**Town and Country Planning Act 1990**

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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2023/62/91408/W**

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**To:** Laura Beech,
Walsingham Planning
Brandon House
King Street
Knutsford
WA16 6DX

**For:** Muller Property Group

**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 CARE HOME (CLASS C2) WITH SUB-STATION, ASSOCIATED CAR PARKING, ACCESS, SERVICING, LANDSCAPING AND OTHER ASSOCIATED WORKS

**At:** LAND ADJ, 21, THOMAS STREET, LINDLEY, HUDDERSFIELD, HD3 3JJ

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**In accordance with the plan(s) and applications submitted to the Council on 12-May-2023, 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 Policies LP1, LP2, LP7, LP20, LP21, LP22, LP24, LP30, LP33, LP52 and LP53 of the Kirklees Local Plan.

3. Prior to any part of the development being brought into use, a scheme detailing measures to manage parking on Brian Street to either side of the site access and all associated works, together with appropriate Safety Audits, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the approved parking management scheme has been implemented.
**Reason**: In the interest of highways safety and achieve a satisfactory and safe layout in accordance with Policies LP1, LP2, LP21 and LP24 of the Kirklees Local Plan, the Kirklees Highways Design Guide, and the aims of Chapter 9 of the National Planning Policy Framework.

4. Prior to the commencement of development (including demolition and ground works) a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include:

- A timetable of all works;
- Details of point(s) of access for construction traffic;
- Details of construction vehicle sizes and routes;
- Details of times of construction vehicle movements;
- Details of parking for construction workers;
- Details of signage;
- Pre-development road condition surveys; and
- Details of wheel washing facilities within the site.

The development shall be carried out strictly in accordance with the CMP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. 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 highway safety, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure measures to protect amenity and maintain highways safety are agreed at an appropriate stage of the development process.

5. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise and vibration arising from all construction related activities (this shall also include suitable restrictions on the hours of working on the site including times of deliveries);
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction;
- Artificial lighting used in connection with all construction related activities and security of the construction site; and
- A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Planning Authority must be included.

The approved CEMP shall be adhered to throughout the construction of the development.
**Reason**: To safeguard the amenities of the occupiers of nearby properties in accordance with the aims of Part 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure appropriate measures to protect amenity are undertaken during the construction period.

6. Prior to the commencement of development a scheme detailing temporary surface water drainage for the construction phase (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; and
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and detail how flooding of adjacent land is prevented.

The scheme shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100%. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise approved in writing by the Local Planning Authority.
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.
**Reason**: In the interest of providing a satisfactory surface water drainage scheme which does not detrimentally impact on the site and surrounding area during the construction phase, in accordance 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 temporary (construction-phase) drainage details are submitted and approved at an appropriate stage of the development process.

7. No part of the development shall be brought into use until the existing accesses from Brian Street to the east of the site frontage and the access onto Thomas Street have been permanently closed, any redundant footway crossings removed, the footway reinstated and the new access constructed and brought into use in accordance with details that have previously been approved in writing by the Local Planning Authority.
**Reason**: To avoid danger and inconvenience to highway users as well as to achieve a satisfactory and safe layout, in accordance with Policy LP21 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

8. Prior to the commencement of development, the sightlines from the Brian Street access of 2.4m x is 32.8m to the east and 30.3m to the west as shown on the Sanderson Associates Visibility at site access plan number 152986-001 Rev A shall be cleared of all obstructions to visibility exceeding 1m in height and these shall be retained free of any such obstruction.
**Reason**: To ensure adequate visibility in the interests of highway safety by means of securing a safe layout, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure appropriate measures to protect highway safety are undertaken prior to construction commencing.

9. Before any part of the development is brought into use, details of secure covered cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be provided before any part of the development is brought into use and shall be so retained thereafter.
**Reason**: In the interests of cyclist safety and security, to ensure a satisfactory layout, and to promote the use of low-impact means of transport, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

10. The development shall operate in accordance with the approved Travel Plan at all times.
**Reason**: To facilitate the aims of the user hierarchy, to ensure that the development maximises the use of means of travel with a low environmental impact and to accord with the aims of Policies LP20 and LP24(d) of the Kirklees Local Plan.

11. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Prior to the commencement of development, a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rate of 5.0 l/s with the LLFA to the combined sewer, attenuation for the critical 1 in 100 + climate change rainfall event with an additional allowance for blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and elsewhere (both upstream and downstream of the development), attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, 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 providing a satisfactory surface water drainage scheme which does not detrimentally impact on the site, future occupiers, or the water environment, in accordance with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure drainage details are agreed and are incorporated into the development at an appropriate stage.

12. Prior to any cooking or preparation of food commencing within the development, a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dishwashing areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained thereafter.
**Reason**: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, and environmental well-being and to comply with Policy LP34 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

13. Prior to the commencement of food cooking within the development, details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that would be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours;
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours. The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor;
- Details showing the proposed location of all the major components of the extract system;
- The noise mitigation measures that would be incorporated in the extract system and details of the likely resulting noise levels that would be caused by operation of the extract system, in particular how loud it would be at nearby noise sensitive locations; and

- A schedule of the proposed ongoing maintenance that would be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.
**Reason**: To ensure the proposed development does not cause harmful odour or noise pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

14. Prior to materials being imported to the site associated with the erection of the care home, associated access and substation, a strategy detailing the intended placement, the source, characterisation and the suitability of any imported material shall be submitted to and approved in writing by the Local Planning Authority. Testing to demonstrate suitability shall then be carried out in accordance with the approved strategy. Following importation and placement of the materials as described in the approved strategy, a Verification Report 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 until a Verification Report 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 paragraphs 183 and 184 of the National Planning Policy Framework.

15. In the event that contamination, or the presence of coal not previously identified in the approved Ground Investigation report by Georisk Management Limited, dated April 2023 (ref: 22052/1 – Revision 1) prior to the grant of this planning permission is encountered during development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. 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. Following completion of any measures identified in the approved Remediation Strategy, a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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 paragraphs 183 and 184 of the National Planning Policy Framework.

16. Prior to any part of the development being brought into use, a scheme detailing the dedicated facilities that will be provided at the premise for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use thereafter.
**Reason**: In the interests of supporting and encouraging the use of low emission vehicles, in the interests of air quality enhancement, and to comply with the aims and objectives of Policies LP20 and LP24(d) of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

17. Prior to the installation of external artificial lighting, details of a lighting scheme 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 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; and
- Measures to ensure bats are not adversely affected.

External lighting shall be installed and operated only in accordance with the approved scheme.
**Reason**: To safeguard visual and residential amenity and to avoid ecological harm in accordance with the aims of Policies LP24, LP30 and LP52 of the Kirklees Local Plan.

18. Before development commences above foundation level, 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 and Chapter 14 of the National Planning Policy Framework.

19. Prior to the commencement of development above foundation level, full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. These works shall include:

- Location and detailed design and layout of open space, site furniture and maintenance responsibility for the landscape design. This will include, where relevant, make, model and means of installation of proposed site furniture;
- Landscape works at the access points and at the boundaries; and
- Materials to be used for all hard surfaced areas including linking paths to buildings, access points, vehicle and other circulation areas;

All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the Local Planning Authority.
**Reason**: To enhance and conserve the visual amenity of the built environment in accordance with Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

20. No development above foundation level shall commence until a Biodiversity Enhancement and Management Plan (BEMP) based on the Planting Plan and Schedule, reference LIN2304 PP01.00 rev P5, has been submitted to and approved in writing by the Local Planning Authority. The plan 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 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;
- Ongoing monitoring programme and remedial measures; and
- The BEMP will 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 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.
This pre-commencement condition is necessary to ensure details relating to the required biodiversity enhancement and biodiversity net gain are devised and agreed at an appropriate stage of the development process.

21. The Reasonable Avoidance Measures (RAMS) detailed in Appendix 4 of the submitted Preliminary Ecological Appraisal and Bat Roost Survey (BEK Enviro, BEK-22034-1 rev B, May 2023) shall be strictly adhered to throughout the construction phase of the development, in order to ensure that there are minimal impacts on ecology.
**Reason**: To prevent significant ecological harm to notable and protected species, in accordance with Policy LP30 of the Kirklees Local Plan.

