP53 of the Kirklees Local Plan.

#### **Note: Preliminary street design details**

The discharge of the above condition does not constitute Technical Approval of the estate street works under Section 38 or 278 (or other relevant section) of the Highways Act 1980, for which separate approval is required from the Local Highway Authority.

#### **Note: Approved Access**

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38 or 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

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 pursuant to condition 8**

All new storm water attenuation tanks/pipes/culverts with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling 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 CS450- Inspection of Highway structures.

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 must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

**Note: Section 38 Agreement**

The applicant should be aware that the internal street layout will need to be built to adoptable standards if offered for adoption under Section 38 of the Highways Act 1980. The applicant is advised to make early contact with the Highways Section 38 team at [Highways.Section38@kirklees.gov.uk](mailto:Highways.Section38@kirklees.gov.uk) to initiate the Section 38 process, technical approval and agreement. Further information is available on the council's website at:

[Highways Guidance Note - Section 38 Agreements for Highway Adoptions \(kirklees.gov.uk\)](#)

Any future applications for adoption under Section 37 must demonstrate to the satisfaction of the Highway Authority that all of the roads applied for under Section 37 have been constructed to an adoptable standard in accordance with:

[Highways Guidance Note - Section 38 Agreements for Highway Adoptions \(kirklees.gov.uk\)](#)

Until such time that the Section 38 (or Section 37) process has been fully completed, and the Local Highway Authority have confirmed that the streets have been built to an acceptable standard (following the maintenance period), there is no guarantee that the streets will ultimately become adopted highway. Therefore, until the streets have been fully adopted, the purchasers of the properties will be responsible for the ongoing management and maintenance of the streets servicing their properties. It is the developer's responsibility to inform the potential purchasers of the properties of the adoption status of the streets prior to purchase.

The potential purchasers must also be advised by the developer of the potential implications of the streets remaining private, should adoption not occur for any reason, which are summarised at paragraph 3.17 of the Kirklees Highway Design Guide SPD (<https://www.kirklees.gov.uk/beta/planning-policy/pdf/highway-design-guide-spd.pdf>), and described in DfT Advice Note 'Highway Adoption' at Annex C 'A Guide for Home Buyers':

[Highways Adoption \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

**Note: Works within the highway**

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

**Note: Management of waste, pursuant to conditions 33 and 34**

These conditions are required as the Waste Collection Authority will not enter construction sites, nor will they routinely enter private drives or unadopted streets. Therefore, should the applicant's intentions regarding the adoption of streets change from that considered at the planning approval stage, this may necessitate changes to the development's waste strategy and the facilities that have been agreed in principle, which may require applications to vary the approved plans. For further information regarding the Waste Collection Authority requirements, see the following guidance note:

<https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-managementdesign-guide-new-developments.pdf>

**Note: Contaminated land, pursuant to conditions 5, 6, and 25**

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

**Note: Public Rights of Way (PROW) pursuant to condition 17**

Public footpaths Spenborough 110 and 116 and public bridleway Spenborough 111 cross or are near to the development site and must not be interfered with or obstructed, prior to, during or after development works, without written consent from the highway authority. In addition, and separately, temporary traffic regulation orders may be required for the undertaking of work proposed in this application. The council's public rights of way team may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The Public rights of way team may also be contacted at PO Box 1720, Huddersfield HD1 9EL and the email address is [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk).

**Note: Discharge of Condition submissions**

This permission is subject to conditions requiring the submission of further and/or amended information prior to commencement of development or at other points during the development process. To assist in the prompt discharge of conditions, you may wish to submit separate Discharge of Conditions applications for each of those conditions that require submissions. This may be particularly advisable where your submissions are likely to require extensive consultation, consideration of complex technical matters, and/or negotiation. Alternatively, grouping submissions relevant to a specific topic, or interrelated topics (for example, pursuant to highways-related conditions) under a single application, and/or grouping submissions pursuant to pre-commencement, pre-superstructure and pre-occupation conditions, may assist prompt discharge. For further advice on conditions-stage submissions, please contact the case officer.

**Note: Attenuation Tanks/Pipes – Informative**

All new storm water attenuation tanks/pipes/culverts with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. 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. The adopting authority (i.e. Yorkshire Water or a NAV company) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling 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 CS450- Inspection of Highway structures. 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 must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate. Also see <https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-structural-procedures.pdf> for further details and in particular, for the certification of oversize pcc manholes and their cover slabs, as advised in this document.

**Note from the Mining Remediation Authority: Ground Investigations and groundworks**

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority (formerly the Coal Authority) since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, the piling of foundation, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action.

Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/guidance/get-a-permit-to-deal-with-coal-or-coal-mines>

**Note from the Mining Remediation Authority: Requirement for Incidental Coal Agreements**

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found at:

[www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-forapplicants-for-incidental-coal-agreements](http://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-forapplicants-for-incidental-coal-agreements).

