



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/62/90616/W

To: Jake Hinchliffe
Orange Design Studio
59A, Huddersfield Road
Mirfield
WF14 8AA

For: THORNTON HOMES

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 BETWEEN, BRADSHAW ROAD AND HONEY HEAD LANE, HONLEY,
HOLMFIRTH, HD9 6EE

**In accordance with the plan(s) and applications submitted to the Council on
05-Mar-2024, 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 specification 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP26, LP28, LP30, LP51 and LP52 of the Kirklees Local Plan, Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD, Chapters 2, 4, 5, 9, 11, 12, 14, and 15 of the National Planning Policy Framework and Policies 1, 2, 6, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan.

3. Notwithstanding the details shown on the submitted plans, no works above foundation level shall take place until a scheme detailing arrangements and specification for layout of the access and parking provision for no. 79 Bradshaw Road have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of whether there is a requirement for the relocation of the existing street lighting column (unit No 136108) and details of its relocation if so, as well as a swept path analysis to indicate that safe ingress and egress of vehicles to the parking spaces can be made. No part of the development hereby approved shall be brought into use until the scheme has been completed in accordance with the approved details which shall be retained thereafter.

Reason: To ensure that a suitable access and layout is agreed at an appropriate stage of the development in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapter 9 of the National Planning Policy Framework.

4. Notwithstanding the details shown on the submitted plans, no works above foundation level shall take place until a scheme detailing arrangements and specification for they layout of parking and visitor parking for plot 2 and the existing dwellings at No 52 and 54 Honey Head Lane has been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be brought into use until the scheme has been completed in accordance with the approved details which shall be retained thereafter.

Reason: To ensure that a suitable access and layout is agreed at an appropriate stage of the development in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapter 9 of the National Planning Policy Framework.

5. The development shall not be brought into use until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which details turning facilities to be provided within the site. The turning facilities approved by this condition shall be completed before the development is brought into use and shall thereafter be made freely available for use at all times, kept free from obstruction to such use and shall be retained thereafter.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

6. Prior to works commencing, 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 numbers and size of vehicles expected to access the site, the routing of construction traffic to and from the site, construction workers and delivery parking facilities, the location of materials storage and site facilities, the use of traffic management/banksman for large deliveries and the provision, use and retention of adequate wheel washing facilities within the site and the means of removal of mud and debris from the highway/footway. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: This pre-commencement condition is necessary to ensure that suitable access can be gained to the site for construction traffic and that this is agreed at an appropriate stage of the development in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapter 9 of the National Planning Policy Framework.

7. The development shall not be brought into use until details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided before the development is brought into use and so retained thereafter.

Reason: To ensure that suitable waste arrangements for the development are in place in the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi), Chapter 9 of the National Planning Policy Framework and Principle 19 of the Housebuilders Design Guide SPD.

8. Prior to the development being brought into use, areas to be used by vehicles/pedestrians shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with LP21 and LP22 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan, Principle 12 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

9. Notwithstanding the approved plans and information, 1 new bat tube similar to the Schwegler type 1FR bat boxes shall be installed integral to Plots 1 and 2 during the period of construction. On Plot 1 the new bat tube shall be installed on the southern elevation (side), at least 5.5m above ground level and not directly above any doors or windows. On Plot 2 the new bat tube shall be installed on the eastern elevation (rear), at least 3m above ground level and not directly above any doors or windows. Thereafter the bat tubes shall be retained.

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

10. 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, D or E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on hereby approved Location Plan, Drawing no. (EX)001 Rev A, received 5th March 2024, without the prior written consent of the Local Planning Authority.

Reason: To avoid any future detrimental impacts arising on both residential and visual amenity. This would be in accordance with Policies LP1, LP2, LP11 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, 6, 15 and 17 of the Housebuilders Design Guide SPD.

11. No development above foundation levels shall take place until a scheme detailing the proposed external walls and roofing materials to be used in the construction of the hereby approved dwellings has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved. The external walls and roofing materials approved by this condition shall be retained thereafter.

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

12. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of residential amenity of neighbouring occupiers, visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD, Policy 2 of the Holme Valley Neighbourhood Development Plan and Policies within Chapter 12 of the National Planning Policy Framework.

13. The parking spaces shown to the South of hereby approved Plot 1 on submitted drawing no. (20)003 Rev C shall be provided prior to any part of the development being brought into use, and shall be thereafter retained for use as vehicular parking spaces in relation to no. 79 Bradshaw Road, Honley, Holmfirth, HD9 6EE and used for no other purpose.

Reason: To ensure suitable levels of parking are provided for existing and future occupiers to accord with policies LP21 and LP22 of the Kirklees Local Plan, the Council's Highways Design Guide, Policy 11 of the Holme Valley Neighbourhood Development Plan, Principle 12 of the Housebuilders Design Guide SPD and policies within Chapter 9 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership, and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: The land within the application red line boundary carries a route subject of an application claiming the existence of public rights of way. Under the Wildlife & Countryside Act 1981, the definitive map modification order (“DMMO”) application seeks the recording of a public bridleway on the definitive map and statement of public rights of way, by order. The grant of planning consent or development further to planning consent would not affect the recording of any public rights of way that may subsist, and interference or obstruction of the way in question would be at the risk of the operator and land holder. For further information, contact the Council’s public rights of way team at publicrightsofway@kirklees.gov.uk or by post to Public Rights of Way, PO Box 1720, Huddersfield HD1 9EL or telephone 01484 221000. DMMO application reference: 353.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway and the changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). 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: The type and number of bins required should be in accordance with guidance supplied by the Kirklees Cleansing Department in the document “Waste Storage and Collection Guidance for New Developments” which is available from; <https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

Plans and specifications schedule:-

Plan Type	Reference	Rev	Date Received
Existing Site Section	(35)001	A	5th March 2024
Plot One – Proposed GA	(20)001	B	8th August 2024
Plot Two – Proposed GA	(20)002	C	14th August 2024
Proposed Site Plan	(20)003	C	14th August 2024
Location Plan	(EX)001	A	5th March 2024
Planning Constraints Plan	(EX)002	A	5th March 2024
Existing Site Plan	(EX)003	A	5th March 2024
Section S106 Covering Letter – Supporting Information	-	-	5th March 2024
Planning Statement – Supporting Information	-	-	6th June 2024
Planning Statement Appendices – Supporting Information	-	-	6th June 2024
Climate Change Statement – Supporting Information	-	-	5th March 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 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 in respect of the overall scale, size and design of Plots 1 and 2 due to Officer concerns in respect of visual and residential amenity. Further information was also requested in respect of land ownership and the 'access' which previously ran through the application site.

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 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 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: 11-Sep-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 2024/62/90616/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
