



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

Application Number: 2023/60/93342/W

To: Paul Briggs
Northern Design Partnership
The Chapel
Mill Moor Road
Meltham
Holmfirth
HD9 5JU

For: S Ellis

**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 DEMOLITION OF EXISTING DWELLING AND
GARAGE AND ERECTION OF TWO DETACHED DWELLINGS WITH
ATTACHED GARAGES

At: MOSS VIEW, BURNLEE ROAD, HOLMFIRTH, HD9 2LE

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

1. Approval of the details of the appearance and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

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

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

4. The development hereby permitted shall be begun either before 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.

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

5. The reserved matters “appearance” and “landscaping” referred to within condition no.2 shall include full details of all new or retained boundary treatments for the site, methods of preventing mutual overlooking between the terrace to Plot One and the adjacent residential property to the west, and the design of any bin enclosures which shall meet the requirements of condition no.6. The approved boundary treatments, bin enclosures and privacy measures shall be erected or constructed before the dwelling to which they relate is first occupied, and thereafter retained as such.

Reason: To ensure that existing and future occupants have their privacy adequately safeguarded, in the interests of visual amenity and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan and Principles 6 and 19 of the Housebuilders’ Design Guide Supplementary Planning Document (SPD).

6. Notwithstanding the details on the approved site plan, the development hereby approved shall not be brought into use until a scheme has been submitted to, and approved in writing by, the Local Planning Authority detailing a bin storage area for each dwelling. The submitted scheme shall detail an area suitable for three standard refuse containers. The area(s) thus approved shall be laid out with a hardened and drained surface before the dwelling to which it relates is first occupied and thereafter retained as such.

Reason: To ensure that each dwelling has suitable facilities for the separation, storage and collection of wastes, including garden waste, and to accord with the aims of Policy LP24(d)(vi) of the Kirklees Local Plan and Principle 19 of the Housebuilders’ Design Guide SPD.

7. Before any new dwelling is first brought into use, the access shall be constructed and the areas within the site indicated to be used for the parking and turning of vehicles for that dwelling shall be laid out with a hardened and drained surface. New hard surfacing shall be formed 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, unless satisfactory arrangements have been made to direct surface water to a soakaway or sustainable urban drainage system within the curtilage.

These shall thereafter be retained as such, kept clear of obstructions and available for the uses shown on the site plan.

Reason: To ensure a satisfactory layout in the interests of highway safety and to accord with the aims of Policies LP21-22 of the Kirklees Local Plan and Policy 11 of the Holme Valley Neighbourhood Development Plan (NDP).

8. Before any new dwelling is first occupied, the footway along the highway boundary shown on the approved site plan shall be provided, evidence submitted to the Local Planning Authority that it has certified as complete by the Council acting as Highway Authority, and sight lines of 2m x site frontage cleared of all obstructions to visibility exceeding 900mm in height. The footway and sight lines shall be retained as such, free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with the aims of Policy LP21 of the Kirklees Local Plan and Policy 11 of the Holme Valley NDP.

9. Before development commences, full details shall be submitted to and approved in writing by the Local Planning Authority of measures to reduce carbon emissions associated with the development, which may include, but not be limited to, on-site microgeneration and insulation beyond current minimum standards. The approved measures shall be incorporated into the development before it is first occupied, and thereafter retained.

Reason: To ensure that the proposed development contributes to the Council's target of achieving 'net zero' carbon emissions by 2038 thereby reducing the causes of climate change, and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan, Principle 18 of the Kirklees Housebuilders Design Guide SPD, and Policy 12 of the Holme Valley NDP. This information is required pre-commencement to ensure that suitable measures are incorporated into the development during construction.

10. The culverted watercourse that crosses the site shall be diverted and re-laid in full accordance with the details shown on the approved plan 02 Revision A before any new dwelling is occupied, and thereafter retained as such. 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 substantial or permanent building or extension shall be erected or constructed directly above the diverted culvert at any time.

Reason: In the interests of the safe and satisfactory drainage of the site and the prevention of flood risk, and to accord with the aims of Policies LP27 and 28 of the Kirklees Local Plan.

11. Before work commences on the superstructure of any dwelling, details shall be submitted to and approved in writing by the Local Planning Authority of a minimum of two artificial bat roost features to be provided as part of the development. Each shall be installed before the dwelling to which it relates is first occupied, and shall thereafter be retained as such.

Reason: To provide an enhancement to biodiversity in line with LP30, Principle 9 of the Housebuilders' Design Guide SPD, Policy 13 of the Holme Valley NDP and the requirements of Chapter 15 of the National Planning Policy Framework.

12. Development shall not commence until a scheme detailing the location and cross-sectional information together with a method statement for the demolition of existing walls or other structures supporting the adopted highway on Burnlee Road, and which provides design and construction details for all new retaining walls and building(s) walls or other retaining structures adjacent to the existing highway, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and completed prior to the development being brought into use. The approved scheme shall be thereafter retained.

Reason: In the interest of the protection of the structural stability of the adjacent public highway in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

Footnote – Works within the highway

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) with regard to 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.

Construction Site Working Times – Footnote

It is recommended that noisy construction-related activities should 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.

Construction Sites working times – Footnote

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 notices 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	Version	Date Received
Application form			10-Nov-2023
Location plan	2315		10-Nov-2023
Existing site plan	01		10-Nov-2023
Proposed site plan	02	A	15-May-2024
Proposed street elevations and section	03	B	15-May-2024
Design & access statement			10-Nov-2023
Climate change statement			10-Nov-2023
Bat survey report	MBE/BAT/2023/110/01		14-Nov-2023
Bat emergence survey	MBE/BAT/2023/110/02		23-May-2024

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.

The case officer did not undertake negotiations to secure amended plans in the interests of ensuring that residential amenity would be safeguarded and to ensure the future maintenance of the culverted watercourse.

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

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

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.

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 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: 09-Jul-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 at [Kirklees Council Planning](https://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/60/93342/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
