Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/62/91454/W

To: Paul Matthews Architectural
Malkin Farm
Brow Lane
Holmfirth
HD9 2RJ

For: H & J DRANSFIELD & ATKINSON

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:-

CONVERSION/DEMOLITION AND RESTORATION OF FORMER AGRICULTURAL BUILDING TO FORM 5 DWELLINGS ERECTION OF NEW GARAGES TO SERVE PLOTS 2-4 AND EXTENSION TO PLOT 5

At: HELM FARM, COLNEBRIDGE, BRADLEY, HUDDERSFIELD, HD5 0PU

In accordance with the plan(s) and applications submitted to the Council on 14-Jun-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 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 to accord with Policies LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP31, LP51, LP52, LP53, LP57, LP58 and LP60 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 13, 14 and 15 of the National Planning Policy Framework and Principles 2, 5, 6, 9, 12,13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no further doors, windows or any other openings (apart from expressly allowed by this permission) shall be created in any of the elevations of the dwellings hereby approved.
Reason: So as not to detract from the amenities of neighbouring properties by reason of loss of privacy and to ensure that the visual appearance of the simple and traditional agricultural barns are not lost by further installations into the elevations. This is to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, and Principles 2, 6 and 14 of the Housebuilders Design Guide SPD.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Location Plan (Drawing No. 21/703/01a), received 15th June 2023, without the prior written consent of the Local Planning Authority.
Reason: To ensure that no incongruous or discordant additions can be made to what are traditional agricultural buildings of simple construction, in the interests of visual amenity, and to avoid any future loss of privacy/overbearing impact of loss of light/overshadowing on adjacent neighbouring properties nos. 121 & 123 Paul Lane, to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2 and 6 of the Housebuilders Design Guide SPD.

5. Notwithstanding the submitted plans, windows shown within the northern elevation of Plot 1 hereby approved, to serve bedroom 1 at first floor level, lounge, guest bedroom and en-suite at ground floor level, shall be fitted with obscure glazing minimum Grade 4. 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 Order with or without modification), the windows shall thereafter be so retained obscurely glazed.
Reason: To protect the amenity of neighbouring properties 121 &123 Paul Lane, in accordance with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

6. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (6) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that thorough investigation is undertaken at an appropriate time of the development process.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (7) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that a thorough remediation strategy is agreed at an appropriate time of the development process.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (8). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy 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 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 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

11. The external walls and roof of the hereby approved dwellings shall use reclaimed natural coursed stone and reclaimed stone slate roof tiles from the existing buildings where possible. If additional materials are required, the materials shall be natural coursed stone and stone slate roof tiles which in all respects match those used in the construction of the existing buildings.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 13 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document.

12. Prior to materials being imported to the site, a strategy detailing the intended placement, the source, characterisation and the suitability of any imported material must be submitted to and approved in writing the Local Planning Authority. The testing to demonstrate suitability must then be carried out in accordance with the approved strategy. Following importation and placement of the materials as described in the approved strategy, a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time until a Verification Report has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

13. No development shall take place until a method statement for suitable replacement bat roost(s) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be informed by survey information sufficient to fully characterise the roost(s) present, as described in national good practice guidelines (Collins, 2016). The mitigation statement should also include measures to provide an enhancement for bats over the current situation. The content of the method statement shall include the:

a) purpose and objectives for the proposed works;
b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
c) extent and location of proposed works shown on appropriate scale maps and plans;
d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
e) persons responsible for implementing the works;
f) initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.
Reason: This is a pre-commencement condition, to ensure that mitigation proposals are sufficient to ensure the favourable conservation status of the bat species present will be maintained, prior to any damaging works being undertaken. Securing appropriate mitigation is a requirement of policy LP30 of the Kirklees Local Plan and a prerequisite in order to obtain the appropriate protected species licence, Principle 9 of the Housebuilders Design Guide SPD and guidance contained within Chapter 15 of the National Planning Policy Framework.

