



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/62/90660/W

**To: Ashley Bamford,
Bamford Architectural Ltd
4, Butterley Lane
New Mill
Holmfirth
HD9 7EZ**

For: R DUNCAN

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 DETACHED DWELLING

At: LAND ADJ, HILLSIDE, COLD HILL LANE, NEW MILL, HOLMFIRTH, HD9 7JX

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: To ensure compliance with 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 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, LP30, LP51 and LP52 of the Kirklees Local Plan, Policies 1, 2, 6, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan, Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD and Chapters 2, 4, 5, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. Prior to the commencement of development, a slope stability/ geotechnical risk assessment examining the structural adequacy of the embankment located adjacent to A616 Huddersfield Road to support the new development and proposed remedial measures (including timetable for remediation) shall be submitted to and approved in writing by the Local Planning Authority. The details shall incorporate a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works, removal of any bulk excavations together with slope stability calculations (where required). Subject to the results and the outcome of the ground investigation undertaken at this site, the analysis shall also identify any remedial measures required to deal with instability issues. The development shall thereafter be undertaken in accordance with the approved risk assessment and remedial measures and so maintained throughout the life of the development.

Reason: In the interests of highway safety, to ensure that the development would not impact upon the structural stability of the local highway network in accordance with Policies LP21 and LP53 of the Kirklees Local Plan and Chapters 8 and 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that issues of highway safety and land stability are addressed at an appropriate stage of the development process.

4. Prior to development commencing, design and construction details of all temporary and permanent highway retaining structures including any modifications to the existing embankment shall be 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 thereafter retained during the life of the development.

Reason: In the interests of highway safety, to ensure that the development would not impact upon the structural stability of the local highway network in accordance with Policies LP21 and LP53 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that issues of highway safety and land stability are addressed at an appropriate stage of the development process.

5. Before the development commences, a full structural dilapidation survey of the existing highway retaining walls adjacent to A616 Huddersfield Road and Cold Hill Lane which adjoin the application site shall be undertaken by a suitably qualified and experienced structural engineer 'competent person' and a copy of the report submitted to the Local Planning Authority for record purposes.

Reason: In the interests of securing a safe development by incorporating measures to ensure that instability does not have the potential to cause harm to people or the environment, in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan.

This is a pre-commencement condition to ensure that issues of highway safety and land stability are addressed at an appropriate stage of the development process

6. Following the substantial completion of the development hereby approved, and before the dwelling is first brought into use a post-construction structural dilapidation survey of the existing highway retaining walls adjacent to A616 Huddersfield Road and Cold Hill Lane which adjoin the application site shall be undertaken by a suitably qualified and experienced structural engineer 'competent person' and submitted to the Local Planning Authority for its approval in writing. The survey shall identify defects arising in the highway retaining walls due to works associated with the approved development, the methods by which these defects shall be made good by the applicant at their expense and the timescale for the programme of works. Thereafter any identified defects shall be made good in accordance with the details so approved and within the timescale agreed for this programme of works.

Reason: In the interests of securing a safe development by incorporating measures to ensure that instability does not have the potential to cause harm to people or the environment, in the interests of highway safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

NOTE: The Highway Authority will require any masonry units removed from the existing drystone highway wall on Cold Hill Lane to facilitate the construction of the proposed development to be carefully taken down and transferred to the Council's depot.

7. The dwellinghouse hereby approved shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the surfacing for all areas to be hard landscaped. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme 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 its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Reason: To ensure that there is a well laid out scheme of hard and soft landscape is secured in the interests of visual amenity and to accord with Chapters 12 and 15 of the National Planning Policy Framework, Policy LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and Policy 1 of the Holme Valley Neighbourhood Development Plan.

8. Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in the Residential Noise Assessment authored by Nova Acoustics dated 31 May 2023 Ref NP-009394 shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority before the dwelling is first brought into use and shall then form part of the revised sound attenuation scheme to be completed before the development is first brought into use. The approved sound attenuation measures shall therefore be retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

9. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development, including air source heat pump, does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

10. No development above foundation levels shall take place until samples of the proposed external walling stone and roofing materials have 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.

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, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 2 and 13 of the Housebuilders Design Guide SPD, as well as Chapter 12 of the National Planning Policy Framework.

11. Before the development is first brought into use, the wall to the Cold Hill Lane site frontage shall be reduced to a height not exceeding 0.8m above the level of the adjoining highway. Once installed it shall be retained as such thereafter.

Reason: To ensure adequate visibility is provided at an appropriate stage of the development process in the interests of highway safety and to accord with Chapter 9 of the National Planning Policy Framework and LP21 of the Kirklees Local Plan.

12. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoked or re-enacting that Order) no development included within Classes A, AA, B 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 'Site Plan/Location Plan/Section/CGI's' drawing no. (0-) 04, received 5th March 2024, without the prior written consent of the Local Planning Authority.

Reason: To ensure that no large, overly dominant extensions or outbuildings which would have an adverse harmful impact on the character and appearance of the area, create residential amenity issues to adjacent neighbouring properties, or would result in overdevelopment of the site can be undertaken, to accord 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 and 6 of the Housebuilders Design Guide SPD.

13. 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, Principle 12 of the Council's Housebuilders Design Guide SPD, Policy 11 of the Holme Valley Neighbourhood Development Plan and Chapters 9 and 14 of the National Planning Policy Framework.

14. Notwithstanding the approved plans and information, one Schwegler 1SP sparrow terrace, or similar shall be installed integral to the new dwelling during the period of construction on the northern elevation at least 8 metres above ground level and not directly above any doors or windows. One Schwegler 3FE Bat Box or similar shall also be installed integral to the dwelling during the period of construction on the western elevation of the property at least 6 metres above ground level and not directly above any doors or windows. One installed the bat box and sparrow terrace shall be retained thereafter.

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 LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Policy 13 of the Holme Valley Neighbourhood Development Plan.

NOTE: With regard to condition 4, it is advised that the developer secures Approval in Principle (AIP) from the Highway Authority, prior to seeking to discharge this condition. Further information on this matter can be seen at the link below:

<https://www.kirklees.gov.uk/beta/regeneration-and-development/pdf/highways-structuralprocedures.pdf>

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours, Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary 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
New Dwelling – Plans and Elevations	(0-) 03	-	5th March 2024
Site Plan/Location Plan/Section & CGI's	(0-) 04	A	25th April 2024
Site Plan	BA_09_Cold Hill Lane	-	5th March 2024
Design and Access Statement – Supporting Information	225	-	5th March 2024
Climate Change Statement – Supporting Information	-	-	5th March 2024
Residential Noise Assessment – Supporting Information	NP-009394	002	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. No amendments have been sought in this instance as the proposals are deemed to be acceptable as submitted. Pre-Commencement conditions were agreed with the agent in writing.

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

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

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: 30-Apr-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 www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2024/62/90660/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
