KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2017/62/93819/W
Site Address:	adjacent 20, Gynn Lane, Honley, Holmfirth, HD9 6LF
Description:	Erection of one detached dwelling with detached garage
Recommending Officer:	Nick Hirst

DECISION – conditional full permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 27-Feb-2019

Application: 2017/62/93819/W

Site: adjacent 20, Gynn Lane, Honley, Holmfirth, HD9 6LF

Proposal: Erection of one detached dwelling with detached garage

Site Description

The site is a fairly level area of land measuring 0.17 hectares which is located at the junction of Marsh Platt Lane and Gynn Lane, Honley. The site is bound by the aforementioned roads to the north and west with residential development abutting the site to the north, east and west. A public right of way runs along Marsh Platt Lane, south of the site.

There are a number of mature trees within the site, some of which are protected by a tree preservation order, and it is understood that the land was formerly an orchard. The site is bound by a low stone wall along the western and eastern boundaries with metal railings to the northern boundary. The site can be accessed via an existing gated access along the western boundary and contains an electric substation in the south west corner of the site.

A covered culvert runs north to south through the site.

Since the granting of planning permission for the erection of one dwelling on site, works have commenced and the site has been partly cleared.

Description of Proposal

One dwelling is to be erected within the northern half of the site. It is be four-bed and two storeys (with a habitable roof space).

The dwelling has a modern design, with an approximately 'L' shaped footprint and an asymmetrically sloped roof. It is to be faced in natural stone with blue slate roofing. Openings are to be on each elevation, with rooflights.

A new access is to be formed onto Gynn Lane. The driveway is to include parking and turning, with a detached double garage. The garage has a floor area of 5.5m x 6.0m and is single storey. It is to be faced in natural stone with blue slate roof.

The proposal includes the provision of a 2.0m wide footpath alongside Gynn Lane.

Relevant Planning History

Application Site

2003/94016 – Outline application for erection of residential development on site of former orchard (8 Plots) - withdrawn

2003/94812 – Outline application for the erection of residential development (6 Plots) – Refused

2009/92081 - The proposal seeks detailed planning permission for 3 dwellings – Refused

2010/90330: Erection of 2 dwellings with associated access and parking – Refused (Appeal dismissed)

2012/91799: Erection of 2 detached dwellings with integral garages – Refused (Appeal dismissed)

2014/91241: Erection of detached dwelling – Withdrawn

2015/90690: Erection of detached dwelling – Approved

Surrounding Area

Marsh Platt Lane

2005/93224: Erection of 3 no. dwellings with integral garages – Conditional Full Permission

7 Gynn Lane

2017/90862: Erection of first floor front extension – Conditional Full Permission

History of Negotiations

The proposal initially sought two units. There is a long history of refusals, and appeals being dismissed, for units to the southern end of the site. While the applicant claimed material circumstances had changed, officers disagreed and maintained concerns over the principle of development of the south of the site and development's impact on the wider streetscene. Concerns were also expressed over design of the units sought.

The 2nd unit was omitted from the scheme. Furthermore, the design was amended. While still a more modern design approach, elements such as the materials and architectural features were brought more in line with surrounding dwellings. Final discussions took place regarding the culvert on site, which was resolved.

The draft conditions, including pre-commencement conditions, were shared with the applicant. In response it was agreed that the draft suite of contamination conditions be contained in a single pre-commencement condition aligned to the wording on the previous planning permission (27th Feb). This is reflected in the recommendation at the end of the report.

Representations

Final publicity date expired: 16.01.19

Twenty-three representations have been received. The application was re-advertised, via Neighbour Notification Letters, twice during the application. These were following major amendments to the scheme.

Of the representations received, three are in support with twenty–one expressing concerns. The following is a summary of the comments made;

Support

- Comments from neighbouring residents who have reviewed the proposals and have no concerns / objections.
- The design is more modern, but to be built in matching materials which is welcomed.

