

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/91564/E
Site Address:	Land off, Barnsley Road, Denby Dale, Huddersfield, HD8
Description:	Erection of 30 residential dwellings, access, landscaping and associated works
Recommending Officer:	Katie Chew

DECISION – S106 Full Planning Permission – Approve

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Victor Grayson

AUTHORISED OFFICER

Date: 01/08/2025

Decision Authorisation: Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 15/05/2025

Application Number: 2023/91564

Officer Recommendation: Approve subject to conditions and Section 106 agreement

Committee Decision (as minuted):

RESOLVED:

1) That approval of the application and the issuing of the decision notice be delegated to the Head of Planning and Development in order to:

a) complete the list of conditions including those contained within the report, as set out below:

1. Three years to commence development
2. Development to be carried out in accordance with the approved plans and specifications
3. External material samples to be submitted and approved
4. Boundary wall materials, sections and levels (including retaining walls) to be submitted and approved (including around POS)
5. Submission of details of an acoustic barrier
6. Works forming part of the sound attenuation scheme specified in the Noise Impact Assessment shall be completed and should demonstrate that specified noise levels have been achieved.
7. Details of imported soil
8. Unexpected land contamination
9. Provision of electric vehicle charging facilities
10. Submission of a Construction Environmental Management Plan (CEMP)
11. Submission of external lighting strategy (biodiversity)
12. Submission of a Construction Environmental Management Plan (biodiversity)
13. Details of cycle storage for all dwellings
14. Removal of pd rights for outbuildings and extensions on all dwellings
15. Replacement 1:1 tree planting
16. Temporary surface water drainage
17. Developed carried out in accordance with Flood Risk Assessment and Drainage Strategy
18. Submission of a scheme restricting the rate of surface water discharge
19. Temporary arrangements for the storage and collection of wastes
20. Coal legacy investigation and/or remediation to be undertaken

21. Submission of a signed statement/declaration that the site is or has been made safe and stable
22. Location and cross-sectional information, design and construction details for all new retaining walls/building retaining walls adjacent to the existing/proposed adoptable highway
23. Submission of a structural dilapidation survey of the existing retaining wall supporting Barnsley Road
24. Location and cross-sectional information, design and construction for all new surface water attenuation tanks/pipes/manholes located within the highway footprint or influence zone of highway loading
25. Surfacing and drainage of approved vehicle parking areas and pedestrian spaces
26. Access to be in accordance with the preliminary access design shown
27. Submission of estate street phasing and completion plan
28. Submission of preliminary street design details
29. Off street highway works
30. Elevational accretions
31. Substation design
32. Submission of a Biodiversity Management Plan

b) secure a Section 106 agreement to cover the following matters:

- i) Affordable housing: 2x First Homes, 3x Social/Affordable Rent and 1x other intermediate (such as Shared Ownership / Discounted Market Sale).
- ii) Public Open Space: Delivery of the on-site Public Open Space, and an off-site contribution to local Public Open Space of £43,692.
- iii) Education: £75,849 towards local schools/colleges.
- iv) Sustainable Travel: £15,600 contribution towards sustainable travel provisions (such as a Metro card scheme).
- v) Management and Maintenance: management and maintenance of on-site Public Open Space in perpetuity, drainage features in perpetuity (unless adopted by the statutory undertaker) and Biodiversity Net Gain measures for a minimum of 30 years.

2) That, in the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

Officer Notes:

An appropriate Section 106 agreement, securing the obligations listed in the committee's decision, was completed on 25/07/2025.

Draft conditions were shared with the applicant on 23/05/2025. On 26/06/2025 the applicant agreed to the conditions.

A corrected Levels Strategy (showing the updated access) was submitted on 22/05/2025.

Conditions and reasons:

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 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, LP3, LP7, LP11, LP20, LP21, LP22, LP23, LP24, LP26, LP27, LP28, LP30, LP31, LP32, LP33, LP35, LP38, LP47, LP49, LP51, LP52, LP53, LP63 and LP65 of the Kirklees Local Plan and Chapters 2, 4, 5, 8, 9, 11, 12, 13, 14, 15, 16 and 17 of the National Planning Policy Framework.

