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## Appeal Decision

Site visit made on 10 September 2025

by **Beverley Wilders BA (Hons) PgDURP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> February 2026

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**Appeal Ref: APP/Z4718/W/25/3359129**

**Land at Cliff Hill, Denby Dale, West Yorkshire HD8 8RZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Nick Gould against the decision of Kirklees Metropolitan Council.
  - The application Ref is 2023/62/92191/E.
  - The development proposed is residential development for 62 dwellings, grouting remedial works for ground stabilisation to facilitate construction of dwellings with associated hard and soft landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development for 62 dwellings, grouting remedial works for ground stabilisation to facilitate construction of dwellings with associated hard and soft landscaping at Land at Cliff Hill, Denby Dale, West Yorkshire HD8 8RZ in accordance with the terms of the application, Ref 2023/62/92191/E, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The description of development used in the heading above and in allowing the appeal has been taken from the planning application form, though I have amended it slightly to remove reference to the address and the fact that it is an allocation as these are not descriptions of development.
3. Mr Nick Gould of Urban Group York Ltd was named as the applicant on the planning application form. The appeal form states that Mr Nick Gould is the appellant, but JCG (1980) is stated as the company name. However, confirmation was subsequently received that the appeal was to proceed in Mr Gould's name only.
4. It appears that Urban Group York Ltd went into liquidation on 25 October 2024 and that liquidators have been appointed. Evidence has been provided that the liquidators have granted permission for the appeal to be progressed by Mr Nick Gould. Consequently, noting that concerns have been raised in representation regarding the validity of the appeal, I am satisfied that the appeal is valid and can proceed in the name of Mr Nick Gould.
5. During the appeal, a completed S106 Planning Agreement dated 23 October 2025 (the S106) was submitted. In determining the appeal, I have had regard to the S106.

## Main Issues

6. Having regard to the Council's reason for refusal and the submitted evidence, I consider the main issues to be:
- whether sufficient information has been submitted to assess the environmental effects of the proposal;
  - if so, whether the environmental effects of the proposal would be acceptable with particular regard to:
    - noise and disturbance;
    - vibration;
    - dust/air quality;
- including the effect on the living conditions of the occupiers of nearby residential properties;
- whether it has been demonstrated that the site is suitable for residential development of the scale proposed.

## Reasons

7. The appeal site comprises an undeveloped area of land located to the north-east of Cumberworth Lane. It is undulating in places and there is a level change across the site with land falling from north to south. A public footpath located on its north-western boundary runs between Cumberworth Lane and Leak Hall Lane with existing residential developments adjoining the site to the east, south and west and within the immediate surrounding area. The site forms part of the village of Denby Dale and is allocated for residential development in the Kirklees Local Plan (KLP)<sup>1</sup> (Site Ref. HS144). Springhead Gardens, a residential development to the south of the appeal site forms part of the same allocation. KLP sets out an indicative housing capacity of 113 dwellings for the allocation.
8. All of the appeal site is located within a wider mineral safeguarding area relating to surface coal resource with sandstone and/or clay and shale. The majority of the site is within a Development High Risk Area as defined by the Coal Authority, whilst other parts of the site are within the Low Risk Area. Part of the site also falls within a 250m buffer zone of a historic landfill site.

## Supporting Information

9. Various documents were submitted with the application addressing its previous use, ground conditions and the environmental effects of the proposal. These include a Phase 1 Desk Top Study Report and Coal Mining Risk Assessment, a Phase 2 Geo-Environmental Report, a GeoRisk+ report, a Ground Stabilisation Remedial Strategy and a Gas Monitoring Report. These documents were assessed by the Council's Environmental Health department who accepted the appellant's findings regarding site contamination and gas, though further gas monitoring was considered to be required. After initially objecting, the Coal Authority also raised no objection to the application, subject to the imposition of conditions.

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<sup>1</sup> Kirklees Local Plan Strategy and Policies Adopted 27 February 2019.

