



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2025/70/91279/E

To: Russell Barlow,
Brewster Bye Architects
5, North Hill Road
Headingley
Leeds
LS6 2EN

For: Ricky Boden, Robertson Construction

**In pursuance of its powers under the above-mentioned Act and Order the
KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning
Authority hereby permits:-**

VARIATION CONDITION 2 (PLANS) ON PREVIOUS PERMISSION 2020/91746
FOR ERECTION OF EXTRA CARE DEVELOPMENT PROVIDING 80
APARTMENTS WITH ASSOCIATED COMMUNAL FACILITIES AND
LANDSCAPED GARDENS

At: LAND OFF, KENMORE DRIVE, CLECKHEATON, BD19 3EJ

**In accordance with the plan(s) and applications submitted to the Council on 20-
May-2025 together with those plans and application(s) submitted to the Council
on 11-Jun-2020 and incorporated into planning permission 2020/91746 granted on
25-Jan-2022 and subject to the condition(s) specified hereunder:-**

NOTE: This Section 73 decision has varied condition 2 (plans schedule) imposed under
permission 2020/91746.

The other conditions have not been varied under this application (except in respect of minor changes, made for clarity in respect of updated plans references). They are, however, hereby reproduced on this notice, to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

Where details pursuant to the conditions (in accordance with the corresponding original list of conditions of permission 2020/91746) have already been submitted for discharge and have been approved, or part approved, by the Local Planning Authority, and where there is no material change to the details required by that condition, a further discharge of condition application pursuant to this application's reference will not be necessary.

For the avoidance of doubt conditions 26 and 27, listed below, are new to this Section 73 application ref. 2025/91279

Conditions

1. [Deleted, as development has commenced]

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 Policies LP1, LP2, LP7, LP11, LP20, LP21, LP22, LP24, LP27, LP28, LP30, LP38, LP52 and LP63 of the Kirklees Local Plan as well as Chapters 2, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Details of all facing and roofing materials (including samples if requested) shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence. The development shall be constructed of the approved materials and be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan as well as Chapters 12 and 13 of the National Planning Policy Framework.

4. Prior to the development being brought into use, the proposed car park hereby approved shall be laid out surfaced, marked out into bays and drained in accordance with details set out on Plans CLK-BBA-XX-XX-DR-A-91-0001 (Layout) and R/2336/1k (landscape) both received 18.11.2025 and thereafter retained.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in the interests of sustainable drainage and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

5. Prior to construction commencing, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the LPA. The schedule shall include:

- a) The point of access for construction traffic;
- b) Details of the times of use of the access;
- c) The routing of construction traffic to and from the site and how this will be managed;
- d) Details of parking facilities for construction workers;
- e) Details of the provision, use and retention of adequate wheel washing facilities within the site;
- f) Specified construction hours;
- g) Details of community engagement arrangements. This should include a mechanism for residents to liaise directly with any site manager/neighbourhood liaison during the construction period;
- h) Details of how the neighbourhood liaison will be publicised to local residents.

Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In the interests of highway safety and residential amenity and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

6. A detailed scheme of hard and soft landscaping (including mitigative planting and SuDS features), which shall include indications of all existing trees and plants on the land (including any TPO's), and details of any to be retained and protected in the course of development shall be submitted to and approved in writing by the Local Planning Authority before first occupation of any apartment. The details shall include a full planting specification, including:

- a) Layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species.
- b) Details of all hard landscape materials and boundary treatments, garden fences/walls etc. and proposed treatment to existing boundaries.
- c) Location and detailed design & layout of any public open space and maintenance responsibility for Public Open Space (POS)
- d) Landscape Management Plan required including details of initial aftercare and long-term maintenance for minimum of 5 years. This should also include any SuDS features, existing trees and vegetation retained on site, plus management of any equipment or playable space, including where relevant RoSPA safety inspections.

Thereafter the approved scheme shall be implemented so that planting is carried out no later than the first planting season following the first occupation of the building or the completion of the development whichever is the sooner.

Reason: In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of

Policy LP24 & LP63 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework B.

7. All planted materials shall be maintained for five years, and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policy LP24 & LP63 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

8. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with policy LP 30 and to prevent offences under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

9. Notwithstanding the approved plans/documents, no development shall commence until a Biodiversity Enhancement & Management Plan (BEMP) to ensure that a biodiversity net gain is achieved post-development is submitted and agreed in writing by the local Planning authority. The BEMP will be in accordance with the Biodiversity Metric 2.0 calculations dated 3rd December 2020 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination and shall provide a minimum of 5.43 habitat units post-development. The BEMP shall include the following:

- a) Description and evaluation of features to be managed and enhanced to include a bat mitigation strategy plan, bird and bat boxes, invertebrate provision and hedgehog provision;
- b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans
- c) Ecological trends and constraints on site that might influence management
- d) Aims and Objectives of management
- e) Appropriate management actions for achieving Aims and Objectives
- f) An annual work programme (to cover an initial 5-year period capable of being rolled forward over a period of 30 years)
- g) Details of the management body or organisation responsible for implementation of the Plan
- h) Ongoing monitoring programme and remedial measures
- i) The Plan will be reviewed and updated every 5 years and implemented for a minimum of 30 years

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

Reason: To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with policy LP 30.

10. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. No apartment shall be first occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with the NPPF. This is a pre-commencement condition to ensure adequate drainage of the site can be achieved.

11. The development shall not commence until an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (apartments 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 the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well being and to accord with the NPPF. This is a pre-commencement condition to ensure adequate drainage of the site can be achieved

12. Prior to the occupation of any apartment, details of the operation, maintenance and management of the surface water drainage infrastructure shall be submitted to and approved in writing with the Local Planning Authority. Details shall include adoption proposals of any adoptable structures, as necessary. The development shall thereafter be operated, managed and maintained at all times, or up to the point of adoption, in accordance with the approved details.

Reason: To deliver effective sustainable drainage systems that will be operated, maintained and managed for the lifetime of the development that it will serve, in accordance with Policy LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

13. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation 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.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

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 provision of adequate temporary means of drainage, in the interests of amenity, environmental well-being and to accord with the NPPF. This is a pre-commencement condition to ensure adequate drainage of the site can be achieved

14. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The maximum surface water discharge rate shall be limited to 3.5 (three point five) litres per second, to the public surface water sewer network.

Reason: In the interest of satisfactory and sustainable drainage and in accordance with Policy LP28 of the Kirklees Local Plan.

15. Before the development is first brought into use all works that form part of the sound attenuation scheme as specified in Part 4.3.2 of the Noise Impact Assessment by Nova Acoustics dated 04 Mar 2020 (ref: 4296PC) shall be completed and retained thereafter.

Reason: To ensure the proposed development does not cause harmful noise pollution within any noise sensitive locations within or near to the site, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

16. Before any above ground works commence, a ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall show how habitable rooms of all apartments shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. All works which form part of the approved scheme shall be completed prior to first occupation of any apartment and retained thereafter.

Reason: To ensure the proposed development does not cause harmful noise pollution within any noise sensitive locations within or near to the site, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

17. The combined noise from any fixed mechanical services and external plant and equipment at the development shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within any noise sensitive locations within or near to the site, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

18. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the site can be made safe for development.

19. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 18 further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the site can be made safe for development.

20. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 19. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

21. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

22. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy 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 Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework CLC 7 Contaminated land

23. Before the electrical system is installed, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point for every 10 unallocated residential parking spaces
- One Standard Electric Vehicle Charging Point for every 10 unallocated commercial parking spaces.

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework. EVF1 Electric Vehicle Charging Points

24. Prior to the first installation of any external lighting, details of any such lighting shall be submitted to and approved in writing. The lighting shall be implemented in accordance with the approved scheme prior to the first occupation of any apartment and thereafter retained.

Reason: To ensure the risk of crime is minimised by enhanced security and to ensure an appropriate scheme which protects the residential amenity of neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan.

25. Notwithstanding the details submitted on the plans and specifications, a detailed scheme of the design and construction specifications of the proposed Public Rights of Way (PROW) throughout the site shall be submitted to and approved in writing by the Local Planning Authority before first occupation of any apartment. The details should include:

- Proposed Routes
- Existing and Proposed Levels
- Details of Surfacing
- Details of Steps

The PROW shall be implemented in accordance with the approved details prior to the first occupation of any apartment hereby approved and thereafter retained.

Reason: In the interests of securing adequate design and construction details for the proposed Public Rights of Way throughout the site and to accord with Policies LP20 and LP23 of the Kirklees Local Plan and chapter 9 of the National Planning Policy Framework.

26. The hereby approved Air Source Heat Pump Enclosure (ASHP), External Plan Area, and Substation, as shown on plan ref. CLK-BBAXX-XX-DR-A-91- 0001 Rev. C07 shall be constructed in accordance with the specification and mitigation measures contained in the Noise Impact Assessment referenced NP-013449 revision 03. The Air Source Heat Pump Enclosure (ASHP), External Plan Area, and Substation shall thereafter operate and be maintained in accordance with the manufacturer's recommendations.

