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: 2024/62/92444/E

To: Alistair Flatman Planning
24, West End Grove
Horsforth
Leeds
LS18 5JJ

For: 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 21 DWELLINGS AND ASSOCIATED WORKS WITH MEANS OF ACCESS FROM DENBY LANE

At: LAND NORTH OF, DENBY LANE, GRANGE MOOR, HUDDERSFIELD, WF4 4BH

In accordance with the plan(s) and applications submitted to the Council on 05-Nov-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 Supplementary Planning Document.

3. 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, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that the appropriate levels are ascertained at an appropriate stage of the development process.

4. Notwithstanding the details on the approved plans, an additional set of floorplans and elevations for plots 16 to 18 and 21, which shall show the design and internal layout of the proposed detached garages (indicated on the Site Layout plan Revision Y), shall be submitted to and approved in writing by the Local Planning Authority before development (other than site clearance or the formation of a new access to the site from Denby Lane) commences. In the case of plot 21, the garage shall have a minimum internal width of 3.0m. The garages shall be provided in accordance with the plans thus approved before the dwelling to which they relate is first occupied.
Reason: For the avoidance of doubt as to what is being approved and to ensure that all garages forming part of the recommended level of parking provision for that dwelling under the Kirklees Highway Design Guide Supplementary Planning Document are of an adequate size to provide garaging for a private car, and to accord with the aims of Policies LP22 and 24 of the Kirklees Local Plan.

5. No above-ground development shall commence until the remediation works and/or mitigation measures to address land instability arising from coal mining legacy (as identified in the Geo-environmental Appraisal and Coal Mining Risk Assessment, reference GRO-24078-5170 Revision 1.1, prepared by Groundtech Consulting) have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works 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 paragraphs 196 and 197 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that any potential land stability issues are addressed at the appropriate stage.

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 has been made safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the completion of the 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 paragraphs 196 and 197 of the National Planning Policy Framework.

7. 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 paragraphs 196 and 197 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that the presence of contamination can be assessed at an appropriate stage in the development process.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). 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 two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework.

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework.

10. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall relate to the construction phase of the development hereby approved, and shall include the following details:

- A timetable of all works;
- Any phasing of development;
- Hours of works;
- Point(s) of access for construction traffic;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved 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.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

11. 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:

- Risk assessment of potentially damaging construction activities;
- Identification of “biodiversity protection zones”;
- 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);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period in full 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 is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

12. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including discharge rates indirectly or directly to watercourse, attenuation for the critical 1 in 100 (plus an allowance for climate change) rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.
Reason: To 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.
This pre-commencement condition is necessary to ensure that suitable drainage infrastructure can be incorporated into the development at the construction stage.

13. Development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained 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. This information is required pre-commencement to ensure that suitable drainage infrastructure can be incorporated into the development at the construction stage.

14. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- Phasing of the development and phasing of temporary drainage provision:
- Methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented; and
- A plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm.

It shall be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise approved by the Local Planning Authority. 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 pre-commencement condition is necessary to ensure that safe and sustainable arrangements for the disposal of surface water are in place throughout the construction period.

15. Before development commences, a scheme detailing locations and including cross-sectional information together with the proposed design and construction details of all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint 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.

16. The development shall not commence until a survey of the existing condition of the highway on Denby Lane 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 any part of the development is first brought into use.
Reason: To ensure the maintenance of the condition of the highway in the interests of the safety of highway users, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.
This pre-commencement condition is necessary so as to ensure that an accurate record of the condition of the highway, and any deterioration resulting from development, is accurately recorded and assessed.

17. Before work on any dwelling commences above foundation level, details of measures to limit carbon emissions associated with the development, which may include but not be restricted to solar panel arrays or other on-site microgeneration measures, and measures to provide energy efficiency performance above the standards mandated by the Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The measures 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, and Principle 18 of the Housebuilders Design Guide Supplementary Planning Document.

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

- Details of hard and soft landscaping including planting plan and specification;
- 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;
- 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; and
- 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.

