



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

PLANNING PERMISSION FOR DEVELOPMENT

**NOTE: This approval should be read in conjunction with an Agreement made
under Section 106 of the Town and Country Planning Act 1990**

Application Number: 2024/62/91853/E

To: Marcus Walsh
Martin Walsh Architectural
Firth Buildings, 99-103, Leeds Road
Dewsbury
WF12 7BU

For: PAUL FRAIN, RIVA HOMES LTD

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

ERECTION OF 21 DWELLINGS WITH GARAGES, FORMATION OF
ADOPTABLE ROAD, PRIVATE ROAD AND PARKING SPACES AND NEW CAR
PARK AND BEER GARDEN FOR THE LIBERAL CLUB

At: BIRKENSHAW LIBERAL CLUB, 10, CROFT STREET, BIRKENSHAW,
BD11 2HT

**In accordance with the plan(s) and applications submitted to the Council on
01-Jul-2024, subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specification 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP23, LP24, LP6, LP27, LP28, LP30, LP32, LP33, LP38, LP47, LP49, LP51, LP52, LP53, LP63 and LP65 of the Kirklees Local Plan and Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15 and 17 of the National Planning Policy Framework.

3. The external materials to be used for the walling of the dwellings and retaining structures hereby approved shall consist of Marshalls Cromwell reconstituted pitched faced stone and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Unless otherwise agreed in writing, prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5. Before development commences, any obstruction shall be set back to the rear of the proposed visibility splays as shown on approved plan number PRGN-2318-HGM-DR-CH-0001C, within the approved Transport Statement, and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is required to ensure adequate visibility is provided at an appropriate stage of the development process, prior to significant vehicle movements, in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

6. Means of access to and from the site shall be in accordance with the preliminary access design(s) as shown on the approved plan ref. PRGN-2318-HGM-DR-CH-0001C, within the approved Transport Statement, and fully constructed and made operational prior to first occupation of the development and thereafter retained and maintained for the lifetime of the development.

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

7. Where implementation of the development hereby approved is to be phased and / or any of the dwellings hereby approved are to become occupied, prior to the completion of the development and the adoption of the Estate Streets (including where it has been agreed that the streets are to remain private), details of the temporary and permanent arrangements for the storage and collection of waste from the dwellings, and the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

The arrangements and collection points so approved shall be implemented prior to first occupation of the development and shall thereafter be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To ensure satisfactory arrangements are implemented in relation to waste, including during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

8. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on Old Lane shall be submitted to and approved in writing by the Local Planning Authority. All the identified works shall be implemented before any part of the development is first brought into use.

Reason: In the interests of highway safety and to ensure the maintenance of the highway and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

9. Prior to first occupation of any dwelling, bus stop no 12444, located on Old Lane, details of the relocation of the bus stop shall be submitted to, and approved in writing by, the Local Planning Authority. The proposed relocation shall be identified in conjunction with West Yorkshire Combined Authority. Thereafter the bus stop shall be relocated in accordance with the approved details, prior to the first occupation of any dwelling.

Reason: To improve public transport infrastructure in the vicinity of the site in accordance with the council sustainability objectives and to accord with Policies LP20 and LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

10. Prior to any dwelling being occupied, the sound attenuation scheme as specified in the Noise Impact Assessment authored by Environmental Noise Solutions Ltd, dated 28/01/2025 ref: NIA-11439-24-11639-v2 Croft Street, Birkenshaw specific to that dwelling shall be completed. Any changes to the approved noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of those measures.

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

11. The hereby approved development shall be undertaken in accordance with Construction Management Statement, Ref: RHCS-MWA-XX-XX-RP-A-0002 Rev P4, authored by Martin Walsh Architectural, dated 04/08/2025, received 04/08/2025. The agreed plan shall be adhered to throughout the construction of the development.

Reason: In the interests of highway safety and to safeguard the amenities of occupiers of nearby properties in accordance with Chapters 9, 12 and 15 of the National Planning Policy Framework.

12. Remediation of the site shall be carried out and completed in accordance with Remediation Implementation Plan, Ref: 48785-ECE-XX-XX-RP-C-0008 Issue 1, authored by Eastwood Consulting Engineers, dated 25/02/2025, received 28/02/2025. 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 of 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 paragraphs 196 and 197 of the National Planning Policy Framework.

13. Following completion of any measures identified in the approved Remediation Strategy, or any approved revised Remediation Strategy, a Verification 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 (that part of) the site 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.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework.