Holme Valley Parish Council: 'support the application'.

Object

- Must ensure that the screening is an appropriate height to prevent overshadowing.
- The site provided ecological value prior to most trees being felled.
- The site, when wooded, provided a sound barrier against the busy New Mill Road.
- The plans show a garage close to the top right corner. The previous scheme showed planting there. The indicative Photo Impression indicates a drystone wall with hedging above, but there does not appear to be space for this due to the garage. The indicative Photo Impression is not accurate, with trees looking wrong.
- The proposal has far less trees then the 2015 application. Furthermore, the specific proposed are too small.
- Concerns over the proposal's visual impact upon the area. It appears more grand designs then respecting local design. It should be faced in matching materials to those around, with the materials proposed appearing cheap. Also note roof design not in keeping.
    - These concerns are exacerbated by the site's prominence.
- The (final) amended plans do not overcome design concerns and would appear incongruous within the area.
- The site is in a Conservation Area.
- The culvert on site has flooded in the past which is not appropriately addressed.
- Concerns over the construction period; traffic and noise.
- Two huge piles of soil have been left on site while construction has stopped.
- Concerns over overlooking upon neighbouring residents.

- Concerns over the exacerbation of parking upon Gynn Lane and Marsh Platt Lane, which limit sightlines.
    - Exacerbated by children in the area due to local schools.
- Being eco homes does not justify the bad design.
- Gynn Lane floods frequently. Consultation should be undertaken with Yorkshire Water.
- The amended neighbour notification letters were not supported by an amended site notice.
- The description 'Erection of a replacement dwelling approved ……. with the addition of a second dwelling' is misleading as the first dwelling has not been erected.
- Applications for two houses have been refused numerous times. The council should not entertain an application for two as it is wasting time and resources.

Consultation Responses

K.C. Ecology: No objection subject to condition.

K.C. Lead Local Flood Authority: No objection subject to condition.

K.C. Trees: Expressed initial concerns. Discussions were held as the proposal's impact on trees is considered similar to that previously approved.

The Coal Authority: No objection subject to condition.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan, its published modifications and Inspector's final report dated 30 January 2019 are considered to carry significant weight. Pending the adoption of the Local Plan,

the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is Unallocated on the UDP Proposals Map.

The site is Unallocated on the PLP Policies Map.

Kirklees Unitary Development Plan

- **D2** – Unallocated land
- **NE9** – Mature trees
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – Materials
- **BE12** – Separation distances
- **T10** – Highways accessibility considerations in new development
- **H1** – Housing (strategy)

Kirklees Publication Draft Local Plan: Submitted for examination April 2017

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP21** – Highway safety and access
- **PLP24** – Design
- **PLP29** – Management of water bodies
- **PLP30** – Ecology and geodiversity
- **PLP33** – Trees
- **PLP51** – Protection and improvement of local air quality
- **PLP53** - Contamination

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land

- **Chapter 15** – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

1 – Principle of development

The site has an extant and implemented permission for one dwelling, within a similar footprint, under application 2015/90690. The PDLP has gained weight as a material planning consideration and the NPPF2012 now superseded by the NPPF2019; nonetheless these new policy considerations are not considered to impact on the previously established principle of development for one unit. No development or separate planning permission within the local area has materially changed the site's circumstances.

It is noted that the application initially sought two units. This raised concerns over principle and impact on the local streetscene/amenity value. These concerns were not overcome and led to the 2nd unit being omitted.

The principle of development for one unit within the northern site is considered acceptable. Consideration must be given to the proposal's local impact, outlined below.

2 – Impact on visual amenity

The principle and visual impact of one dwelling within the north of the site has been established through previous permission 2015/90690. Consideration is required to the visual differences between the applications. The current proposal is seeking a more modern design compared to the traditional dwelling previously approved. A modern design is not opposed in principle, subject to the dwelling being visually attractive and harmonising with the setting of the streetscene.

