



**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: 2024/62/92281/E

To: Candy Day,
Orion Homes Ltd
5, Benton Office Park
Bennet Avenue
Horbury
Wakefield
WF4 5RA

For: CANDY DAY, ORION 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 23 DWELLINGS

At: LAND ADJ, 17, WHITEHALL ROAD WEST, BIRKENSHAW, BD11 2LS

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

1. The development hereby permitted shall be begun not later than three years from the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, 2, 20, 21, 22, 24, 28, 30 of the Kirklees Local Plan and Principles 2, 5, 6, 8, 9, 12, 13, 14, 15, 17, 18, 19 of the Housebuilders' Design Guide SPD.

3. Notwithstanding the submitted plans, the dwelling on plot 6 shall be located and positioned as shown on plan ref. 2306/02/001 Rev 0 and shall be the Cheltenham (AS) configuration, as shown on plan ref. 2022/33/13 Rev CD.

Reason: For the avoidance over what is being approved, given sequential variations to the proposal, in the interest of visual and residential amenity in compliance with Policy LP24 of the Kirklees Local Plan.

4. Development shall not commence until a scheme of details of finished floor levels of each dwelling, together with corresponding finished ground levels of land, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details so approved and no dwelling shall be occupied until the works relating to that dwelling have been completed, and these works shall be so retained.

Reason: To ensure the development is in character with its surroundings, to avoid adverse impacts to adjacent land/property, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure that the appropriate levels are ascertained at an appropriate stage of the development process.

5. No above ground development shall commence until:

- i. a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity, and;
- ii. any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that there are no risks to the safety of future users or occupiers of the site arising from land instability, and to accord with the aims of Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

6. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that there are no risks to the safety of future users or occupiers of the site arising from land instability, and to accord with the aims of Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

7. Groundworks shall not commence until actual or potential land contamination (including the possible presence of mine gas) at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been 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 paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required pre-commencement to ensure that the presence of contamination can be assessed at an appropriate stage in the development process.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (7) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by suitably competent person has been 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 paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required pre-commencement to ensure that the presence of contamination can be assessed at an appropriate stage in the development process.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (8), further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required pre-commencement to ensure that the contamination can be remediated at an appropriate stage in the development process.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 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 paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required pre-commencement to ensure that the contamination can be remediated at an appropriate stage in the development process.

11. 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 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.

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

12. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- i. Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- ii. Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction, Include the dust mitigation within appendix D of the Air Quality Assessment by Miller Goodall, dated the 26th of June 2024, ref: 103182.
- iii. Artificial lighting used in connection with all construction related activities and security of the construction site.
- iv. A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included.

The approved plan shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan. This information is required pre-commencement to ensure that harm to the amenities of residential properties and the environment does not occur at any stage in the construction process.

13. Before construction work commences, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic/commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To ensure the amenity of future residents in accordance with the principles set out within Policies LP24(b) and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any construction works being erected which could otherwise prevent satisfactory noise attenuation being installed.

14. Prior to development commencing, notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority. . The method statement shall include details on how the construction work will be undertaken to minimise damage to the retained trees. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Local Plan and advice within the National Planning Policy Framework. PRECOMM NOTE This information is required pre-commencement to ensure that no harm to protected trees occurs at any stage during the development process.

15. Prior to development commencing, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following:

- i. A timetable of all works,
- ii. Details of point(s) of access for construction traffic,
- iii. Vehicle sizes and routes,
- iv. Times of vehicle movements, including how the plan will seek to reduce construction traffic at peak hours,
- v. Parking for construction workers,
- vi. The loading, unloading and storage of materials and plant within the site,
- vii. Signage,
- viii. Wheel washing facilities within the site and/or other measures to prevent mud and debris being deposited on the public highway.

All construction arrangements shall be carried out in accordance with the approved CMP throughout the period of construction.

Reason: In the interests of protecting amenity and highway safety during the construction phase, and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan, as well as Chapters 9 and 12 of the National Planning Policy Framework. This is a pre-commencement condition to ensure appropriate measures to protect amenity and maintain highways safety are agreed at an appropriate stage of the development process.

