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: 2025/62/92728/W

To: Bernard Taylor Partnership Ltd
Elizabeth House
486, Didsbury Road
Heaton Mersey
Stockport
SK4 3BS

For: MR DULSON, WESTSHIELD

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 33 DWELLINGS WITH ASSOCIATED CAR PARKING AND LANDSCAPING

At: LAND AT, DOWKER STREET, MILNSBRIDGE, HUDDERSFIELD, HD3 4JU

In accordance with the plan(s) and applications submitted to the Council on 21-Nov-2025, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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

3. All dwellings hereby approved shall be Affordable Housing as defined within Annex 2 "Affordable Housing – (a) Social Rent' and/or "Affordable housing - (b) Other affordable housing for rent" or (d) Other affordable routes to home ownership of the National Planning Policy Framework (or any future guidance that may replace it) and all the dwellings shall be marketed as, first occupied and at all times thereafter occupied and marketed as Affordable Housing.
Reason: To comply with the details submitted and on the basis of the assessment undertaken, in accordance with the requirements of Policy LP11 of the Kirklees Local Plan and chapter 5 of the National Planning Policy Framework.

Prior to development commencing

4. Development shall not commence (including demolition, ground works, vegetation clearance) until a Construction (Environmental) Management Plan (C(E)MP) has been submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- Any phasing of development and timetable of all works;
- Hours of works;
- Details of construction access arrangements:
- 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;
- Lighting during construction works;
- Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- 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 contact details, including information of their remit and responsibilities;
- Means of engagement undertaken, and means of ongoing engagement proposed, with local residents, occupants and/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

5. Development shall not commence until (including demolition, ground works, vegetation clearance) 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, to be informed by an up-to-date ecological assessment;
- 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;
- Details of responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, 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 LP30 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

6. Prior to development commencing, a survey of the condition of the surrounding road network shall be submitted to and approved in writing by the Local Planning Authority. Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local Planning Authority.
Reason: Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary given the need to undertake a baseline assessment prior to traffic associated with the development commencing movements.

7. Prior to development commencing, a scheme detailing locations and including cross sectional information together with the proposed design and construction details of all new retaining walls / building retaining walls adjacent to the existing / proposed adoptable highways (including any modifications to existing retaining walls adjacent to the highway) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved development shall be undertaken in accordance with the approved details.
Reason: To ensure that any retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of highway retaining structures are agreed at an appropriate stage of the development process.

8. Before the development commences, details of the proposed demolition/ modification of existing building retaining walls abutting Dowker Street and George Street together with the design of any new building retaining walls adjacent to the highway shall be submitted via an Approval in Principle (AiP) document and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
Reason: To ensure that any retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of highway retaining structures are agreed at an appropriate stage of the development process.

9. Prior to development commencing, 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 of that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be undertaken in accordance with the approved details, which shall thereafter be retained.
Reason: To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure the necessary design has been secured prior to relevant works being undertaken.

10. There shall be no development, storage of materials, equipment or plant, or tracking of plant, or other works in areas within 8 metres of the extent of the Longwood Brook culvert, until such time as an up-to-date culvert condition survey of Longwood Brook, running beneath the development site, has been submitted to and approved by the Local Planning Authority. On completion of the development works, and prior to the occupation of any dwelling, a post-works condition survey shall be submitted to, and approved in writing by, the Local Planning Authority, together with a schedule of remedial works to rectify damage to the culvert identified between the two surveys. Prior to the occupation of any dwelling, any identified remedial works shall be undertaken, and a final culvert condition report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the structural integrity of the existing Longwood Brook main river culvert, thereby ensuring that flood risk is not increased, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure the survey work can be undertaken before the culvert is potentially affected or harmed by construction actives, to establish a baseline condition.