10. The Phase 2 Geo-Environmental Report states that fieldworks took place in April 2022 and included various investigatory techniques and locations including sample boreholes, penetration tests, probes, excavated trial pits, Ground Penetrating Radar of Mine Shafts, Disused Mine Shaft Investigation and GPS surveying. These investigations revealed several high risk mining instability features on the site including shallow coal seams and mine shafts with remedial proposals suggested.
11. The Council has expressed concern about the methodology used in the site investigation noting that it was based on samples and not a full investigation of the site, that assumptions had been made and that these assumptions applied to the majority of the site. However, the Council acknowledges that a similar approach has been used on other sites and the appellant refers to the supporting information submitted with the application for development elsewhere within the same housing allocation at Springfield Gardens. This was prepared by the same consultants, with only a Phase 1 Study being submitted prior to the grant of planning permission.
12. Following the refusal of the application, the appellant commissioned a third party peer review of the documentation submitted with the application by an experienced geo-environmental expert. The review concluded that the submitted documentation and the Council's Environmental Health Teams review of it was robust and that the reviewed documentation including the Phase 1 and Phase 2 reports were carried out and compiled in accordance with relevant guidance and standards.
13. Noting all of the above and based on the evidence before me, I am satisfied that sufficient information has been submitted to assess the environmental effects of the proposal. The approach taken appears to be consistent with the approach taken on other similar sites and the geo-technical evidence submitted in relation to the proposal appears to exceed that submitted at Springfield Gardens, albeit that was a smaller scale development. Whilst assumptions have been made and whilst there is some degree of uncertainty as to the exact amount of material that is to be removed from and imported onto the site, this is not unusual for a development of this type in this type of location.
14. In reaching this conclusion I note that representations have referred to the age of some of the submitted reports and that they were commissioned by the previous applicant. Notwithstanding this, I consider that the evidence before me is sufficient for the purposes of determining the appeal.
15. I therefore conclude that the requirements as set out in KLP Policy LP53 and relevant paragraphs of the National Planning Policy Framework (the Framework), including paragraph 196(c), have been met by the proposal. This policy and this guidance, amongst other things, requires appropriate investigation and assessment of ground conditions and any risks arising from land instability and contamination including risks arising from mining.

### *Environmental Effects*

16. As stated, the appeal site lies in an area affected by mining activity. The submitted reports identify the presence of coal deposits and former mine shafts, and the submitted Ground Stabilisation Remediation Strategy outlines the remedial measures that are required for the proposal to safely take place. This includes

drilling and pressure grouting to mitigate against the risk from shallow coal workings.

17. Information submitted by the appellant estimates that approximately 4440m<sup>3</sup> of material will need to be extracted from site and an estimated 1650 tonnes of material would be imported and would be a mix of pulverised fuel ash, Portland cement and sand. However, it is acknowledged that these figures are likely to change as works progress and more information becomes available. The remedial and mitigation works would require the provision of a mixing plant and large tracked rotary rigs on site for the duration of the works.
18. It is estimated that the removal of material would necessitate approximately 550 heavy goods vehicle (HGV) loads being moved from the site over an 8 week period and approximately 3 deliveries of materials a day for the duration of the drilling and grouting works which are expected to take 2 months. Working hours of 0730 to 1830 Monday to Friday, 0800 to 1300 on Saturday and no working on Sunday or public/bank holidays are proposed. The Council calculates that during the remediation phase there could be up to 25 HGV movements at the site entrance per day, more if the removal and drilling/grouting phase overlaps. Access for HGVs would be taken from Cumberworth Lane.
19. Many of the Council's concerns appear to relate to the environmental effects of the remediation/mitigation phase of the development. There is no doubt given the scale and nature of the remediation/mitigation works and the position of the site relative to nearby dwellings that this phase of the development will be disruptive to nearby residents. It will result in noise and disturbance as well as vibration and dust that will likely affect air quality. However, although the amount of remediation/mitigation works required on this site may be greater than what might be required on other sites not affected by the same ground conditions, it appears from the evidence that such works are not uncommon in the area given the underlying geology and presence of coal and former mine workings.
20. The works by their very nature will be temporary, though given the nature of the works and the scale of the site are anticipated to last for some months, with these works being followed by the construction phase of the development which will also cause some disruption for residents. However, this is not unusual for developments of this type and scale, and several measures are proposed to help to minimise and mitigate against any effect on the living conditions of the occupiers of nearby residential properties arising from noise and disturbance, vibration, dust and any subsequent reduction in air quality.
21. Various conditions are proposed should permission be granted requiring a groundworks management plan dealing with matters such as hours of work, point of access for works traffic, vehicle sizes, routes and delivery timings, wheel cleaning, measures to control dust; a construction management plan and a remediation strategy. These will help to ensure that the proposed remediation/mitigation and construction is carried out in an appropriate manner in order to minimise the effect on nearby residents.
22. Noting all of the above and the fact that no objections were raised by the Council's Environmental Health department, the Highway Authority or the Coal Authority and

the conclusions of the noise assessment<sup>2</sup>, air quality assessment<sup>3</sup> and dust management plan<sup>4</sup>, I am satisfied that the environmental effects of the proposal having particular regard to noise and disturbance, vibration and dust/air quality would be acceptable. Noting this, whilst I acknowledge that there will be some disruption to nearby residents during the remediation/mitigation and construction phase of the development resulting from noise and disturbance, vibration and dust/air quality, given that this would be temporary and not unusual for this type of development, I do not consider that it justifies withholding planning permission, particularly given that the site is allocated for residential development.