16. The development shall not commence until a survey of the existing condition of the highway on Whitehall Road West has been submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. 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 Denby Lane shall be submitted to and approved in writing by the Local Planning Authority.

All of the identified works shall be implemented before an part of the development is first brought into use.

Reason: To ensure that any deterioration in the quality of the highway that may occur during construction is remedied in the interests of the safety and convenience of highway users, and to accord with the aims of Policies LP20-21 of the Kirklees Local Plan. This information is required pre-commencement to ensure that an accurate record of the condition of the highway is obtained so that any defects arising from construction can be accurately identified and remediated.

17. Before construction of the dwellings hereby approved commences, the wall to the site frontage shall be set back to the rear of the proposed visibility splays as shown on approved plan number 23/24/SK/003 Rev B, and all of the visibility splays shown shall be cleared of all obstructions to visibility of over 1.0m in height above the adjacent carriageway and tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority. The existing stone boundary wall shall be rebuilt to the rear of the sight lines using the existing stone before any new dwelling is first brought into use, and all visibility splays shall thereafter be retained as such.

Reason: To ensure adequate visibility in the interests of highway safety, to ensure that the wall's contribution to local character is retained, and to accord with the aims of Policies LP21 and LP24 of the Kirklees Local Plan.

18. Prior to development commencing, a detailed scheme for the provision of highway improvement works including the re-siting of an existing pedestrian crossing traffic island on Whitehall Road West with associated signing and white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audits covering all aspects of the work. All the agreed works shall be implemented before any part of the development is first brought into use.

Reason: To ensure that the development does not adversely affect the safe and efficient use of the highway for existing and future users and to accord with the aims of Policy LP21 of the Kirklees Local Plan. This information is required pre-commencement to allow time for the scheme to be submitted, assessed approved so that it can be implemented before any part of the new development is occupied.

19. The construction of any new estate streets shall not commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the local planning authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the works that are to be completed for each phase of the development. No dwelling within each relevant phase shall be occupied until the estate street(s) that provide access to those dwelling(s) has been completed in accordance with the Estate Street Phasing and Completion Plan.

Reason: To ensure that the estate streets serving the development are completed to an acceptable standard in the interests of the safety and convenience of occupants and other users of the development, in the interest of highway safety and to accord with the aims of Policies LP20 and LP21 of the Kirklees Local Plan.

20. Before development commences, details of any temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction shall be submitted to and approved by the Local Planning Authority. The approved details shall be provided before first occupation of the dwellings to which this applies and implemented throughout the construction process.

Reason: In the interests of amenity and highway safety, to comply with the Council's sustainability objectives, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan as well as Chapter 9 and 12 of the National Planning Policy Framework.

This is a pre-commencement condition to ensure that the necessary waste storage and collection facilities are provided throughout the proposed development.

21. Before development commences, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the construction phase of the proposed development and thereafter retained as such.

Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of the internal adoptable roads and their relationship to drainage infrastructure are agreed at an appropriate stage of the development.

22. All approved private vehicle parking areas shown on the approved site plan shall be provided and laid out with a hardened and drained surface, and all attached and integral garages shown on the approved drawings provided, before the dwelling to which they relate is first occupied. The parking areas shall thereafter be retained as such, free from obstructions to their use for the parking of vehicles.

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

23. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), all integral and attached garages shown on the approved plans for Plots 1, 5-10 and 20-21 shall be retained as such and shall not be converted to living accommodation.

Reason: To ensure that sufficient private parking for all future users of the site is provided and retained in the interests of highway safety and to ensure that informal parking does not obstruct turning space or interfere with the servicing of the site, and to accord with the aims of Policies LP21 and 22 of the Kirklees Local Plan.

24. Before any new dwelling is first occupied, details of the design of enclosures for bin storage and bin presentation points (for collection) for the new dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. All the approved bin enclosures shall be provided, and all of the areas shown on the approved site plan for the storage and collection of wastes including both private and communal bin presentation points, laid out with a hard surface and made available for use, before the dwelling(s) to which they relate are first occupied, and thereafter retained as such, free from all obstructions to their use.

