



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/70/93940/W

To: Adam Morley,
Wake Morley Architects
1, Dunford Road
Holmfirth
HD9 2DP

For: Anthony Dearnley Homes Ltd

**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 OF CONDITION 1 (PLANS AND SPECIFICATIONS) ON PREVIOUS
PERMISSION 2022/91073 FOR (VARIATION CONDITION 6 (HIGHWAYS) ON
PREVIOUS PERMISSION 2015/93850 FOR DEMOLITION OF INTENSIVE
POULTRY FARM BUILDINGS AND REDEVELOPMENT OF SITE WITH 6
DETACHED DWELLINGS WITH ASSOCIATED LANDSCAPING INCLUDING
NEW PADDOCKS) TO AMEND PLOTS 2 AND 7.

At: NEW DUNSLEY POULTRY FARM, BROW LANE, HOLMFIRTH, HD9 2SW

**In accordance with the plan(s) and applications submitted to the Council on
07-Dec-2022 [together with those plans and application(s) submitted to the
Council on 29-Mar-2022 and incorporated into planning permission ref no.
2022/70/91073/W granted on 17-Aug-2022] and subject to the condition(s)
specified hereunder:-**

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed upon the decision notice for approved application 2015/93850 (dated 7th February 2017), 2022/91073 (dated 17th August 2022) and also 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 LP21, LP22, LP24, LP30, LP52 of the Kirklees Local Plan and policies within Chapters 2, 12, 13, 14 and 15 of the National Planning Policy Framework.

2. The dwellings shall be constructed of natural stone and stone slates with stone quoins and brick archway detailing in full accordance with the materials schedule listed upon the decision notice for approved application 2015/93850 (dated 7th February 2017) and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and policies contained within Chapter 12 of the National Planning Policy Framework.

3. The siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls for the dwellings shall be in accordance with those submitted for application 2022/90447 and subsequently approved within a letter dated 17th May 2022 and retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and policies contained within Chapter 12 of the National Planning Policy Framework.

4. The development shall not be brought into use, until the approved vehicle parking areas on the approved plans shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

Reason: In the interest of highway safety, sustainable drainage, and to ensure adequate space within the site for vehicle movements and parking and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and the policies within Chapter 9 of the National Planning Policy Framework.

5. The internal estate roads shall be constructed in accordance with the details set out upon submitted drawings 2244JCES(10)05RevE, 2244JCES(10)06RevD, 135101RevA and 135102RevA submitted as part of application 2022/91073 (dated 17th August 2022) and retained thereafter.

Reason: In the interest of highway safety, sustainable drainage, and to ensure adequate space within the site for vehicle movements and parking and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and the policies within Chapter 9 of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) there shall be no vehicular access to the development from Brow Lane

Reason: In the interests of highway safety and in accordance with Policy LP21 of the Kirklees Local Plan and the policies within Chapter 9 of the National Planning Policy Framework.

7. The cycle storage facilities shall be in accordance with those submitted for application 2022/90447 and subsequently approved within a letter dated 17th May 2022 and retained thereafter.

Reason: To comply with the Councils sustainability objectives and those set out in the National Planning Policy Framework.

8. The foul, surface water and land drainage, (including off site re-emergence testing, balancing works, SUDS strategy, flood routing, existing drainage to be maintained / diverted / abandoned, and percolation tests) and management arrangements shall be in accordance with those submitted for application 2017/91023 and subsequently approved within a letter dated 28th December 2017.

Reason: In the interests of securing a satisfactory and sustainable drainage scheme to serve the development to accord with policies LP27 and LP28 of the Kirklees Local Plan and also policies within Chapter 14 of the National Planning Policy Framework.

9. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the 110mm live public water main, which crosses the site.

Reason: In order to allow for sufficient access for maintenance and repair work at all times and to accord with policies within Chapter 14 of the National Planning Policy Framework.

10. The development hereby approved shall be undertaken in accordance with the remediation strategy submitted for application 2022/90447 and subsequently approved within a letter dated 27th May 2022. In the event that remediation is unable to proceed in accordance with the the remediation strategy submitted for application 2022/90447 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 works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, 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: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to accord with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework.

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

Reason: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to accord with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework.

12. The Biodiversity Mitigation and Enhancement Plan shall be in accordance with those submitted for application 2022/90447 and subsequently approved within a letter dated 17th May 2022 and retained thereafter.

Reason: In the interests of promoting biodiversity interest within and beyond the site to accord with Policy LP30 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

NOTE: There is an ongoing requirement for the access and highway arrangements submitted as part of this application and approved by condition no.6 of this permission to be maintained by the relevant owners / users of the access.

NOTE: Construction Site Noise

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: 07.30 and 18.30 hours Mondays to Fridays 08.00 and 13.00hours , Saturdays 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.

Plans and specifications schedule:-

Document / Plan Type	Reference	Version	Date Received
Application Form		-	7th December 2022
Plot 7 proposed	1735 07_04	-	7th December 2022
Plot 2 proposed	1735 02_04	-	7th December 2022
Site & Location Plans	1735 01_01revB	-	7th December 2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

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 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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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

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.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.

- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

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

Purchase Notices

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

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

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

Dated: 08-Mar-2023

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, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2022/70/93940/W .

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

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

E-mail: dc.admin@kirklees.gov.uk

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