23. Comments have been made in representation that the noise and air quality assessments do not assess the impact of extraction and remediation on existing residents and that any effect on air quality would be particularly harmful to children with respiratory conditions. In reaching my decision I note that the appeal site is not in an air quality management area and whilst the submitted air quality assessment does not appear to specifically consider the remediation and construction phase of the development, the Council's environmental health department raised no objections to the proposal. Moreover, various conditions are to be imposed controlling and managing these phases of the development which will be temporary in nature
24. The proposal therefore accords with policies LP24, LP52 and LP53 of KLP and relevant paragraphs of the Framework. These policies and this guidance seek, amongst other things, to ensure that proposals provide a high standard of amenity for neighbouring occupiers, ensure that pollution is prevented or reduced so as not to reduce the quality of life and well-being of people to an unacceptable level and incorporate suitable and sustainable mitigation measures for contamination and instability which protect the well-being of residents. KLP Policy LP36 was also referred to in the Council's reason for refusal. However, this relates to proposals for mineral extraction. Whilst coal would be extracted as part of the proposed remediation/mitigation measures to enable the site to be developed for residential use, it is not a proposal for mineral extraction per se. Nevertheless, even if I consider it a relevant policy, for the reasons stated, I am satisfied that the proposal accords with it in that there is an acceptable impact on the environment, residential amenity and would not cause long term nuisance or materially significant disturbance to local residents as a consequence of the generation of dust, noise or vibration by site operations or associated transport.

#### *Suitability of Site for Residential Development*

25. Given my findings in relation to the previous main issues and noting the site allocation indicative capacity of 113 dwellings on the wider allocation, I am satisfied that the site is suitable for residential development of the scale proposed.

#### **Other Matters**

26. Many representations objecting to the proposal were made at the application stage and further representations have been made during the appeal. I have had regard to these in reaching my decision.

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<sup>2</sup> Noise Consultants Noise Assessment February 2024

<sup>3</sup> Air Quality Consultants Air Quality Assessment July 2023

<sup>4</sup> Air Quality Consultants Dust Management Plan February 2024

27. Concerns have been raised that the proposal would result in significant commercial scale coal extraction, in effect and open-cast coal mine, with details of remediation to be dealt with by condition rather than being submitted with the application. It is argued that this does not allow for a proper assessment of the environmental impacts of the proposal, particularly if the extracted coal is used for commercial purposes and risks extraction taking place without subsequent remediation. It is stated that the proposal is contrary to paragraph 223 (now paragraph 230) of the Framework regarding coal extraction which only allows this to take place under the listed circumstances.
28. In this case, the geology and previous use of the site means that coal extraction is required to make the site safe and suitable for residential development. The S106 includes a clause prohibiting the disposal of coal for commercial purposes and I am satisfied, based on the evidence before me, that any coal extraction would be limited to that required to remediate the site for residential development. For the reasons stated above and subject to the imposition of necessary conditions, I am also satisfied that the environmental effects of the proposal are acceptable. The proposal is not therefore contrary to paragraph 230 of the Framework. There is no substantive evidence before me to suggest that under these circumstances it is likely that coal extraction would take place without subsequent remediation and residential development.
29. There is agreement between the parties that any extracted material containing coal is also likely to contain other materials and as such would be treated and disposed of as construction material/waste.
30. For the reasons set out above, and subject to the imposition of suitably worded conditions, I consider that the proposal accords with relevant policies regarding land stability and contamination.
31. A plan showing the construction traffic route has been submitted which shows traffic using Cumberworth Lane to access the A636 (Wakefield Road). In any event, such matters would form part of an agreed construction management plan. Concerns have been raised regarding the proposed access off Cumberworth Lane and about the use of Cumberworth Lane for HGVs associated with remediation and construction.
32. At my site visit I noted the position of the proposed access, the nature and width of Cumberworth Lane at this point and between the site and the junction with the A636, the A636 itself and the position and nature of the public footpath to the north of the site. At the time of my visit Cumberworth Lane was reasonably busy with traffic and I noted the presence of parked vehicles and bus stops between the site and the A636 as well as the fact that there is only one pavement on the opposite side of the road near to the site. Nevertheless, noting the evidence before me and the fact that the Highway Authority raised no objections to the proposal, I am satisfied that safe and suitable access to the site can be achieved for all users and that there would not be an unacceptable impact on highway safety.
33. Whilst there will be significant traffic during the remediation and construction phases and whilst this will involve larger vehicles, this will be controlled by conditions restricting matters such as hours and routes and these phases of the development will be for a temporary period.

