Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/93819/W

To: R M Wood,
Wood Associates-architecture+interiors
6, Huddersfield Road
New Mill
Holmfirth, HD9 7JU

For: EASTWOOD HOMES

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 ONE DETACHED DWELLING WITH DETACHED GARAGE

At: ADJACENT 20, GYNN LANE, HONLEY, HOLMFIRTH, HD9 6LF

In accordance with the plan(s) and applications submitted to the Council on 12-Jan-2018, 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 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
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	17010D – 41	R01	31.01.2019

Plan Type	Reference	Version	Date Received
(Culvert Details)			
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.

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: 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 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: 27-Feb-2019

Signed:



Karl Battersby
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 2017/62/93819/W.

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
