



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

PLANNING PERMISSION FOR DEVELOPMENT

**NOTE: This approval should be read in conjunction with an Agreement made
under Section 106 of the Town and Country Planning Act 1990**

Application Number: 2024/62/91023/W

To: Paul Butler,
PB Planning
PO Box 778
York
YO1 0LT

For: MILLER 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 4 DWELLINGS WITH LANDSCAPING AND ASSOCIATED
INFRASTRUCTURE

At: LAND OFF, WOODHEAD ROAD, BROCKHOLES, HONLEY, HOLMFIRTH

**In accordance with the plan(s) and applications submitted to the Council on
17-Apr-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 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 2, 5, 6, 11 and 13 of the Holme Valley Neighbourhood Plan, Policies LP1, LP2, LP3, LP4, LP5, LP7, LP11, LP20, LP21, LP22, LP23, LP24, LP26, LP27, LP28, LP30, LP31, LP32, LP33, LP34, LP35, LP47, LP48, LP49, LP51, LP52, LP53& LP63 of the Kirklees Local Plan, principles within the Council's adopted Housebuilders Design Guide and policies within Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15, 16 and 17 of the National Planning Policy Framework.

3. The external walls and roofs of all dwellings and detached garages hereby approved shall be constructed from materials to match the sampled materials submitted and approved by letter dated 27th July 2023 for discharge of condition 33 as part of application 2022/93897 and to match the external materials used in the construction of the dwellings approved under planning application 2021/92206. No dwelling shall be occupied until it is completed with materials which accord with this condition which shall be thereafter retained.

Reason: In the interests of the visual amenity and to accord with Policy 2 of the Holme Valley Neighbourhood Plan and Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The boundary treatments shall be limited to 1.8-metre-high feather edge fencing and 2.4-metre-high acoustic fencing, as shown on Dwg No. 2108.106. These boundary treatments shall be completed prior to the development being brought into use and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policy 2 of the Holme Valley Neighbourhood Plan and Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The finished floor level of the dwellings shall be in accordance with those shown on the submitted levels drawing (mAOD):

- Plot 138 – dwelling 130.00, detached garage 129.50
- Plot 139 – dwelling 129.55, detached garage 129.40
- Plot 140 – dwelling 128.30, detached garage 128.15
- Plot 141 – dwelling 127.60, detached garage 126.90.

The development shall not be brought into use until the finished floor levels approved by this condition have been completed. The approved finished floor levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity to accord with and to accord with Policy 2 of the Holme Valley Neighbourhood Plan and Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

6. Before the development is first brought into, use all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by Environmental Noise Solutions dated 18 March 2024 Ref NIA-11377-24-11637-v1 Honley.docx shall be completed.

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 and Chapters 12 and 15 of the National Planning Policy Framework.

7. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep along the site frontage, which exceeds 1.0m in height above the level of the adjoining highway, measured along the highway edge for the full length of the turning head.

Reason: To ensure adequate visibility is provided and maintained in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

8. No dwelling shall be occupied until all areas shown on the approved plans to be used by vehicles and pedestrians, including all streets, footpaths, servicing and parking areas have been laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway, and shall thereafter be retained and maintained for the lifetime of the development.

Reason: To ensure the free and safe use of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

9. The protective fencing, as detailed within the Arboricultural Method Statement submitted as part of planning application 2021/92206, and as detailed within the Arboricultural Impact Assessment by BWB submitted for this application, shall be retained prior, during and post construction and shall only be dismantled / removed when the development phase is complete, and the main site machinery has been removed.

Reason: To avoid harm to the protected trees prior, during and post construction, in accordance with Policy LP33 of the Kirklees Local Plan.

10. The four dwellings hereby approved shall not be occupied until one house sparrow terrace (Schwegler 1SP sparrow terrace, or similar) and one bat box (Schwegler 3FE Bat Box or similar) have been installed. The boxes shall not be located above windows or doors. The boxes shall thereafter be retained.