**Note from the Mining Remediation Authority: Shallow coal seams**

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

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	3416-1-000	Rev. B	01/02/2024
Block Plan	3416-1-100	Rev. N	21/11/2024
Proposed Site / Block Layout	3416-1-001	Rev. ZZ	21/11/2024
Block Plan	3416-1-110	Rev. P	21/11/2024
Block Plan	3416-1-130	Rev. N	21/11/2024
Proposed Elevations	3416-1-132		01/02/2024
Grouped Plans and Elevations	3416-1-200	Rev. B	01/10/2024
Grouped Plans and Elevations	3416-1-203	Rev. C	01/10/2024
Grouped Plans and Elevations	3416-1-204	Rev. C	21/11/2024
Grouped Plans and Elevations	3416-1-207	Rev. B	01/10/2024
Grouped Plans and Elevations	3416-1-208	Rev. A	14/04/2023
Grouped Plans and Elevations	3416-1-209	Rev. C	21/11/2024
Grouped Plans and Elevations	3416-1-210	Rev. A	01/10/2024

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Grouped Plans and Elevations	3416-1-211	Rev. A	01/10/2024
Grouped Plans and Elevations	3416-1-212		14/04/2023
Grouped Plans and Elevations	3416-1-213	Rev. B	01/10/2024
Grouped Plans and Elevations	3416-1-214	Rev. B	01/10/2024
Grouped Plans and Elevations	3416-1-215		15/05/2024
Grouped Plans and Elevations	3416-1-216		01/10/2024
Proposed Site Sections	3416-1-400	Rev. K	21/11/2024
Proposed Site Sections	3416-1-401	Rev. N	21/11/2024
Proposed Landscaping Layout	4312-2102	Rev. D	23/12/2024
Proposed Landscaping Layout	4132-2100	Rev. N	05/12/2024
Highway Plan	VN222468-D100	Rev. M	23/09/2024
Highway Plan	VN222468-D101	Rev. C	09/08/2024
Highway Plan	VN222468-TR100	Rev. K	09/08/2024
Existing Site Levels	3D Vertical Design Existing Contours / VN222468-D102		29/02/2024
Design and Access Statement	3416		01/02/2024
Transport Assessment	Transport Assessment Addendum Note		01/02/2024
Transport Assessment	Parking provision schedule		01/02/2024
Transport Assessment	VN222468	V3	
Ecological/Biodiversity Statement	Ecological appraisal with impact assessment		01/02/2024
Ecological/Biodiversity Statement	Bat Survey		
Ecological/Biodiversity Statement	Biodiversity Metric 3.0		31/01/2024
Noise Assessment	403.064603.00001	V1	14/04/2023
Contamination Report	Liversedge Technical Note - Proposed Scope of Additional Phase 2 Ground Investigation		17/01/2025
Contamination Report	Phase 1 Geoenvironmental Risk Assessment		28/04/2023
Contamination Report	Preliminary Phase 2 Ground Investigation		28/04/2023
Air Quality Assessment	410.064882.000001	v1.0	14/04/2023
Tree / Arboricultural Survey	Arboricultural Survey		01/02/2024
Tree / Arboricultural Survey	Arboricultural Impact Assessment, ref. 21600- E/AJB	Rev. E	02/10/2024
Landscape Assessment	Plant Schedules & Specification	Rev. G	05/12/2024
Flood Risk Assessment	ECE-XX-XX-RP-C-0001	Issue 5	01/02/2024

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Drainage / Foul Sewerage Assessment	Drainage strategy		01/02/2024
Drainage / Foul Sewerage Assessment	Impermeable Areas		01/02/2024
Drainage / Foul Sewerage Assessment	Flow Surface Water Drainage		01/02/2024
Supporting Information	Planning Statement		01/02/2024
Supporting Information	Housing Mix Statement Addendum		03/11/2023
Supporting Information	Response to EV Health Concerns		09/12/2024
Supporting Information	Coal mining risk assessment		27/06/2023
Supporting Information	Shallow Coal Mining Investigation Report		28/06/2023
Supporting Information	Mine Entry Investigation Report: June 2025		25/06/2025
Supporting Information	Proposed Exploratory Hole Plan		17/01/2025
Supporting Information	Technical Response to Coal Authority Objection		07/11/2024
Supporting Information	Ground Gas Risk Assessment		14/04/2023
Supporting Information	WAC Testing		14/04/2023
Supporting Information	Statement of community involvement		28/04/2023
Supporting Information	Climate Change Statement		14/04/2023

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.

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

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional

circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: <http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](#)

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

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

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

### **Digital Infrastructure: Fibre To the Property (FTTP)**

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

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.

- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

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

**Note:** The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

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

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

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

#### **Details Reserved by Condition**

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".
- You can apply online for approval of these details at the Planning Portals website at [www.planningportal.gov.uk](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.

Where 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:** 26-Mar-2026

**Signed:**



**David Shepherd**  
**Executive Director for Place**

### **Application Plans**

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

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

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

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

[dc.admin@kirklees.gov.uk](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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Address to which all communications should be sent:

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