



Town and Country Planning Act 1990

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

APPROVAL OF RESERVED MATTERS

Application Number: 2024/61/90058/W

To: Sam Ruthven,
Johnson Mowat
Coronet House
Queen Street
Leeds
LS1 2TW

For: HOMES BY HONEY

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority, having considered your application submitted to the Council for approval of:-

RESERVED MATTERS APPLICATION, INCLUDING THE CONSIDERATIONS OF APPEARANCE, SCALE, LAYOUT, AND LANDSCAPING, FOR THE ERECTION OF 67 DWELLINGS, PURSUANT TO OUTLINE PERMISSION 2020/92307 FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT (UP TO 75 UNITS) AND THE DISCHARGE OF OUTLINE CONDITIONS 7 (ARCHAEOLOGY), 8 (FOUL AND SURFACE WATER DRAINAGE STRATEGY), 9 (FLOOD ROUTING), 10 (MITIGATORY TREE PLANTING), 11 (CYCLE PARKING), 12 (ARBORICULTURAL ASSESSMENT), 13 (ECOLOGICAL DESIGN STRATEGY), 14 (ECOLOGICAL IMPACT ASSESSMENT) AND 15 (NOISE IMPACT ASSESSMENT)

At: PENISTONE ROAD/, ROWLEY LANE, FENAY BRIDGE, HUDDERSFIELD, HD8 0JS

NOTE Development pursuant to the outline planning permission to which this approval of reserved matters relates, must be commenced no later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

In accordance with the plan(s) and applications submitted to the Council on 27-Feb-2024, being matters reserved in a permission granted on 15-Dec-2023 the Council have approved the said matters in terms of, and subject to compliance with the details specified in your application, subject to the following conditions:-

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

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

Compliance conditions

2. The layout of the development hereby approved shall be in accordance with plan reference C005 102 rev H.

Reason: For the avoidance of doubt as to what is being permitted, given subsequent revisions to various plans.

3. Details of any additional tree works required during the construction process that is not identified within the submitted information shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

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

4. The landscaping of the hereby approved development shall be implemented in accordance with the details shown on plan refs GL2199 01 rev D, GL2199 02 rev D, and GL2199 03, and shall be fully planted within the first planting season after occupation of the 60th unit. Thereafter, all landscaped areas shall be managed and maintained in accordance with the detailed contained within the Landscape Management Plan reference GL2199. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the provision and establishment of acceptable landscape scheme to ensure a good quality development, to comply with Policy LP24 of the Kirklees Local Plan.

Prior to specified trigger

5. Before any above ground works commence, notwithstanding the submitted plans, details of finish floor levels and ground levels shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be completed in accordance with the approved levels details, which shall thereafter be retained.

Reason: To ensure acceptable final ground and floor levels, in the interest of visual and residential amenity and to comply with Policy LP24 of the Kirklees Local Plan.

6. Prior to above ground works commencing, a scheme detailing the locations, and including cross-sectional information, the proposed designs and construction details, of the proposed new retaining walls adjacent to the north and west boundaries of the site, as shown on plan ref C005-BT2, 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 for that phase and thereafter retained during the life of the development.

Reason: To ensure the structural stability and safety of the site, in accordance with Policies LP24 and LP53 of the Kirklees Local Plan.

7. Prior to works above foundation level commencing, notwithstanding the submitted information, a Noise Impact Assessment report shall be submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment demonstrate how each dwelling hereby approved shall adhere to BS8233 regarding sound insulation and noise reduction. The report shall:

a) Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open (35dB daytime / 30dB nighttime) and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including (but not necessarily limited to) the potential use of acoustic barriers an alternative ventilation scheme, where required.

b) Clearly show which external amenity areas at which plots will have daytime noise levels that exceed 50dB LAeq,16hour and for these plots provide a detailed specification for the additional noise mitigation measures that are required so that the outdoor noise levels at these plots does not exceed 50dB LAeq,16hour.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots and retained thereafter.

Reason: In the interest of protecting the amenity of future occupiers through mitigating the impacts of noise pollution, in accordance with Polices LP24 and LP52 of the Kirklees Local Plan.

8. Prior to their use, details and samples of all the external facing materials to be utilised on the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The proposed details shall adhere to the material legend shown on plan ref C005 MP1 rev C. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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.

