



**Town and Country Planning Act 1990**

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

**APPROVAL OF RESERVED MATTERS**

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**Application Number: 2025/61/90261/E**

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To: Hamish Gledhill,  
Acumen Designers & Architects Ltd  
Headrow House  
Old Leeds Road  
Huddersfield  
HD1 1SG

For: TECHWILL LTD

**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority, having considered your application submitted to the Council for approval of:-**

RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE PERMISSION 2022/91024 FOR DEMOLITION OF EXISTING WORKS AND ERECTION OF RESIDENTIAL DEVELOPMENT (2 DETACHED DWELLINGS)

At: YORK HOUSE, 198, BARNSELY ROAD, DENBY DALE, HUDDERSFIELD, HD8 8TS

**NOTE Development pursuant to the outline planning permission to which this approval of reserved matters relates, must be commenced no later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**

**In accordance with the plan(s) and applications submitted to the Council on 30-Jan-2025, being matters reserved in a permission granted on the 06-Oct-2022 Council have approved the said matters in terms of, and subject to compliance with the details specified in your application, subject to the following conditions:-**

1. 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, LP2, LP7, LP21, LP22, LP24, LP30, LP31, LP33, LP51, LP52, LP53 and LP59 of the Kirklees Local Plan, Principles 2, 3, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17 and 19 in the Council's Housebuilders Design Guide SPD, and the policies within Chapters 2, 12 and 13 of the National Planning Policy Framework.

2. No development shall commence until an updated Arboricultural Impact Assessment (AIA) has been submitted to and approved in writing by the Local Planning Authority. The AIA shall include the routing of all utilities to ensure they can be provided without encroachment into the Root Protection Area (RPAs) of retained trees. The development shall thereafter be carried out in accordance with the approved details.

**Reason:** In the interests of protecting trees of a high amenity value, including those subject to Tree Preservation Orders, in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

3. No development shall commence until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall demonstrate how retained trees will be protected throughout the development. The development thereafter shall be carried out in accordance with the approved AMS.

**Reason:** To protect retained trees during construction, in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

4. No development shall take place above slab level until a scheme which details all external walling and roofing materials of the dwellings hereby approved is submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until it is completed in accordance with the approved scheme which shall be thereafter retained.

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

5. No development shall take place above slab level until, a detailed scheme of landscaping (including hard and soft landscaping, boundary treatments, planting plans with species, numbers, and planting sizes, and a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved timetable and retained thereafter.

**Reason:** In the interests of visual amenity and to ensure a satisfactory standard of landscaping is achieved in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

6. Before any dwelling is occupied, a turning area shall be clearly marked on drawing No (100)02 and then be provided in accordance with the details shown the approved drawing. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

**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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual amenity, to avoid overdevelopment and to safeguard the openness of the Green Belt, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

8. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained and maintained for the lifetime of the development

**Reason:** In the interests of residential amenity of neighbouring occupiers, visual amenity and to preserve the openness of the Green Belt to accord with Policy LP24 of the Kirklees Local Plan, principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapters 12 & 13 of the National Planning Policy Framework.

9. The finished floor and slab levels of the development shall be in accordance with those shown on submitted drawing (100)06. The development shall not be brought into use until the finished floor and slab levels approved by this condition have been completed. The approved finished floor and slab levels shall be so retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

**Reason:** In the interests of visual amenity and the amenity of neighbouring occupiers to accord with Policy LP24 of the Kirklees Local Plan, principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

**NOTE:** No construction related noise should be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays. In order to safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the NPPF and LP52 of the Local Plan.

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:** The granting of planning permission does not authorise the carrying out of works within the highway, The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Highways Asset Management Team at [vehicle.crossing@kirklees.gov.uk](mailto:vehicle.crossing@kirklees.gov.uk) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	LOC	A	31/01/2025
Existing Site Plan	(100)01	-	04/02/2025
Proposed Site Plan	(100)02	-	22/07/2025
Plot 1 Ground and First Floor Plans	(100)03	-	26/06/2025
Plot 1 Elevations as Proposed	(100)04	-	26/06/2025
Plot 2 Ground and First Floor Plans	(100)05	-	26/06/2025
Plot 2 Elevations as Proposed	(100)08	-	26/06/2025
Site Sections	(100)06	-	26/06/2025
Arboricultural Report and Arboricultural Impact Assessment to BS 5837:2012	22265d/DK	-	04/07/2025
Phase 1 Environmental Desk Study Report	C3900/23/E/5909	-	26/06/2025
Phase 2 Geo-Environmental Report	C3900/24/E/5910	-	31/01/2025

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Noise Survey Report	4894-R1	-	14/03/2025
Bat Presence and Absence Surveys	BG24.262	-	31/01/2025
Climate Change Statement		-	31/01/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. The scheme was originally submitted for three dwellings, which raised concerns regarding Green Belt impact and tree constraints. Following negotiation, the scheme was amended to two dwellings, with footprints pulled outside protected tree Root Protection Areas, and a layout more sympathetic to the Green Belt and surrounding built form. Additional technical reports were also provided.

#### **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](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://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.

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 the Planning Inspectorates website](#). Further information on the Planning Appeal process can be found online [at the Planning Inspectorates website](#).
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

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

#### **Purchase Notices**

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

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

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

Dated: **28-Aug-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](#), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2025/61/90261/E.

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

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

E-mail: [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

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

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