19. Notwithstanding the details contained within the Planning Support Statement dated July 2024, full details of all external materials (including, where requested, samples made available for inspection on site) shall be submitted to and approved in writing by the Local Planning Authority, before work commences on the superstructure of any dwelling. The development shall be constructed only using the approved materials.
Reason: To ensure that the development respects the character of its surroundings, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

20. All private vehicle parking areas indicated on the site plan shall be laid out with a hardened and drained surface before the dwelling to which they relate is first brought into use and shall thereafter retained as such.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

21. The means of access to and from the site shall be in accordance with the preliminary access design(s) as shown on the approved Site Layout revision Y and fully constructed and made operational prior to first occupation of any part of the development and thereafter retained as such.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with the aims of Policy LP21 of the Kirklees Local Plan.

22. Before any part of the development is first brought into use, any obstruction to visibility shall be set back to the rear of the proposed visibility splays as shown on approved drawing 160126-003 Revision A and the visibility splays shall be cleared of all obstructions to visibility over 1m in height above the adjoining carriageway, tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.
Reason: To ensure adequate visibility and a satisfactory layout in the interests of highway safety and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

23. Before any part of the development is first occupied, a footway 2.0m metres wide shall be provided along the site frontage and tied into the termination of the existing footway west of the site, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The footway so approved shall thereafter be retained.
Reason: In the interests of highway safety and to allow for safe pedestrian access to and from the site and to accord with the aims of Policies LP20 and LP21 of the Kirklees Local Plan.

24. 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 and are available for use by the occupants and other users of the development, in the interest of highway safety and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

25. No dwelling or building shall be occupied within each development phase, until all areas and associated features shown within each development phase on the approved plans to be used by vehicles and pedestrians, including streets, footpaths, cycle tracks, loading, servicing and parking areas have been laid out, surfaced and drained, such that loose materials and surface water does not discharge or transfer onto the adjacent highway, and shall thereafter be retained as such the lifetime of the development.
Reason: In the interests of highway safety and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

26. Where implementation of the development hereby approved is to be phased and / or any of the dwellings hereby approved are to become occupied, prior to the completion of the development and the adoption of the Estate Streets (including where it has been agreed that the streets are to remain private), details of the temporary and permanent arrangements for the storage and collection of waste from the dwellings, and the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any part of the development. The arrangements and collection points so approved shall be implemented prior to first occupation of the development, or the phase of the development to which they relate, and shall thereafter be managed and maintained in accordance with the approved details.
Reason: To ensure satisfactory arrangements are implemented in relation to waste, including during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

27. Prior to any dwelling being first occupied and before any new boundary treatments are installed or erected along the western boundary of the site, and notwithstanding the details included in the approved Site Layout revision Y, details shall be submitted to and approved in writing by the Local Planning Authority of the proposed link between the estate road and Public Right of Way, DEW/81/10 The details shall confirm the width of the gap in the fence and the treatment of surfaces. The link shall be provided in accordance with the approved details before any dwelling is first occupied and thereafter retained as such.
Reason: To ensure connectivity between the development and the Public Right of Way network, in accordance with the aims of Policy LP20 of the Kirklees Local Plan.

28. The development shall be implemented in full accordance with the approved Arboricultural Method Statement, reference AMS 01 (02) and Tree Protection Plan reference TPP 01 A by Arbtech dated 19/06/2025.
Reason: To ensure that the health and continued viability of trees adjacent to the application site is not adversely affected by the development and to accord with the aims of Policy LP30 of the Kirklees Local Plan.

29. 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 Highway Design Guide Supplementary Planning Document, and Chapter 8 of the National Planning Policy Framework.

30. The attached and detached garages shown on the approved Site Layout plan Revision Y serving plots 11 and 21 and all integral garages shown on the approved plans and elevations for the proposed dwellings on plots 9, 10 and 20, shall be constructed before the dwelling to which they relate is first occupied. 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), these garages shall thereafter 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.

31. 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 shall 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.

32. 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.