9. Prior to their use, details of all the external facing materials for the proposed retaining walls, excluding the western retaining wall, as identified on plan ref C005 – BT2, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

10. The western retaining wall, as identified on plan ref C005 – BT2, shall be faced in the artificial stone 'Anchor Vertica – Canelletto'. Prior to the erection of the western retaining wall, details of the wall's coursing and mortar, along with a management and maintenance strategy for the retaining wall, shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include confirmation of the party responsible for the ongoing management and maintenance. Thereafter the development shall be undertaken, and thereafter operation, in accordance with the approved details.

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

Prior to occupation

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

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

12. Prior to the occupation of any dwelling, the boundary treatment for that dwelling shall be installed in accordance with the details shown on plan ref C005 – BT1 Rev B. Thereafter the boundary treatment so installed shall be retained.

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

13. Prior to the occupation of any dwelling within plots 41 – 44 and 50 – 65, notwithstanding the submitted plans, a comprehensive boundary treatment plan for the boundary treatment to sit atop the site's western and southern retaining wall, as denoted by the purple line on plan ref C005 – BT1 Rev B, shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include product specification details, typical elevations, typical cross sections showing the relationship with the adjacent retaining wall, and the proposed colour. Thereafter the approved boundary treatment shall be installed, prior to the occupation of any dwelling within plots 41 – 44 and 50 – 65.

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

14. Prior to the occupation of the hereby approved dwellings or works associated with the delivery of the Play Area (a Local Area of Play (LAP)), as shown indicatively on plan ref C005 102 rev H commencing, notwithstanding the submitted details, a scheme providing details of the play equipment to be installed within the Play Area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for the implementation of the play equipment. The approved scheme shall be fully implemented in accordance with the timetable and be so retained thereafter.

Reason: To ensure adequate provision of equipment, in accordance with Policy LP63 of the Kirklees Local Plan.

15. Prior to occupation of the hereby approved dwellings, notwithstanding the submitted plans, a Crime Mitigation and Management Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details, which shall be retained thereafter.

Reason: To identify measures to limited the opportunity of crime, and reduce the fear of crime, in accordance with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

16. Prior to the occupation of plots 24 – 32, details of the southern connection path linking the site to the later phase access road, as indicatively shown on plan ref C005 102 rev H, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, construction specifications, drainage works, surface finishes, signage (if required), and treatment of sightlines. The scheme shall also include temporary means of closure, until such a time that the later phase access road is completed, whereafter the means of closure shall be removed. Prior to the occupation of plots 24 – 32, the southern connection path shall be constructed in accordance with the approved details, and shall thereafter be retained.

Reason: In the interest of promoting connectivity and pedestrian movements, to comply with Policy LP21 of the Kirklees Local Plan.

Discharge of Conditions

This application seeks to discharge conditions 7, 8, 9, 10, 11, 12, 13, 14, and 15, imposed on the parent outline application ref 2020/92307. These are considered below:

Condition 7: Archaeology

You have submitted the following documents pursuant to condition 7:

- The letter dated 07/11/2023 from Archaeological Services Durham University.
- The report reference 6046 by Archaeological Services Durham University.

I can confirm that the submitted details are acceptable. The submitted information concludes that the site's archaeological potential is negligible to low and advises that no further investigation or works are required.

These details are considered acceptable and condition 7 is hereby discharged.

Condition 8: Foul and surface water drainage strategy

You have submitted the following documents pursuant to condition 8:

- Document titled Proposed SWS Operations & Maintenance Itinerary for the Development Off Penistone Road, Fenay Bridge, dated 03/04/2025.
- Plans ref STS3889 rev 0
- Plan ref E23/8060/043_01 rev A
- Plan ref E23/8060/043_02 rev A
- Plan ref E23/8060/001 rev F

I can confirm that the submitted details are acceptable and are hereby approved.

Notwithstanding the above, the condition has a requirement which must be adhered to, to ensure ongoing compliance. This is as follows:

No part of the development shall be occupied until the approved drainage scheme and maintenance and management plan to serve the development or each agreed phase of the development to which the dwellings relate has been implemented in full. The approved scheme shall thereafter be retained during the life of the development.