34. Reference has been made to discussions that took place regarding access to the site during the Local Plan examination hearings. It is stated that the examining Inspector had concerns regarding access from Cumberworth Lane and instead required access from Leak Hall Lane. However, I have seen no evidence to corroborate this and, in any event, the Highway Authority has no objections to the access arrangements.
35. There is no substantive evidence that the proposal will result in flooding and I note that the Council's Officer Report states that the Lead local Flood Authority supports the proposal.
36. Concerns have been raised that the proposal will put a strain on local infrastructure. I have seen no substantive evidence regarding this and note that the S106 agreement includes financial contributions towards the provision of secondary school education and to public open space facilities.
37. Whilst I note that previous proposals on the site have been refused by the Council, some for more extensive reasons than those before me, I have assessed the proposal before me on its own merits and based on the evidence before me. The site is allocated for residential development, and the Council does not object to it in principle. Under these circumstances, there is no requirement to demonstrate a specific need for the proposal. Any errors on the submitted planning application form do not appear to be significant or determinative particularly as information regarding land stability and contamination forms part of the proposal.
38. My attention has been drawn to the fact that the site has been used to land air ambulances and that no other suitable sites for this are available nearby. However, in the absence of any substantive evidence on this matter, this is not a reason to withhold planning permission.
39. The proposal has been screened by the Planning Inspectorate to assess whether it is EIA<sup>5</sup> development and a negative screening direction was issued on 14 October 2025 confirming that it is not.
40. My attention has been drawn to the fact that other similar developments referred to by the appellant did not include the extraction of coal and that there was some land slippage and flooding problems on/resulting from those sites. Even if this is the case, I have considered the proposal on its own merits and for the reasons stated, I am satisfied that it would not result in any unacceptable effects, including environmental ones.
41. Safety concerns have been raised regarding the risk of explosions and potential damage to surrounding properties. Whilst these concerns are noted, I have seen no substantive evidence to suggest that either of these are likely.
42. Concerns have also been raised about the viability of the proposal given the likely cost of remediation and the effect that this might have on the likelihood of it being completed as proposed. When determining the application the Council was satisfied that the scheme was viable based on the submitted information. I have seen nothing in the evidence before me to suggest that this is not the case. Should circumstances change in the future such that the permission could not be complied with, then a revised application may be required, and this would be a matter for the

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<sup>5</sup> Environmental Impact Assessment

developer and the Council. It does not affect my consideration of the proposal before me.

43. The Council considers that the proposal would not result in any unacceptable loss of privacy or light to surrounding properties. Whilst I note that concerns have been raised regarding the effect of plots 39 & 40 on houses on Leak Hall Drive, it appears from the evidence that the relationship and separation distances between these properties complies with the Council's normal standards as set out in supplementary planning guidance. Under these circumstances, I have seen nothing to lead me to a different conclusion than the Council that the proposal would not have an unacceptable adverse effect on the living conditions of nearby occupiers.
44. Though I note that a large number of planning conditions have been suggested by the Council, this does not mean that the proposal is necessarily unacceptable.
45. Denby Dale Wesleyan Methodist Church, a Grade II listed building, is located near to the appeal site, on the opposite side of Cumberwoth Lane. It is an imposing, stone-built structure, set in an elevated position, with its side elevation close to the road. Insofar as is relevant to this appeal, its significance derives from its ecclesiastical use which has informed its design and appearance, its particular architectural composition and use of traditional materials. The setting of the Church is quite mixed, with the presence of modern residential developments nearby. This together with its proximity to the road, means that it is not in an open setting and that land to the east of the Church does make any significant contribution to its setting or significance.
46. The Cumberwoth Lane frontage of the appeal site and proposed access is positioned slightly to the north of the Church, with the nearest dwellings set back from the site frontage behind open space and to be constructed from natural stone. Subject to the use of appropriate materials and suitable landscaping, the proposal would not have a harmful effect on the setting and significance of the listed building.
47. A tree on the site is protected by a TPO<sup>6</sup>. The Council's tree officer raised no objections to the proposal subject to the imposition of conditions regarding tree protection.

### **Planning Obligation**

48. A completed S106 Planning Agreement (the S106) has been submitted which includes a number of obligations which take effect if planning permission is granted. A Unilateral Undertaking was initially submitted though upon completion of the S106 agreement, this was discharged and has no further effect.
49. I have considered the S106 agreement in light of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 58 of the Framework. The obligations within the S106 agreement relate to the following matters.
50. *Affordable Housing*: the proposal includes the provision of 12 affordable houses in accordance with KLP Policy LP11 which requires 20% of units in market housing sites to be affordable. The S106 includes obligations requiring the provision of the affordable housing and includes mechanisms to ensure that it is managed and

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<sup>6</sup> Tree Preservation Order

occupied appropriately. Obligations regarding affordable housing are necessary to make the development acceptable in planning terms.