14. Before each dwelling hereby approved is first brought into use, one Electric Vehicle Charging Point (EVCP) shall be installed within a dedicated parking space and/or a dedicated garage. The cable and circuitry ratings for the charging points shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The provided electric vehicle charging points shall be retained thereafter.

Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

15. The hereby approved development shall be carried out strictly in accordance with the hereby approved CEMP: Biodiversity, by Brooks Ecological, report ref: ER-7290-04, dated June 2025, received 12/06/2025, and shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that protected species are accounted for throughout the construction period, in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16. Prior to works commencing on the superstructure, a landscape management and maintenance plan (LMMP) for the external areas including any open space accessible to the public, playing fields etc shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include:

- The landscape plan including all hard and soft details together with planting plan & specification, location and specification of any play equipment or play elements and playable/educational spaces or sports facilities/pitches including any surfacing (including where appropriate safety surfacing and anti-wear surfacing), structures such as street furniture seats, litter bins, bollards, picnic tables and means of enclosure.
- An implementation, management and maintenance programme including full details for management of newly established trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees.
- Details of initial aftercare and long-term maintenance for a minimum of 5 years and seasonal maintenance operations. This should also include any SuDS features, existing trees and vegetation retained on site, slopes and bankings, woodlands.
- Details of monitoring and remedial measures, including replacement of any site furniture, trees, shrubs, hedgerows or planting that fails or becomes diseased within the first five years from completion.
- The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 5-year 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.

The works shall thereafter be carried out in accordance with the management and maintenance plan.

Reason: To enhance and conserve the visual amenity of the built environment as well as the natural environment in accordance with Policies LP25, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

17. No dwelling shall be occupied until the approved cycle parking facilities for that dwelling, as shown on hereby approved drawing no. RHCS-MWA-XX-XX-DR-A-003 Rev P20, have been provided. The cycle storage facilities shall thereafter be retained.

Reason: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

18. Prior to development commencing on the superstructure of any dwelling hereby approved, a scheme detailing the proposed pedestrian connection(s) between Allen Croft and Croft Street, as shown on plan ref: RHCS-MWA-XX-XX-DR-A-003 Rev P20, 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, boundary treatments and safety measures.

No more than five dwellings of the development hereby approved shall be first occupied until the connection has been completed in accordance with the approved plans and details or unless otherwise agreed in writing by the Local Planning Authority.

Reason: This pre-commencement condition is required in the interests of creating a walkable and well-connected neighbourhood, encouraging and enabling active travel and the use of sustainable modes of transport, and to achieve a satisfactory layout in accordance with Policies LP20, LP21 and LP47 of the Kirklees Local Plan.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B or E of Part 1 of Schedule 2 to that Order shall be carried out for any of the hereby approved dwellings without the prior written consent of the Local Planning Authority.

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

20. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including the agreed discharge rate of 3.5 l/s, indirectly or directly to watercourse, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: To reduce the risk of flooding to the proposed development and existing and future occupants, in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure drainage measures are devised and agreed at an appropriate stage of the development process.

21. The external materials to be used within the roofing of the dwellings hereby approved shall consist of Mannock Western Slate in Graphite. Once installed the materials shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and Chapter 12 of the National Planning Policy Framework.

22. The development shall be undertaken in accordance with the recommendations and advice provided within the hereby approved Preliminary Ecological Appraisal Report, ref: ER-7290-01, authored by Brooks Ecological, dated 09/01/2025, received 05/02/2025.

Reason: To protect biodiversity at the site and to accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

23. The development shall be carried out strictly in accordance with the hereby approved Arboricultural Impact Assessment, ref: 240111 AIA, authored by James Royston, received 11/02/2025.

Reason: To protect trees in the interests of amenity, and to accord with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

24. The development shall be carried out strictly in accordance with the hereby approved Tree Protection Plan, submitted within Appendix 5 of the Arboricultural Method Statement ref: 240111c MS, authored by James Royston, received 16/07/2025.

Reason: To protect the viability of the retained tree in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

25. 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 and Chapter 15 of the National Planning Policy Framework.

26. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public water main i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interests of public health and maintaining the public water supply, in accordance with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

27. The development's proposed sewerage shall be carried out in accordance with the details shown on the submitted plan 'Drainage Strategy', drawing no. 48785-ECE-XX-XX-DR-C-0003, Rev P07, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage, and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

28. Before the development commences, a scheme detailing location(s) and including cross-sectional information together with the proposed design and construction details of all new retaining walls/building retaining walls adjacent to the existing/proposed adoptable highway shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be undertaken in accordance with the approved details, which shall thereafter be retained.