Reason: In the interest of mitigating potential noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

27. Prior to first occupation of the hereby approved development, but after the works required by condition 26 having been undertaken, a Noise Impact and Mitigation Validation Report, to be undertaken in accordance with BS4142, shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall demonstrate whether that the mitigation measures implemented via condition 26 have been successful. In the scenario where they have not, a further noise mitigation strategy shall be detailed for approval. Thereafter, if required, the approved further noise mitigation shall be implemented prior to the approved development being brought into use.

Reason: In the interest of mitigating potential noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan

Informatives

Contamination

All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11),

National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

Electric Vehicle Charging Points

A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof • Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable. The installation must comply with all applicable electrical requirements in force at the time of installation.

Construction Site Working Times

Noisy construction related activities shall 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.

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.

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 Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution. Footnote (Structures) It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-225616 who can advise further on this matter

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Document submitted pursuant to S73 app ref. 2025/91279			
External Bin Store Details	CLK-BBA-XX-ZZ-DR-A-90-0015	P03	18/11/2025
Plant & ASHP Enclosure Details	CLK-BBA-XX-ZZ-DR-A-90-0016	P05	18/11/2025
Proposed Landscaping Layout	R/2336/1k		18/11/2025
Proposed Site Plan	CLK-BBA-XX-XX-DR-A-91-0001	C07	12/11/2025
Supplementary Information – Bin Storage			09/05/2025
Sub-station Details	P-0104036-0001-020		09/05/2025
Noise Impact Assessment	NP-013449	03	28/11/2025
Applicant's Rebuttal			18/09/2025
Acoustic Kit Specification			01/07/2025
Document submitted pursuant to app ref. 2020/91746			
Proposed Site Sections 2	463/15(01)015	01	09/12/2020
Existing Site Sections	463/15(01)016	-	09/12/2020
Proposed Site Sections	463/15(01)034	-	04/12/2020
Elevations South & West	463/15(01)020	4	19/11/2020
Elevations North & East	463/15(01)021	4	19/11/2020
Proposed Second Floor Plan	463/15(01)013	9	19/11/2020
Proposed Site Plan Showing Diverted P.R.O.W.	463/15(01)005	01	19/11/2020
Proposed Site Sections Sheet 4	463/15(01)033	3	12/06/2020
Roof Plan	463/15(01)060	-	12/06/2020
Proposed Site Sections Sheet 2	463/15(01)031	4	12/06/2020
Proposed Site Sections Sheet 3	463/15(01)032	3	12/06/2020
Proposed Site Sections Sheet 1	463/15(01)030	4	12/06/2020
Proposed First Floor Plan	463/15(01)012	7	12/06/2020
Proposed Lower Ground Floor Plan	463/15(01)010	7	12/06/2020
Proposed Ground Floor Plan	463/15(01)011	7	12/06/2020
Proposed Drainage	19T2200-130	P1	12/06/2020
Manhole Schedule	19T2200-131	P1	12/06/2020

Plan Type	Reference	Version	Date Received
Location Plan	463/15(01)008	-	12/06/2020
Biodiversity Enhancement Plan (JCA) 05/06/2020	15653b/CR	V1.0	08/12/2020
Exceedance Flow Routes (BGP)	19T2200-133	P1	03/12/2020
Bat Activity Survey Report (JCA) 23/10/2020	15653d/AmB	-	18/11/2020
Access Statement (NTPL) 08/06/2020	20/103	B	23/07/2020
Travel Plan (NTPL) 18/03/2020	20/103	-	12/06/2020
Transport Statement (NTPL) 18/02/2020	20/103	A	
Design & Access Statement (Brewster Bye Architects) 03/06/2020	-	01	12/06/2020
Health Impact Assessment	-	-	12/06/2020
Phase 1: Desk Study (Solmek) February 2020	S191215	Final	12/06/2020
Phase 2: Site Investigation (Solmek) March 2020	S191215	Final	12/06/2020
Ecological Impact Assessment Report (JCA) 12/02/2020	15653a/CR	V1.0	12/06/2020
Drainage Philosophy (BGP) 16/04/2020	19T2200	001	12/06/2020
Flood Risk Assessment (BGP) 03/04/2020	19T2200	001	12/06/2020
SW Drainage Calculations (BGP) 08/04/2020	19T2200 – SW CALCS.MDX	-	12/06/2020
Arboricultural Report (JCA) 20/12/2019	15653/DK	-	12/06/2020
Noise Impact Assessment (Nova Acoustics) 04/03/2020	4296pc	-	12/06/2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The case officer undertook negotiations with the applicant to resolve matters raised through the publicity process regarding potential impacts of noise and vibration which have now been satisfactorily addressed in the course of the application.

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.

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](http://www.gov.uk/mining-remediation-authority)

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 refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.

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

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

Purchase Notices

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

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

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

Dated: 12-Dec-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 and view existing planning applications and decisions' and by searching for application number 2025/70/91279/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
