



**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**

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**Application Number: 2020/70/91997/W**

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**To:** Roger Lee Planning Ltd  
18, Leeds Road  
Methley  
Leeds  
LS26 9EQ

**For:** J Hewitt, Signature Homes

**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 1 (PLANS) ON PREVIOUS PERMISSION 2018/91579 FOR RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE APPLICATION 2015/93824 FOR ERECTION OF 56 DWELLINGS

**At:** FORMER MIDLOTHIAN GARAGE, NEW MILL ROAD, HOLMFIRTH, HD9 7LN

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**In accordance with the plan(s) and applications submitted to the Council on 22-Jul-2020 [together with those plans and application(s) submitted to the Council on [14-May-2018 and incorporated into planning permission [ref 2018/91579 granted on 01-Nov-2018] and subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be carried out in complete accordance with the approved plans and specification except as may be require by other conditions.

**Reason:** So as to ensure the satisfactory appearance of the development upon completion.

2. Notwithstanding the submitted details the dwellings on plots 1-6, and 49-56, and the proposed boundary walling that front onto New Mill Road, shall be

substantially, constructed of natural stone, a sample of which shall be submitted for the written approval of the Local Planning Authority, before above ground works commence upon these plots.

**Reason:** In the interests of visual amenity and to accord with Policy BE11 of the Kirklees Unitary Development Plan, and Policy LP24 of the Kirklees Draft Local Plan.

3. Any planting, seeding or tree management works forming part of the agreed landscape scheme shall be carried out following the commencement of the development, or in accordance with a timetable agreed with the Local Planning Authority and shall be maintained for a period of five years from the completion of the planting works. All specimens that die within this period shall be replaced.

**Reason:** In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and LP24 of the Kirklees Local Plan.

4. Notwithstanding the submitted plans, prior to implementation of the landscape proposals, a method statement for the establishment of species rich grasslands shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) extent and location of proposed works shown on appropriate scale maps and plans;
- b) details of the seed mix (including supplier and species composition) and sowing rate to be used;
- c) details of type of substrate, and its preparation, suitable to establish species rich grasslands;
- d) initial aftercare and long-term maintenance.

The works shall be carried out strictly in accordance with the approved details, within the first planting season after the approval of the method statement, and shall be retained in that manner thereafter.

**Reason:** To accord with Policy LP30 of Kirklees Local Plan, and the guidance contained in part 15 of the National Planning Policy Framework "Conserving and enhancing the natural environment".

5. Works to the highway are not to commence until a scheme detailing the proposed internal 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 treatment of sight lines together with an independent safety audit covering all aspects of the work. Before any building brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

**Reason:** In the interests of highway safety in accordance with Policy T10 of the Kirklees Unitary Development Plan, and LP21 of the Kirklees Local Plan

6. Details of any additional tree works required during the construction process, that is not identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

**Reason:** To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP 24 and LP33 of the Kirklees Local Plan.

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	1602-110		27.08.2020
Proposed Block Plan	1602-111	Rev. G	07.05.2021
Proposed Site Sections	1602-112		29.06.2020
Proposed Site Sections	1602-113	Rev. B	30.11.2020
Grouped Plans and Elevations	1602-114		29.06.2020
Grouped Plans and Elevations	1602-115	Rev. A	07.05.2021
<b>Plans submitted via 2018/91579</b>			
Location Plan	704-LOC-01	A	27/7/18
Block/ Site Plan	704-SKL-08	H	22/10/18
Block Plan( bin storage and collection)	704-RP-01	E	22/10/18
Swept Path analysis	10519-004		9/10/18
Proposed Landscaping(on plot)	8313-L-04	F	14/9/18
Proposed landscaping ) central area)	8313-L-03	F	14/9/18
Materials schedule			24/9/18
House types (plans and elevations)	The Marsden The Lawton The Elton The Carron The Brierly The Bowland The Adel	V2 V2 V2 V2 V2 V2 V2	14/5/18 14/5/18 14/5/18 14/5/18 14/5/18 14/5/18 14/5/18
	Double garage	V2	14/5/18
Updated Design and Access Statement	8313DAS	G	14/9/18
Updated Tree/Arboricultural survey		B	14/9/18
Updated Tree/Arboricultural Method Statement			7/9/18
Bat and Bird box location plan		Fig 3	14/9/18

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.

Officers expressed initial concerns over changes to the housing mixture, replacing all 3-bed units with 4-bed units, and implications this and other layout changes has for highways. Following discussions these matters were resolved.

### **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.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at [carl.tinson@kirklees.gov.uk](mailto:carl.tinson@kirklees.gov.uk).

**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 Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

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 Coal 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 that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal 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. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local 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/planning-inspectorate>
- 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:** 18-Jun-2021

**Signed:**



**David Shepherd**  
**Strategic Director Growth and Regeneration**

### **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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2020/70/91997/W .

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

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

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

**Write to:** Planning Services  
Investment and Regeneration  
PO Box B93  
Civic Centre III  
Off Market Street  
Huddersfield  
HD1 2JR

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