51. *Public Open Space*: although the proposal includes some areas of public open space (POS), given the limited information provided about these areas at the application stage, in accordance with the Council's Open Space SPD<sup>7</sup> and KLP Policy LP63, a financial contribution towards the off-site provision of POS is required for use for the provision and/or improvement of POS in the surrounding area. The S106 also makes provision for a financial contribution for a POS inspection fee and for details of the on-site POS scheme including its management and maintenance. These obligations are necessary to make the development acceptable in planning terms.
52. *Education*: a financial contribution towards the provision of secondary education in the local area as requested by the Council's education department. Based on the evidence before me, this obligation is necessary to make the development acceptable in planning terms.
53. *Sustainable Transport*: a financial contribution towards a sustainable travel fund and obligations regarding the submission of a Travel Plan and the payment of a Travel Plan monitoring financial contribution in order to encourage the use of sustainable modes of transport. The S106 also includes an obligation for the provision of footpath links including a link to the existing public footpath located along the northern boundary of the site. Travel Plan requirements are necessary in order to comply with KLP policies LP20 and LP51 and all of the sustainable transport related obligations are necessary to make the development acceptable in planning terms.
54. *Biodiversity*: a financial contribution towards the off-site provision of biodiversity net gain. When determining the application, the Council was satisfied that on-site and nearby compensation methods had been exhausted and that a financial contribution is appropriate and acceptable in this instance noting the requirements of KLP Policy LP30 and the Council's Biodiversity Net Gain Technical Advice Note. This contribution is necessary to make the development acceptable in planning terms.
55. *Coal Disposal*: the S106 contains obligations restricting the removal or burning of any coal removed or excavated in the process of carrying out the development. As stated, the site contains coal deposits and this obligation is necessary to make the development acceptable in planning terms as the removal and/or burning of coal would have potentially significant environmental effects.
56. Taking the above matters into consideration, I am satisfied that all the obligations in the S106 agreement meet one or more of the tests set out in CIL Regulation 122 and as such, I have taken them into account in determining the appeal.

## Conditions

57. A list of planning conditions has been suggested by the Council, and the appellant has confirmed their acceptance of these.
58. I have imposed a condition specifying the approved plans for certainty.

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<sup>7</sup> Open Space Supplementary Planning Document June 2021

59. I have also imposed several pre-commencement conditions. These relate to the submission of a Groundworks Management Plan, a Construction (Environmental) Management Plan, a highway survey and remediation plan, a Construction Environmental Management Plan: Biodiversity, a scheme for temporary surface water drainage, an archaeological investigation, the completion of remediation works, a drainage and culverting scheme, a remediation strategy, an arboricultural method statement and tree protection plan as well as the provision of an access for works and construction traffic. The nature of the requirements of these conditions is such that they require the submission of information and /or certain works to take place prior to the commencement of the development. The appellant has given their written agreement to these. They are required to ensure that the groundworks and construction phase of the development are appropriately managed to ensure that there are no unacceptable impacts on highway safety, on the living conditions of nearby residents and on biodiversity and to ensure adequate drainage, the protection of archaeology, contamination management and tree protection.
60. In the interests of highway and pedestrian safety I have imposed conditions relating to the provision of the approved access arrangements and requiring details of pedestrian connections. I have also imposed conditions relating to parking, cycling parking, electric vehicle charging to ensure that adequate parking and charging facilities are provided.
61. Conditions have been imposed requiring details of external materials, hard and soft landscaping, boundary treatments, retaining walls, electricity substations, air source heat pump units and controlling external lighting. These are to ensure that the external appearance of the development is acceptable and to protect the visual amenity of the area and in the case of highway retaining structures, in the interests of highway safety.
62. Conditions requiring the completion and verification of remediation works and mitigation measures have been imposed together with conditions regarding noise and contamination. These are to ensure that acceptable remediation takes place, that the site is made safe for development and in order to protect the living conditions of existing and future residents.
63. I have imposed conditions relating to drainage and to the provision of culverting in order to ensure adequate site drainage and to avoid an increase in flood risk. A condition has been imposed relating to waste management to ensure adequate waste facilities are provided. Conditions relating to tree protection, the removal of hedgerows, trees and shrubs and a Biodiversity Plan have also been imposed to protect existing trees, to prevent and mitigate for ecological effects and to prevent significant ecological harm.
64. I have not imposed the suggested conditions regarding the removal of permitted development rights and restricting the provision of cables, plumbing etcetera on certain elevations of buildings. The appeal site is not located in an area affected by any heritage designations and noting this and advice in National Planning Policy Guidance that conditions removing permitted development rights may not pass the test of reasonableness and necessity, I do not consider that these conditions are justified and meet the relevant tests for conditions.