14. No development shall take place in any circumstances unless the Local Planning Authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead;
b) written confirmation of Site Registration under the Low Impact Bat Class Licence and Earned Recognition Scheme;
c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: This is a pre-commencement condition to ensure the proposed works do not result in a criminal offence under the Conservation of Habitats and Species Regulations 2017 and to ensure that appropriate mitigation is undertaken to comply with policy LP 30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

15. Notwithstanding the approved plans, the external parking area for Plot 5 as shown on hereby approved drawing no. 21/73/03e 'Proposed Site Layout' shall be finished in reclaimed stone setts to match those used in external parking areas for Plots 1, 2, 3 and 4, also shown on drawing no. 21/73/03e 'Proposed Site Layout', prior to the occupation of the dwellinghouse, and shall be retained thereafter for the lifetime of the development.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 13 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document.

16. Prior to the development being brought into use, the external parking areas to serve the development 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or reenacting that Order (with or without modification)) these areas shall be so retained, free of obstructions and available for access, parking and turning at all times.
Reason: In the interests of highway safety and to ensure adequate space within the site for vehicle movements and parking and to mitigate the impact of the development on flood risk, to accord with policies LP21 and LP22 of the Kirklees Local Plan, policies within Chapters 9 and 14 of the National Planning Policy Framework and Principle 12 of the Housebuilders Design Guide SPD.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays
With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location Plan	21/703/01a	-	15th June 2023
Site Plan	PMA_032_Helm Farm		31st May 2023
Existing Block Plan	21/703/02a	-	15th June 2023
Proposed Site Layout	21/703/03e	-	8th November 2023
Location Plan & Elevations (Stone Barn A & Stable Block)	PMA_032_Helm Farm	-	31st May 2023
Location Plan & Elevations (Stone Barns B&C)	PMA_032_Helm Farm	-	31st May 2023
Locations Plan & Elevations (Stone Garages)	PMA_032_Helm Farm	-	31st May 2023
Ground Floor Plan (Stone Barns, A, B & C)	PMA_032_Helm Farm	-	31st May 2023
Plots 1 & 2 Floor Plans	21/703/04	d	22nd March 2024
Plots 1 & 2 Elevations	21/703/05	b	22nd March 2024
Plots 3 & 4 Floor Plans	21/703/06	c	22nd March 2024
Plots 3 & 4 Elevations	21/703/07	a	22nd March 2024
Plot 5 Plans and Elevations	21/703/08	b	27th March 2024
Access Proposal	PRGN-2263-HGN-DR-CH-203	-	17th May 2024
Access Statement – Supporting Information	2263	-	27th March 2024
Climate Change Statement – Supporting Information	-	-	31st May 2023
Structural Inspection Report – Supporting Information	22-142	01	31st May 2023
Foul Drainage Assessment Form – Supporting Information	-	-	14th June 2023
Design & Access Statement – Supporting Information	-	-	14th June 2023
Bat Survey– Supporting Information	-	-	31st May 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.

Amendments have been sought following receipt of comments from the Council's Highways Officers who required further details to be provided in respect of the standards of access for emergency vehicles, the storage and collection of wastes from the site, and details in regard to passing places of the existing access tracks Bog Green Lane and Paul Lane. Further information was also requested from the Council's ENVH team in respect to the provision for foul drainage. In terms of the layout and design Officers raised concerns in regard to the originally proposed detached garages for plots 2, 3 & 4, asking for these structures to be removed and parking within the site revised, with alterations to the overall design reducing some of the glazing/providing more agricultural features such as sliding barn doors. Finally, concerns were also raised in respect of the internal floorspace of some plots not meeting with the minimal NDSS guidance.

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

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal 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 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

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

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 speeder 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.

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: 12-Aug-2024

Signed:

David Shepherd
Executive Director for Place

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 2023/62/91454/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
