



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

**PLANNING PERMISSION FOR DEVELOPMENT**

---

**Application Number: 2024/70/92167/W**

---

**To:** Howard Gray,  
Jones Homes (Yorkshire) Ltd  
Green Bank House  
Green Bank  
Cleckheaton BD19 5LQ

**For:** Howard Gray, Jones Homes (Yorkshire) 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:**

**VARIATION OF CONDITION 1 (PLANS) OF PREVIOUS RESERVED MATTERS APPROVAL 2017/90190 PURSUANT TO OUTLINE PERMISSION 2014/93014 FOR ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING OF 41 DWELLINGS PLUS ASSOCIATED WORKS (WITHIN A CONSERVATION AREA)**

**At:** LAND OFF, EDGERTON ROAD, EDGERTON, HUDDERSFIELD, HD3 3AA

---

**In accordance with the plan(s) and applications submitted to the Council on 31-Jul-2024 [together with those plans and application(s) submitted to the Council on 20-Jan-2017 and incorporated into planning permission ref no. 2017/61/90190/W granted on [21-April-2017] and subject to the condition(s) specified hereunder:-**

**Note:** The applicant is advised that the following conditions were originally imposed by planning permission 2017/90190 (i.e., those conditions that have not been sought for variation as part of this application).

They are hereby reproduced on this notice, to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

Where the details pursuant to the above conditions, in accordance with 2017/90190's corresponding original list of conditions, have already been submitted for discharge and approved, or part approved, by the Local Planning Authority, and where there is no change to the details required by that condition, a further discharge of condition application pursuant to this application's reference will not necessary.

1. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.

**Reason:** So as to ensure the satisfactory appearance of the development on completion.

2. This permission does not extend to the siting of Plot 38.

**Reason:** To protect trees in the interest of visual amenity and to accord with Policies LP24 and LP33 of the Kirklees Local Plan.

3. The dwellings hereby approved shall be constructed of natural stone, a sample of which shall be submitted to the Local Planning Authority for approval, prior to any development commencing.

**Reason:** In the interests of visual amenity and preserving the historic environment, to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

4. No building work shall take place until a sample of roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials.

**Reason:** In the interests of visual amenity and preserving the historic environment, to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

5. With the exception of works to trees on Plot 38, which are not approved, the development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference (JCA 11854e/JC/TT-Rev 1). These shall be implemented and maintained throughout the construction phase and retained thereafter.

**Reason:** To protect trees in the interest of visual amenity and to accord with Policies LP24 and LP33 of the Kirklees Local Plan.

6. 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 in the interest of visual amenity and to accord with Policies LP24 and LP33 of the Kirklees Local Plan.

7. Before first occupation, the developer shall provide written and/or photographic evidence to the Local Planning Authority to demonstrate that the arboricultural supervision specified in section 3.1.2 of the Arboricultural Method Statement, reference (JCA 11854e/JC/TT-Rev 1) was undertaken. The development shall not be brought into use until this evidence has been approved in writing by the Local Planning Authority.

**Reason:** To protect trees in the interest of visual amenity and to accord with Policies LP24 and LP33 of the Kirklees Local Plan.

8. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority prior to the commencement of the development (including any demolition, ground works and site clearance). The LEMP shall include details of all habitats created as part of the approved scheme, including installed habitat boxes, and shall refer to the possible presence of non-native invasive plant species. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** To ensure all adverse ecological impacts of construction of the scheme are compensated for within the final design, and that all habitats created as mitigation are managed in an appropriate manner thereafter, in order to ensure the approved scheme is acceptable under the requirements of Chapter 11 of the National Planning Policy Framework.

9. Prior to the development commencing a detailed method statement for the construction and provision of the woodland walk shall be submitted for the written approval of the Local Authority. This statement shall provide for details of the construction, and supervision of that construction by a suitable qualified person.

**Reason:** To safeguard the trees/ planting on the site, in accordance with Policies LP24 and LP33 of the Kirklees Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended or any Order revoking or re-enacting that Order no development included within Classes A, B, D and E of Part1 Schedule 2 of that Order on Plots 1, 2, 8, 9, 16, 17, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39 and 40.

**Reasons:** To ensure the safeguarding of the mature protected trees within the site in accordance with Policies LP24 and LP33 of the Kirklees Local Plan.

11. Notwithstanding the submitted details, prior to the occupation of plots 20 – 24, as identified on plan ref. 4135 2100 rev. C, a supplemental landscaping strategy for the land behind plots 20 – 24, adjacent to PROW HUD/345/20, shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include a timescale for implementation. The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. The approved supplemental 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.

**Reason:** In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policies LP24 and LP63 of the Kirklees Local Plan.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
<b>Approved via S73 application ref. 2024/92167</b>			
Block plan	2489-1-001	Rev. K	21/10/2024
Proposed Site Sections	2489-1-003	Rev. C	08/10/2024
Grouped Plans and Elevations	2489-1-010	Rev. B	04/10/2024
Grouped Plans and Elevations	2489-1-011		01/08/2024
Grouped Plans and Elevations	2489-1-012		01/08/2024
Grouped Plans and Elevations	2489-1-013		01/08/2024
Grouped Plans and Elevations	2489-1-014		01/08/2024
Grouped Plans and Elevations	2489-1-015		01/08/2024
Grouped Plans and Elevations	2489-1-016		01/08/2024
Grouped Plans and Elevations	2489-1-018		01/08/2024
Grouped Plans and Elevations	2489-1-019		01/08/2024
Proposed Landscaping Layout	2101	Rev. C	24/10/2024
Proposed Landscaping Layout	2100	Rev. C	24/10/2024
Supporting Information	Heritage Statement		12/09/2024
Design and Access Statement			
<b>Approved via Reserved Matters application ref. 2017/90190</b>			
Location Plan	1414/100		20/1/17
Arboricultural Method Statement	JCA 11854e/JC/TT	Rev 1	19/4/17
Japanese Knotweed Control Method Statement	161109/JKW		16/3/17

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.

Officers expressed initial concerns over certain elements of the proposal, including landscaping and impact on trees. Following negotiations, an amended set of plans were received which were considered to address the matters raised. Based on this, officers were able to recommend the application for approval.

#### **Development within a Coal Mining Area**

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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

#### **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.

**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.**

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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 08-Nov-2024

**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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/70/92167/W.

If a paper copy of the decision notice or decided plans are required, please email [dc.admin@kirklees.gov.uk](mailto: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](mailto:dc.admin@kirklees.gov.uk)

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

---