Reason: To ensure that any retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

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

29. Before the development commences a scheme detailing location(s) and including cross-sectional information together with the proposed design and construction details of all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be undertaken in accordance with the approved details, which shall thereafter be retained

Reason: This pre-commencement condition is required to ensure that the design/details of new surface water attenuation tanks/pipes/manholes are agreed at an appropriate stage of the development, in the interests of highway safety, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

30. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been 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 how flooding of adjacent land is prevented; and
- Include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA.

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.

Reason: This pre-commencement condition is required to ensure appropriate temporary drainage arrangements are designed and implemented prior to potentially harmful works taking place, in accordance with the aims and objectives of Policies LP27 and LP28 of the Kirklees Local Plan.

NOTE: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) **development may not be begun unless:**

- a) a biodiversity gain plan has been submitted to the Planning Authority; and
- b) The Planning Authority has approved the plan.

The biodiversity gain plan must include:

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) The pre-development biodiversity value of the onsite habitat;
- c) The post-development biodiversity value of the onsite habitat;
- d) Any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) Any biodiversity credits purchased for the development; and
- f) any such matters as the Secretary of State may by regulations specify.

NOTE: Pursuant to condition 29, please see the below link for further details and for the certification of oversize pcc manholes and their cover slabs, as advised in this document:

<https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-structural-procedures.pdf>

NOTE: Condition 7 is required as the Waste Collection Authority will not enter construction sites, nor will they routinely enter private drives or unadopted streets. Therefore, should the applicant's intentions regarding the adoption of streets change from that considered at the planning approval stage, this may necessitate changes to the developments waste strategy and the facilities that have been agreed in principle, which may require applications to vary the approved plans. For further information regarding the Waste Collection Authority requirements, see the following guidance note:

<https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

NOTE: The applicant should be aware that the internal street layout will need to be built to adoptable standards if offered for adoption under Section 38 of the Highways Act 1980. The applicant is advised to make early contact with the Highways Section 38 team at Highways.Section38@kirklees.gov.uk to initiate the Section 38 process, technical approval and agreement. Further information is available on the council's website at: [Highways Guidance Note - Section 38 Agreements for Highway Adoptions \(kirklees.gov.uk\)](#).

Any future applications for adoption under S37 must demonstrate to the satisfaction of the Highway Authority that all of the roads applied for under S37 have been constructed to an adoptable standard in accordance with Highways Guidance Note - Section 38 Agreements for Highway Adoptions (kirklees.gov.uk).

Until such time that the S38 (or S37) process has been fully completed, and the Local Highway Authority have confirmed that the streets have been built to an acceptable standard (following the maintenance period), there is no guarantee that the streets will ultimately become adopted highway. Therefore, until the streets have been fully adopted, the purchasers of the properties will be responsible for the ongoing management and maintenance of the streets servicing their properties. It is the developer's responsibility to inform the potential purchasers of the properties of the adoption status of the streets prior to purchase. The potential purchasers must also be advised by the developer of the potential implications of the streets remaining private, should adoption not occur for any reason, which are described in DfT Advice Note 'Highway Adoption' at Annex C 'A Guide for Home Buyers': Highways Adoption (publishing.service.gov.uk).

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: 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 must be accredited with a BBA (The British Board of Agreement Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

NOTE: Electric Vehicle Charging Points (Residential and Commercial)

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.
- Approval of EVCPs under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Location Plan	RHCS-MWA-XX-XX-DR-A-0001	P2	02/07/2024
Existing Site Survey	RHCS-MWA-XX-XX-DR-A-0002	P1	02/07/2024
Proposed Site Layout	RHCS-MWA-XX-XX-DR-A-0003	P20	16/12/2025
Existing & Proposed Long Sections	RHCS-MWA-XX-XX-DR-A-0004	P5	17/07/2025
Proposed Berkeley House Type	RHCS-MWA-XX-XX-DR-A-0005	P1	02/07/2024
Proposed Stafford House Type	RHCS-MWA-XX-XX-DR-A-0006	P1	02/07/2024
Proposed Carlton House Type	RHCS-MWA-XX-XX-DR-A-0008	P1	02/07/2024
Proposed Carlton + Langham House Types	RHCS-MWA-XX-XX-DR-A-0009	P1	02/07/2024
Proposed Garage	RHCS-MWA-XX-XX-DR-A-0010	P2	02/07/2024
Proposed Boundary Treatment Details	RHCS-MWA-XX-XX-DR-A-0021	P2	29/05/2025
Landscape Proposals	1001	G	28/05/2025
Landscape Schedule	1002	G	28/05/2025
Tracking & Forward Visibility	PRGN-2318-HGN-DR-CH-0002E	-	11/02/2025
Impermeable Areas Plan	48785-ECE-XX-XX-DR-C-0002	P03	16/05/2025
Drainage Strategy	48785-ECE-XX-XX-DR-C-0003	P07	05/02/2025
Levels Appraisal	48785-ECE-XX-XX-DR-C-0004	P06	05/02/2025
Section Through	48785-ECE-XX-XX-DR-	P01	05/02/2025