11. Prior to development commencing, a detailed design scheme detailing foul, surface water and land drainage, including an agreed discharge rate of 5.0 l/s and attenuation for the critical 1 in 100 + 45% climate change rainfall event, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include attenuation construction details / design, plans and longitudinal sections, hydraulic calculations and phasing of the drainage provision and maintenance. Furthermore, 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 an ongoing maintenance and management plan for the surface water infrastructure. Thereafter the drainage scheme shall be implemented in accordance with the approved details, including the approved phasing for delivery. The drainage so installed shall thereafter be retained.
Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure adequate provisions for drainage are in place at the appropriate stage.

12. Prior to development commencing, 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), shall be submitted to and approved in writing by the Local Planning Authority. No phase 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: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure adequate provisions are in place at the appropriate stage.

13. Prior to development commencing, details of temporary surface water drainage for the construction period (after soil and vegetation/site strip) shall be 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 5-year storm. It should 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 agreed with the LLFA. 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: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure adequate provisions are in place at the appropriate stage.

14. Prior to development commencing, a Preliminary Risk Assessment (Phase I Desk Study Report) which investigates the actual or potential land contamination at the site shall be submitted to and approved in writing by the Local Planning Authority.
Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, and so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.

15. Prior to development commencing and where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 14 groundworks (other than those required for a site investigation report), a Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, and so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as the undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.

16. Prior to development commencing and where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 14, a Remediation Strategy shall be 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. Thereafter remediation of the site shall be undertaken in accordance with the approved Remediation Strategy. 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: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, and so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.

17. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including: a) a non-technical summary; b) the roles and responsibilities of the people or organisation(s) delivering the HMMP; c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan; d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 10 years from the completion of development; and e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Notice in writing shall be given to the Council when the: a) HMMP has been implemented; and b) habitat creation and enhancement works as set out in the HMMP have been completed. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP. We also recommend a draft biodiversity gain plan is submitted.
Reason: To ensure the site is developed in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Kirklees Housebuilders Design Guide Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

<u>Conditions for prior to works above ground level commencing</u>

18. Prior to above ground works commencing, the following details associated with the proposed estate streets, as shown on the preliminary plan ref. 105 rev. 2, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A ‘highway areas plan’ that confirms the extent of proposed highways (intended to be either adopted or privately maintained), including all streets and public footpaths / cycle-tracks and shared private drives;
- Geometric design of the street layout, including widths, radii, and horizontal and vertical alignment;
- Surface treatments;
- Junction visibility and forward visibility splays, and their treatment;
- Swept paths for the Kirklees Design Refuse vehicle and delivery vehicles;
- Street tree locations and species to be planted;
- Road markings;
- Stage 1 Road Safety Audit (RSA) based on an Approved RSA Brief, Designers Responses and Agreed RSA Actions, covering all aspects of these works; and
- A phasing plan for the implementation of the street. The estate streets shall be implemented in accordance with the approved details and thereafter retained and maintained.

Reason: To ensure the free and safe use of the highway, in the interest of highway safety and amenity, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan

19. Prior aboveground works commencing, a detailed scheme for the point of access into the site from Dowker Street, with associated signing and white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, drainage, kerbing, white lining, signing, surface finishes and street lighting together with an independent Safety Audit covering all aspects of the work. All of the agreed works shall be implemented before any part of the development is first brought into use and shall be retained thereafter.
Reason: To ensure the free and safe use of the highway and to achieve a satisfactory layout, in the interest of highway safety and amenity, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan

20. Prior to aboveground works commencing, a scheme detailing the proposed footpath connecting George Street to the new estate road, as shown on plan ref. 105 rev. 2 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, construction specifications, drainage works, lighting, surface finishes, signage, and treatment of sightlines. Before any building is brought into use the footpath shall be completed in accordance with the scheme shown on approved plans and retained thereafter.
Reason: To ensure that suitable and safe access is available for the development, in the interest of the safe and efficient operation of the highway and amenity, to comply with the aims of Policy LP21 and LP24 of the Kirklees Local Plan.