Further to the above, you are reminded of the associated requirement set out in clause 5 of the Section 106 agreement dated 13/12/2023.

Condition 9: Flood routing

You have submitted the plan ref E23/8060/019 rev A pursuant to condition 9.

I can confirm that the submitted details are acceptable and are hereby approved.

Notwithstanding the above, the condition has a requirement which must be adhered to, to ensure ongoing compliance. This is as follows:

Prior to the approved dwellings being occupied, the works comprising the approved storm event scheme shall be completed and such approved scheme shall thereafter be retained.

Condition 10: Mitigatory tree planting and Condition 12: Arboricultural assessment

You have submitted the following documents pursuant to conditions 10 and 12:

- Plan ref GL2199 01 rev D
- Plan ref GL2199 02 rev D
- Arboricultural Method Statement ref 21115-B/ AJB
- Arboricultural Impact Assessment ref 21115-A/AJB

The above is in addition to the following statement provided on planting timing:

Open space trees will be planted in planting season and completed as one, once the open space is laid out. Trees within plot curtilage will be delivered as the plot is handed over.

I can confirm that the submitted information is acceptable and hereby approved for both conditions.

Notwithstanding the above, each condition has ongoing requirements which must be adhered to, to ensure ongoing compliance with the condition. These are as follows:

Condition 10

Thereafter the strategy shall be implemented in accordance with the approved details. The approved tree mitigatory planting strategy shall, from its completion, be maintained for a period of five years. If, within this period, any tree dies, become diseased or is otherwise removed, it shall be replaced with another of a similar size and species unless the Local Planning Authority gives its written consent to any variation.

Condition 12

Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Condition 11: Cycle parking

You have submitted the following information pursuant to condition 11:

- Plan ref C005 – 102 rev H
- Product sheet, Galvanised Sheffield Stands

The above details that, for units with garages, cycle storage is to be provided within the garage. For all units without garages, a 1.8m x 0.9m Timber Lockable Bike Store, with Sheffield Stand within, are to be provided.

The submitted details are acceptable for the initial requirement of condition 11.

Condition 13: Ecological Design Strategy

You have submitted the following details pursuant to condition 13:

- Ecological Design Strategy (Eds) ref Fe305/Eds01 rev D
- Biodiversity Impact Assessment (Bia) ref Fe305/Bia01 rev B
- The Biodiversity Metric 4.0 – Calculation Tool, dated 17/12/2024.

The submitted details are considered acceptable, for the initial requirement of condition 13. However, be aware that condition 13 has the following ongoing requirement, which must be adhered to, to ensure ongoing compliance:

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

These documents identify that on-site, the proposal would result in 3.26 habitat units, a 34.42% net loss, and 0.94 hedgerow units, a 53.44% net gain. The proposal is therefore 2.22 habitat units below a 10% net gain. The over-provision of hedgerow units does not negate the net loss of habitat units.

In accordance with Clause 8 of the Section 106 agreement dated 13/12/2023, the shortfall of 2.22 habitat units would need to either be delivered off-site or via a financial contribution of £51,060, with details (per the requirement of Clause 8) to be submitted and approved separately.

Condition 14: Ecological Impact Assessment

You have submitted the document Ecological Impact Assessment (EclA) referenced FE305/EclA01 rev A pursuant to condition 14.

I can confirm that the submitted details are acceptable and condition 14 is hereby discharged.

Notwithstanding the above, please note the following advice from K.C. Ecology regarding the Construction Environmental Management Plan: Biodiversity required pursuant to condition 23:

The information collected from the EclA should be utilised to outline the principles within the CEMP: Biodiversity, which is to be submitted as part of a separate discharge of condition application. Although the updated EclA has determined that bats may not be utilising T1 at the site for roosting purposes, I would like to see mitigation measures such as an aerial inspection prior to its removal incorporated into the CEMP, to ensure that impacts to protected species are minimised as extensively as possible. This should be applied to all protected species that may be present at the site and potentially impacted by construction activities.

Condition 15: Noise impact assessment

You have submitted the following information pursuant to condition 15:

- Document titled 'Noise Assessment' by Miller Goodall, referenced 102384
- Document titled 'Technical Note' by Miller Goodall, referenced 102384-4

I refer you to the ongoing discussions with regard to the submitted details, and noise from the nearby Reliance Precision business. The Local Planning Authority are unable to currently fully assess the above, nor conclude assessment of condition 15.

