



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

**PLANNING PERMISSION FOR DEVELOPMENT**

---

**Application Number: 2019/70/92739/E**

---

**To:** John Pearson,  
JDP Architects  
Manor Barn  
Lullington Road  
Coton in the Elms  
DE12 8EP

**For:** C Goodwin, Charlotte Goodwin Developments Ltd

**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:-**

VARIATION CONDITIONS 2 (PLANS) AND 4 (MATERIALS) ON PREVIOUS PERMISSION 2015/93715 FOR ERECTION OF DETACHED DWELLING, EXTENSION TO EXISTING DWELLING AND FORMATION OF PARKING AREA

**At:** 51, HIGH STREET, HANGING HEATON, BATLEY, WF17 6DR

---

**In accordance with the plan(s) and applications submitted to the Council on 16-Aug-2019 [together with those plans and application(s) submitted to the Council on 05-Jan-2016 and incorporated into planning permission 2015/93715 granted on 01-Mar-2016] and subject to the condition(s) specified hereunder:-**

1. 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 LP1, LP2, LP21, LP22, LP23, LP24, LP53 of the Kirklees Local Plan and the guidance contained within the National Planning Policy Framework.

2. Samples of all facing and roofing materials for the new dwelling shall be submitted to and approved in writing by the Local Planning Authority before any development commences on the superstructure of the new dwelling. The development shall thereafter be carried out in accordance with the details so approved.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the guidance contained within the National Planning Policy Framework.

3. Notwithstanding the plans and details submitted with this application, the approved dwelling shall be constructed in artificial stone for the front elevation and render for the side and rear elevations. The colour of the render shall be cream, or off white, or similar to the stonework on the front elevation.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the guidance contained within the National Planning Policy Framework.

4. Prior to development commencing, intrusive site investigation works shall take place. In the event that the investigations confirm the need for remedial works to treat the recorded mine entry and/or any areas of shallow mine workings, and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability of the proposed development, these works shall be undertaken prior to commencement of development.

**Reason:** To identify and remove unacceptable risks to human health and the environment with regard to historic coal mining legacy, in accordance with policy LP53 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework. This is a pre-commencement condition to ensure that site investigations work are undertaken at the right stage, in order to establish the exact situation regarding coal mining legacy issues on the site.

5. Prior to occupation of the dwelling, hereby approved, an electric vehicle recharging point, shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps/3.5 kW and a maximum demand of 32Amps. Thereafter the electric vehicle recharging point shall be retained.

**Reason:** To provide satisfactory air quality mitigation in accordance with the West Yorkshire Low Emission Strategy Planning Guidance and to accord with the guidance contained in policies LP21 and LP51 of the Kirklees Local Plan and Part 9 of the National Planning Policy Framework "Promoting sustainable transport" and to encourage low carbon forms of transport in accordance with Chapters 9 and 15 of the National Planning Policy Framework.

6. The development shall not be brought into use, until the approved vehicle parking areas on the approved plans shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

**Reason:** In the interest of highway safety, sustainable drainage, and to ensure adequate space within the site for vehicle movements and parking, and to accord with policies LP21 and LP22 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

7. Before the property is occupied a drive with a gradient not exceeding 1:10 shall be provided in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwelling hereby approved. 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) the drive shall be retained, free of obstructions, for the lifetime of the property.

**Reason:** In the interests of highway safety, to provide adequate and safe access to properties and to comply with policy LP21 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

8. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of High Street along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

**Reason:** To ensure adequate visibility in the interests of highway safety and to accord with policy LP21 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

9. Notwithstanding the submitted plans and information, full details of the footway crossing shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwelling hereby approved. The development shall not be brought into use until all footway/verge crossings have been completed in accordance with the approved details and thereafter retained.

**Reason:** To avoid damage to the footway and to provide an adequate means of access to the site and in accordance with Policy LP21 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

10. No development shall take place on the superstructure of the dwelling until details of the siting, design, structural calculations and material to be used in the construction of retaining walls / structures near or abutting highway have been approved in writing by the Local Planning Authority. Thereafter the development shall not be brought into use until the approved works have been constructed. The said works shall be maintained throughout the life time of the development.

**Reason:** To ensure that any new retaining structures do not compromise the stability of the highway and to accord with policies LP21 and LP22 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

11. 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), no buildings or extensions other than those expressly authorised by this permission shall be erected within the curtilage of the new dwelling hereby approved as shown on the approved plans at any time.

**Reason:** To prevent overdevelopment of the site and so as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

**NOTE: Electric Vehicle Charging Points**

- 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. Basically, 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:** 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, Civic Centre 3, Market Street, Huddersfield (Kirklees Highway Design: 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:** 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 specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan			05/01/2016
Proposed floor plans and site plan	Dwg no. 1916/02	Rev B	25/10/2019
Proposed elevations	Dwg no. 1916/03	Rev A	16/08/2019
Proposed street-scene	Dwg no. 1916/04		18/10/2019
Coal Mining Risk Assessment (December 2015)			05/01/2016

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. Amendments were sought during the course of the application to show the proposed development within the streetscene along with three off-street parking spaces to serve the development.

**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 Telephone: (01484) 221550 for more information.**

## **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](http://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](http://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](http://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 refuse permission for the proposed development or 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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
  - i) 28 days from the date of this notice where the enforcement notice has been served,
  - ii) 28 days of the date of service of the enforcement notice or,
  - iii) the specified period starting from 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 11-Dec-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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2019/70/92739/E .

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

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

---