3. The external materials used in the construction of the dwellings hereby approved shall consist of natural stone (for Plots 1 and 3 only), reconstituted stone walling (for Plots 2 and 4-30) and grey concrete roofing tiles (for all dwellings) in line with approved drawing BY00106-STH-PH-00-DR-A-0004-P01 Rev P01_C. Prior to their use, samples of the proposed walling stone, and roofing materials shall be provided to and approved in writing by the Local Planning Authority. Once installed the materials shall be retained thereafter.

Reason: 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.

4. Prior to the commencement of superstructure works, and notwithstanding what is outlined on the hereby approved plans, details of all boundary treatment and retaining wall materials (including sections and details of levels) to be used within the development and Public Open Spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details and thereafter retained.

Reason: This pre-commencement condition is required to agree the details of the boundary treatments at an appropriate stage in the development process, in the interests of visual amenity and in order to ensure that character of the area is safeguarded and that the amenities of existing and future occupiers are protected, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. Before Plots 1 and 3 are first brought into use, details of an acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A plan showing the location of the barrier;
- The minimum height of the barrier relative to the adjacent ground level; and
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

Plots 1 and 3 hereby approved shall not be occupied until the construction of the acoustic barrier so approved has been completed and the barrier shall be retained thereafter.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

6. Before each of Plots 1-4 are first brought into use all works (other than the acoustic barrier referred to in condition 5 above) which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by ENS 24/02/2025, Ref NIA-10383-22-10455-v6 Denby Dale (final):

- a) Shall be completed for that plot; and
- b) Written evidence to demonstrate that the specified noise levels within that plot have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Impact Assessment have been achieved for any of Plots 1-4, the affected plots shall not be brought into use until a further scheme incorporating further measures to achieve those noise levels has been submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before each plot (1-4) is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. Prior to soil being imported to the site, a strategy detailing the intended placement, the source, characterisation and the suitability of any imported soil must be submitted to and approved in writing the Local Planning Authority. The testing to demonstrate suitability must 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 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 196 and 197 of the National Planning Policy Framework.

8. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the 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 2 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 196 and 197 of the National Planning Policy Framework.

9. Before each dwelling is brought into use the dedicated facilities that will be provided for charging electric vehicles shall be installed and made operational for that dwelling in accordance with those detailed on the Planning Layout by Strata (drawing 21-CL2-SEGD-BRDD-01 Rev R). Once installed the charging points shall be retained for use thereafter.

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

10. Prior to development commencing 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 should 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; and
- Artificial lighting used in connection with all construction related activities and security of the construction site.

Details shall also be provided in relation to:

- Point of access for construction traffic;
- Details of the times of use of the access;
- Numbers and size of vehicles expected;
- Routing of construction traffic to and from site;
- Construction workers and delivery parking facilities;
- Location of materials storage and site facilities;
- The use of traffic management/banksmen; and
- Use and retention of adequate wheel washing facilities.

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 agreed plan shall be adhered to throughout the construction of the development.

Reason: This pre-commencement condition is required to ensure that the details of the construction works are agreed at an appropriate stage in the development process, in the interests of highway safety and to safeguard the amenities of the occupiers of nearby properties in accordance with Chapters 9 and 15 of the National Planning Policy Framework and Policies LP21 and LP52 of the Kirklees Local Plan.

11. Prior to the installation of any external artificial lighting, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) 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
- b) 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, 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 avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to comply with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

12. Prior to development commencing, (including groundworks, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) shall be 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 that refers to the most up-to-date site specific survey information;
- Identification of “biodiversity protection zones”, where appropriate;

- 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; and
- Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP 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: This pre-commencement condition is required to ensure that details of measures to protect biodiversity are agreed at an appropriate stage of the development process, to protect biodiversity during construction by avoiding direct impacts to protected species and to accord with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

13. Prior to the first occupation of the hereby approved dwellings, details of secure 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.

14. 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, B or E of Part 1 of Schedule 2 to that Order shall be carried out for any of the hereby approved dwellings without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and residential amenity, to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

15. The Local Planning Authority shall be notified of the felling of any trees (as outlined within the document titled: Arboricultural Report & Impact Assessment Ref: AWA6436 Date: February 2025) within 14 days of the felling. Within two years of the felling of any trees upon the site, the felled trees shall be replaced 1:1, by trees of similar species. The replacement trees shall be 1.5m-2m in height when planted, and sourced and planted in accordance with BS8545. Within two months of the replacement trees being planted, written and/or photographic evidence shall be provided to the Local Planning Authority to demonstrate that the required replacement trees have been planted in accordance with the conditions of this decision notice. Any replacement trees which are damaged, die, removed, uprooted or destroyed within five years of planting, shall be replaced by a new tree(s) of the same

species, size and at the same place, to the satisfaction of the Local Planning Authority.