Attenuation Tank	C-0005		
Longitudinal Sections	48785-ECE-XX-XX-DR-C-0006	P02	25/02/2025
S104 Agreement Plan	47885-ECE-XX-XX-DR-C-0010	P03	16/05/2025
S104 Construction Details Sheet 1	48785-ECE-XX-XX-DR-C-0011	P01	25/02/2025
S104 Construction Details Sheet 2	48785-ECE-XX-XX-DR-C-0012	P01	25/02/2025
Flow Control Detail	48785-ECE-XX-XX-DR-C-0013	P03	16/05/2025
Plot Drainage Plan	48785-ECE-XX-XX-DR-C-0014	P04	16/05/2025
Private Construction Details	48785-ECE-XX-XX-DR-C-0015	P01	25/02/2025
Flood Routing Plan	48785-ECE-XX-XX-DR-C-0016	P03	16/05/2025
S38 Agreement Plan	48785-ECE-XX-XX-DR-C-0020	P03	16/05/2025
Highway Areas Plan	48785-ECE-XX-XX-DR-C-0021	P01	28/02/2025
Levels Plan	48785-ECE-XX-XX-DR-C-0025	P03	16/05/2025
Section Through Adoptable Tank and Highway	48785-ECE-XX-XX-DR-C-0032	P02	16/05/2025
1.4m Deep Attenuation Tank Base Layout	STS4287-001	0	20/05/2025
Construction Management Statement – Supporting Information	RHCS-MWA-XX-XX-RP-A-0002	P3	24/07/2025
Transport Statement – Supporting Information	2318	C	11/02/2025
Tree Survey – Supporting Information	240111	-	02/07/2024
Arboricultural Impact Assessment – Supporting Information	240111 AIA	-	11/02/2025
Arboricultural Method Statement – Supporting Information	240111c MS	-	16/07/2025
Noise Impact Assessment – Supporting Information	NIA-11439-24-11639-v2 Croft Street, Birkenshaw	Draft	05/02/2025
Design & Access Statement – Supporting Information	RHCS-MWA-XX-XX-RP-A-0001_S2_P3	P3	02/07/2025
Drainage Calculations – Supporting Information	48785-ECE-XX-XX-M3-C	P02	16/05/2025

Flood Risk and Drainage Assessment – Supporting Information	48785-ECE-XX-XX-RP-C-0004	Issue 2	11/02/2025
Phase 1 Site Investigation (2) Parts 1-10 – Supporting Information	48785-ECE-XX-XX-RP-C-001	-	02/07/2024
Phase 2 Geotechnical and Geo-Environmental Site Investigation – Supporting Information	48785-ECE-XX-XX-RP-C-0008	Issue 3	05/02/2025
Remediation Implementation Plan – Supporting Information	48785-ECE-XX-XX-RP-C-0008	Issue 1	28/02/2025
Preliminary Ecological Appraisal Report – Supporting Information	ER-7290-01	-	05/02/2025
Biodiversity Net Gain Assessment – Supporting Information	ER-7290-03A	-	05/02/2025
The Statutory Biodiversity Metric – Supporting Information	-	-	15/04/2025
Construction Environment Management Plan CEMP: (Biodiversity) – Supporting Information	ER-7290-04	-	12/06/2025
Project Completion Report – Supporting Information	5156	-	05/02/2025
Surface Water Storage Calculations – Supporting Information	-	-	02/07/2024
Condition Survey (Road) – Supporting Information	2318/C	-	25/04/2025
Climate Change Statement – Supporting Information	-	-	28/05/2025
Financial Viability Assessment – Supporting Information	-	-	25/02/2025
Mannok Western Slate Brochure – Supporting Information	-	-	16/12/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

During the life of the application the applicant and officers have engaged in extensive negotiations to attempt to resolve the various outstanding matters. Negotiations have included various meetings and other methods of correspondence. The concerns related mostly to density, housing mix, affordable housing contributions and financial viability, drainage, trees, highways and access matters.

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

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

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](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 speeder 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 <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: 23-Dec-2025

Signed:



David Shepherd
Executive Director for Place

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

dc.admin@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

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