



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/90677/E

To: Hamish Gledhill,
Acumen Architects
Headrow House
Old Leeds Road
Huddersfield
HD1 1SG

For: Mr Kneen,

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 DWELLING AND OUTBUILDING AND ERECTION
OF NEW DETACHED DWELLING WITH ATTACHED GARAGE.

At: RED HOUSE, BRIESTFIELD ROAD, BRIESTFIELD, DEWSBURY, WF12 0NX

**In accordance with the plan(s) and applications submitted to the Council on
01-Mar-2017, 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 51 of the Planning and Compulsory Purchase Act 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, BE2, BE11, and T10 of the Kirklees Unitary Development Plan, Policies PLP 24 and PLP 57 of the Kirklees Publication Draft Local Plan, as well as chapters 7 and 9 of the National Planning Policy Framework.

3. Development shall not commence until a Coal Mining Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To address coal mining legacy issues and to ensure the site is fit to receive new development, in accordance with Policies G6 and BE1 of the Kirklees Unitary Development Plan and guidance given in chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for intrusive site investigations to be undertaken and assessed, to establish the exact situation regarding coal mining legacy issues at the site in a timely manner.

4. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 3, 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 address coal mining legacy issues and to ensure the site is fit to receive new development and to accord with Policies BE1 and G6 of the Kirklees Unitary Development Plan and guidance given in chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition that will allow for intrusive site investigations to be undertaken and assessed, to establish the exact situation regarding coal mining legacy issues at the site in a timely manner.

5. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 4. In the event that 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 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. Unless otherwise approved in writing with the Local Planning Authority, 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 address coal mining legacy issues and to ensure the site is fit to receive new development and to accord with Policies BE1 and G6 of the Kirklees Unitary Development Plan and guidance given in chapter 11 of the National Planning Policy Framework.

6. 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. Unless otherwise approved in writing with 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 address coal mining legacy issues and to ensure the site is fit to receive new development and to accord with Policies BE1 and G6 of the Kirklees Unitary Development Plan and guidance given in chapter 11 of the National Planning Policy Framework.

7. The development hereby approved shall be faced in dyed and tumbled, natural coursed stone.

Reason: In the interests of visual amenity and to accord with Policies BE1, BE2 and BE11 of the Kirklees Unitary Development Plan and chapter 7 of the National Planning Policy Framework.

8. The roofing material shall be Greys Artstone.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and chapter 7 of the National Planning Policy Framework.

9. All new windows and door frames shall be recessed a minimum of 75mm from the face of the building on first installation and so retained thereafter.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan as well as the aims of chapter 7 of the National Planning Policy Framework.

10. The boundary treatment shall be a dry stone wall of random natural stone of a type to match that used on the existing boundary on first erection and thereafter retained

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan as well as the aims of chapter 7 of the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no development within Schedule 2, Part 1 Classes A, B and E, shall take place within the red line boundary of the application site without the prior written approval of the Local Planning Authority.

Reason: In order to preserve the openness of the Green Belt, the character of the area, and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan as well as the aims of chapters 7 and 9 of the National Planning Policy Framework.

12. The development shall be carried out in complete accordance with the Method Statement in section 5 of the submitted Bat Survey Report by Quants Environmental received 9/08/17. The proposed mitigation measures shall be provided before the development is first brought into use and retained thereafter.

Reason: In the interests of the biodiversity of the site and wider area, in accordance with the aims of chapter 11 of the National Planning Policy Framework.

13. The development shall not be brought into use until all areas indicated to be used for access/parking/turning on the approved plan(s) have been 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 any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) this shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicular and pedestrian movements, and to ensure that the site is appropriately drained, in accordance with Policy T10 of the Kirklees Unitary Development Plan and the aims of chapter 10 of the National Planning Policy Framework.

NOTE: Any Demolition of the buildings or vegetation clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any demolition/ clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

NOTE: It is brought to the attention of the applicant that the site includes/adjoins a tree protection area, referenced 26/76/g7 which comprises of 8 Poplars. It is an offence to fell, prune, lop or otherwise harm these protected trees.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2458- LOC	1	6/03/17
Proposed site plan.	2458-01B	3	6/11/17
Proposed elevations	2458-04B	3	6/11/17
Proposed floor plans.	2458-02B	3	6/11/17
Proposed garage plan	2016-48 04	1	6/04/17
Coal Mining Risk Assessment	Jnpgroup ref: B21627/CMRA	1	28/02/17
Design and Access Statement.	Acumen	1	28/02/17
Bat scoping survey	Quants Environmental. Feb 2017	1	28/02/17
Bat Survey	Quants Environmental. August 2017	1	9/08/17
Additional supporting information.	Various.	1	28/06/17

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. Discussions took place with the applicant during the course of the application in order to reduce the scale of the proposals to an acceptable level in the Green Belt location.

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). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks

and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. 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 or a similar service provider.

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://www.gov.uk/planning-inspectorate> . 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: 12-Dec-2017

Signed:



Naz Parkar
Strategic Director Economy and Infrastructure

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 2017/62/90677/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
