



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/62/91909/W

To: Freddie Garside,
One17 Architects & Interior Designers
The Dyehouse
35, Armitage Road
Armitage Bridge
Huddersfield HD4 7PD

For: J MURRAY

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, FERN BANK, FAR END LANE, HONLEY, HOLMFIRTH, HD9 6NS

In accordance with the plan(s) and applications submitted to the Council on 25-Jul-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 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, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework, Policies 1, 2, 6, 11, 12 and 13 of the Holme Valley Neighbourhood Development Plan and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide Supplementary Planning Document.

3. No development shall take place until details of a scheme to eradicate invasive non-native species within the site has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied.

Reason: To ensure these invasive species are appropriately dealt with, in the interests of the biodiversity of the site and in accordance with Chapter 15 of the National Planning Policy Framework, Principle 9 of the Housebuilders Design Guide SPD, Policy 13 of the Holme Valley Neighbourhood Development Plan, LP30 of the Kirklees Local Plan and Circular 06/2005 – Biodiversity/Geological Conservation. This is a pre-commencement condition to secure the appropriate measures to eradicate invasive plant species, prior to construction.

4. No site clearance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before the site is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason: To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nest and young and to accord with Policy LP30, Chapter 15 of the National Planning Policy Framework, Principle 9 of the Housebuilders Design Guide SPD and Policy 13 of the Holme Valley Neighbourhood Development Plan.

5. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP) has been submitted and approved in writing by the Local Planning Authority. The plan shall detail what areas are to be retained post development, how native planting is to be incorporated into the scheme and how protected species provisions are to be incorporated into the design in line with section 6.3 of the submitted EclA, and must include details of the following:

- a. Description and evaluation of features to be managed and enhanced;
- a. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- b. Ecological trends and constraints on site that might influence management;
- c. Aims and objectives of management;
- d. Appropriate management actions for achieving aims and objectives;
- e. An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);
- f. Details of the management body or organisation responsible for implementation of the BEMP;
- g. Ongoing monitoring programme and remedial measures; and

- h. The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years.

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (Where the results from the monitoring show that the aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework, Principle 9 of the Housebuilders Design Guide SPD and Policy 13 of the Holme Valley Neighbourhood Development Plan. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

6. Before the development commences, the proposed design (including height) and materials to be used within the new temporary/ permanent retaining walls supporting Far End Lane including any modification to the existing burr wall/embankment adjacent to the existing highway shall be submitted (via submission of an AIP) and approved by the Local Planning Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: This pre-commencement condition is necessary to ensure that the design and materials to be used within the proposed and existing retaining walls is suitable in the interests of highway safety and visual amenity, and to accord with Policies LP21, LP24, LP35 and LP53 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principle 13 of the Housebuilders Design Guide SPD and Chapters 9 and 12 of the National Planning Policy Framework.

7. Before the development commences, a full structural dilapidation survey of the existing private boundary burr wall supporting Far End Lane shall be undertaken by a suitably qualified and experienced structural engineer and a copy of the report submitted to the Local Planning Authority for review. A further structural dilapidation survey of the burr wall shall also be required following the completion of the works and any defects arising in the wall due to the works associated with the proposed development shall be made good to the satisfaction of the Local Planning Authority, at the developer's expense.

Reason: In the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework. This pre-commencement condition is necessary to confirm the current condition of the private boundary burr wall supporting Far End Lane and its final condition following the completion of the works approved.

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 Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework.

9. Notwithstanding the details shown on the approved plan, no development shall take place until a scheme detailing arrangements and specification for layout and parking have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

Reason: This pre-commencement condition is required to ensure a suitable access and layout is provided and agreed at an appropriate stage in the development process, 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, Principle 12 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 9 of the National Planning Policy Framework.

10. Prior to the development being brought into use, the sightlines of 2.4m x 43m along Far End Lane shall be shown on a plan and presented to the local planning authority for written approval and afterward these visibility splays be cleared of all obstructions to visibility exceeding 0.9 m in height and these shall be retained free of any such obstruction throughout the lifetime of the development.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

11. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: This pre-commencement condition is required to ensure that suitable and safe bin presentation and collection points can be provided at the site, and are agreed at an appropriate stage in the development process, 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, Principle 19 of the Housebuilders Design Guide SPD and Policy 11 of the Holme Valley Neighbourhood Development Plan.

12. Prior to commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Species schedule and planting plans;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;
- Details (including samples, if requested) of paving and other hard surface materials.

No part of the development hereby approved shall be occupied until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long term maintenance, monitoring and remedial arrangements.

Reason: This pre-commencement condition is required to ensure that details of hard and soft landscaping are agreed at an appropriate stage of the development process, in the interests of local ecological value and visual amenity and to accord with Policies LP24, LP30, and LP33 of the Kirklees Local Plan, Policies 1, 2 and 13 of the Holme Valley Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

13. The external materials used in the construction of the dwelling hereby approved shall consist of local sandstone and natural blue slate roof tiles. No development above foundation levels shall take place until samples of the proposed walling stone, and roofing materials have been submitted to, and approval in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved and be retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of Castle Hill, to accord with Policies LP24 and LP35 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 Chapters 12 and 16 of the National Planning Policy Framework.

4. 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, C, 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 Proposed Floor Plans – Option 2, received 19th September 2024 without the prior written consent of the Local Planning Authority.

Reason: To ensure that no large, overly dominant extensions or outbuildings are provided which would have an adverse harmful impact on the character and appearance of the street scene, result in overdevelopment of the site or create amenity issues to adjacent neighbouring properties, this is to accord with Policies LP2, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 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.

15. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the LPA. 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 required to ensure that measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process, in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan, Policy 11 of the Holme Valley Neighbourhood Development Plan, and Chapter 9 of the National Planning Policy Framework.

NOTE: 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

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

NOTE: Any retaining features affecting the highway will require formal technical approval by the Council as the Highway Authority. It is recommended that you provide details of all proposed retaining features and underground storage facilities (including pipes) to colleague Farhad Khatibi (Team Leader) in the structures section at the earliest opportunity, who will be able to advise you of the necessary requirements in more detail.

NOTE: The approved vehicle parking areas will need be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (**parking areas**)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Proposed Floor Plans – Option 2	3479 (SK) 43	-	19th September 2024
Proposed Elevations – Option 2	3479 (SK) 44	-	19th September 2024
Topographical Survey	3479 (TP) 01	-	10th July 2024
Climate Change Statement – Supporting Information	-	-	10th July 2024
Ecological Impact Assessment – Supporting Information	MBE/ECO/2022/14/01	-	10th July 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 to the overall design of the dwelling, in the interests of visual amenity.

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

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.

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.

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: 03-Oct-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 2024/62/91909/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
