



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/90021/E

To: Mallalieu Architects Ltd
Wren Cottage
Stringer House Lane
Emley
Huddersfield
HD8 9SU

For: P Burrows

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:-

DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF TWO
DETACHED DWELLINGS WITH INTEGRAL GARAGES

At: 18, GRANNY LANE, LOWER HOPTON, MIRFIELD, WF14 8LA

**In accordance with the plan(s) and applications submitted to the Council on
17-Mar-2016, subject to the condition(s) specified hereunder:-**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

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 BE1 and BE2 of the Kirklees Unitary Development Plan.

3. Samples of all facing and roofing materials shall be inspected by and approved in writing by the Local Planning Authority before the superstructure of the dwelling is commenced. Thereafter the dwelling shall be constructed of the approved materials.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

4. All areas to be used for parking and turning shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance before the dwelling is first occupied. Thereafter these areas shall be retained free of any obstruction.

Reason: To ensure adequate space within the site for vehicle movements and parking, to reduce flood risk and to accord with Policy T10 of the Kirklees Unitary Development Plan and guidance in Chapter 10 of the National Planning Policy Framework.

5. The gradient of the new driveway to the dwelling shall not be steeper than 1 in 20 for the first 5.0 metres from the carriageway of Granny Lane and the remainder of the driveway no steeper than 1 in 8.

Reason: In the interests of highway safety, to provide adequate and safe access to properties and in accordance with Policy T10 of the Kirklees Unitary Development Plan.

6. The visibility splays shown on approved drawing no. 3080/22/A 'Site as Proposed' shall be provided before the dwelling is first occupied and thereafter be retained. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Granny Lane along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

7. The demolition of the existing building shall be carried out in complete accordance with Section G (Bat Method Statement) of the Ecological Report.

Reason: In the interests of promoting biodiversity interest within the site and in accordance with chapter 11 of the National Planning Policy Framework: Conserving and Enhancing the Natural Environment.

8. A Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority before development commences. The plan shall include:

- Details of the provision of bat roost boxes/features
- Details of proposed landscaping which shall include: the retention of trees and vegetation/boundary hedges where their removal is not required to accommodate building or access and replacement planting with native species to maintain habitat networks
- Details of the replacement pond in accordance with the recommendations of Section B of the Finger Tip Search Report and a timescale for the construction of the pond which shall be constructed under the supervision of an ecologist and be in place before the first breeding season for amphibians following the commencement of development (beginning of February).
- Details of any artificial lighting which shall be designed to prevent any light spillage into tree habitats and tree corridors or, areas with bat roost potential including installed bat boxes.

The development shall then be carried out in accordance with the approved details and the bat roosts and pond provided before the dwelling is first occupied and retained.

Reason: In the interests of promoting biodiversity interest within the site and in accordance with chapter 11 of the National Planning Policy Framework: Conserving and Enhancing the Natural Environment. This is a pre-commencement condition to ensure that existing landscape/habitat on site is taken into account in the biodiversity mitigation and enhancement plan.

9. The approved landscaping scheme approved pursuant to condition 8 bullet point 2 above shall be undertaken in the first planting season (November-March) following the commencement of development. 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 written consent to any variation.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and to accord with Policy BE1 of the Kirklees Unitary Development Plan.

10. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy NE9 of the Kirklees Unitary Development Plan.

11. Construction of the dwelling shall not commence until a scheme detailing foul, surface water and land drainage, (including outfalls, balancing works, plans and existing drainage to be maintained/diverted/abandoned where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until such approved drainage scheme has been provided on the site and thereafter retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well being and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan and the National Planning Policy Framework.

12. Development shall not commence until a Phase II Intrusive Site Investigation Report to establish the exact situation regarding coal mining legacy issues on the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance with Policy G6 of the Kirklees Unitary Development Plan and the Chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 12 development shall not commence until a Remediation Strategy 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 identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance with Policy G6 of the Kirklees Unitary Development Plan and the Chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 13. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save 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 identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance with Policy G6 of the Kirklees Unitary Development Plan and the Chapter 11 of the National Planning Policy Framework.

