



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/90346/W

To: James Roberts,
JR Planning
40, Northern Common
Dronfield Woodhouse
Dronfield
S18 8XJ

For: H Bowers

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 TWO DETACHED DWELLINGS

At: LAND AT, GREENHILL BANK ROAD, NEW MILL, HOLMFIRTH, HD9 1ER

In accordance with the plan(s) and applications submitted to the Council on 13-Feb-2023, 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 Policies LP21, LP22, LP24 and LP30 of the Kirklees Local Plan, Policies 1, 2, 6, 11 and 13 of the Holme Valley Neighbourhood Development Plan (NDP), Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders' Design Guide SPD (HDG SPD) and Chapters 11, 12, and 15 of the National Planning Policy Framework.

3. Samples of all external facing materials shall be left on site for the inspection of, and approval in writing by, the Local Planning Authority, before work on the superstructure of the development commences and the development shall be completed using the approved materials.

Reason: In the interests of visual amenity and to accord with and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan, Principle 13 of the Housebuilders' Design Guide SPD, Policy 2 of the Holme Valley NDP, and Chapter 12 of the National Planning Policy Framework.

4. Before any new dwelling is first occupied, full details of the height, materials, and position of all boundary treatments to be erected, or existing ones to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments thus approved 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 safeguard the privacy of existing and future residents, and to accord with the aims of Policy LP24(a&b) of the Kirklees Local Plan, Principle 13 of the Housebuilders' Design Guide SPD, Policy 2 of the Holme Valley NDP, and Chapter 12 of the National Planning Policy Framework.

5. Before the erection of any new dwelling commences, a Landscaping and Ecological Management Plan (LEMP) addressing the means of providing ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following: a) Baseline survey of site; b) Purpose and conservation objectives for the proposed works. c) Review of site potential and constraints. v) Detailed design(s) and/or working method(s) to achieve stated objectives. e) Extent and location/area of proposed works on appropriate scale maps and plans. f) Type and source of materials to be used where appropriate, e.g. native species of local provenance. g) Details of how any new boundary treatments to be installed as part of the development will avoid adverse biodiversity impacts. h) Details of any new outdoor lighting associated with the development, if applicable i) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development. j) Persons responsible for implementing the works. k) Details of initial aftercare and long-term maintenance. l) Details for monitoring and remedial measures. m) Details for disposal of any wastes arising from works. The LEMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the biodiversity value of the site and the wider area are conserved and enhanced, to accord with the aims of Policies LP30 and LP31 of the Kirklees Local Plan, Principle 7 of the Housebuilders' Design Guide SPD, Policy 13 of the Holme Valley NDP and Chapter 15 of the National Planning Policy Framework. Details are required before commencement of construction works so that the existing biodiversity of the site can be established with accuracy and used as a basis for a LEMP.

6. Before construction commences, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and incident/action procedures. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: This is a pre-commencement condition to ensure that an appropriate scheme is agreed in the interests of highway safety before construction works commence in accordance with the aims of Policy LP21 of the Kirklees Local Plan.

7. Notwithstanding the submitted details, before development commences a scheme detailing the provision of a 2.0m wide footway to the Greenhill Bank Road frontage of the development site, provision of 2.4 x 43m sight lines as shown on drawing no. 6 Rev B, construction specification, surfacing, drainage, street lighting and kerbing including the relocation of existing telegraph poles and associated highway works together with an independent safety audits covering all aspects of the works shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before either of the two new dwellings is first brought into use and shall be thereafter retained.

Reason: This is a pre-commencement condition in the interests of highway safety and to accord with the aims of Policy LP20 and LP21 of the Kirklees Local Plan and Policy 11(4) of the Holme Valley NDP as the requirement for the footway would impact on the wall retaining the highway.

8. Before development commences, details of the design and construction of all highway retaining structures including any modifications to the existing (and a dilapidation survey thereof pre- and post- development) in the form of an Approval in Principle document, shall be submitted to and approved in writing by the Local Planning Authority. Any new or rebuilt highway retaining structures shall be externally faced in natural stone of a type to closely match the stone used on buildings and walls in the vicinity of the site. The approved scheme shall be implemented prior to the construction of the new dwellings commencing and shall thereafter be retained as such.

Reason: This is a pre-commencement condition to ensure that any possible land instability arising from the works does not endanger the safety of highway users, furthermore the use of natural stone is to preserve the visual amenity of the area and this would accord with the aims of Policies LP21, LP24(a) and LP53 of the Kirklees Local Plan, Policy 2 of the Holme Valley NDP and paragraphs 174(e) and 183(a) of the National Planning Policy Framework.

9. Before the new dwelling is first brought into use, all areas to be used for the parking of vehicles, as shown on the approved drawings 2342-2 Revision A and 2342-3 Revision A, shall be laid out with a hardened and drained surface. Thereafter these areas shall be retained free of any obstruction.