First considering layout, these are closed similarities between the two applications and that sought is not opposed. The position of the double garage to the north does not raise concerns. In terms of massing and scale, the proposed dwelling has a similar footprint. The dwelling is two storeys and while slightly higher (circa 1m) the evidence of this will be mitigated by the sloping roof forms. Initial concerns over the height did lead to amendments which reduced the overall height; specifically, the height of the northern section, which have now addressed officer concerns. The proposal's

amended scale is considered appropriate within the context of the site and given the scale of neighbouring dwellings.

Architecturally is where the dwelling diverges from neighbouring properties. The NPPF requires that developments '*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*' (Paragraph 127c). PLP24 requires development to respect and enhance the character of the townscape.

Dwellings in the area are mixed, including bungalows and two storey dwellings, detached, semi and terraced properties. Architectural forms and appearances are varied. The result, whilst diverse, is principally detached dwellings in spacious plots. The proposed dwelling is considered innovative, and while more divergent in design than typical in the area, it incorporates design elements that would assist to assimilate it over time. Traditional materials are a strong feature of the area; the proposal seeks to use natural stone with blue slate roofing, which is appropriate for the area. The use of these matching materials will assist in connecting the dwelling to the surrounding environment, giving it an important visual association. To ensure appropriate end products are used, samples are to be secured via condition.

Turning to landscaping, historically the site was considered an 'orchard' and hosted numerous trees. The vast majority were removed, bar those which benefitted from TPOs (some with TPOs were removed, following approval of Tree Works applications). The site is now predominantly stripped to soil, with only the protected trees remaining. The proposal includes landscaping details, proposing 1.5m / 1.75m hedging (once established) to the east and south-west boundaries, three apple trees to the east, and several trees of varied species to the west. While this planting would not replace all those removed, it would be unreasonable to insist that non-protected trees, removed before the application, be replaced as part of this application. The planting proposed is considered appropriate and will result, over time, in the site retaining much of its open and natural aspect, although it is acknowledged to be reduced from what it was historically. The proposed landscaping plan, and management in the medium term, is to be secured via condition.

The proposal represents innovative development which, whilst not directly replicating the design of surrounding dwellings, has been sympathetically designed and would not appear incongruous within the setting of the area. The proposed development is considered to comply with the aims and objectives of D2, BE1, BE2, PLP24 and Chapter 12 of the NPPF.

<u>3 – Impact on residential amenity</u>

Policy seeks to preserve the amenity of neighbouring residents. The introduction of new built development adjacent to existing dwellings has the potential to cause overlooking, overshadowing or overbearing impact.

There are no dwellings due south to be impacted upon. No.2 Marsh Platt Lane is considered to be a sufficient distance and at an oblique enough angle to prevent harmful overlooking.

To the North is no.20 Gynn Lane, which has a side elevation facing the site. No.20 has a single, small secondary window facing towards the site. The proposal is not considered harmful to the amenity of no.20's occupiers given the proposed layout of the new dwelling and the separation between the two properties.

To the west are nos. 15 and 17 Gynn Lane, 21.5m away. While each of these dwellings face the site, the stated separation distance is considered sufficient to prevent a materially detrimental impact to amenity. I have taken into account the difference in scale between existing and proposed dwellings in this assessment.

To the east is no.4a Marsh Platt Lane, 19.5m away. It is noted that the proposed dwelling's east elevation hosts no primary habitable room windows. No.4a's rear does face the site, however the given separation distance is considered there would be no material harm caused to the amenity of 4a's residents.

Consideration must be given to the amenity of future occupiers. The dwelling and its garden are considered commensurate in scale to the number of bedrooms sought. All habitable rooms are served by windows which will provide suitable outlook and natural light. It is noted that the south elevation does face towards a protected tree group at a distance of 4m. This is similar to the arrangement approved via 2015/90690. Given the large size of the windows in question, and therefore the outlook and level of light they will provide, officers are satisfied that the proposal would not lead to significant pressure to fell the trees in question.