Reason: To safeguard future tree cover and amenity, and to ensure that the planting is carried out in accordance with good arboricultural practice, in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. Prior to development commencing, a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation 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
- Methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

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 and written notification has been provided to the Local Planning Authority.

Reason: In the interests of ensuring an appropriate surface water system and mitigation of flood risk, 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 that appropriate mitigation measures are in place prior to works taking place that could lead to drainage issues.

17. The development shall only be carried out in accordance with the approved Flood Risk Assessment and Drainage strategy produced by Queensbury Design Limited dated May 2023, and shall incorporate principles of flood routing set out in the report. Development shall not commence until detailed design of upgraded trash screens beyond the surface water outfall has been submitted to and approved in writing by the Local Planning Authority. Alterations to levels that affect flood routing as appears in the approved strategy, must be resubmitted for approval before the implementation of any level changes upon the site commences.

Reason: To reduce the risk of flooding to the proposed development and existing and future occupants, in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

18. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 9 litres per second, connecting to watercourse, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the 1 in 100-year storm events with an appropriate allowance for climate change. The scheme shall include detailed design of attenuation infrastructure, outfalls to watercourse, and a detailed

maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: To reduce the risk of flooding to the proposed development and existing and future occupants, in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

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

19. Where implementation of the development hereby approved is to be phased, and/or any of the dwellings hereby approved are to become occupied prior to the completion of the development, and the adopted of the estate streets (including where it has been agreed that the streets are to remain private), details of temporary and permanent arrangements for the storage and collection of wastes from the dwellings, and the management of waste collection points, shall be submitted to, and approved in writing by the Local Planning Authority prior to first occupation of the development. The arrangements and collection points so approved for that phase shall be implemented prior to first occupation of that phase 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 and Chapters 9 and 12 of the National Planning Policy Framework.

20. No development shall commence until:

- A scheme of intrusive site investigations, as identified on page 5 of the Coal Mining Risk Assessment (February 2025, Lithos Consulting), has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This pre-commencement condition is required to ensure the site is safe for occupation, and if not, remediated prior to works commencing on the development proposals, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

21. Prior to the first 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 is or 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 methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To address coal legacy, and to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

22. Before the development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing/ proposed adoptable highways including any modifications to the existing retaining wall supporting A635 Barnsley Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

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.

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

23. Before the development commences, a full structural dilapidation survey of the existing retaining wall supporting A635 Barnsley Road shall be undertaken by a suitably qualified and experienced structural engineer and a copy of the report shall be submitted to the Local Planning Authority for record purposes. A further structural dilapidation survey of the retaining wall shall also be required following the completion of the works and any defects arising in the highway retaining walls due to the works associated with the proposed development shall be made good to the satisfaction of the Local Planning Authority, at the developer's expense.

Reason: This pre-commencement condition is required to ensure that the condition of the existing retaining wall is understood before development on site commences, in the interests of highway safety, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

24. Prior to the construction of roads, surface water attenuation system and sewers a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: This pre-commencement condition is required to ensure that the design/details of new surface water attenuation tanks/pipes/manholes are agreed at an appropriate stage of the development, in the interests of highway

safety, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

25. 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, loading, serving 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, and shall thereafter be retained and maintained for the lifetime of the development.

Reason: To ensure the free and safe use of the highways, in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and the policies contained within Chapter 9 of the National Planning Policy Framework.

26. The construction of any new estate streets shall not commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the works that are to be completed for each phase of the development. No dwelling (unit) within each relevant phase shall be occupied until the estate street(s) that provide access to those dwelling(s) (units) has been completed in accordance with the Estate Street Phasing and Completion Plan.

Reason: To ensure that the estate streets serving the development are completed to an acceptable standard and are available for use by the occupants and other users of the development, in the interests of highway safety, and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

27. Means of access to and from the site shall be in accordance with the preliminary access design(s) as shown on the approved plan(s) ref. AMA/21154/SK018 Rev P03 and fully constructed and made operational prior to first occupation of the development and thereafter retained and maintained for the lifetime of the development.