21. Prior above ground works commencing, notwithstanding the submitted plans, a comprehensive boundary treatment plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the layout and typical elevations for all boundary treatments proposed. Thereafter the development shall be undertaken in accordance with the approved details.
Reason: To protect the amenity of future and neighbouring residents, ensure good quality design, and to preserve the significance of nearby heritage assets, including the Milnsbridge Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan.

22. Prior above ground works commencing, a Habitat Management and Monitoring Plan (the HMMP), shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be prepared in accordance with the approved Biodiversity Gain Plan and include:

a) a non-technical summary;
b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 10 years from the completion of development; and
e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority
has been submitted to, and approved in writing by, the local planning authority.

Thereafter, the created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved document. This shall include monitoring reports to be submitted to Local Planning Authority in writing, via the Discharge of Condition process, in accordance with the methodology and frequency specified in the approved HMMP.
Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Policy LP30 of the Kirklees Local Plan, Schedule 7A of the Town and Country Planning Act 1990 and Chapter 15 of the National Planning Policy Framework.

23. Prior to the installation of glazing or boundary treatments, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including any commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- Determine the existing noise climate;
- Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development; and
- Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan.

24. Prior to their use, details of the external facing material(s) shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the submitted plans, all elevations shall be faced in natural stone. The submitted details shall include the proposed coursing/bonding pattern and the proposed mortar colour and pointing style. The development shall thereafter be completed using the approved material(s).
Reason: To ensure good quality design and to preserve the significance of nearby heritage assets, including the Milnsbridge Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan.

25. Prior to their use, details of the external roofing material(s) shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the submitted plans, the roofing shall be natural or artificial blue slate. The development shall thereafter be completed using the approved material(s).
Reason: To ensure good quality design and to preserve the significance of nearby heritage assets, including the Milnsbridge Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan.

26. Prior to their use, notwithstanding the submitted information, details of all the external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans at a scale of 1:10 - 1:20, shall include both sectional and profile details for each window and door type, and shall also include proposed ironmongery, including proposed hinges for all windows and doors. Windows shall be set back into the reveal by a minimum of 100mm. The development shall thereafter be completed in accordance with the approved details.
Reason: To ensure good quality design and to preserve the significance of nearby heritage assets, including the Milnsbridge Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan.

27. Prior to the installation of solar photovoltaic panels, notwithstanding the submitted plans, details of the proposed solar photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design of the panels and their proposed location(s). Thereafter the solar photovoltaic panels shall be installed in accordance with the approved details.
Reason: To ensure good quality design and to preserve the significance of nearby heritage assets, including the Milnsbridge Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan.

28. Prior to the installation of air source heat pumps, notwithstanding the submitted plans, details of the proposed air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design of the heat pumps and their proposed locations. Thereafter the air source heat pumps shall be installed in accordance with the approved details.
Reason: To ensure good quality design and to preserve the significance of nearby heritage assets, including the Milnsbridge Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan.

29. Prior to above ground works commencing, notwithstanding the approved plans, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- Planting plans;
- Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment;
- Schedules of plants noting species, planting sizes and proposed numbers/densities;
- Assessment of landscaping impact on public sewer infrastructure;
- Details of an implementation and maintenance programme for a minimum 5 year period; and
- Details of phasing of soft landscaping works.

All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, phasing and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme. If within a period of five

years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or d effective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as Reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure good quality design, to establish an acceptable landscaping scheme, and to preserve the significance of nearby heritage assets, including the Milnsbridge Conservation Area, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan.

Prior to occupation of the dwellings

30. 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, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units. The temporary arrangements so approved shall be implemented prior to first occupation of those residential units in that phase and shall be so retained thereafter for the duration of the construction works.
Reason: To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to preserve the significance of nearby heritage assets, including the Milnsbridge Conservation Area, and to accord with Policies LP21, LP24, and LP35 of the Kirklees Local Plan.