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report 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 for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure that unacceptable risks to human health and the environment from a coal mining features and hazards have been appropriately remediated in accordance with Policy G6 of the Kirklees Unitary Development Plan and the Chapter 11 of the National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure that unsatisfactory outbuildings do not have an impact on the protected trees and to accord with Policy Kirklees NE9 of the Unitary Development Plan.

17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA):

1. Finished floor levels are set no lower than 150mm above ground level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the aims of Chapter 10 of the National Planning Policy Framework.

18. A closely boarded timber fence measuring 1.8m in height shall be erected between the proposed dwellings in accordance with the details shown on the approved plans.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this boundary treatment shall be thereafter retained and where necessary replaced like for like.

Reason: In the interests of residential amenity in order to secure a good level of amenity for future occupants of the dwellings in accordance with Policy BE1 of the Kirklees Unitary Development Plan and the aims of the National Planning Policy Framework.

19. Before the dwelling is first occupied, all windows within the western side elevations of the western dwelling hereby approved shall be obscurely glazed (minimum grade 5).

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this obscure glazing shall be thereafter retained.

Reason: In the interests of residential amenity in order to protect the privacy of the occupants of the properties to the west of the site and their amenity spaces, in accordance with Policy BE12 of the Kirklees Unitary Development Plan.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no additional openings than those permitted by this permission shall be inserted into the western side elevation of the western dwelling hereby approved.

Reason: In the interests of residential amenity in order to protect the privacy of the occupants of the properties to the west of the site and their amenity spaces, in accordance with Policy BE12 of the Kirklees Unitary Development Plan.

NOTE: The Environment Agency advise that the applicant/occupants should phone Floodline on 0845 988 1188 to register for Floodline Warnings Direct. It is a free service that provides flood warnings direct by telephone, mobile, fax or pager. It also gives practical advice on preparing for a flood, and what to do if one happens. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site.

NOTE: The Environment Agency recommend that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include bringing in electrical services into the building at a high level, running ground floor electrical services down from the ceiling, locating plugs above possible flood levels, the use of solid or concrete beam floors. Additional guidance can be found in our Flood Line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188. Reference should also be made to the Office of the Deputy Prime Minister publication 'Preparing for Floods'.
<https://www.gov.uk/prepare-for-a-flood>

NOTE: Should any great-crested newts be found during the development then all works must cease immediately and the advice of an EPS licensed, great-crested newt worker sought.

NOTE: It is recommended that any demolition of the building is preceded by a dawn activity survey if the works are to be carried out in the bat activity season or, under the supervision of a licensed bat ecologist if carried out during November to March inclusive.

NOTE: A traditional bitumen roof liner shall be used for the new roof of the dwelling to avoid harm to bats which are a protected species.

NOTE: The public right of way, Mirfield public footpath 73, which crosses/abuts the site shall at no time be obstructed.

NOTE: 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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) 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.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

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

With no working Sundays or Public Holidays
In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	3080/10		17th March 2016
Existing Site Plan	3081/1		17th March 2016
Proposed Site Plan	3080/22/A		6th October 2016
Proposed Front and Side Elevations	3080/26		30th June 2016
Proposed Rear and Side Elevations	3080/27		30th June 2016
Proposed Ground Floor Plan	3080/25		30th June 2016
Proposed First Floor Plan	3080/26		30th June 2016
Flood Risk Assessment	Ref: MRB 3241by Ashton Bennett Consultancy dated March 2016		17th March 2016
Coal Mining Risk Assessment	Ref: B20199 by JNP Group dated March 2015		17th March 2016
Tree Survey	Ref: 160118 by James Royston dated 4th February 2016		17th March 2016
Ecological Assessment	Ref: 0881/01/LM/ESR Undertaken by accessEcology dated July 2015		6th October 2016
Finger Tip Search	Ref: 0794 dated October 2015	A	17th March 2016

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 undertook negotiations with the applicant/agent to secure an amended design and layout as well as additional ecological information.

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 an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is 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://acp.planninginspectorate.gov.uk> . 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: 14-Oct-2016

Signed:



**Jacqui Gedman
Director of 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 2016/62/90021/E .

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@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: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93, Civic Centre III
Off Market Street, Huddersfield
HD1 2JR