Reason: To ensure the free and safe use of the highway, in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

28. No development (excluding site clearance, topsoil strip and the establishment of site compound) shall be undertaken at the site until the following details associated with the proposed estate streets (including footpaths), as shown on the preliminary site layout plan ref. 21-CL2-SEGD-BRDD-01 Rev R, have been 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; and
- Road markings;

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

Reason: This pre-commencement condition is required to ensure that suitable and safe estate streets can be provided, in the interests of highway safety and amenity, and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

29. Prior to occupation of the development, the off-street highway works as shown on plan AMA/21154/SK018 Rev P03 comprising improvements to the footway on the north side of Barnsley Road, a pedestrian refuge island and a new footway on the south side of Barnsley Road shall be fully constructed and made operational.

Reason: To ensure the free and safe use of the highway, in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

30. Other than where indicated on the drawings hereby approved, no cables, plumbing, foul pipes, vents, burglar alarm boxes, and/or CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) that face onto a highway within the development hereby approved. Should any such equipment or installations be considered necessary, details of these shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the details so approved.

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

31. Prior to the construction of the hereby approved substation and notwithstanding what is outlined on the hereby approved plans, details of the electricity substation to be provided on site in association with the development 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 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 Chapter 12 of the National Planning Policy Framework.

32. Prior to commencement of development a Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the Local Planning Authority. The BMP shall include:

- The purpose and conservation objections for the proposed works;
- Review of site potential and constraints;
- Detailed design(s) and/or working method(s) to achieve stated objectives;

- Extent and location/area of proposed works on appropriately scales maps and plans;
- Type and source of materials to be used where appropriate e.g. native species of local provenance;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance; and
- Details for monitoring and remedial measures

The development shall be carried out in accordance with the agreed specification and timescales and the measures shall be retained for the lifetime of the development.

Reason: This is a pre-commencement condition to ensure a scheme is agreed at an appropriate stage in the development process, to ensure the management of any biodiversity enhancement measures at the site, to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: Regarding highway structures, please refer to the further guidance online at: <https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-structural-procedures.pdf>.

NOTE: The applicant is advised that it is their responsibility to inform the potential purchasers of the properties served by any unadopted streets that the streets will remain unadopted and provide details of the ongoing management and maintenance requirements and their obligations. The potential purchasers must also be advised by the developer of the potential implications of the streets remaining private, which are described in DfT Advice Note 'Highway Adoption' at Annex C 'A Guide for Home Buyers': [Highways Adoption \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/414242/Highways_Adoption.pdf). The applicant is advised to consult with the Local Highway Authority guidance document on 'Private Streets and the Advance Payments Code': [Highways guidance note: Private Streets and the Advance Payments Code \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/Highways%20guidance%20note%20Private%20Streets%20and%20the%20Advance%20Payments%20Code).

NOTE: 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 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 \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/Highways%20Guidance%20Note%20-%20Section%2038%20Agreements%20for%20Highway%20Adoptions). Any future applications for adoption under S37 must demonstrate to the satisfaction of the Highway Authority that all of the roads applied for under S37 have been constructed to an adoptable standard in accordance with [Highways Guidance Note - Section 38 Agreements for Highway Adoptions \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/Highways%20Guidance%20Note%20-%20Section%2038%20Agreements%20for%20Highway%20Adoptions). Until such time that the S38 (or S37) 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 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: This condition is 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 developments 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-management-design-guide-new-developments.pdf>.

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

NOTE: 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 works. This process will involve entering into a Section 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. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: 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) will 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 Agreement Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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: Electric Vehicle Charging Points – The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation. 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 in relation to Approved Document S.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays. Institute of Air Quality Management document “*Guidance on the assessment of dust from demolition and construction*” Version 1.1 2014 provides detailed information regarding dust control. Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Public footpath DEN/66/40 runs adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council’s public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston or via the email address publicrightsofway@kirklees.gov.uk.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway and any works will need to be constructed under the correct section (Section 278) of the 1980 Highways Act. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan	21-CL2-SEGD-BRDD-01-LP	B	17/12/2024
Planning Layout	21-CL2-SEGD-BRDD-01	R	08/04/2025
Planning Drawing (Naples)	01	P1	17/12/2024
Planning Drawing (Valencia)	01	P1	17/12/2024
Planning Drawing (Siena)	01	P1	17/12/2024
Planning Drawing (Copenhagen)	01	P1	17/12/2024