Reason: In the interests of visual amenity and to ensure the provision of satisfactory facilities for the separation, storage and disposal of wastes, to meet the requirements set out in Policy LP24 part d(vi) of the Kirklees Local Plan.

25. No dwelling shall be occupied until details showing the provision of secure (from crime and the elements) bicycle storage facilities to serve the residential properties have been submitted to and approved in writing by the local planning authority. These facilities shall be provided and made available for use prior to the first occupation of the dwelling to which it relates and thereafter retained as such.

Reason: To comply with the Council's sustainability objectives by encouraging the use of low-impact modes of travel, the promotion of healthy, safe and active lifestyles, and protection against crime and the fear of crime, in accordance with the aims of Policies LP20, 24 and 47 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document, and Chapter 8 of the National Planning Policy Framework.

26. 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:

- i. phasing of the development and phasing of temporary drainage provision;
- ii. include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented;
- iii. a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 5-year storm.

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: To ensure the safe and sustainable drainage of the site during construction and prevent pollution of the water environment in accordance with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF. This is a pre-commencement condition to ensure that safe and sustainable arrangements for the disposal of surface water are in place throughout the construction period.

27. The permanent foul and surface water drainage scheme shall be implemented in accordance with the approved details reference BIR-FPM-ZZ-XX-DR-X-0001/0002/0003 P04, 23/341/500/006 Rev H and 23-341-EXT-002 23/341/500/001 Rev L, 002 Rev J, 003 Rev G, 004 Rev B, 005 Rev C, 007 Rev F before any part of the development is first occupied, and thereafter maintained as such.

Reason: To ensure that the site can be drained in a safe and sustainable manner at all times and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

28. Before development commences above foundation level, a detailed maintenance and management regime for the storage facility including the flow restriction shall be submitted to and approved in writing by the Local Planning Authority. This shall include a risk assessment applied prior to a method statement consisting of a schedule and itinerary of tasks including access to and into the specific attenuation and flow control arrangements for this site. The approved maintenance and management scheme shall be implemented thereafter.

Reason: To ensure that the site can be drained in a safe and sustainable manner at all times and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

29. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- i. Risk assessment of potentially damaging construction activities.
- ii. Identification of "biodiversity protection zones".
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- iv. The location and timing of sensitive works to avoid harm to biodiversity features
- v. The times during construction when specialist ecologists need to be present on site to oversee works.
- vi. Responsible persons and lines of communication.
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- viii. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure avoidance of ecological and subsequent harm in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase and that invasive species, if found to be present, are safely eliminated from the site.

30. Prior to works commencing on the superstructure of any dwelling, notwithstanding the submitted details, a landscape plan including a landscape management and maintenance plan (LMMP) shall be submitted to, and approved in writing by, the Local Planning Authority.

- a. Details of hard and soft landscaping including planting plan & specification.
- b. An implementation, management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees.
- c. Details of initial aftercare and long-term maintenance for minimum of 5 years and seasonal maintenance operations. This shall include any SuDS features, existing trees and vegetation retained on site, slopes and bankings, woodlands, plus management of any equipment or playable/educational space, including where relevant RoSPA safety inspections.
- d. Details of monitoring and remedial measures, including replacement of any equipment, safety surfacing, 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.

Reason: In the interests of visual amenity, to ensure that opportunities are taken to enhance the biodiversity of the site, and to accord with the aims of Policies LP24 and LP30 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

31. Prior to the first occupation of any dwelling, a minimum of one electric vehicle charging point shall be provided within the garage or parking space serving that dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of a minimum of 16 Amps and a maximum demand of 32Amps. The charging points shall be retained thereafter.

Reason: To ensure residents of the development are encouraged to use low carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, Chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

32. 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 with or without modification) no development included within Classes A, B, C or E of Part 1 of Schedule 2 to that Order shall be made to Plots 1-4, and no development included within Classes A or E of Part 1 of Schedule 2 to that Order shall be made to Plots 7-12, as shown on the approved site plan.