33. Notwithstanding the details on the submitted plan reference Site Layout revision Y, an amended scheme of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any new dwelling is first occupied, and shall include the following:

- Design details of the proposed 1.8m wall with fencing above, including the materials to be used in the walling; and
- A plan which shall show that new boundary fences, including boundaries between gardens and those forming the outer boundaries of the site, shall be provided with a gap of 130mm by 130mm to allow the passage of hedgehogs, and shall also show a suitable gap in the boundary fence to facilitate the footpath link required by condition (27).

The approved boundary treatments shall be erected or constructed before first occupation of any dwelling(s) to which they relate, and shall thereafter be retained.
Reason: To ensure that the privacy of existing and future residents is protected, to ensure that future residents have adequate protection from crime and the fear of crime, in the interests of visual amenity, and to ensure that any long-term impacts on the biodiversity of the site and its surroundings are prevented or minimised, in accordance with the aims of Policies LP24(a-b), and LP30 of the Kirklees Local Plan.

34. Before any new dwelling is first occupied, 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 Policy LP24(e) of the Kirklees Local Plan.

35. 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, D and E of Part 1 of Schedule 2 to that Order shall be made to Plots 1, 4 to 7, 19 or 20;
- No development included within Classes A or E of Part 1 of Schedule 2 to that Order shall be made to Plot 3; and
- No development included within Class D of Part 1 of Schedule 2 to that Order shall be made to Plots 12 to 15

as shown on the approved Site Layout revision Y.
Reason: In the interests of the safe and sustainable drainage of the site and surrounding land, to ensure that extensions or outbuildings do not impinge upon the proposed sewer easement or interfere with future access to the culverted watercourse (the exact position of which has not been determined by site survey work), to ensure that porches to plots 12 to 15 do not obstruct pedestrian access routes especially on bin collection days, and to ensure that extensions and outbuildings to plot 3 do not give rise to an overbearing impact upon plot 1, in accordance with the aims of Policies LP24(b and d(vi)), LP27 and LP28 of the Kirklees Local Plan and Chapters 12 and 14 of the National Planning Policy Framework.

36. All side-facing windows above ground floor level, with the exception of those in the eastern elevations of plots 20 and 21, 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 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.

Note – Biodiversity Gain Plan

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 – Sewer diversion and adoption

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements. A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

Note – Drainage conditions

The developer’s attention is drawn to the comments of the Lead Local Flood Authority who have highlighted various shortcomings in the submitted drainage information that will need to be addressed at the discharge of conditions stage.
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024%2f92444

Note – Drainage infrastructure

Regarding condition 15, the developer is advised in order to discharge this condition, it will be necessary to apply for and obtain an Approval In Principle for the works.

All new storm water attenuation tanks/pipes/culverts/manholes with internal diameter/ spans exceeding 0.9m should 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 – Off-site Highway Works

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the works.
This process will involve entering into a Section 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Interference with the highway without such permission is an offence which could lead to prosecution.

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.

Note – Section 38 Agreement

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 Section 37 must demonstrate to the satisfaction of the Highway Authority that all of the roads applied for under Section 37 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 Section 38 (or Section 37) process has been fully completed and the Local Highway Authority have confirmed that the streets have been built to an acceptable standard (following the maintenance period), there is no guarantee that the streets will ultimately become adopted highway. Therefore, until the streets have been fully adopted, the purchasers of the properties will be responsible for the ongoing management and maintenance of the streets servicing their properties. It is the developer's responsibility to inform the potential purchasers of the properties of the adoption status of the streets prior to purchase. The potential purchasers must also be advised by the developer of the potential implications of the streets remaining private, should adoption not occur for any reason, which are described in DfT Advice Note 'Highway Adoption' at Annex C 'A Guide for Home Buyers': Highways Adoption (publishing.service.gov.uk)

