



**Town and Country Planning Act 1990**

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

**APPROVAL OF RESERVED MATTERS**

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**Application Number: 2023/61/92711/W**

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

For: MR & MRS ZALEGA

**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority, having considered your application submitted to the Council for approval of:-**

RESERVED MATTERS APPLICATION FOR ERECTION OF ONE DWELLING  
PERSUANT TO OUTLINE PERMISSION 2020/93470 FOR ERECTION OF  
RESIDENTIAL DEVELOPMENT

At: LAND OFF, UPPERTHONG LANE, UPPERTHONG, HOLMFIRTH, HD9 3UZ

**NOTE: Development pursuant to the outline planning permission to which this approval of reserved matters relates, must be commenced no later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**

**In accordance with the plan(s) and applications submitted to the Council on 19-Sep-2023, being matters reserved in a permission granted on 20-May-2021 the Council have approved the said matters in terms of, and subject to compliance with the details specified in your application, subject to the following conditions:-**

1. 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 LP1, LP2, LP3, LP11, LP21, LP22, LP24, LP28, LP30, LP31, LP33, LP34, LP52 and LP53 of the Kirklees Local Plan, Policies 1, 2, 6, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan, Chapters 2, 4, 5, 9, 12, 14 and 15 of the National Planning Policy Framework and Principles 2, 5, 6, 12, 13, 14, 15 and 19 of the Housebuilders Design Guide SPD.

2. The external materials used in the construction of the retaining walls hereby approved shall consist of natural stone and shall match external materials used within the dwelling hereby approved. The external materials used in the construction of the dwelling shall consist of natural stone and grey natural stone slate roof tiles. Samples of the proposed walling stone and roof tiles shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the retaining walls and/or building above slab level. The development hereby approved shall not be brought into use until it is completed in accordance with the approved materials which shall be retained thereafter.

**Reason:** To ensure a satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, Principles 2 and 13 of the Housebuilders Design Guide SPD and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan.

3. 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) no development included within Classes A, AA, B, and E, of Part of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of residential and visual amenity, to accord with Policies LP2 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Principles 2 and 6 of the Housebuilders Design Guide SPD.

4. The approved Landscape Proposals (Sheet 1 of 3) ref: A3/UTL/LAND/1/P2 Rev P3, received 13th March 2024, Landscaping – Sheet 2 of 3 Plant Types and Pot Size ref: A3/UTL/LAND/2, received 12th September 2023 and Landscaping – Sheet 3 of 3 Specification Notes & Maintenance Schedule ref: A3/UTL/LAND/3, received 12th September 2023, shall from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and to accord with Chapter 15 of the National Planning Policy Framework and Circular 06/2005 – Biodiversity and Geological Conservation – Statutory obligation and their impact within the planning system.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway and any changes to the access within the adopted highway fronting the property will need to be constructed under the correct legal agreement within the 1980 Highways Act. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

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

- 07:30 to 18.30 hours Monday 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.

**NOTE:** Given the sloped topography of the site, it is important to note that where a site is affected by land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.

Plan Type	Reference	Web ID	Date Received
Location Plan	01	-	12th September 2023
Floor Plans and Site Plan as Proposed	2858_ACU02	B	14th March 2024
Elevations and Site Section as Proposed	2858_ACU03	C	14th March 2024
Site Sections Showing Retaining Walls	2858_ACU04	B	14th March 2024
Drainage Details 1 of 1	A1-UTL-DDG-XX-DR-D-101	2	13th March 2024
Drainage Details 2 of 2	UTL-DDG-DR-D-102	3	13th March 2024
Drainage and Levels Sheet 1 of 2	UTL-DDG-DR-D-501	3	13th March 2024
Drainage and Levels Sheet 2 of 2	UTL-DDG-DR-D-502	3	13th March 2024

Drainage Catchment and Flood Routing	UTL-DDG-DR-D-503	4	13th March 2024
Paving and Kerbing Sheet 1 of 2	UTL-DDG-DR-P-701	3	13th March 2024
Paving and Kerbing Sheet 2 of 2	UTL-DDG-DR-P-702	3	13th March 2024
Swept Paths: Kirklees Fire Appliance and Private Car	UTL-DDG-DR-V-301	2	13th March 2024
Landscaping Proposals (Sheet 1 of 3) – Supporting Information	A3/UTL/LAND/1/P2	P3	13th March 2024
Landscaping – Sheet 2 of 3 Plant Types and Pot Size – Supporting Information	A3/UTL/LAND/2	-	12th September 2023
Landscaping – Sheet 3 of 3 Specification Notes & Maintenance Schedule	A3/UTL/LAND/3	-	12th September 2023
Drawing UTL/Sections/01	-	2	13th March 2024
Drainage Report by IDRN – Supporting Information	-	-	13th March 2024
Drainage Principles – Supporting Information	UTL/SZ/DP/1	P2	24th April 2024
Emails from Agent and Applicant in response to LLFA comments – Supporting Information	-	-	23rd & 24th April 2024
Climate Change Statement – Supporting Information	-	-	20th September 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 has, 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. Amendments were sought to reduce down the overall scale and size of the dwelling to ensure it did not appear overbearing or overly dominant in the context of the area, and Officers requested a slight redesign to ensure the dwelling was reflective and sympathetic to its location and adjacent neighbouring properties. Further amended plans were also received from the applicant's agent to provide tarmac to the entrance of the drive to match their engineer drawings.

### **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](http://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.

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

**Note:** The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

**Note:** Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost-effective provision of fibre infrastructure in the future.

**Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.**

**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](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://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.

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 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: **22-May-2024**

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](#), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/61/92711/W.

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

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

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

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

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