For the avoidance of doubt, the requirement of condition 15 (imposed on the outline) is hereby considered to have been addressed (although it should not be inferred to have been discharged), with no further details required pursuant to that condition, and is replaced by condition 8 imposed on this Reserved Matters approval.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Block Plan	C005 – BT1	Rev B	16/12/2024
Block Plan	C005 – BT2		02/06/2025
Block Plan	C005 – MP1 (Materials Plan)	Rev C	02/05/2025
Block Plan	E23/8060/001	Rev F	30/10/2024
Block Plan	Tree Constraints Plan		10/01/2024
Proposed Site / Block Layout	C005 – 102	Rev H	16/12/2024
Proposed Site Section	SK04.01	Rev A	24/01/2025
Proposed Site Section	SK04.02	Rev A	24/01/2025
Proposed Site Section	SK04.03	Rev A	24/01/2025
Highways Plan	C005 – 160		11/04/2025
Highways Plan	AMA-22387-ATR005 - 1.2	Rev P02	17/12/2024
Highways Plan	AMA-22387-ATR005 - 2.2	Rev P02	17/12/2024
Highways Plan	AMA-22387-ATR006 - 1.2	Rev P02	17/12/2024
Highways Plan	AMA-22387-ATR006 - 2.2	Rev P02	17/12/2024
Highways Plan	AMA-22387-SK007	Rev P01	11/10/2024
Highways Plan	E23/8060/005_01	Rev A	30/10/2024
Highways Plan	E23/8060/005_02	Rev A	30/10/2024
Proposed Elevations	Tupelo 1 of 2		11/10/2024
Proposed Elevations	Tupelo 2 of 2		11/10/2024
Proposed Elevations	Rosemary 1 of 2		11/10/2024
Proposed Elevations	Rosemary 2 of 2		11/10/2024
Proposed Elevations	Primrose 1 of 2		11/10/2024
Proposed Elevations	Primrose 2 of 2		11/10/2024
Proposed Elevations	Poppy 1 of 2		11/10/2024
Proposed Elevations	Poppy 2 of 2		11/10/2024
Proposed Elevations	Manuka		11/10/2024

Plan Type	Reference	Version	Date Received
Proposed Elevations	Manuka / Macadamia		11/10/2024
Proposed Elevations	Macadamia		11/10/2024
Proposed Elevations	Macadamia		11/10/2024
Proposed Elevations	Linden 1 of 2		11/10/2024
Proposed Elevations	Linden 2 of 2		11/10/2024
Proposed Elevations	Jarrah 1 of 2		11/10/2024
Proposed Elevations	Jarrah 2 of 2		11/10/2024
Proposed Elevations	Ironbark 1 of 2		11/10/2024
Proposed Elevations	Ironbark 2 of 2		11/10/2024
Proposed Elevations	Garages		11/10/2024
Proposed Elevations	Eucalyptus 1 of 2		11/10/2024
Proposed Elevations	Eucalyptus 2 of 2		11/10/2024
Proposed Elevations	Dandelion 1 of 2		11/10/2024
Proposed Elevations	Dandelion 2 of 2		11/10/2024
Proposed Elevations	Avocado 1 of 2		11/10/2024
Proposed Elevations	Avocado 2 of 2		11/10/2024
Proposed Elevations	4b6p 1 of 2		11/10/2024
Proposed Elevations	4b6p 2 of 2		11/10/2024
Proposed Elevations	3b4p 1 of 2		11/10/2024
Proposed Elevations	3b4p 2 of 2		11/10/2024
Proposed Elevations	2b3p (end) 1 of 2		11/10/2024
Proposed Elevations	2b3p (end) 2 of 2		11/10/2024
Proposed Elevations	2b3p (mid) 1 of 2		11/10/2024
Proposed Elevations	2b3p (mid) 2 of 2		11/10/2024
Proposed Floor Plans	Tupelo		11/10/2024
Proposed Floor Plans	Rosemary		11/10/2024
Proposed Floor Plans	Primrose		11/10/2024
Proposed Floor Plans	Poppy		11/10/2024
Proposed Floor Plans	Manuka		11/10/2024
Proposed Floor Plans	Macadamia (semi)		11/10/2024
Proposed Floor Plans	Linden		11/10/2024
Proposed Floor Plans	Jarrah		11/10/2024
Proposed Floor Plans	Ironbark		11/10/2024
Proposed Floor Plans	Garages		11/10/2024
Proposed Floor Plans	Eucalyptus		11/10/2024
Proposed Floor Plans	Dandelion		11/10/2024
Proposed Floor Plans	Avocado		11/10/2024
Proposed Floor Plans	4b6p		11/10/2024
Proposed Floor Plans	3b4p		11/10/2024
Proposed Floor Plans	2b3p (end)		11/10/2024
Proposed Floor Plans	2b3p (mid)		11/10/2024
Proposed Landscaping Layout	C005 – 001 (POS Typology Plan)	Rev B	02/05/2025
Proposed Landscaping	GL2199 01	Rev D	16/12/2024