Reason: To ensure that extensions or outbuildings do not result in harmful overlooking or an overbearing impact upon occupants of neighbouring dwellings and that an adequate amount of private amenity space is retained for future residents, and to ensure that future extensions or outbuildings do not lead to conflict between residential amenity and the preservation of valuable trees within the site, in accordance with Policy LP24(b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

33. All side-facing windows above ground floor level shall be non-opening or top-opening only and shall be fitted with obscure glazing to give a grade 5 degree of obscurity before the dwelling to which they relate is first occupied. 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 with or without modification), windows of this type shall thereafter be retained.

Reason: To protect the privacy of existing and future occupants and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

34. Before work on any dwelling commences above foundation level, details of a proposed solar panel array and/or other on-site microgeneration measures to serve the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme thus approved shall be implemented and made operational before any new dwelling to which it relates is first occupied and shall thereafter be retained as such.

Reason: To ensure that the development contributes to the Council's ambition to have net zero carbon emissions by 2038 and to accord with the aims of Chapter 14 of the NPPF, Policy LP24(d) of the Kirklees Local Plan, Principle 18 of the Housebuilders' Design Guide SPD.

35. Prior to their use, notwithstanding the submitted materials schedule, full details of all external materials to be used on the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials.

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

36. All windows shall be set in a reveal of 50-100mm.

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

37. The boundary treatments shown within the submitted plan reference 2306/02/002 Revision B shall be erected or constructed before first occupation of any dwelling(s) to which they relate, subject to any additional or modified boundary treatments (acoustic fencing) being shown to be necessary based on the results of the noise survey referred to in condition (13), and that hit-and-miss fencing shall be used for the outer side boundaries of Plots 22 and 23 unless solid fencing is shown to be necessary based on the results of the noise survey. Any new boundary fence other than an acoustic fence shall be provided with a gap of 130mm by 130mm to allow the passage of hedgehogs. The approved boundary treatments shall thereafter be retained.

Reason: To ensure that the privacy of existing and future residents is protected, to ensure that future residents are protected against loss of amenity arising from noise, and that any long-term impacts on the biodiversity of the site are prevented or minimised, in accordance with the aims of Policies LP24(b), LP30 and LP52 of the Kirklees Local Plan.

38. Before any new dwelling is first occupied, before the development is brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of measures (other than boundary treatments) to protect future residents from crime and the fear of crime. The approved measures shall be implemented before any new dwelling is first brought into use and thereafter retained.

Reason: In the interests of minimising the risk of crime for the development and its users, and to accord with the aims of LP24(e) of the Local Plan.

Note: In accordance 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 other matters as the Secretary of State may by regulations specify.

S38 Agreement – Informative

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 material for Home Buyers': Highways Adoption (publishing.service.gov.uk)

Notes: drainage infrastructure

All new storm water attenuation tanks/pipes/culverts/manholes 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 BD63- Inspection of Highway structures. Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

Note: construction times

Noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours, Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction" Version 1.1 2014 provides detailed information regarding dust control.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited

NOTE – Works within the highway

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plan Type	Reference	Version	Date Received
Application form			13-Aug-2024
Location plan	PP-13294615v1		13-Aug-2024
Topographical survey	2797/001		13-Aug-2024
Site plan	2306/02/001	O	11-Apr-2025
Surface 001 Network Sims			23-Jun-2025
100-year plus 45% CC 6 hours			23-Jun-2025
Drainage site location plan			17-Jun-2025
Flood exceedance routes	23/341/500/007	F	17-Jun-2025
Flow control manhole	23/341/500/005	C	17-Jun-2025
Drainage standard details	23/341/500/004	B	17-Jun-2025
Manhole schedules	23/341/500/003	G	17-Jun-2025
Long sections	23/341/500/002	J	17-Jun-2025
Drainage layout	23/341/500/001	L	17-Jun-2025
External works & surface water tanks	23-341-EXT-002		10-Jun-2025
Impermeable areas plan	23/341/500/006	H	10-Jun-2025
Tank drawing 1-3	BIR-FPM-ZZ-XX-DR-X-	P04	29-May-2025

