KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2019/44/91535/W
Site Address:	Adj, 20, Gynn Lane, Honley, Holmfirth, HD9 6LF
Description:	Discharge conditions 4 (site investigation), 5 (materials), 6 (footway) on previous permission (application ref. 2017/93819) for erection of one detached dwelling with detached garage
Recommending Officer:	Nick Hirst

DECISION – Details submitted for conditions 4, 5 and 6 acceptable

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: 19-Jun-2019

Application: 2019/44/91535/W

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

Proposal: Discharge conditions 4 (site investigation), 5 (materials), 6 (footway) on previous permission (application ref. 2017/93819) for erection of one detached dwelling with detached garage

Assessment

Condition 4: Coal Mining Risk Assessment

> *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 precommencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.*

The application has submitted a Mining Report (April 2019, prepared by Ashton Bennett Consultancy). This has been sent to the CA, who state;

> *On the basis of the information submitted and the conclusions reached by the report author regarding the risk posed by coal mining legacy, the Coal Authority would have no objection to the LPA discharging the relevant parts of Condition 4 of the issued consent.*

Officers therefore support the discharge of the relevant parts of condition 4 subject to the development being undertaken in accordance with the conclusions and recommendations of that report.

Condition 5: Materials

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.*

Walling is to be natural stone, a mixture of Johnsons Wellfield Quarries Ashlar and Dry Stone range. The roofing material is to be a natural blue slate sourced from JTD in Brockholes.

Photo sample has been provided of each material. Officers consider these to be an acceptable quality and suitable materials to satisfy condition 5 subject to completion of the development using these materials.

Condition 6: Provision of Footway

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.*

The application has submitted the following plans to address this condition;

- 17010D –90-R01 Plan Layout Sheet 1
- 17010D –91-R01 Plan Layout Sheet 2
- 17010D –92-R01 Footpath Sections

These documents have been reviewed by K.C. Highways, who consider them acceptable and support the discharge of the condition, subject to implementation and certification as complete by the Local Planning Authority and retention thereafter.

Proposed letter text

Condition 4: Coal Mining Risk Assessment

You have submitted the Mining Report (April 2019, prepared by Ashton Bennett Consultancy) to discharge condition 4.

I can confirm that these details are acceptable for the purpose of condition 4.

Please be aware that Condition 4 has an ongoing requirement that the development is carried out in complete accordance with the hereby approved report, in particular the conclusions and recommendations in section 9. 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.

Condition 5: Materials

You have proposed that walling is to be natural stone, a mixture of Johnsons Wellfield Quarries 'Ashlar' and 'Dry Stone' range, with the roofing material to be natural blue slate sourced from JTD in Brockholes. Sample photos of these materials are provided within the document 'Discharge Planning Conditions' dated April 2019.

I can confirm that these details are acceptable for the purpose of condition 5.

Please be aware that Condition 5 has an ongoing requirement that the development be completed using the hereby approved materials.

Condition 6: Provision of Footway

You have submitted the following plans to address this condition;

- 17010D –90-R01 Plan Layout Sheet 1
- 17010D –91-R01 Plan Layout Sheet 2
- 17010D –92-R01 Footpath Sections

I can confirm that these details are acceptable for the purpose of condition 6.

Please be aware that Condition 5 has an ongoing requirement that the development shall not be occupied until the hereby approved scheme has been implemented and has been certified as complete by, or on behalf of, the Local Planning Authority. Additionally, the condition requires that the footpath shall be retained thereafter.