



**Town and Country Planning Act 1990**

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

**APPROVAL OF RESERVED MATTERS**

**NOTE: This approval should be read in conjunction with an Agreement made under  
Section 106 of the Town and Country Planning Act 1990**

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**Application Number: 2021/61/91507/W**

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**To:** Laura Mepham  
John R Paley Associates  
14, Mariner Court  
Calder Park  
Wakefield  
WF4 3FL

**For:** Richard Floyd, Cockley Developments Ltd

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

**RESERVED MATTERS PURSUANT TO OUTLINE PERMISSION 2014/91831  
FOR ERECTION OF 54 DWELLINGS, FORMATION OF ACCESS PUBLIC  
SPACE AND ASSOCIATED INFRASTRUCTURE**

**At:** COCKLEY HILL LANE, KIRKHEATON, HUDDERSFIELD, HD5 0HH

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

**In accordance with the plan(s) and applications submitted to the Council on 12-Apr-2021, being matters reserved in a permission granted on 12-Apr-2018 the Council have approved the said matters in terms of, and subject to compliance with the details specified in your application, subject to the following conditions:-**

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP20, LP21, LP22, LP24, LP28 and LP30 of the Kirklees Local Plan.

2. Prior to work commencing on the superstructure of any dwelling, the following supplementary information concerning the Reserved Matter "landscaping" shall be submitted to and approved in writing by the Local Planning Authority:

These shall include:

- a) Details of existing and proposed levels, and regrading, detailed landscape layout including play areas, community growing area, fruit tree planting, pocket park, SuDS and any POS and playable space;
- b) A species schedule, specification and planting plans; Layout, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species;
- c) A Landscape Maintenance and Management Plan (LMMP) with details of initial aftercare and long-term maintenance and management plan including details of the management company and a management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees and shall include any SuDS features, and existing trees and vegetation retained on site;
- d) Details of monitoring and remedial measures, including replacement of any trees, shrubs, hedge or planting that fails or becomes diseased within the first five years from completion;
- e) Details (including samples, if requested), of paving and other hard surface materials and boundary treatments, including means of enclosure to public open spaces; fencing and gates to play areas;
- f) Details and layout of the on-site open space and of any areas for designated, informal, incidental and/or playable space;
- g) Designs and specifications intended to prevent and deter crime and anti-social behaviour;
- h) Confirmation that all soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations, and that all approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements; and
- i) Details of a private or resident management company for on-site public open space.

**Reason:** In the interests of local ecological value and visual amenity, to accord with Policies LP24, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan, chapters 12 and 15 of the National Planning Policy Framework, and to ensure the provision and establishment of an acceptable finalised landscape scheme in broad accordance with the overall plan and schedule submitted with the application.

3. Samples of all facing and roofing materials to be used shall be submitted to or inspected on site by, and approved in writing by, the Local Planning Authority, before work on the superstructure of the development commences and the development shall be implemented using the approved materials.

**Reason:** In the interests of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan.

4. Before development commences (other than the formation of the new access) a full scheme of finished floor and ground levels related to Ordnance Datum or an identifiable temporary datum shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be subsequently implemented in accordance with the approved details.

**Reason:** To ensure that the development harmonises with its surroundings, to comply with the aims of Policy LP24 of the Kirklees Local Plan.

5. No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

**Reason:** To ensure that safe and convenient access for all users is available for the development in accordance with the aims of Policies LP20 and LP21 of the Kirklees Local Plan.

This information is required pre-commencement to ensure that a satisfactory estate road can be provided at an appropriate stage in the development.

6. Before development commences a scheme detailing the 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 shall be submitted to and approved in writing by the Local Planning Authority. 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 the stability of land adjacent to the existing or proposed public highway is safeguarded and to comply with the aims of Policies LP21 and LP53 of the Kirklees Local Plan.

This information is required pre-commencement to ensure suitably-designed retaining walls are incorporated into the development and that the future safety of highway users is not endangered.

7. Before the development commences a scheme detailing the locations (and including cross-sectional information together with the proposed design and construction details) of all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

**Reason:** To ensure that drainage infrastructure does not endanger the integrity of the highway and to accord with the aims of Policy LP21 and LP53 of the Kirklees Local Plan. This information is required pre-commencement to ensure that drainage infrastructure can be safely incorporated into the development at an appropriate stage.

8. A Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority three months prior to any part of the development being brought into use. The Full Travel Plan shall include measures to improve and encourage the use of sustainable transport, and the Full Travel Plan shall continue to be implemented as long as any part of the development is occupied.

**Reason:** To comply with the council's sustainability objectives and Policy LP20 of the Kirklees Local Plan.

9. Before development commences, details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented throughout the construction period.

**Reason:** To ensure that refuse can be collected from the site in the interests of highway safety, visual amenity and the convenience of residents, and to accord with the aims of Policies LP21 and LP24 of the Kirklees Local Plan.

This information is required pre-commencement to ensure that the site can be serviced safely and efficiently as soon as the first properties are occupied.

10. Development shall not commence until a joint survey with an appropriate council representative of the existing condition of the highway on Cockley Hill Lane has been submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development and before any building is occupied a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on the aforementioned roads shall be submitted to and approved in writing by the Local Planning Authority. A schedule of inspection throughout the construction period of the development shall be agreed and implemented prior to works.