The proposed development is not considered harmful to the amenity of nearby residents while future occupiers would have an acceptable standard of amenity. The proposal is deemed to comply with D2, BE12, PLP24 and Chapter 12 of the NPPF.

4 – Impact on highway safety

A new access is to be formed onto Gynn Lane. Gynn Lane is an unclassified 30mph road, with the access having acceptable sightlines. The new access is not opposed.

The site is to provide sufficient off-road parking and turning given the scale of the dwelling.

Informal discussions were held with Highways regarding the front pavement along Gynn Lane being provided, as per the previous permission. This was welcomed and is to be secured via condition.

The proposal would not harm the safe and efficient operation of the Highway, in accordance with PLP21 and T10.

5 – Other matters

5.1 – Coal Mining Risk

The site lies in an area within a 'high risk' coal area. This relates to the potential impact of coal mining legacy. The application is accompanied with Coal Mining Risk Assessment and consultation has taken place with the Coal Authority.

The CA has reviewed the CMRA and provided the following response;

> *The application is supported by a Coal Mining Risk Assessment Report (July 2014, prepared by Mason Clark Associates) which, we note, was also submitted in support of a previous planning application for the erection of a single dwelling at the site, considered by the LPA under planning application reference 2015/62/90690/W.*
>
> *The Coal Authority raised no objection to planning application 2015/62/90690/W as the content and conclusions of the Coal Mining Risk Assessment Report were considered to be broadly satisfactory. On this basis, we raised no objection to the application subject to the inclusion of a condition on any permission issued requiring the undertaking of a scheme of site investigations along with any measures necessary to remediate coal mining legacy.*
>
> *In light of the above, The Coal Authority wishes to raise no objection to the current planning application. You are, however, directed to the content and recommendation contained in our consultation letter of 8 April 2015 with respect to 2015/62/90690/W which remain valid and applicable to the current planning application.*

The CA requests conditions relating to further size investigation, remediation and validation. Such works are to be secured via condition, to comply with G6, PLP53 and Chapter 15 of the NPPF.

5.2 – Ecology

Due to the extent of the site and the nature of the habitats present, the only species group with the potential to be significantly affected by the proposals is bats. However, the trees to be affected are of insufficient age and size to be of value to roosting bats. Therefore, officers are satisfied that the proposal would not harm local ecology.

Nonetheless PLP30 and Chapter 15 seek for planning to provide a net gain for ecology. The proposal includes one bat box to be provided upon a protected tree within the site's curtilage. This is welcomed and to be secured via condition. In addition, it would be a further enhancement to secure a bird

nesting box within the development. This would comply with Policy EP11 of the UDP and PLP30 of the PDLP.

5.3 – Trees

Many trees have been removed from site, with those remaining predominantly benefitting from TPOs. The TPO'd trees on site are to remain and not be removed via the development.

5.4 – Culvert

A culvert crosses the site. PLP27 states;

> *Proposals involving building over existing culverts or the culverting or canalisation of water courses will not be permitted unless it can be demonstrated to be in the interests of public safety or to provide essential infrastructure and that there will be no detrimental effect on flood risk and biodiversity. Where feasible, development proposals should incorporate re-opening of culverts…to achieve a more natural and maintainable state.*

The proposal does not include building over the culvert and the dwelling is a suitable distance away. The proposal does include opening up areas of the culvert. The proposal has been reviewed by the LLFA, who assisted in negotiations. Following amendments, the LLFA confirm no objection to the proposal (subject to a condition securing the agreed works). The proposal is deemed to comply with the aims and objectives of PLP27 and Chapter 14 of the NPPF.

5.5 – Air quality

In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within, PLP24 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of electric vehicle charging points, one per dwelling, on new development that includes car parking. The purpose of this is to promote modes of transport with low impact on air quality.