Note – Waste collection

The Waste Collection Authority will not enter construction sites, nor will they routinely enter private drives or unadopted streets. Therefore, should the applicant's intentions regarding the adoption of streets change from that considered at the planning approval stage, this may necessitate changes to the developments waste strategy and the facilities that have been agreed in principle, which may require applications to vary the approved plans. For further information regarding the Waste Collection Authority requirements, see the following guidance note: https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			29/08/2024
Location plan	Site Location	B	21/05/2025
Topographical Survey	2795/001	A	10/09/2024
Site Plan as proposed	Site Layout	Y	09/09/2025
Managed areas plan	2307/07/001	B	04/07/2025
Highway areas plan	Highway Areas Plan – Estate street to be offered for adoption		11/09/2025
Visibility splays drawing	160126-003	A	09/05/2025
Streetscene elevations as proposed	Streetscene drawing	A	17/04/2025
Masterplan showing development site and adjacent site	Housing allocation HS58		25/09/2024
Proposed indicative landscaping layout	H2 240401-1		29/08/2024
Edinburgh AS plans and elevations	2020/20/12		29/08/2024
Edinburgh OP plans and elevations	2020/20/13		29/08/2024
Edinburgh 4-unit row plans	2407-04-04 1 of 2		18/08/2025
Edinburgh 4-unit row elevations	2407-04-04 2 of 2		18/08/2025
Bamburgh AS plans and elevations	2020/21/12		29/08/2024
Bamburgh OP plans and elevations	2020/21/13		29/08/2024
Falmouth OP plans and elevations	2019/15/13		29/08/2024
Gosford OP plans and elevations	2020/34/13		29/08/2024
Wentworth OPP plans and elevations	Planning AS	B	03/06/2025
Wentworth AS plans and elevations	Planning AS	B	03/06/2025
Tewkesbury AS plans and elevations	2022/35/13	A	19/08/2025
Cheltenham OPP plans and elevations	4BDIG-CHE-802		03/06/2025
Cheltenham AS plans and elevations	4BDIG-CHE-801		03/06/2025
Planning Statement	Alistair Flatman Planning		10/09/2024
Transport Statement	160126-001	01	29/08/2024

Plan Type	Reference	Version	Date Received
Geo-environmental Appraisal and Coal Mining Risk Assessment	GRO-24078-5170		10/09/2024
Preliminary Ecological Appraisal Report	21986a/JF		10/09/2024
Biodiversity Accounting Assessment Report	21986/JF		10/09/2024
Arboricultural Survey	Arbtech 2795/001	A	10/09/2024
Flood Risk Assessment	E24/8223/FR01		07/10/2024
Proposed Drainage Layout	Advant 24017-101	I	16/12/2024
SUDS Operation & Maintenance Plan	Advant 24017-DSR-003	A	16/12/2024
Construction Phase Drainage Plan	Advant 24017-116	A	16/12/2024
Swept Path Analysis	160126-004		16/12/2024
Highways Technical Note	160126-002-001		16/12/2024
Ground Gas Risk Assessment	GRO-24087-5293	1.1	23/01/2025
BNG Metric	4.0		09/04/2025
BNG Habitat Condition Assessments	Technical annex 1		09/04/2025
Document Register RSA			29/05/2025
Road Safety Audit Stage One	19184		29/05/2025
Road Safety Audit Designers' Response			30/05/2025
Arboricultural Impact Assessment and Method Statement	Arbtech		19/06/2025
Document Register			30/06/2025
RSA Response Report	160126-004-002		30/06/2025

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 and highway safety, providing a greater mix of house types, providing a safe and satisfactory layout for highway and access purposes, the drainage of the site and the protection of mature trees adjacent to the site, which informed the decision.

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

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

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".**

- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**

- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**

- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**

- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**

- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Development within a Coal Mining Area

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

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
What is a permit and how to get one? - GOV.UK (www.gov.uk)

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

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -
https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements

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

Digital Infrastructure: Fibre To The Property (FTTP)

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

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

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

Where the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:**

  i) 28 days of the date of service of the enforcement notice, or
  ii) within the specified period, starting on the date of this notice,

  whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**
- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/appeal-planning-decision. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**
- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**
- **The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**
- **In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.**

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 18-Sep-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