Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/62/92394/E

To: Jonathan Dunbavin
ID Planning
9, York Place
Leeds
LS1 2DS

For: HARRON HOMES

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:-

DEVELOPMENT OF AN ATTENUATION BASIN AND ASSOCIATED ACCESS RELATING TO PLANNING PERMISSIONS 2021/92801 AND 2024/91260

At: LAND AT, MERCHANT FIELDS FARM, OFF HUNSWORTH LANE, CLECKHEATON

In accordance with the plan(s) and applications submitted to the Council on 28-Nov-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 and not prior to the substantial completion (sufficient to allow movement of construction traffic between Hunsworth Lane and the site) of the internal roads of the residential development approved under of permission ref: 2024/91260.
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 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 in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. The development hereby permitted shall be carried out strictly in accordance with a Construction (Environmental) Management Plan to be submitted to and approved in writing by the Local Planning Authority pursuant to condition 3 of permission ref: 2024/91260 throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.
Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.

4. Prior to the commencement of development (including ground works) a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Detail any phasing of temporary drainage provision;
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and details of how flooding of adjacent land is prevented; and
- Include methods of preventing contamination of watercourses once the new drainage has been installed.

The temporary works shall be implemented in accordance with the approved scheme and phasing. 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 risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policy LP27 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

5. Prior to the commencement of development (including ground works), details of maintenance, management and monitoring arrangements for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include arrangements relating to drainage infrastructure, Biodiversity Net Gain units and the access road / public footpath crossing. The development shall be implemented in accordance with the details so approved.
Reason: To ensure the development is appropriately managed, to ensure effective disposal of surface water from the development and the adjacent residential development, to avoid an increase in flood risk, to ensure mandatory Biodiversity Net Gain is delivered, to ensure the public right of way remains accessible, 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 accord with Policies LP20, LP21, LP24, LP27, LP28, LP30 and LP47 of the Kirklees Local Plan and chapters 8, 9, 12, 14 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of maintenance, management and monitoring are agreed at an appropriate stage of the development process.

6. Prior to the commencement of development (including ground works but excluding works related to land stability remediation) remedial treatment works to address land instability arising from shallow coal mining legacy and recorded mine shafts 419426-001, 419426-002 and 419426-005 shall be carried out in full. Unless already submitted and approved pursuant to condition 23 of permission ref: 2024/91260, following completion of the remediation works referred to in this condition, a Coal Legacy Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.
Reason: To ensure the site is made stable and to minimise risk associated with the area's mining legacy in accordance with Policy LP53 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure that remedial measures related to the site's coal mining legacy are carried out at an appropriate stage of the development process.

7. Prior to the commencement of works above ground level, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details of existing and proposed levels, and regrading;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion; and
- Details (including samples, if requested), of paving and other hard surface materials.

The development hereby approved shall not be brought into use until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.
Reason: In the interests of local ecological value and visual amenity, and to accord with Policies LP24, LP30, LP32 and LP33 of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework.

8. Prior to the commencement of works above ground level associated with the construction of the access road, details of the access road hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of adoptable highway for the part of the access road that would also be used to access dwellings of the residential development approved under of permission ref: 2024/91260. For the entirety of the access road, details of surface materials, boundary treatments and gates along the access road, and details of the access road / public footpath crossing shall be included. The development shall be implemented in accordance with the details so approved.

Reason: In the interests of visual amenity, to ensure the public right of way remains accessible, 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 accord with Policies LP20, LP21, LP24 and LP47 of the Kirklees Local Plan and chapters 8, 9 and 12 of the National Planning Policy Framework.

9. Prior to the commencement of works above ground level, details of water safety measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include provisions relating to hazard warning, accident prevention and rescue (including self-rescue). The development shall be implemented in accordance with the details so approved.
Reason: To help mitigate risks to public safety and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and chapter 8 of the National Planning Policy Framework.