**Conclusion**

65. For the reasons given above, I conclude that the appeal should be allowed.

*Beverley Wilders*

INSPECTOR

## SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun within three years of the date of this permission.
  
2. The development hereby permitted shall be carried out in complete accordance with the following approved plans:
  - Location Plan 57116-BBA-09-Z00-DR-A-0202 Version P03
  - Proposed Site Plan 57116-BBA-09-Z00-DR-A-0201 Version P17
  - Proposed POS Area 57116-BBA-09-Z00-DR-A-0006 Version P05
  - Proposed Levels 57116-BBA-09-Z00-DR-A-0203 Version P07
  - Proposed Materials Plan 57116-BBA-09-Z00-DR-A-0204 Version P05
  - Proposed Boundary Treatments 57116-BBA-09-Z00-DR-A-0205 Version P05
  - Proposed Separation Plan 57116-BBA-09-Z00-DR-A-0207 Version P04
  - Proposed EV Plan 57116-BBA-09-Z00-DR-A-0208 Version P06
  - Proposed Bin Collection Plan 57116-BBA-09-Z00-DR-A-0209 Version P07
  - Proposed Retaining Wall Plan 57116-BBA-09-Z00-DR-A-0210 Version P06
  - Proposed Block Identification Plan 57116-BBA-09-Z00-DR-A-0211 Version P06
  - Proposed Pedestrian Routes Plan 57116-BBA-09-Z00-DR-A-0212 Version P04
  - Proposed Affordable Housing Plan 57116-BBA-09-Z00-DR-A-0213 Version P02
  - Proposed Plot Sections 57116-BBA-02-ZZZ-DR-A-0240 Version P03
  - Proposed Plot Sections 57116-BBA-02-ZZZ-DR-A-0241 Version P02
  - Proposed Separation Sections 57116-BBA-02-ZZZ-DR-A-0255 Version P01
  - Site Sections 57116-BBA-02-ZZZ-DR-A-0262 Version P01
  - Proposed Street Scenes 57116-BBA-02-ZZZ-DR-A-0250 Version P02
  - Culvert and Ditch Sections 57116-BBA-09-ZZZ-DR-A-0260 Version P01
  - Proposed Drainage Layout 10-5610 500 Version E
  - Excavation Overlay 57116-BBA-09-Z00-DR-A-0500 Version P01
  - Proposed Phase Plan 57116-BBA-09-Z00-DR-A-0299 Version P01
  - Block Type AAA 57116-BBA-03-AAZZ-DR-A-0237 Version P02
  - Block Type BA 57116-BBA-03-BAZZ-DR-A-0211 Version P03
  - Block Type BAA 57116-BBA-03-BAAZZ-DRA-0212 Version P03
  - Block Type CC 57116-BBA-03-CCZZ-DRA-0213 Version P03
  - Block Type DD 57116-BBA-03-DDZZ-DRA-0214 Version P03
  - Block Type DDK 57116-BBA-03-DDKZZ-DRA-0239 Version P01
  - Block Type DKK 57116-BBA-03-KDZZ-DRA-0248 Version P02
  - Block Type K3 57116-BBA-03-K3ZZ-DR-A-0242 Version P02
  - Block Type K4 57116-BBA-03-K4ZZ-DR-A-0243 Version P02
  - Block Type KAA 57116-BBA-03-KAAZZ-DRA-0240 Version P02
  - Block Type KD 57116-BBA-03-KDZZ-DRA-0244 Version P02
  - Block Type KK 57116-BBA-03-KKZZ-DR-A-0241 Version P02
  - Block Type KKD 57116-BBA-03-KKDZZ-DRA-0249 Version P01
  - Block Type LL 57116-BBA-03-LLZZ-DR-A-0245 Version P01
  - Block Type MM 57116-BBA-03-MMZZ-DRA-0246 Version P01
  - Block Type NNN 57116-BBA-03-NNZZ-DRA-0247 Version P02
  - Type A 57116-BBA-02-AZZ-DR-A-0201 Version P04
  - Type B 57116-BBA-02-BZZ-DR-A-0202 Version P05
  - Type C 57116-BBA-02-CZZ-DR-A-0203 Version P06
  - Type D 57116-BBA-02-DZZ-DR-A-0204 Version P07