Planning Drawing (Florence)	01	P1	17/12/2024
Planning Drawing (T1)	01	P2	14.02.2025
Planning Drawing (T2)	01	P2	17/12/2024
Shared Ownership Double Garage Front to Back Roof – 6.0 x 6.0m	MY-DG1-01	-	26/05/2023
Duel Ownership Double Garage Front to Back Roof – 6.0 x 6.0m	MY-DG5-01	-	26/05/2023
Single Garage – Front to back roof 6.0 x 3.0m	MY-SG1-01	-	26/05/2023
Window Head & Cill 75MM Reveal	SD2.EW.27	-	26/05/2023
1.8m High Stone Wall	SD10.EX.06	-	26/05/2023
1.8m High Wall with Flush Piers	SD10.EX.07	-	26/05/2023
Close Boarded Fencing 1.8m High	SD10.EX.17	A	26/05/2023
900MM High Stone Wall	SD10.EX.163	B	26/05/2023
Street Scenes	21-CL2-SEGD-BRDD-10	D	24/02/2025
Sections	21-CL2-SEGD-BRDD-11	B	24/02/2025
Drainage Strategy	QD2092-00-01	A	24/02/2025
Levels Strategy	QD2092-00-02	B	22/05/2025
Flood Routing	QD2092-00-04	A	24/02/2025
DG5 & DG6 Welcome Centre Working Drawing	BY00000-Welcome Centre-01	-	26/05/2023
Materials, Surfacing & Boundary Plan	BY00106-STH-PH-00-DR-A-0004-P01	P01_C	14/02/2025
EVCP & Parking Plan	BY00106-STH-PH-00-DR-A-0005-P01	P01-B	14/02/2025
Landscape Management Plan	BY00106-STH-PH-00-DR-A-0011-P01	A	21/02/2025
Separation Distances	BY00106-STH-PH-00-DR-A-0215-P02	P0	14/02/2025
Landscape Masterplan	P20-1107.001	J	18/02/2025
Tree Planting Plan	P20-1107.002	C	24/02/2025

POS Typologies	P20-1107.003	C	24/02/2025
Site Survey	S10083/1	-	26/05/2023
Site Survey	S10083/2	-	26/05/2023
Site Survey	S10083/3	-	26/05/2023
Proposed Site Access	AMA/21154/SK018	P03	08/04/2025
Standard Distribution Substation Drawing – Supporting Information	C993717	B	26/05/2023
The Biodiversity Metric 4.0 – Calculation Tool – Supporting Information	BM-6857-01	C	20/12/2024
Flood Risk Assessment and Drainage Strategy – Supporting Information	-	B	26/05/2023
Statement of Community Involvement – Supporting Information	P20-1107.002	-	26/05/2023
Arboricultural Method Statement – Supporting Information	AWA6436AMS	-	21/02/2025
Arboricultural Report & Impact Assessment – Supporting Information	AWA6436	-	21/02/2025
Transport Statement – Supporting Information	21154	Rev 2	09/04/2025
Sustainability & Climate Change Statement – Supporting Information	-	-	21/02/2025
Bat Activity Survey – Supporting Information	ER-5319-03.1	-	26/05/2023
Ecological Impact Assessment – Supporting Information	ER-6857-02E	-	20/12/2024
Preliminary Ecological Appraisal Report –	ER-6851-01A	-	26/05/2023

Supporting Information			
Geoenvironmental Appraisal – Supporting Information	4112/1B	-	26/05/2023
Housing Mix Report – Supporting Information	-	-	12/02/2025
Noise Impact Assessment – Supporting Information	NIA-10383-22-10455-v6 Denby Dale (final).docx	-	24/02/2025
Design and Access Statement – Supporting Information	-	-	15/01/2025
Building for Life 12 – Supporting Information	-	-	26/05/2023
Planning Statement – Supporting Information	P20-1107	-	26/05/2023
Health Impact Assessment – Supporting Information	-	-	21/02/2025
Coal Mining Risk Assessment – Supporting Information	017/4112/AG/ASw	-	12/03/2025
Tenure Split Plan – Supporting Information	21-CL2-SEGD-BRDD-01A	P01	01/05/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. During the life of the application the applicant and officers have engaged in extensive negotiations to attempt to resolve the various outstanding matters. Negotiations have included various meetings and other methods of correspondence. The concerns related mostly to density, drainage, materials, impact on Tanner Wood, housing mix/affordable units, highways and access matters.

Report Dated:

29/07/2025