Plan Type	Reference	Version	Date Received
	0001/0002/0003		
BNG Metric	4.0		16-Apr-2025
BNG Assessment	ER-8376-03		16-Apr-2025
Habitat condition assessment			16-Apr-2025
Coal Mining Risk Assessment	GRO-24208-5354		13-Sep-2024
Transport statement with appendix	2024376		13-Aug-2024
Road markings and signage	24/230/DE/1200/001	A	23-Dec-2024
Kerbing details	24/230/DE/1100/001	A	23-Dec-2024
Typical sections	24/230/DE/700/002		23-Dec-2024
Pavement detail	24/230/DE/700/001	A	23-Dec-2024
Site clearance	24/230/DE/200/001		23-Dec-2024
Proposed long section	24/230/DE/100/002		23-Dec-2024
General arrangement (highways)	24/230/DE/100/001	A	23-Dec-2024
Swept paths	23/341/SK/002		23-Dec-2024
Junction visibility splays	23/341/SK/001		23-Dec-2024
Swept path analysis	DPL SK009	B	08-Jan-2025
Visibility splays	23/341/100/005	C	12-Mar-2025
Speed survey results	16460		12-Mar-2025
Road safety audit brief	23-341-001.001		12-Mar-2025
RSA Passports	Jonathan Birkett, Gillian Kidd		12-Mar-2025
RSA Stage One	Meraki Alliance		28-Mar-2025
Designers' Response	Ian Ellis		28-Mar-2025
Proposed access arrangements and highway layout	23/341/SK/003	B	27-Mar-2025
Air quality assessment	103182		13-Aug-2024
Boundary treatment plan	2306/02/002	B	03-Jul-2025
Arboricultural Impact Assessment	Iain Tavendale		07-Nov-2024
Landscaped / garden areas	2306/02/001	A	27-Nov-2024
Detailed landscape proposals	H2 240701 1		22-Nov-2024
Streetscene elevations	SK-003	A	04-Oct-2024
Arundel AS plans and elevations	2019/04/14	A	11-Apr-2025
Arundel OP plans and elevations	2019/04/15	A	11-Apr-2025
Bamburgh AS plans and elevations	2020/21/12	A	13-Aug-2024
Bamburgh OP plans and elevations	2020/21/13	A	13-Aug-2024
Jedburgh AS plans and elevations	2306/03/001/15		04-Oct-2024
Jedburgh OP plans and elevations	2306/03/001/16		04-Oct-2024
Gosford AS plans and elevations	2020/34/12	A	13-Aug-2024
Gosford OP plans and elevations	2020/34/13	A	13-Aug-2024
Rothbury AS plans and elevations	2306/03/002/15		04-Oct-2024
Rothbury OP plans and elevations	2306/03/002/16		04-Oct-2024
Cheltenham AS plans and elevations	2022/33/13	CD	13-Aug-2024
Cheltenham OP plans and elevations	2022/33/14		13-Aug-2024
Wharfedale AS plans and elevations	2019/03/14		13-Aug-2024

Plan Type	Reference	Version	Date Received
Wharfedale OP plans and elevations	2019/03/15	A	13-Aug-2024
Edinburgh AS plans and elevations	2020/20/12		04-Oct-2024
Edinburgh OP plans and elevations	2020/20/13		04-Oct-2024
Paignton AS plans and elevations	25-PAIG-001-801		04-Oct-2024
Paignton OP plans and elevations	25-PAIG-001-802		04-Oct-2024
Supporting Information	23/24/SK/003	B	27/03/2025

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 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.

The case officer requested several amendments during the application process in the interests of visual and residential amenity, highway safety, the safe and sustainable draining of the site, and accounting for biodiversity, which informed the final decision.

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.

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](#)

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: 25-Jul-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