5.6 – Permitted Development

The above assessment has been undertaken on the submitted plans. Given that the site hosts protected trees, a culvert and given its design, there are concerns over further development which may be achievable via permitted development causing harm to visual amenity and drainage. Therefore it is considered reasonable and necessary to remove Permitted Development rights for extensions and outbuildings.

<u>6 – Representations</u>

Support

- Comments from neighbouring residents who have reviewed the proposals and have no concerns / objections.
- The design is more modern, but to be built in matching materials which is welcomed.

Holme Valley Parish Council: 'support the application'.

Response: Comments in support are noted.

Object

- Must ensure that the screening is an appropriate height to prevent overshadowing.
- Concerns over overlooking upon neighbouring residents.

Response: The proposal is to predominantly use the site's existing boundaries. Planted screening is proposed to the east, to consist of 1.5 / 1.75m hedging once established. This is not considered unduly large to raise shadowing concerns.

The proposed unit, giving consideration to its primary habitable room windows' locations, is not anticipated to cause harmful overlooking.

- The site provided ecological value prior to most trees being felled.
- The site, when wooded, provided a sound barrier against the busy New Mill Road.
- The proposal has far less trees then the 2015 application. Furthermore the specific proposed are too small.

Response: These comments are noted; however, the vast majority of trees did not benefit from TPOs and were removed before this current application. Those worthy of TPOs do benefit from them and are to be retained with new planting proposed.

- The plans show a garage close to the top right corner. The previous scheme showed planting there. The indicative Photo Impression indicates a drystone wall with hedging above, but there does not appear to be space for this due to the garage. The indicative Photo Impression is not accurate, with trees looking wrong.

Response: During the course of the application the garage in question has been reduced in scale. The proposal seeks to retain the existing boundary, and the photo impressions are considered indicative.

- Concerns over the proposal's visual impact upon the area. It appears more grand designs then respecting local design. It should be faced in matching materials to those around, with the materials proposed appearing cheap. Also note roof design not in keeping.

    - These concerns are exacerbated by the site's prominence.
- The (final) amended plans do not overcome design concerns and would appear incongruous within the area.
- Being eco homes does not justify the bad design.

Response: Officers acknowledge concerns over the design and that it is not traditional. However, for the reasons addressed in section 2 of this assessment, officers on balance conclude that

- The site is in a Conservation Area.

Response: The site is not within a Conservation Area.

- The culvert on site has flooded in the past which is not appropriately addressed.
- Gynn Lane floods frequently. Consultation should be undertaken with Yorkshire Water.

Response: The proposal will not increase flood risk associated with the culvert, with is to be opened up and improved. The scale of the development does not necessitate a consultation with Yorkshire Water.

- Concerns over the construction period; traffic and noise.
- Two huge piles of soil have been left on site while construction has stopped.

Response: Short term disturbance during development is inevitable, an advisory note will be imposed setting out those hours of working considered reasonable to retain the amenities of existing residents.

- Concerns over the increase of parking upon Gynn Lane and Marsh Platt, which limit sightlines.
    - Exacerbated by children in the area due to local schools.

Response: The proposed dwelling has sufficient on-site parking and will not lead to increased parking upon the Highway.

- The amended neighbour notification letters were not supported by an amended site notice.
- The description 'Erection of a replacement dwelling approved ……. with the addition of a second dwelling' is misleading as the first dwelling has not been erected.
- Applications for two houses have been refused numerous times. The council should not entertain an application for two as it is wasting time and resources.

Response: There is no statutory requirement to supply an amended site notice, the form of re-publicising an application is at the discretion of the LPA.

Regarding the description, this has since been amended to ‘Erection of one detached dwelling with detached garage’, due to concerns over two units.