- Type D 01 57116-BBA-02-D01ZZ-DRA-0236 Version P02
  - Type H 57116-BBA-02-HZZ-DR-A-0208 Version P07
  - Type K 57116-BBA-02-KZZ-DR-A-0232 Version P03
  - Type L 57116-BBA-02-LZZ-DR-A-0233 Version P02
  - Type M 57116-BBA-02-MZZ-DR-A-0234 Version P02
  - Type N 57116-BBA-02-NZZ-DR-A-0235 Version P02
  - Type P 57116-BBA-02-PZZ-DR-A-0249 Version P01
  - Single Garage 57116-BBA-02-ZXX-DR-A-0230 Version P02
  - Plot 1 Garage 57116-BBA-02-ZXX-DR-A-0231 Version P02
  - Proposed Access Arrangements 2111502 Version I
  - Long Section 2111503 Version G
  - Swept Path Analysis 2111504 Version F
  - Swept Path Analysis 2111505 Version G
  - Swept Path Analysis 2111506 Version G
  - 25m Forward Visibility 2111507 Version G
  - Swept Path Analysis 2111508 Version D
  - Swept Path Analysis 2111509 Version D
  - Swept Path Analysis 2111510 Version C
  - Swept Path Analysis 2111511 Version C
  - Swept Path Analysis 2111512 Version A
  - Swept Path Analysis 2111513 Version B
3. Prior to the commencement of development (including ground works), a Groundworks Management Plan (GMP) shall be submitted to and approved in writing by the Local Planning Authority. The GMP shall relate to excavation, extraction, levelling and grouting works associated with the development hereby approved. The development shall be carried out strictly in accordance with the GMP so approved throughout the period of works.
4. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The (C(E)MP) shall relate to the construction phase of the development hereby approved. The development shall be carried out strictly in accordance with the (C(E)MP) so approved throughout the period of construction.
5. Prior to the commencement of the development (including groundworks), a survey (including photographic evidence) of the existing condition of the highway on Cumberworth Lane and Wakefield Road, and of public footpath DEN/61/10 (the extent of highway to be surveyed to be agreed in writing by the Local Planning Authority in advance) shall be carried out jointly with the Local Highway Authority and submitted to and approved in writing by the Local Planning Authority.

The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. The submission made pursuant to this condition shall also include a timetable of works and a commitment (with responsibilities assigned to named parties) to undertake any necessary remedial works (the details of which shall be submitted to and approved in writing by the Local Planning Authority) to maintain the highway during the entirety of the works and activities referred to in conditions 3 and 4 to the condition

documented in the pre-commencement highway condition survey. The final highway remediation works so approved shall be completed prior to the occupation of the 52nd dwelling

6. Prior to the commencement of development (including vegetation clearance and ground works) a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period strictly in accordance with the approved details.
7. Prior to the commencement of development (including ground works), a vehicular access into the site shall be created at Cumberworth Lane for use by works and construction traffic. Prior to being brought into use, visibility splays at this access shall be cleared of vegetation and boundary treatments and visibility splays shall be kept clear of all obstructions to visibility above 0.6m measured from the ground thereafter. This access shall be used by works and construction traffic for the duration of the works referred to in conditions 3 and 4, and no other access to or egress from the site for works or construction traffic shall be provided, enabled or used.
8. Prior to the commencement of development (including ground works) 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;
  - Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and details of how flooding of adjacent land would be prevented; and
  - Include methods of preventing contamination of watercourses once the new drainage has been installed.

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.

9. Prior to the commencement of development (including ground works), a written scheme of archaeological investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include:

- A statement of significance and research objectives;
  - A programme and methodology of site investigation and recording and the nomination of (a) competent person(s) or organisation to undertake the agreed works; and
  - A programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
10. Prior to the commencement of development comprising construction, all remediation works and/or mitigation measures to address the shallow mine workings and mine entries beneath the site shall be implemented on site in full in order to ensure that the site is safe and stable for the development hereby approved.
11. Prior to the commencement of development, a drainage scheme restricting the rate of surface water discharge from the site to ordinary watercourse to a maximum of 5l/s shall be submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100-year storm events. The drainage scheme shall include a detailed design of the attenuation facility and a maintenance and management regime including the flow control device. There shall be no piped discharge of surface water from the development, and no part of the development shall be occupied until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.
12. Prior to the commencement of development, a scheme detailing the culverting of sections of the watercourse, general watercourse improvements, and land drainage connections to the watercourse within the site and the inclusion of a debris screen prior to exiting the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the watercourse and debris screen for the lifetime of the development. No part of the development shall be occupied until the watercourse enclosure works comprising the approved scheme have been completed. The maintenance and management regimes shall be implemented thereafter.
13. Prior to the commencement of development (including ground works, other than those required to inform a site investigation report) a Remediation Strategy relating to contamination shall be 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.
14. Prior to the commencement of development (including ground works), an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the documents so approved.

