



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

Application Number: 2023/60/91366/W

To: Hamish Gledhill,
Acumen Designers & Architects Ltd
Headrow House
Old Leeds Road
Huddersfield
HD1 1SG

For: J Walker

**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:-**

OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT
(WITHIN A CONSERVATION AREA)

At: LAND OFF, SWEEP LANE, HOLMFIRTH, HD9 1AS

**In accordance with the plan(s) and applications submitted to the Council on
08-Jun-2023, subject to the condition(s) specified hereunder:-**

1. No development shall be commenced until further details of the scale, layout, appearance, access and landscaping of the site (hereinafter called the 'reserved matters') have been submitted to and approved in writing by Local Planning Authority.
Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

2. The development hereby permitted shall be begun before the expiration of two years from the date of the last of the reserved matters to be approved.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The residential development hereby approved shall not exceed a maximum of one dwelling that is no more than 2 storeys.

Reason: For the avoidance of doubt as to what is authorised by this permission to ensure that the development conforms to the approved outline planning permission as well as the impact upon residential amenity of neighbouring occupiers and visual amenity of the wider locality to accord with policy LP24 of the Kirklees Local Plan, Policy 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 2, 6, 16 & 17 of the Council's adopted Housebuilders Design Guide and policies within Chapter 12 of the National Planning Policy Framework.

5. Prior to the first occupation of the dwelling hereby approved, one electric vehicle recharging point shall be installed within the dedicated parking area of the dwelling hereby approved. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 50Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In the interests of supporting low emission vehicles and to accord with the guidance contained in Policies LP20, LP24, LP47 and LP51 of the Kirklees Local Plan, Policy 12 of the Holme Valley Neighbourhood Development Plan, Principle 18 of the Housebuilders Design Guide and Chapters 9, 14 and 15 of the National Planning Policy Framework.

6. Before work commences on the superstructure of the dwelling, 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, Policies LP24 and LP51 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan and Principle 18 of the Housebuilders Design Guide SPD.

7. The development hereby approved shall not be brought into use until a scheme of measures relating to the provision of habitat for wildlife and biodiversity enhancement, has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall set out the existing biodiversity value of the site and propose sufficient biodiversity-led features to provide biodiversity net gain and include the provision of the following measures: - (i) Provision of bat tubes, (ii) provision of bird boxes, (iii) provision of hedgehog holes within boundaries and (iv) planting of native species including trees across the site. The development shall not be brought into use until the approved scheme has been completed. The approved scheme shall be thereafter retained for the lifetime of the development.

Reason: To enhance opportunities for biodiversity at the site and to accord with national policy set out in Chapter 15 of the National Planning Policy Framework, Policy LP30 and LP31 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan and Principle 9 of the Housebuilders Design Guide SPD.

8. Pursuant to the submission of any application for reserved matters, a scheme detailing the finished slab and floor levels of the dwelling hereby approved together with corresponding existing and finished ground levels related to Ordnance Datum or an identifiable temporary datum has been submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling shall thereafter be carried out in accordance with the details so approved before the dwelling is first occupied and retained.

Reason: In the interests of visual amenity and the amenity of neighbouring occupiers to accord with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

9. Pursuant to the submission of any application for any of the reserved matters, referred to in condition no.1, a scheme shall be submitted to and approved in writing by the Local Planning Authority which details measures to ensure land stability. The submitted scheme shall include details of any existing, or proposed construction of, retaining walls and shall be prepared by a suitably competent person confirming that the site is able to be, or has been made, safe and stable for the approved development. The submitted scheme shall detail the methods and findings of the site investigations and include a topographical survey with details of the existing ground levels within the application site and the boundaries with adjoining land, proposed ground levels and proposed finish floor levels. Where remedial and/or mitigation works are required to ensure stability of the site and the retaining walls along Sweep Lane and adjacent land details of these measures shall be included within the submitted scheme. The submitted scheme shall include details of surface land drainage associated with any works and shall detail the intended materials of construction of any retaining measures or structure. The development shall not be brought into use until the approved scheme has been implemented and completed. The approved scheme shall be thereafter retained for the lifetime of the development.

Reason: The undertaking of intrusive site investigations, is considered necessary to ensure adequate information pertaining to ground conditions and topography is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the development has an acceptable impact in relation to land stability, visual amenity, residential amenity & access and highway safety to accord with policies LP21, LP24 and LP53 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

10. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Sweep Lane along the full frontage of the site which exceeds 1.0m in height from ground level above the level of the adjoining highway.

Reason: To ensure adequate visibility in the interests of highway safety in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and the Kirklees Highway Design Guide SPD.

11. Pursuant to the submission of any application for any of the reserved matters, referred to in condition no.1, a scheme detailing the location and fully dimensioned cross-sectional information along with the proposed design and construction details of the private road/driveway adjacent to the existing highway retaining wall supporting Sweep Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the development being brought into use and thereafter retained.

Reason: To ensure adequate highway safety in relation to the burr retaining walls in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan, Chapter 9 of the National Planning Policy Framework and the Kirklees Highway Design Guide SPD.

12. All areas used for access, parking and turning shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and retained thereafter.

Reason: In the interests of visual amenity, highway safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with LP21, LP22 and LP24 of the Kirklees Local Plan, Policy 6 and 11 of the Holme Valley Neighbourhood Development Plan and Chapters 9 and 14 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If Bats are found then contact Natural England.

NOTE: Electrical Vehicle Charging Points -

- A standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). a 50A (12kW) is however more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: The application is outline, with all matters reserved. Despite this, detailed indicative plans were originally provided. Officers hold substantial concerns over the originally submitted design, scale and size of the proposed dwelling submitted indicatively as part of this application. The site is within Underbank Conservation Area and seen in a prominent setting within Holme Valley. It is advised that the design be amended to reflect the historic architecture, layout, materials and character of the surrounding area.

NOTE: Whilst the grant of outline planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Planning Permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone's rights in respect of the land. Applicants are reminded that they ensure that the relevant land ownership should be respected and that the works carried out is lawful.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing No. LOC.	B	08/06/2023
Proposed Indicative Massing Scheme with Elevations.	Drawing No. (100)01.	A	08/06/2023
Planning, Design & Access and Heritage Statement	Planning, Design & Access and Heritage Statement by Acumen Designers & Architects Ltd. Job 2834.	-	10/05/2023
Climate Change Statement	-	-	30/05/2023

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The proposal has been assessed on its own merits and subject to conditions, in this instance no negotiations were considered necessary as the details of the remaining Reserved Matters could be satisfactorily determined at application stage.

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](#). Alternatively the forms and supporting guidance for submitting an application can be found online at [Kirklees Council Planning Website](#).
- 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

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 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 at [the Planning Inspectorates website](#). Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#)
 - 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: 05-Oct-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 Kirklees Council Planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/60/91366/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