Plan Type	Reference	Version	Date Received
Layout			
Proposed Landscaping Layout	GL2199 02	Rev D	16/12/2024
Proposed Landscaping Layout	GL2199 03		16/12/2024
Conservation/Heritage Assessment			08/02/2024
Design and Access Statement		Rev A	12/02/2024
Drainage / Foul Sewerage Assessment	Proposed Sws Operations & Maintenance Itinerary		03/04/2025
Drainage / Foul Sewerage Assessment	Retaining Tank / Proposal Drawing		11/02/2025
Drainage / Foul Sewerage Assessment	E23/8060/043_01	Rev A	11/02/2025
Drainage / Foul Sewerage Assessment	E23/8060/043_02	Rev A	11/02/2025
Ecological/Biodiversity Statement	Ecological Impact Assessment - Fe305/Ecia01	Rev A	02/01/2025
Ecological/Biodiversity Statement	Biodiversity Impact Assessment - Fe305/Bia01	Rev B	20/12/2024
Ecological/Biodiversity Statement	Biodiversity Metric Calculation Tool - Fe305		20/12/2024
Ecological/Biodiversity Statement	Ecological Design Strategy - Fe305/Eds01	Rev D	20/12/2024
Flood Risk Assessment	Flood Routing Plan		02/05/2025
Flood Risk Assessment	8060RA001		08/02/2024
Landscape Assessment	Landscape Management Plan Ref: GL2199	(Issue 3)	04/10/2024
Location Plan	2307-SI-01		10/01/2024
Noise Assessment	Technical Note, Ref. 102384 – 4		10/01/2025
Noise Assessment	NOISE ASSESSMENT / 102384		17/04/2024
Other Assessments	Galvanised Sheffield Stands – Product sheet		02/05/2025
Other Assessments	Letter by Archaeological Services University of Durham (ASDU), dated November 2023.		02/05/2025
Other Assessments	Anchor Vertica – Canelletto, product sheet		02/05/2025
Other Assessments	Geophysical Survey by Archaeological Services University of Durham (Asdu), Dated November 2023.		02/05/2025
Other Assessments	Retaining Wall Method		31/01/2025

Plan Type	Reference	Version	Date Received
	Statement		
Supporting Information	Energy Statement		10/01/2024
Transport Assessment	Stage 1 RSA Response Report		02/05/2025
Transport Assessment	Stage 1 Road Safety Audit		02/05/2025
Transport Assessment	Stage 1 Road Safety Audit – Overseeing Organisation		15/05/2025
Tree / Arboricultural Survey	Arboricultural Method Statement / 21115-B/AJB		11/10/2024
Tree / Arboricultural Survey	Arboricultural Impact Assessment / 21115-A/AJB		11/10/2024
Tree / Arboricultural Survey	Arboricultural Survey / 21115/AJB		10/01/2024

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.

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

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

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “submitted to and approved in writing by the Local Planning Authority”.**
- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**
- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**
- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**
- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**
- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Development within a Coal Mining Area

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at:

<http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

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

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

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

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

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

Digital Infrastructure: Fibre To The Property (FTTP)

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

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

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for 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 grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online [at the Planning Inspectorates website](#). Further information on the Planning Appeal process can be found online [at the Planning Inspectorates website](#).
- 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: 12-Jun-2025

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](#), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/61/90058/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