15. Where implementation of the development hereby approved is to be phased, and/or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of those residential units. The temporary arrangements so approved shall be implemented prior to the first occupation of those residential units and shall be so retained thereafter for the duration of the construction works.
16. Means of access to, from and within the site shall be in accordance with the approved drawings and shall be provided prior to the first occupation of the development and thereafter retained and maintained for the lifetime of the development.
17. Prior to development commencing on the superstructure of any dwelling hereby approved, a scheme detailing the proposed pedestrian connections between the development's internal roads and public footpath DEN/61/10 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of gradients, any steps, surface treatments (and subsurface build-up), any handrails, any boundary treatments and safety measures. No dwellings on the part of the internal road from which the relevant connection would be made shall be occupied until that connection has been completed in accordance with the approved plans and details. The pedestrian connection shall thereafter be retained for the lifetime of the development.
18. Prior to the first occupation of any specified dwelling hereby approved, details of secure, covered and conveniently-located cycle parking for use by residents of that dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved prior to occupation and the cycle parking shall be retained thereafter.
19. Prior to any part of the development hereby approved being occupied, a validation statement/declaration related to mining legacy shall be submitted to and approved in writing by the Local Planning Authority. The statement/declaration shall be prepared and signed by a suitably competent person, shall confirm that the site is, or has been made, safe and stable for the development hereby approved, and 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 mining activity.
20. Prior to the first occupation of any specified dwelling hereby approved, the approved vehicle parking area(s) for that dwelling shall be surfaced and drained in accordance with "Guidance on the permeable surfacing of front gardens (parking areas)", 13/05/2009 (ISBN 9781409804864) as amended or superseded, and shall thereafter retained throughout the lifetime of the development.

21. Prior to the first occupation of any dwelling hereby approved, all works (other than acoustic screens at units 1, 60, 61 and 62) which form part of the sound attenuation scheme as specified in the Noise Assessment (Noise Consultants, 13073B-20-R02-01, 27/06/2023) shall be completed and written evidence to demonstrate that the specified noise levels 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 Report have been achieved, a further scheme shall be submitted to and approved in writing by the Local Planning Authority. This further scheme shall incorporate further measures to achieve those noise levels. 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 the development is first brought into use. All such works shall thereafter be retained.

22. Prior to the first occupation of any dwelling with external lighting (other than street lighting on streets to be adopted), details of the external lighting for that dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a scheme detailing street lighting to all private (unadopted) roads/drives/courtyards and shall not include low-level or bollard street lighting. The external lighting shall be designed to avoid harm to residential amenity, increased highway safety risk, risk of creating opportunities for crime and anti-social behaviour, and disturbance to wildlife. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. No dwellings accessed from a private (unadopted) road/drive/courtyard shall be occupied until the street lighting so approved for that road/drive/courtyard has been installed and brought into use, and the street lighting shall be retained as such thereafter. No other external lighting shall be installed without the prior written consent of the Local Planning Authority.

23. Prior to development commencing on the superstructure of any dwelling hereby approved, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- i) One Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space; and
- ii) One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces.

Dwellings and parking spaces that are to be provided with charging points shall not be occupied/brought into use until the charging points are installed and operational. The charging points installed shall be retained thereafter.

24. Prior to the commencement of superstructure works, details of storage and access for collection of wastes from the residential units hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that

waste collection points shall not obstruct access to private driveways and shall include details of management measures (including measures to control odour and vermin) and measures to discourage fly-tipping. The works and arrangements comprising the approved details shall be implemented prior to first occupation and shall be so retained thereafter.

25. Where highway retaining structures are necessary, prior to development commencing on the superstructure of any dwelling hereby approved, the design and construction details of any such structures (and any temporary highway retaining structures that may be deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.
26. Prior to the commencement of superstructure works, details of all external materials to be used shall be submitted to the Local Planning Authority, and samples shall be left on site for the inspection and approval in writing of the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.
27. Prior to the commencement of superstructure works, 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, the timing of the provision of the substation(s) and details of external materials and any boundary treatments. The substation(s) shall be constructed in accordance with the details so approved.
28. Prior to the commencement of superstructure works, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, shall be submitted to and approved in writing by the Local Planning Authority. The details shall correspond with measures relating to flood routing, shall be designed to prevent and deter crime and anti-social behaviour, and shall provide for the movement of hedgehogs. The development shall be implemented in accordance with the details so approved. The approved works shall be carried out in accordance with an agreed timetable to be submitted with the details set out above and shall be retained thereafter.
29. Prior to the commencement of superstructure works, details of external air source heat pump units to be provided as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans and specifications, shall confirm locations of the units, shall include screening measures where necessary, the timing of the installation of the units and shall include noise and maintenance information. The units shall be installed in accordance with the details so

approved and shall be maintained in accordance with the details so approved thereafter.

30. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. No part or phase of the development hereby approved shall be occupied until all hard and soft landscaping for that part or phase has been implemented in accordance with the approved details. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.
31. Prior to the commencement of superstructure works, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The BEMP shall provide a minimum 66.95% net increase in hedgerow units on-site and a minimum 68.27% net increase in river units on-site post-development. The development shall thereafter be carried out in accordance with the approved BEMP.
32. Overland flow routing shall only be carried out in accordance with the Flood Risk Assessment and Drainage Strategy (Ward Cole Consulting Engineers, 10/5610 rev E, 11/07/2023) hereby approved.
33. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 13. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered is identified or encountered on site, all works in the affected area (other than 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.
34. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be occupied until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
35. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority in response to evidence to be submitted in writing to the Local Planning Authority demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

END.