22. No development shall take place until details of a scheme to eradicate invasive non-native species within the site has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied.
**Reason**: To ensure invasive species are appropriately dealt with, in the interests of the biodiversity of the site and in accordance with Kirklees Local Plan Policy LP30, the National Planning Policy Framework Chapter 15 and Circular 06/2005 – Biodiversity/Geological Conservation.
This pre-commencement condition is necessary to ensure that details of invasive species eradication are agreed at an appropriate stage of the development process.

23. The development (including ground works) shall be carried out in strict accordance with the arboricultural method statement and tree protection measures set out in the Arboricultural Impact Assessment and Method Statement (E3P, 80-761-R1-5, Version 5, April 2023).
**Reason:** To protect trees in the interests of visual amenity and biodiversity and to accord with Policy LP33 of the Kirklees Local Plan.

**NOTE:** It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. TheFood Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

**NOTE:** The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the "Guidance Note 01/21 for the Reduction of Obtrusive Light" by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

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

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Application form | | | 15/05/2023 |
| Covering letter | | | 15/05/2023 |
| Location plan | 9-1 | A | 15/05/2023 |
| Proposed elevations (north & west – materials) | (21)4 | | 13/10/2023 |
| Proposed elevations (south & east – materials) | (21)3 | | 13/10/2023 |
| Proposed elevations (north & west) | (21)2 | | 13/10/2023 |
| Proposed elevations (south & east) | (21)1 | | 13/10/2023 |
| Proposed first floor | 00-2 | | 12/06/2023 |
| Existing site/block layout | (9)4 | A | 15/05/2023 |
| Existing site sections | (9)10 | | 15/05/2023 |
| Proposed site/block | 9-3 | Q | 15/05/2023 |
| Site roof plan | 9-3 | A | 15/05/2023 |
| Proposed ground floor | 00-1 | | 15/05/2023 |
| Proposed first floor plan | 00-2 | | 12/06/2023 |
| Proposed second floor plans | 00-3 | | 15/05/2023 |
| Proposed roof plans | 00-4 | | 15/05/2023 |
| Preliminary Ecological Appraisal & Bat Roost Survey | BEK-22034-1 | B | 22/05/2023 |
| Biodiversity Net Gain report | BEK-23071-21 | A | 01/12/2023 |
| Biodiversity Net Gain metric table | | | 01/12/2023 |
| Planting Plan and Schedule | LIN2304 PP01.00 | P5 | 01/11/2023 |
| Design & Access Statement | | | 13/10/2023 |
| Proposed Substation Details | (02)01 | | 10/05/2023 |
| Arboricultural Impact Assessment and Method Statement | E3p, 80-761-R1-5 | Version 5 | 15/05/2023 |
| Care Home Need Assessment | HPC | | 15/05/2023 |

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Flood Risk Assessment and Drainage Management Strategy | Betts Hydro HYD710_THOMAS.STREET FRA&DMS | 2.1 | 22/05/2023 |
| Planning Statement | | | 15/05/2023 |
| Transport Assessment | 152986-001 | 01 | 22/05/2023 |
| Travel Plan | 152986-002 | 01 | 22/05/2023 |
| UCML Level 1 Utility Study | | | 15/05/2023 |
| Ground Investigation | 22052/1 | 1 | 18/05/2023 |

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. The case officer undertook negotiations with the applicant to achieve improved materials for the building and to ensure that a satisfactory level of Biodiversity Net Gain would be delivered.

**Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.**

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

**Details Reserved by Condition**

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".**

- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**

- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**

- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**

- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**

- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

**Development within a Coal Mining Area**

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

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

**Digital Infrastructure: Fibre to the Property (FTTP)**

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

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

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

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

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

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

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

**Appeals to the Secretary of State**

- **If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:**

  **i) 28 days of the date of service of the enforcement notice, or**
  **ii) within the specified period, starting on the date of this notice,**

  **whichever period expires earlier.**

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/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 so that we can work on continually improving our customer service. Thank you.**

**Dated:** 18-Dec-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, and by clicking on the 'search planning applications and decisions' and by searching for application number 2023/62/91408/W .

If a paper copy of the decision notice or decided plans are required please email 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**

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

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