



**Town and Country Planning Act 1990**

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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2024/62/92297/W**

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**To:** Paul Matthews Architectural  
Malkin Farm  
Brow Lane  
Holmfirth  
HD9 2RJ

**For:** P MITCHELL

**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:** ADJACENT TO, 71, WOODHEAD ROAD, HONLEY, HOLMFIRTH, HD9 2RJ

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**In accordance with the plan(s) and applications submitted to the Council on 21-Aug-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 Policy LP24 of the Kirklees Local Plan.

3. The development shall be completed using reclaimed natural stone and artificial stone slate to match the existing neighbouring dwellings.

**Reason:** In the interests of visual amenity and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan.

4. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Report authored by E2 Consultants dated 13 September 2021 Ref 12271-1 shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

**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.

5. No groundworks (including demolition and site clearance) shall commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and 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 198 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that, should any remediation work be required, it is completed at the appropriate stage of the development.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (5) groundworks including demolition and site clearance, (except those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and 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 198 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that, should any remediation work be required, it is completed at the appropriate stage of the development.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (6) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that, should any remediation work be required, it is completed at the appropriate stage of the development.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). If remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks 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 shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.  
**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and 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 198 of the National Planning Policy Framework.

10. Before any new dwelling is first brought into use, the access to the public highway as shown on the plans shall be formed and areas within the site indicated to be used for the parking and turning of vehicles on the approved site plan shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government, and Environment Agency's, 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. The approved access and the areas to be used by vehicles shall thereafter be retained as such, kept clear of obstructions and available for the parking and manoeuvring of vehicles at all times.

**Reason:** To ensure a satisfactory layout in the interests of highway safety, to ensure that the development does not contribute to flood risk through increased run-off, and to accord with the aims of and to accord with the aims of Policies LP21, LP22 and Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

11. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), the areas indicated "Parking/Turning" on drawings 20/313/03j be kept permanently open-fronted and shall not be converted to garages or living accommodation.

**Reason:** To ensure that adequate parking and turning space is retained at all times in the interests of highway safety, and to accord with the aims of Policy LP21 and LP22 of the Kirklees Local Plan.

12. Before any new dwelling is first brought into use, the land (excluding any protected tree) within the sight lines shown on the approved site plan shall be cleared of all obstructions to visibility exceeding 1.0m above the height of the adjacent carriageway, and shall thereafter be retained as such.

**Reason:** To ensure that satisfactory inter-visibility for road users is maintained at all times and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

13. All windows to in the side elevations of the new dwellings, except for the hallway window in the southern elevation of Plot 2, shall either:

- a) Have a cill height of at least 1.65m above internal floor level, or
- b) Be non-opening or top-opening only, and be fitted with obscure glazing to give a grade 5 degree of obscurity before the dwelling is first occupied.

Windows of this type shall thereafter be retained.

**Reason:** So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan.

14. Privacy screening for the upper ground floor terrace to each dwelling shall be installed in accordance with the details shown on drawings 20/313/08b and 20/313/10b before the dwelling to which it relates is first occupied and shall thereafter be retained as such.

**Reason:** So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan.

15. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external side walls of the new dwellings at lower or upper ground floor at any time.

**Reason:** So as not to detract from the amenities of adjoining properties by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan.

16. Before any new dwelling is first brought into use, timber screen fencing of 1.8m in height shall be erected along the full length of the rear boundary line where shown on the plans, the northern boundary of the proposed rear garden to Plot 3, and dividing line between the rear gardens of the two new dwellings. This shall thereafter be retained as such.

**Reason:** In order to protect the privacy of existing and future residents, and to accord with Policy LP24(b) of the Kirklees Local Plan.

17. All fencing referred to in condition (17) above shall have an aperture formed at the base of the fence every 4m, 130mm wide and 130mm high at the centre point, to provide passage for small mammals including hedgehogs between the site and land outside the site boundary.

**Reason:** To provide biodiversity net gain in accordance with the aims of Policies LP24(h) and LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

18. Before any new dwelling is first brought into use, a minimum of one artificial bat roost feature and one artificial bird nesting feature shall be installed at eaves level on the rear elevation of the dwelling(s), not directly above a door or window and constructed of Woodcrete or a similar durable weatherproof material. These features shall thereafter be retained.

**Reason:** To provide biodiversity net gain in accordance with the aims of Policies LP24(h) and LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

19. One electric vehicle recharging point shall be installed within the dedicated parking area of each hereby approved dwelling before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging point so installed shall thereafter be retained.

**Reason:** In accordance with the aims of Policy 24(d & v) of the Kirklees Local Plan and government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

20. Before the dwelling on Plot 3 is first brought into use, the retaining wall to the eastern boundary of Plot 3's parking area shall either be faced in coursed natural stone, to match the stone used on the new dwelling in all respects, or shall be given a coat of through-coloured render, of a colour to match the natural stone used on buildings in the vicinity of the site, and thereafter retained as such.

**Reason:** In the interests of visual amenity and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan.

**NOTE:**

Electrical 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.
- To futureproof the development, we would encourage the applicant to provide these in accordance with the current Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy (WYLES) Group

**NOTE:**

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:**

Footway crossing. The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:**

Sewers. Please note that it is the developer's responsibility to ensure that, should a development involve building with 3m of a public sewer, or within 1m of a public lateral drain, the approval of Yorkshire Water will be required before the commencement of development. If a drain on site does not fall within these categories, the developer is advised to take appropriate steps to ensure that there is no conflict between the line of the drain and the line of the structure above.

**NOTE:**

Construction Site Working Times

It is recommended that noisy construction related activities should not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays
- With no noisy activities on Sundays or Public Holidays

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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	20/313/01a		28th August 2024
Site layout as proposed	20/313/03j		19th September 2024
Existing block plan	20/313/02a		28th August 2024
Proposed elevations Plot 2	20/313/07a		28th August 2024
Proposed floor plans Plot 2	20/313/08b		19th September 2024
Proposed section Plot 2	20/313/09		28th August 2024

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed elevations Plot 3	20/313/011a		28th August 2024
Proposed floor plans Plot 3	20/313/10b		19th September 2024
Proposed section Plot 3	20/313/12		28th August 2024
Proposed street scene elevation	20/313/06b		28th August 2024
Arboricultural impact assessment	AIA-1189-1		28th August 2024
Tree constraints plan			19th September 2024
Arboricultural method statement	TCC-1189-1		28th August 2024
Design & access statement	20/313		28th August 2024
Topographical plan as existing	20/313		28th August 2024
Noise Report	12271-1		28th August 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Further information was sought regarding materials, trees and retaining wall. No negotiations were necessary.

**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](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](#)

### **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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 28-Jan-2025

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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2024/62/92297/W.

If a paper copy of the decision notice or decided plans are required please email [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

**Write to:** Kirklees Council  
Planning and Development Service  
PO Box 1720  
Huddersfield  
HD1 9EL

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