10. In the event that made ground, contamination, the presence of coal and/or evidence of coal workings not previously identified prior to the grant of this planning permission is encountered during the construction phase, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe development and use of the site in accordance with Policy LP53 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

11. Should materials be imported to the site for the purposes of raising levels and/or forming soils, prior to the commencement of development (including ground works), a strategy detailing the intended placement, the source, characterisation and the suitability of any such imported material shall be submitted to and approved in writing the Local Planning Authority. Testing to demonstrate suitability of the imported materials shall then be carried out in accordance with the approved strategy. Following importation and placement of the materials as described in the approved strategy, a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time until a Verification Report has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe development and use of the site in accordance with Policy LP53 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that measures related to the importation of materials are devised at an appropriate stage of the development process.

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 Local Planning Authority; and
b) The Local 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.

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

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

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of 07.30 and 18.30 hours Mondays to Fridays, and 08.00 and 13.00 hours on Saturdays, with no working Sundays or Public Holidays. These hours should be referred to in any Construction Environmental Management Plan to be submitted to the Local Planning Authority for approval. In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974 (Section 60), Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: To discuss road adoption arrangements under Section 38 of the Highways Act 1980, please contact Highway Adoptions on 01484 221000 or highways.section38@kirklees.gov.uk.

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.

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. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally-binding undertaking to the Highway Authority explicitly stating that they have a full understanding of 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 the Well-managed Highway Infrastructure – A Code of Practice 2016 or any corresponding superseding document thereafter.

NOTE: Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

NOTE: 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, and/or non-coal mineral operations), an Incidental Coal Agreement will be required from the Mining Remediation Authority. Further information regarding Incidental Coal Agreements can be found at: www.gov.uk/government/publicafions/incidental-coalagreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

Plans and specifications schedule:

Plan/document type	Reference	Version	Date received
Red Line Plan	RLP.02	Rev C	16/09/2024
Attenuation Basin Details	48867-ECE-XX-XX-DR-C-0024	Rev P03	09/10/2024
Attenuation Basin Planting Details (corrected version received 12/12/2024)	R/1794/2		12/12/2024
Pond Boundary Treatments	122.012		28/02/2025
S104 Drainage Layout sheet 1 of 2	48867-ECE-XX-XX-DR-C-0001	Rev P03	11/10/2024
S104 Drainage Layout sheet 2 of 2	48867-ECE-XX-XX-DR-C-0002	Rev P02	09/10/2024

Vehicle Tracking Layout Attenuation Basin	48867-ECE-XX-XX-DR-C-ATR2	Rev P03	01/11/2024
Longitudinal Sections sheet 6 of 8	48867-ECE-XX-XX-DR-C-0011	Rev P02	08/01/2025
Typical Section Through Insitu Grasscrete Access Track			09/10/2024
Flood Risk Assessment	ARP, 873/50r1c, 11/02/2021	Rev C	27/08/2024
Drainage calculations	Micro Drainage, file N1		08/01/2025
Drainage calculations	Micro Drainage, file N2		08/01/2025
Phase I Environmental Assessment	Vertase FLI, 1874HHL-P1	Issue 2, Rev B	19/02/2025
Biodiversity Impact Assessment	Futures Ecology, FE424/BIA01, 26/09/2024		30/09/2024
Preliminary Ecological Appraisal Report	Futures Ecology, FE424/PEA01, 27/09/2024		11/10/2024
Ecology-related report	FPCR, 27/11/2024		28/11/2024
Sustainable Drainage Scheme (SuDS) Safety Review	RoSPA, 5303272425, 05/03/2025		06/03/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and 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.

During the life of the application the case officer undertook negotiations with the applicant to secure further information and drawings relating to drainage, ecology, public safety, boundary treatments, landscaping and site contamination. The council proactively engaged with the applicant in order to ensure relevant planning matters were addressed.

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 Tel No: (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

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-Jun-2025

Signed:

David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2024/62/92394/E.

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

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

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

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