**Reason:** To ensure that any deterioration of the highway is remedied in the interests of the future safety and convenience of highway users, and to accord with the aims of Policies LP20 and LP21 of the Kirklees Local Plan.

This information is required pre-commencement to ensure that a survey is undertaken before access to the site by construction and delivery vehicles commences.

11. Before any new dwelling is first occupied, details of the design of enclosures for bin storage for the new dwellings and their materials of construction shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be erected or constructed before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

**Reason:** In the interests of visual amenity, to ensure that satisfactory facilities are in place for the separation, storage and collection of wastes, and to accord with the aims of Policy LP24 of the Kirklees Local Plan.

12. All works on site shall be carried out in accordance with the Arboricultural Method Statement (AMS) reference 16892/B-AJB.

**Reason:** To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

13. No dwelling shall be occupied until details showing the provision of cycle storage facilities to serve the residential properties have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided and made available for use prior to the first occupation of the dwelling to which it relates and thereafter retained as such.

**Reason:** To comply with the council's sustainability objectives by encouraging the use of low-impact modes of travel, the promotion of healthy, safe and active lifestyles, and protection against crime and the fear of crime, in accordance with the aims of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

14. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- i. Noise and vibration arising from all construction related activities. This shall also include suitable restrictions on the hours of working on the site including times of deliveries;
- ii. Dust arising from all construction related activities, which shall include measures to monitor and record the emissions of dust during construction;
- iii. Artificial lighting used in connection with all construction related activities and security of the construction site; and
- iv. A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included.

The CEMP thus approved shall be adhered to throughout the construction of the development.

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

This information is required pre-commencement to ensure that residential amenity is protected at all stages of the development process.

15. All private parking spaces shown on the approved site plan shall be laid out with a hardened and drained surface before the dwelling to which they relate is first brought into use and thereafter retained as such, free from all obstructions to their use by vehicles.

**Reason:** To ensure that suitable parking provision is retained within the site in the interests of highway safety, and to accord with the aims of Policies LP21 and 22 of the Kirklees Local Plan.

16. The 1.8m screen fences indicated by blue dashed lines on the approved site plan shall be erected or constructed before any dwelling to which they relate is first occupied and thereafter retained as such.

**Reason:** In the interests of visual amenity, to ensure that the development protects the privacy of future and existing occupiers, and to accord with the aims of Policy LP24(a and b) of the Kirklees Local Plan.

### **Note: Drainage infrastructure**

All new storm water attenuation tanks/pipes/culverts/manholes 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 BD63- Inspection of Highway structures. Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

See: <https://www.kirklees.gov.uk/beta/regeneration-anddevelopment/highwaysguidanceand-standards.aspx> for further details.

### **Note: Potential for impact on protected species**

In granting planning permission, the Local Planning Authority is not confirming that development operations will not breach the Protection of Badgers Act 1992. Likewise, obtaining planning permission does not guarantee that a badger licence will be granted by the issuing authority. Licences cannot be issued retrospectively, and licensing authorities require time to process applications. Licences will normally only be granted for works to be undertaken between 1st July and 30th November.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form			13/04/2021
Location plan	P12:4618:02	A	13/04/2021
Proposed site plan	P19:5336:01	P	18/07/2024
Combined site layout	P19:5336:200	L	17/07/2024
House type G (AS)	1001	B	19/07/2024
House type C2+	1023		19/07/2024
House type C2 (AS-AS-OP)	1015	B	01/02/2023
House type E	1022		26/09/2022
House type E	1021		26/09/2022
House type Q	1020		26/09/2022
House type Q	1019		26/09/2022
House type J	1018		26/09/2022
House type R	1017		26/09/2022
House type R	1016		26/09/2022
House type S	1010		26/09/2022
House type S	1009		26/09/2022
House type S	1008		26/09/2022
House type R	1007		26/09/2022
House type C2	1005		26/09/2022
House type F	1004		26/09/2022
House type P	1003		26/09/2022
House type P	1002		26/09/2022
Shop Lane Report and Plan	GR/20140		27/06/2022
Greenfield run-off geotechnical summary	906-05-SK11		27/06/2022
Existing drainage survey	906-05-SK09		27/06/2022
Flood routing layout 1-2	906-05-SK06	C	27/06/2022
Drainage feasibility study 1-2	906-05-SK04		27/06/2022
Proposed land drainage sheet 1-2	906-05-SK01	B	13/09/2022
ARP issue sheet			13/09/2022
Proposed land drainage and geotechnical summary	906-05-SK12	A	26/09/2022
Foul and surface water drainage strategy	0906-05-01	4	26/09/2022
Arboricultural Impact Assessment	16892/A/AJB		08/04/2024
Tree Method Statement	16892/B/AJB		08/04/2024

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

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

#### **Details Reserved by Condition**

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "submitted to and approved in writing by the Local Planning Authority".**
- **You can apply online for approval of these details at the Planning Portals website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning).**
- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**
- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**
- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**
- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

## Development within a Coal Mining Area

### DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

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

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

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at:

<http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>  
[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](#)

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

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

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

### **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.

**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 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:  
28 days of the date of service of the enforcement notice, or within 6 months of 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 6 months of the date of this notice.
- 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 04-Jun-2025

**Signed:**



David Shepherd  
Executive Director for Place

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**Address to which all communications should be sent:**

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

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