



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/70/93107/W

To: Gareth Lloyd
Highstone
329, Wakefield Road
Denby Dale
Huddersfield
HD8 8RX

For: Gareth Lloyd, Highstone

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

VARIATION OF CONDITION 7 (STONE FEATURES AND HORIZONTAL
ELEMENTS) OF PREVIOUS PERMISSION 2021/94664 FOR DEMOLITION OF
EXISTING BUILDING AND DEVELOPMENT OF FORMER DYEWORKS
COMPRISING 9 APARTMENTS, 4 BUNGALOWS AND 2 MAISONNETTES

At: FORMER HOYLE ING DYEWORKS, HOYLE ING, LINTHWAITE,
HUDDERSFIELD, HD7 5QS

**In accordance with the plan(s) and applications submitted to the Council on
19-Oct-2023 [together with those plans and application(s) submitted to the
Council on 20-Dec-2021 and incorporated into planning permission 2021/94664
granted on 16-Aug-2022] and subject to the condition(s) specified hereunder:-**

1. [deleted]

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP27, LP28, LP30, LP33, LP35, LP38, LP47, LP51, LP52 and LP53 of the Kirklees Local Plan and the aims of the Housebuilders Design Guide SPD and the National Planning Policy Framework.

3. The development shall be completed using the walling materials approved under application 2022/92957 prior to the hereby approved development being brought into use.

Reason: In the interests of visual amenity and heritage, to maintain and enhance the character and appearance of the Linthwaite Conservation Area, to maintain the setting of listed buildings, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 2 and 13 of the council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. The development shall be completed using the roofing materials approved under application 2022/92957, prior to the hereby approved development being brought into use.

Reason: In the interests of visual amenity and heritage, to maintain and enhance the character and appearance of the Linthwaite Conservation Area, to maintain the setting of listed buildings, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 2 and 13 of the council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

5. The boundary treatments as approved under discharge of condition application 2022/92957 shall be erected or constructed in accordance with the details so approved before the approved development is first brought into use.

Reason: In the interests of visual amenity and heritage, to maintain and enhance the character and appearance of the Linthwaite Conservation Area, to maintain the setting of listed buildings, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 2 and 13 of the council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

6. All new window frames shall be set back in the reveal by 75-100mm and shall not be fitted flush with the external wall. Installation of new windows shall be carried out in complete accordance with the details approved under discharge of condition application 2023/93396.

Reason: So as to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset, to maintain and enhance the character and appearance of the Linthwaite Conservation Area, to maintain the setting of listed buildings, and to accord within Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. [deleted]

8. [deleted]

9. 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 doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the northeastern facing side elevation of plot 13 hereby approved.

Reason: So as not to adversely affect the amenities of neighbouring properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. Notwithstanding the submitted plans, the window within the northeastern-facing side elevation of plot 13 hereby approved, to serve the hallway, shall be fitted with obscure glazing, minimum grade 4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or reenacting that Order with or without modification) the window shall thereafter be so retained obscure glazed.

Reason: To protect the amenity of the neighbouring property, in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

11. The Biodiversity Enhancement and Management Plan (BEMP) submitted and approved under discharge of condition application 2022/92957 shall be implemented within the first planting or sowing season following the substantial completion of development and thereafter maintained in accordance with the details and schedule for implementation contained therein.

Reason: To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain are agreed at an appropriate stage of the development process.

12. [deleted]

13. The development shall not be occupied until all works specified in the approved noise assessment report submitted and approved under discharge of condition application 2022/92957 have been carried out in full and such works shall be thereafter retained.

Reason: In the interests of amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

14. [deleted]

15. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved under discharge of condition application 2023/93396.

In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

16. Following completion of any measures identified in the Remediation Strategy approved under discharge of condition application 2023/93396 or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

17. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points, as approved under discharge of condition application 2022/92957, are installed and operational. The charging points installed shall be retained 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.

18. [deleted]

19. All hard and soft landscape works forming part of the landscaping scheme approved under discharge of condition application 2022/92957 shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in the first sowing or planting season following the substantial completion of the development. The landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

20. The development hereby approved shall not be occupied until the areas to be used by vehicles, as indicated on the approved plan, have been laid out with a hardened and drained surface in accordance with the Ministry of Communities and Local Government and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. 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) these areas shall be so retained, free of obstructions and available for parking.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

21. [deleted]

22. No part of the development shall be occupied until the drainage scheme approved under discharge of condition application 2023/93396 has been provided on the site to serve the development and the drainage scheme shall be retained thereafter and maintained in accordance with the maintenance scheme approved under application 2023/93396.