7 – Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Application Number: 2017/93819
Decision Authorisation: Delegated Powers
Officer Recommendation: Grant Conditional Permission

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework

3. Notwithstanding the submitted plans, this permission relates to the erection of a single dwelling and detached garage, as shown on plan ref. '17010D-23-R05'. Any reference of future planning applications for other dwellings on site, such as that shown on plans ref. '17010D-12-R11' and '17010D-22-R05', do not form any aspect of this hereby approved development.
Reason: Reference is made to 'site of future planning application for dwelling' on the submitted plans. For the avoidance of doubt, this does not form part of this application and has not been considered in the assessment of the development approved by this planning permission.

4. Prior to development commencing, and in accordance with the recommendations of the "Coal Mining Risk Assessment Report" Ref: 12404 dated July 2014, accompanying the application the submission of;

- a scheme of intrusive site investigations, together with the details of the undertaking of that scheme of intrusive site investigations;
- a report of findings arising from the intrusive site investigations;
- a scheme of appropriate remedial works for approval; and
- implementation of those remedial works.

shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with approved details. Prior to the occupation of the dwelling written confirmation shall be submitted to the Local Planning Authority, verifying the works have been fully completed in accordance with the approved details.
Reason: To identify and remove unacceptable risks to human health and the environment with regard to historic coal mining legacy and in accordance with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and the National

Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.

5. The dwelling hereby approved shall be faced in natural stone for the walling and natural blue roof slates. A sample of the materials shall be submitted to and approved in writing by the Local Planning Authority before the superstructure of the dwelling is commenced. The dwelling shall then be completed in the approved materials.
Reason: In the interests of visual amenity and to accord with Policies BE2 and BE11 of the Kirklees Unitary Development Plan, PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

6. The hereby approved dwelling shall not be occupied until full details for the provision of a footway along the boundary with Gynn Lane, as shown on drawing ref. '17010D – 12 R.11', have been submitted to and approved in writing by the Local Planning Authority. The hereby approved dwelling shall not be occupied until the works have been implemented in accordance with the Local Planning Authority's approval and have been certified as complete by or on behalf of the Local Planning Authority. The footpath shall be retained thereafter.
Reason: To enhance and extend existing pedestrian routes on Gynn Lane, where currently pedestrians are required to walk on the carriageway or cross the road, in the interest of highway safety and efficiency and to comply with Polices T10 of the Kirklees Unitary Development Plan and PLP21 of the Kirklees Publication Draft Local Plan.

7. Prior to the occupation of the hereby approved dwelling all areas indicated to be used for vehicular access, parking and turning on the approved plan drawing ref. '17010D – 12 R.11', shall 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 as amended or any successor guidance; 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 with or without modification) these shall be kept free of obstructions and available for the use specified on the submitted plan thereafter.
Reason: In the interests of highway safety, to prevent an increase in surface water run-off rates, to achieve a satisfactory layout and to accord with Policy T10 of the Kirklees Unitary Development Plan, PLP21 and PLP27 of the Kirklees Publication Draft Local Plan and advice in the National Planning Policy Framework

8. An electric vehicle recharging point shall be installed within the dedicated parking area of the 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 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policy PLP24 of the Kirklees Publication Draft Local Plan, the West Yorkshire Low Emissions Strategy and Chapters 9 and 15 of the National Planning Policy Framework.

9. One bat box, in the form of a Schwegler type 1FR woodcrete bat box or similar, shall be installed upon the tree indicated on plan ref. ref. '17010D – 22 R.05', prior to the approved dwelling being occupied. The box shall be installed at least 3 metres above the ground. The box shall thereafter be retained.
Reason: In the interests of enhancing the biodiversity value of the site, in accordance with Policy EP11 of the Kirklees Unitary Development Plan, PLP30 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework

10. Notwithstanding the submitted plans and information, one new bird nesting feature in the form of woodcrete swift box shall be incorporated integral to the new dwelling before the dwelling is first occupied. The box shall be at least 6 metres above ground and not above doors or windows. The box shall be retained thereafter.
Reason: In the interests of enhancing the biodiversity value of the site, in accordance with Policy EP11 of the Kirklees Unitary Development Plan, PLP30 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