31. Prior to the occupation of the hereby approved dwellings, a strategy for the permanent closure and making good for the existing accesses into the site from Armitage Road, Dowker Street and George Street shall be submitted to and approved in writing by the Local Planning Authority. This shall include any redundant footway crossings being removed and the footway reinstated. Thereafter, prior to the occupation of any dwellings, the approved works shall be implemented in full, and thereafter retained.
Reason: In the interests of highway safety, to avoid danger and inconvenience to highway users in accordance with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

32. Prior to the occupation of the hereby approved dwellings, a Crime Mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development is brought into use, the agreed mitigation measures shall be installed and shall thereafter be retained.
Reason: In the interest of crime prevention and mitigation, so as to comply with Policy LP24 of the Kirklees Local Plan

33. Prior to the occupation of the hereby approved dwellings, a scheme detailing the maintenance and management arrangements of the culverted watercourse within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed itinerary and schedule of tasks as part of a method statement. This shall be overseen by the Principal Designer, along with a risk assessment, under CDM Regulations 2015. No part of the development shall be brought into use until the maintenance and management regime is approved by, the Local Planning Authority. Thereafter the development shall operate in accordance with the approved details.
Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan

34. Prior to the occupation of the hereby approved dwellings, notwithstanding the submitted plans, a waste storage and collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall confirm the location and layout of the dedicated waste storage area(s), whether a separate collection point is proposed and its location, along with any proposed screening. The development shall be implemented in accordance with the approved scheme and shall thereafter be retained.
Reason: To ensure satisfactory arrangements are implemented in relation to waste, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to preserve the significance of nearby heritage assets, including the Milnsbridge Conservation Area, and to accord with Policies LP21, LP24, and LP35 of the Kirklees Local Plan.

35. Prior to the occupation of the hereby approved dwellings, a Validation Report pursuant to the Remediation Strategy approved pursuant to condition 16 (or a revised Remediation Strategy) shall be 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 chapter 15 of the National Planning Policy Framework.

36. Prior to the occupation of the hereby approved dwellings, details of secure and covered cycle storage for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved cycle parking facilities for that dwelling have been provided. The cycle storage facilities shall thereafter be retained.
Reason: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan and chapter 9 of the National Planning Policy Framework.

37. Prior to the occupation of any dwelling hereby approved, the dwelling's respective vehicle parking areas as shown on plan ref. 105 rev. 2 shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. The vehicle parking areas shall thereafter be retained and available for use as vehicle parking.
Reason: To ensure that sufficient parking is provided and retained to serve the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan and chapter 12 of the National Planning Policy Framework.

38. Prior to the occupation of each dwelling, each dwelling shall have an Electric Vehicle Charging Point (EVCP) installed to serve a dedicated parking space. The cable and circuitry ratings for the EVCP shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The provided electric vehicle charging points shall be retained thereafter.
Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan.

39. The sightlines of 2.4m x 43m along Dowker Street shall be retained clear of all obstructions to visibility and these shall be retained free of any such obstruction throughout the lifetime of the development.
Reason: In the interests of highway safety, to avoid danger and inconvenience to highway users in accordance with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: In accordance Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) development may not be begun unless:

a) a biodiversity gain plan has been submitted to the planning authority; and

a) The planning authority has approved the plan.

The biodiversity gain plan must include:

a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;

a) the pre-development biodiversity value of the onsite habitat;

b) the post-development biodiversity value of the onsite habitat;

c) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;

d) any biodiversity credits purchased for the development; and

any such other matters as the Secretary of State may by regulations specify'

NOTE: KC Highway Structures

All new storm water attenuation tanks/pipes/culverts with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements.

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 CS450- 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 must be accredited with a BBA (The British Board of Agreement Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- Monday to Friday: 0730 – 1830
- Saturday: 0800 – 1300
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out

NOTE: pursuant to conditions 17, 18, and 19: preliminary street and access design details The discharge of the above condition does not constitute Technical Approval of the estate street works under Section 38 or Section 278 (or other relevant section) of the Highways Act 1980, for which separate approval is required from the Local Highway Authority

NOTE: pursuant to condition 29: management of waste This condition is required as 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

NOTE: Off-site highway works - Informative

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.