Reason: To ensure a satisfactory layout and adequate off-road parking in the interests of highway safety and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders' Design Guide SPD and Policy 11 of the Holme Valley NDP.

10. Notwithstanding the details on the approved plans, further details shall be submitted to and approved in writing before work on the superstructure of any new dwelling commences, of arrangements for the storage and collection of domestic wastes. The details thus approved shall be provided before the dwelling to which it relates is first brought into use and the areas approved for the storage and collection of wastes shall be retained as such, free from obstructions to their use.

Reason: To ensure that suitable facilities are provided for the separation, storage and collection of wastes in accordance with the aims of Policy LP24(d)(vi) of the Kirklees Local Plan and Principle 19 of the Housebuilders' Design Guide SPD, since the details on drawings 2342-2 Revision A and 2342-3 Revision A would not allow future occupants convenient access to waste containers if all three parking spaces were occupied.

11. Before work commences on the superstructure of the dwellings, details shall be submitted to and approved in writing by the Local Planning Authority of measures of on-site renewable energy generation to reduce carbon emissions associated with the hereby approved development. The approved measures shall be installed or incorporated within the development before it is first brought into use and thereafter retained as such.

Reason: To ensure that the development contributes to the reduction of carbon emissions in order to facilitate the Council's net zero emissions target and to accord with the policies within Chapter 14 of the National Planning Policy Framework – Planning for climate change, flooding and coastal change, Policy LP24 of the Kirklees Local Plan, Policy 13 of the Holme Valley SPD and Principle 18 of the Housebuilders Design Guide SPD.

12. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), no extensions or outbuildings falling within Part 1, Class A, B, or E of said Order shall be erected or constructed within the land edged in red on the approved location plan.

Reason: To retain adequate planning control over the site in the interests of ensuring that inappropriate extensions or outbuildings do not give rise to harm to visual amenity, and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan, Policy 2 of the Holme Valley NDP, and Chapter 12 of the National Planning Policy Framework.

13. A minimum of one electric vehicle recharging point shall be installed within the dedicated parking area or garage of each hereby approved dwelling before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In accordance with the aims of Policy LP24(d & v) of the Kirklees Local Plan and government guidance on air quality mitigation, Policy 12 of the Holme Valley NDP, Principle 18 of the Housebuilders' Design Guide SPD and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

14. Before development commences, a scheme for the containment, control and removal of invasive species, including Himalayan balsam and Cotoneaster, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved scheme.

Reason: This is a pre-commencement condition to ensure that appropriate measures to remove invasive species are undertaken before other development commences in the interests of the biodiversity of the site and the wider area, and to accord with the aims of Policy LP30 of the Kirklees Local Plan, Policy 13 of the Holme Valley NDP, Principle 7 of the Housebuilders' Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

15. In the event that unexpected contamination is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph 183 of the National Planning Policy Framework.

16. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) all rear windows other than the first-floor bedroom windows shall be non-opening or top-opening only and shall be fitted with grade 5 obscure glazing before the development is first brought into use.

Reason: To protect the privacy of the occupants of the proposed and neighbouring dwellings and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan, Principle 6 of the Housebuilders' Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

17. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external rear (eastern) wall of the hereby approved dwellings at any time.

Reason: To protect the privacy of the occupants of the proposed and neighbouring dwellings and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan, Principle 6 of the Housebuilders' Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

18. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. Construction works shall not start on the dwelling until the approved drainage arrangements have been provided on the site to serve the development and thereafter retained.

Reason: This is a pre-commencement condition to ensure that a suitable scheme is approved at an appropriate stage of the construction process to ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and the reduction of flood risk and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

19. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no garage doors shall be installed on or in the proposed car ports, unless these are designed to slide or otherwise open within the footprint of the development.

Reason: In the interests of highway safety, to prevent obstructions to the footway and to intervisibility between highway users and to accord with the aims of Policies LP20-21 of the Kirklees Local Plan, Policy 11 of the Holme Valley NDP and Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section.

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:

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 the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			02-Feb-2023
Location plan	2342-OS		02-Feb-2023
Proposed elevations	2342-1		02-Feb-2023
Proposed floorplans	2342-2	A	13-Jun-2023
Proposed floorplans	2342-3	A	13-Jun-2023
Site sections	2342-4		02-Feb-2023
3-D Images	2342-5		02-Feb-2023
Proposed site plan	2342-6	A	13-Feb-2023
Existing site plan	2342-7		02-Feb-2023
Planning statement			02-Feb-2023
Highway statement			02-Feb-2023

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. During the course of the application, amendments to the floorplan to show bin storage area was requested and subsequently received. Due to the minor nature of the amendments, the plans were not subject to further publicity.

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 Tel No: (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 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 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: 25-Jul-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 planning applications and decisions' and by searching for application number 2023/62/90346/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
