



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2019/62/90634/E

To: Adam Knight,
Simply Architectural Ltd
71, Lascelles Hall Road
Lascelles Hall
Huddersfield
HD5 0BE

For: R Napier

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 DETACHED DWELLING WITH ASSOCIATED LANDSCAPING,
INCORPORATING EXISTING GARAGE AND PRIVATE DRIVEWAY

At: ADJ, NETHERFIELD HOUSE, 12, RILEY LANE, KIRKBURTON,
HUDDERSFIELD, HD8 0RY

**In accordance with the plan(s) and applications submitted to the Council on
07-Mar-2019, 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP32, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan and Government policy in Chapters 5, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Before the commencement of development, a Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority. This shall include investigation works recommended in the conclusion of the Coal Mining Risk Assessment Report by Geoinvestigate ref: G19141, dated 24 April 2019.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions regarding the coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework.

4. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 3 works shall not commence on the development 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: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions regarding the coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework.

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 Coal Mining Risk Assessment or the 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 with regard ground based contaminants from the historic coal mining legacy and in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 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 agreed 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 ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health and the environment with regard to ground based contaminants from the historic coal mining legacy, in accordance the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. Before development commences on the superstructure of the building, details of the facing and roofing materials shall be submitted to the Local Planning Authority for approval in writing. The building shall be completed in accordance with the approved details before first occupation and retained as such thereafter.

Reason: To ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

8. Before development commences, an Ecological Design Strategy shall be submitted to the local planning authority for approval in writing. The report shall include the recommendations and enhancement proposals made in the Preliminary Ecological Appraisal by Elite Ecology dated May 2019. This shall include further bat activity surveys to determine the presence or likely absence of roosting bats within trees that are to impacted by the proposals, the potential for the presence of great crested newts on the site and details of how the proposed enhancements are to be achieved. The development shall be carried out in accordance with the approved details and the agreed enhancement features shall be implemented before the development is first brought into use and retained thereafter.

Reason: To ensure that the proposals do not result in significance ecological harm and to ensure ecological enhancement in accordance with Policy LP30 of the Kirklees Local Plan and Section 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the required surveys and protection measures are provided at the appropriate phase of development.

9. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British Standard 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: In the interests of visual amenity and to protect the viability of the protected mature trees within the application site and to accord with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the required protection measures are provided at the appropriate phase of development.

10. Notwithstanding the submitted plans, the protected Oak tree ref T8 on the plan ref: 017009_102 Rev B shall be retained and shall not be pruned or harmed before, during or after the development has been completed.

Reason: For the avoidance of doubt, in the interests of visual amenity and to protect the viability of the protected mature trees within the application site and to accord with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

11. Before the commencement of development, details of a scheme to show how surface water from the development will be disposed of shall be submitted to the Local Planning Authority for approval in writing. The scheme shall show that the applicant has explored sustainable methods of drainage according to the Hierarchy of Drainage and that a reduction in surface water run-off equivalent to a maximum greenfield run-off rate of 5 litres per second per hectare is achieved. The approved scheme shall be implemented before the development is first brought into use and retained thereafter.

Reason: To ensure the effective management of surface water from the development and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework, Meeting the challenge of climate change, flooding and coastal change. This is a pre-commencement condition to ensure that the drainage and surface water features are integrated into the site at the appropriate phase of development.

12. The development shall not be brought into use until all areas indicated to be used for Garaging/access/parking/turning as shown on the approved plan Ref: 017009_102 Rev A has been provided for the use of the dwelling hereby approved. 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 specified on the submitted/listed plan thereafter.

Reason: In the interests of amenity and highway safety and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

13. Before the development is first brought into use, details of a bin storage and collection area shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be implemented before the development is first brought into use and retained thereafter.

Reason: In the interests of visual and residential amenity and highway safety and to accord with the requirements of Policies LP21 and LP24 of the Kirklees Local Plan.

14. Landscaping and boundary treatment shall be carried out in accordance with the details shown on plan ref: 017009_102 Rev A. Notwithstanding the submitted details provision shall be made within the boundary treatment for the free movement of hedgehogs through the site.

Reason: In the interests of visual amenity and ecological enhancement and to accord with the requirements of Policies LP21, LP24 and LP30 of the Kirklees Local Plan.

15. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW). The scheme shall be implemented in accordance with the approved details before the dwelling is first brought into use and retained thereafter.

Reason: In the interest of improving the local air quality and promoting ultra-low emission vehicles and to accord with Policy LP51 of the Kirklees Local Plan and national policy in chapter 9 of the National Planning Policy Framework, Promoting Sustainable Transport.

NOTE:

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. For example, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

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 13.00 hours, 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 specification schedule:

Plan Type	Reference	Version	Date Received
Location Plan.	017009_100	1	27/02/2019
Existing site plan.	017009_101	1	27/02/2019
Topographical survey.	13633-103_2DT	1	27/02/2019
Indicative drainage plan.	017009_103	1	27/02/2019
Proposed site layout	017009_102 Rev A	2	19/02/2020
Proposed floor plans.	017009_200 Rev A	2	19/02/2020
Proposed elevations.	017009_201 Rev A	2	19/02/2020
Amended tree plan	017009_102 Rev B	3	28/08/2020
Design and Access Statement.		1	27/02/2019
Tree survey report.	TSR 01	1	27/02/2019
Tree plan.	TCP 01	1	27/02/2019
Tree survey.	TS 01	1	27/02/2019
Coal Mining Risk Assessment.	Geo-investigate G19141	1	09/05/2019
Preliminary Ecological Appraisal.	Elite Ecology May 2019	1	20/05/2019

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 has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter and otherwise actively engaged with the applicant in dealing with the application.

Discussions took place with the Agent during consideration of the application regarding the impact of the proposals on protected trees and the ecology of the site. Amended plans and additional information were submitted and the Report and Decision notice is based on these amendments to the scheme.

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: 28-Sep-2020

Signed:



David Shepherd
Strategic Director Growth and Regeneration

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 2019/62/90634/E .

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

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