NOTE: Approved access - Informative

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: Note pursuant to ground contamination (conditions 13, 14, 15 and 35)

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

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

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants http://www.association-of noiseconsultants.co.uk/ (020 8253 4518) or the http://www.ioa.org.uk (0300 999 9675) for a list of members.

NOTE: The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- On or within 8 metres of a main river (16 metres if tidal)
- On or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- On or within 16 metres of a sea defence
- Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- In the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.

For further guidance please visit: https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits

Alternatively, contact the Environment Agency's National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing: enquiries@environmentagency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

NOTE: Building near culverts – advice to applicant Flood mitigation around culverts should consider what would happen if the culvert collapses. Consideration should also be given to the maintenance of the culvert and if there are opportunities to de-culvert the watercourse.

NOTE: References to "(as amended)" documents in the plans and specifications schedule below reflect the amendments made during the life of the application. Not all documents were (or needed to be) updated to reflect these amendments.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	100		21/11/2025
Proposed site plan DS-BTP-00-SP-DR-A-4016_105.2	105	2	9/02/2026
1B1P/ 1B2P Cottage Flat -44m²/52m² Cottage Flats Type 2 -Plans & Elevations S/O DS-BTP-02-ZZ-DR-A-4016_290.1	290	1	9/02/2026
Proposed site plan-Highways DS-BTP-00-SP-DR-A-4016_104	104		21/11/2025
Landscape Proposal	7151.01	D	21/11/2025
Drainage Plan (as amended)	900	P05	21/11/2025
Finished levels and retaining walls (as amended)	1400	P07	21/11/2025
Boundary treatment plan (as amended)	106	1	21/11/2025
Waste management plan (as amended)	107	1	21/11/2025
Proposed Habitat Plan		1.4	21/11/2025
Access Design and Visibility Extents	RHC-23-068-02	F	21/11/2025
UK Habitat Survey Plan		1.1	21/11/2025

Plan Type	Reference	Version	Date Received
Existing site and block plan	101		21/11/2025
2B3P House Elevations	120		21/11/2025
Cottage Flat Type 1 Elevations	111		21/11/2025
2B3P House Floor Plans	119		21/11/2025
Cottage Flats Type 1 Floor Plans	110		21/11/2025
3B4P House Type 1 Floor Plans	125		21/11/2025
Cottage Flats Type 3 Elevations	117		21/11/2025
Cottage Flats Type 3 Floor Plans	116		21/11/2025
3B4P House Type 2 Elevations	129		21/11/2025
3B4P House Type 2 Floor Plans	128		21/11/2025
2B4P House Elevations	123		21/11/2025
Cottage Flat Type 4 Floor Plans	134		21/11/2025
3B5P House Elevations	132		21/11/2025
3B5P House Floor Plans	131		21/11/2025
3B4P House Type 1 Elevations	126		21/11/2025
2B4P House Floor Plans	122		21/11/2025
Cottage Flat Type 4 Elevations	135		21/11/2025
Ecological Biodiversity Statement	Ostara Ecological Services		21/11/2025
Sequential Test for 38 Dwellings			
Transport Statement	RHC-23-068-TS Revision A	October 2025	21/11/2025
Flood Risk Assessment &Drainage Strategy Report	223-043		21/11/2025
Construction Environmental Management Plan			12/01/2026
Section showing culvert / plot relationship	DSH-AJP-XX-00-DR-C0999	P01	27/01/2026
First choice homes tenure confirmation			27/01/2026
Ecological Appraisal			21/11/2026
Biodiversity net gain metric			05/02/2026

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 secure amended plans in relation to the scale and design of plots 1-3 to ensure the proposal would have an acceptable impact on the residential amenity of neighbouring residents.

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 a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also 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: **10-Apr-2026**

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