Reason: To ensure the effective disposal of foul, surface water and land drainage from the development so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

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

23. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the scheme approved under discharge of condition application 2023/93396 have been completed and such approved scheme shall be retained thereafter.

Reason: To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

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

24. [deleted]

25. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 187(e) of the National Planning Policy Framework.

26. [deleted]

27. The new retaining walls / building retaining walls adjacent to the existing / proposed adoptable highways as set out in the details approved under discharge of condition application 2023/93396 shall implemented before any part of the development is first occupied and shall be retained thereafter.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway or adjacent ground, in accordance with Policies LP21 and LP53 of the Kirklees Local Plan.

28. The new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint as approved under application 2023/93396 shall be implemented before any part of the development is first occupied and shall be retained thereafter.

Reason: To ensure that any new structures do not compromise the stability of the highway or adjacent ground, in accordance with Policies LP21 and LP53 of the Kirklees Local Plan.

29. The works and arrangements comprising the details approved under discharge of condition application 2022/92957 regarding the management of waste collection points shall be implemented prior to first occupation and shall be so retained thereafter.

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

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 also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450 - Inspection of Highway structures.

Furthermore, all new precast pipes/culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

NOTE: The Environment Agency refer the applicant to their groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including

- Waste management
- Land contamination
- Drainage
- Piling End

The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in 'Land contamination: risk management' when dealing with land affected by contamination
2. Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
4. Refer to the contaminated land pages on gov.uk for more information.

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on gov.uk

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. 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

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Received via application planning permission 2023/93107			
Application form			20/10/2023
Elevations and floor plans for apartments 1-9	HA-MRLW-010	C	20/10/2023
Proposed street scene	HA-MRLW-66	-	19/10/2023
Statement of justification			01/04/2025
Received via applications for discharge of condition			
Various drawings and documents submitted pursuant to conditions 6, 7, 12, 14, 18, 21-24, 27 and 28 of planning permission 2021/94664 and approved on 02/07/2024 under application 2023/93396	See decision dated 02/07/2024	-	17/11/2023, 15/03/2024
Various drawings and documents submitted pursuant to conditions 3, 4, 5, 7, 8, 11, 13, 17, 18, 19 and 29 of planning permission 2021/94664 and approved on 17/10/2022 and 20/10/2023 under application 2022/92957	See decisions dated 17/10/2022 and 20/10/2023	-	Various
Received via original planning permission 2021/94664			
Location plan	HA-MRLW-002	-	20/12/2021
Proposed sections for retaining wall	HIG/01	-	20/12/2021

Plan Type	Reference	Version	Date Received
Heritage statement	P20-2344	-	20/12/2021
Design and access statement	Dated December 2021	-	20/12/2021
Drainage strategy report	5196/DS01	-	20/12/2021
Drainage strategy phase 2	5196-DS03	-	20/12/2021
Building for a healthy life statement	Dated July 2021	-	20/12/2021
Minerals statement	-	-	20/12/2021
Planning statement	-	-	20/12/2021
Noise mitigation strategy	-	-	20/12/2021
Preliminary ecological appraisal & preliminary bat roost assessment	17281	-	20/12/2021
Transport statement	21093-P1	-	20/12/2021
Combined stage 1 and stage 2 geo-environmental report	HIG/01r1	-	20/12/2021
Agents response to land contamination comments	Email dated 12th April 2022	-	12/04/2022
Agents response to conservation comments	-	-	13/04/2022
Biodiversity net gain assessment	17358	-	28/04/2022
Bat hibernation surveys	17499	-	28/04/2022
Proposed floor plans and elevations for the maisonettes	HA-MRLW-015	A	12/05/2022
Proposed floor plans and elevations for the bungalows	HA-MRLW-010	C	12/05/2022
Landscape masterplan	HA-MRLW-003	D	12/05/2022
Proposed site plan	HA-MRLW-001	C	12/05/2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

In this instance, the case officer requested further justification for the variation of condition from the applicant, which informed the final decision.

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

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA - STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mra.gov.uk)

Digital Infrastructure: Fibre To The Property (FTTP)

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

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

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

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

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

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

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

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

Purchase Notices

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

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

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

Dated: 07-Jan-2026

Signed:



David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/70/93107/W.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

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