Reason: In the interests of the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

11. If contamination, the presence of coal and/or evidence of coal workings is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation 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 as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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 paragraph nos. 196 and 197 of the National Planning Policy Framework.

12. Prior to any 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 that the 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 paragraph nos. 196 and 197 of the National Planning Policy Framework.

13. Construction or remediation work comprising the use of plant, machinery, equipment or deliveries of materials shall only take place between the hours of:

- 07:30-18:30 Mondays to Fridays;
- 08:00-13:00 on Saturdays; and,
- no working on Sundays or Public Holidays.

Reason: In the interests of the amenities of local residents in accordance with the requirements of Policy LP24 of the Kirklees Local Plan.

NOTE: Contaminated Land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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: 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: Electric Vehicle Charging Points

- Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: The public footpaths that cross and are adjacent to the site shall not, at any time, prior to, during or after construction of the dwellings, be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	2108.02	C	24.09.24
Boundary Layout	2108.106	-	12.04.24
Planning Layout 4 Plots	2108.100	-	12.04.24
Additional Plots – Levels	-	-	12.04.24
Sandalwood	L469801S	-	12.04.24
Homesford	L552801S	-	12.04.24
Single Detached Garage	SG1/001	-	12.04.24
Twin Detached Garage	DG1/001	-	12.04.24
Managed Layout 4 Plots	2108.105	-	12.04.24
Management Company Layout	MCL-2	M	24.09.24
Landscape Details	R/2491/11	-	12.04.24
EVCP Layout 4 Plots	2108.103	-	12.04.24
Affordable Housing Plan	11	B	24.09.24
Travel Plan by TPS	P1401P	-	12.04.24
Transport Assessment by ATTP	AT/18001/TA/B	-	12.04.24
Additional Plots – Foundations	-	-	12.04.24
Materials Plan	103	A	12.04.24
Aboricultural Impact Assessment by BWB	-	P01	12.04.24
Tree Removal Plan 4 Plots	2108.104	-	12.04.24
Biodiversity Net Gain Assessment by Brooks Ecological	ER-7444-02	-	12.04.24
Design and Access Statement by Miller Homes	-	-	12.04.24
Energy Statement: Carbon Reduction Study by Energy & Design Ltd	28/03/24	B	12.04.24
Flood Risk Assessment by ARP	425/58r5j	-	12.04.24
The Statutory Biodiversity Metric	-	-	12.04.24
The Statutory Biodiversity Metric – Technical Annex 1L Condition Assessment Sheets and Methodology	-	-	12.04.24
Preliminary Ecological Appraisal Report by Brooks Ecological	ER-7444-01	-	16.04.24
Noise Impact Assessment by ENS	NIA-11377-24-11637-v1	-	12.04.24
Archaeological Services by WYAS	3817	-	12.04.24
Air Quality Assessment by BWB	WRB-BWB-ZZ-ZZ-RP-LA-0001-TN	-	17.04.24
Example Travel Guide Appendix C by TPS	P1401P	-	17.04.24
Site Layout Plan Appendix A	P1401P	-	17.04.24
Flow Calculations by Causeway ARP Geotechnical Limited	425-58 SWS v4		09.10.24
Private Drainage Layout, Additional Four Plots	0425/58/05.08	-	09.10.24
Impermeable Area Plan Sheet 1 of 2	0425/58/09.01	I	09.10.24
Impermeable Area Plan Sheet 2 of 2	0425/58/09.02	J	09.10.24

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 Planning 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 entered into negotiation with the planning agent / applicant regarding details of the Deed of Variation to the S106 Agreement for planning application 2021/92206. This included details for the provision of first homes, the education contribution, the additional off-site POS contribution and the additional sustainable transport contribution.

Following the first consultation response from KC Lead Local Flood Authority, the planning agent / applicant submitted the requested information.

Biodiversity Net Gain:

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Kirklees Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

- (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
- (ii) the application for the original permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high-speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable Habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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. 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: 20-Dec-2024

Signed:



David Shepherd
Executive Director for Place

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

dc.admin@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

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