11. The hereby approved development shall be undertaken in accordance with the details contained within the Arboricultural Method Statement received on the 20th of February, 2019. This includes, but is not limited to, prior to development commencing protective fencing in accordance with British Standard BS 5837 being erected around all protected trees to be retained unaltered until the development is complete.
Reason: In order to protect the long-term viability of the trees and to accord with Policy NE9 of the Kirklees Unitary Development Plan, PLP33 of the Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

12. The planting, seeding and tree management works required by the landscaping scheme detailed within the 'site landscape plan proposed' on plan ref. 17010D – 22 R.05 shall be carried out during the first planting, seeding or management season following the commencement of construction and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced with like for like species.
Reason: To enhance ecological interest within the site, in accordance with the guidance contained within Policies D2, BE2 and EP11 of the Kirklees Unitary Development Plan, PLP24 and PLP33 of the Kirklees Publication Draft Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

13. The hereby approved dwelling shall not be occupied until all works to the culvert running through the site as shown on drawing ref. '17010D – 23 R05', and in accordance with the details shown on plans ref. '17010D – 40 R01' and '17010D – 41 R01', have been completed. The culvert shall thereafter be retained as such.
Reason: To ensure the appropriate management of the culvert on site, in the interest of amenity, environmental wellbeing and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan, PLP27 of the Kirklees Publication Draft Local Plan and guidance in Chapter 14 of the National Planning Policy Framework.

14. The existing stone boundary wall, the full length of the site along Gynn Lane, shall be retained at its existing height except for those sections which are required to be removed/altered to form the access to the new dwelling indicated on drawing no. 17010D-12-R11.
Reason: In the interest of visual amenity, to accord with Policies D2 and BE1 of the Kirklees Unitary Development Plan, PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

15. Notwithstanding the provisions 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 or 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: In the interest of preserving visual amenity and the integrity of the culvert crossing the site, to comply with Policies D2, BE1, BE2 of the Kirklees Unitary Development Plan, PLP24 of the Kirklees Publication Draft Local Plan and Chapters 12 and 14 of the National Planning Policy Framework

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 (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: Adoption under Section 38 of the Highways Act. It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 01484 221000 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received

Plan Type	Reference	Version	Date Received
Location Plan	17010D – 10	R02	12.01.2018
Block Plan (Site/Block Plan Proposed)	17010D – 12	R11	22.10.2018
Grouped Plans and Elevations	17010D – 21	R02	22.10.2018
Block Plan (Site Landscape Plan Proposed)	17010D – 22	R11	22.10.2018
Block Plan (Culvert Plan Proposed)	17010D – 23	R05	08.02.2019
Proposed Floor Plans	17010D – 25	R02	22.10.2018
Grouped Plans and Elevations	17010D – 31	R02	30.12.2018
Proposed Elevations	17010D – 32	R03	30.12.2018
Proposed Elevations	17010D – 33	R02	30.12.2018
Supporting Information (Culvert Details)	17010D – 40	R01	31.01.2019
Supporting Information (Culvert Details)	17010D – 41	R01	31.01.2019
Supporting Information	Design and Access Statement		14.12.2018
Supporting Information	Additional Statement		14.05.2018
Supporting Information	Arboricultural Method Statement		20.02.2019
Supporting Information	Coal Mining Risk Assessment		12.01.2018

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 proposal initially sought two units. There is a long history of refusals, and appeals being dismissed, for units on the south end of the site. While the applicant claimed material circumstances had changed, officers disagreed and maintained concerns over the principle of development of the south of the site and development's impact on the wider streetscene. Concerns were also expressed over design of the units sought.

The 2nd unit was omitted from the scheme. Furthermore, the design was amended. While still a modern design approach, elements such as the materials and architectural features were altered to harmonise with surrounding dwellings. Final discussions took place regarding the culvert on site, which was resolved and allows officer to support the proposal.

Report Dated: 27.02.19