



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

Application Number: 2016/60/93112/E

To: J A Oldroyd & Sons Ltd
The Barn
3, Primrose Lane
Hightown
Liversedge
WF15 6NS

For: H Seale

**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:-**

OUTLINE APPLICATION FOR ERECTION OF 37 DWELLINGS AND
DEMOLITION OF EXISTING INDUSTRIAL UNIT

At: CALDER MOULD SERVICES, HEADLANDS ROAD, LIVERSEEDGE, WF15 7NT

**In accordance with the plan(s) and applications submitted to the Council on
20-Sep-2016, subject to the condition(s) specified hereunder:-**

1. Approval of the details of the layout, scale, appearance, and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale, appearance, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. 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, BE2, R13, and T10 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

6. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing within the development in accordance with the requirements of Policy H10 of the Council's Unitary Development Plan and the Council's Supplementary Planning Guidance (The Provision of Affordable Housing in New Housing Developments) have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) The number and type of affordable housing units to be provided.
- b) The layout and disposition of the units affordable housing to be provided.
- c) The timescale for the implementation and completion of the affordable housing units;
- d) The mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

Reason: To ensure the provision of affordable housing in accordance with the requirements of Policy H10 of the Kirklees Unitary Development Plan and the Council's Supplementary Planning Document 2 (Affordable Housing) and or the Council's interim affordable housing policy or other such policy or policies as shall prevail at Reserved Matters stage.

7. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of educational facilities to serve the needs of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To facilitate an increase in the capacity of local schools commensurate with the demands of the development.

8. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development in accordance with the requirements of Policy H18 of the Council's Unitary Development Plan have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) The layout and disposition of the public open space.
- b) The timescale for the implementation and completion of the works to provide the public open space;
- c) The mechanism for ensuring that the public open space will be available for public within perpetuity.
- d) Maintenance of the public open space in perpetuity.

Reason: To ensure the provision of open space to serve the development and in accordance with Policy H18 of the Kirklees Unitary Development Plan.

9. Development shall be carried out in accordance with the Coal Mining Risk Assessment prepared by Michael D Joyce Associates LLP dated May 2013 before development commences.

Reason: To ensure that the site can be made safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of chapter 11 of the National Planning Policy Framework.

10. A scheme of intrusive site investigation works shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

11. A report of findings arising from the intrusive site investigation shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

12. A Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before development commences. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. 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 Phase II 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 ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of chapter 11 of the National Planning Policy Framework.

14. 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 approved 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 identify and remove unacceptable risks to human health and the environment and to accord with Policies BE1 and G6 of the Kirklees Unitary Development Plan and the National Planning Policy Framework.

15. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Paul Horsley Acoustics Noise Report ref J41987-R1 dated 20/6/13;

- shall be completed; and
- written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the afore mentioned Noise Report have been achieved then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further noise measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: In the interests of amenity of the future occupiers of these properties and to protect the operational flexibility of adjacent businesses and to accord with the requirements of Policies BE1, EP4 and B4 of the Kirklees Unitary Development Plan as well as the aims of chapter 11 of the National Planning Policy Framework.

16. Before development commences on the superstructure of any dwelling, a ventilation scheme to show how habitable rooms facing towards the Birkby Plastics site and onto Headlands Road shall be ventilated without the need to open the windows shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the occupation of any of the dwellings.

Reason: In the interests of the amenity of the future occupiers of these properties and to protect the operational flexibility of adjacent businesses and to accord with the requirements of Policies BE1, EP4 and B4 of the Kirklees Unitary Development Plan.

17. The site shall be developed with separate systems of drainage for foul and surface water on and off site unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable drainage and to accord with chapter 10 of the National Planning Policy Framework.

18. Development shall not commence until a scheme detailing foul, surface water and land drainage,(including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/ diverted/ abandoned, and percolation tests where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved scheme has been provided on the site to serve the development of each agreed phasing of the development to which the dwellings relate and thereafter retained for the life time of the development.

Reason: To ensure satisfactory drainage of the site and to accord with chapter 10 of the National Planning Policy Framework. This is a pre-commencement condition so that it can be ensured that adequate drainage is implemented at the appropriate stage of the development.

19. Development shall not commence until a scheme detailing surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved scheme and phasing. The development shall be completed in accordance with the details approved and thereafter retained.

Reason: To prevent flooding by ensuring satisfactory drainage of the site and to accord with chapter 10 National Planning Policy Framework. This is a pre-commencement condition so that it can be ensured that adequate drainage is implemented at the appropriate stage of the development.

20. Development shall not commence until an Ecological Impact Assessment to include mitigation and enhancement measures has been submitted to and approved in writing by the Local Planning Authority. The findings and recommendations shall be implemented and thereafter retained.

Reason: In the interests of the biodiversity of the area and to accord with chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that adequate mitigation and enhancement measures are incorporated into the development at the appropriate stage of the development.

21. No development on the superstructure of any dwelling shall take place until a scheme detailing the proposed access and internal adoptable roads, as shown for indicative purposes only on Drawing No. 11/195/B, Rev. G, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes, re-siting of the bus stop to the site frontage and the treatment of sight lines, together with the relevant Stage 1, 2 or/and 3 Road Safety Audits. Before any dwelling is brought into use the scheme shall be completed in accordance with the approved details and retained thereafter.

Reason: To ensure a suitable access and layout in the interests of highway safety and in accordance with Policy T10 of the Kirklees Unitary Development Plan.

22. The development shall not be brought into use until all areas indicated to be used for parking on the approved plan(s) 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 (ISBN 9781409804864) 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) this shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s).

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy T10 of the Kirklees Unitary Development Plan.

23. No development on the superstructure of any dwelling shall take place until a scheme detailing the widening and improvement of public footpath number SPE/111a/10, to create a 3.5m wide shared cycle and pedestrian route along the northern site boundary between Headlands Road and Spen Valley Sports College, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, lighting, signing, surface finishes and the treatment of sight lines, together with the relevant Stage 1, 2 or/and 3 Road Safety Audits. Before any dwelling is brought into use the scheme shall be completed in accordance with the approved details and retained thereafter.

Reason: To improve cycling and pedestrian infrastructure in the vicinity of the site in accordance with the council's sustainability objectives.

24. Prior to occupation of the dwellings, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging points so provided shall be retained.

Reason: To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with guidance in the National Planning Policy Framework.

NOTE: It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or ('Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

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: Public footpath number SPE/111a/10, which abuts the site, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

NOTE: The developer should be made aware of the comments received from the West Yorkshire Police Architectural Liaison Officer and take the recommendations into account when designing any scheme for Reserved Matters or Full Application.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Design & Access Statement			20th September 2016
Planning B4 Statement			20th September 2016
Wildlife / Ecological Assessment prepared by Lucille Fairbank Wildlife Survey and Consultancy			20th September 2016
Location Plan	Supplied by Blackwell's		20th September 2016
Flood Risk Assessment	Flood Risk Assessment Ref: 11-195		20th September 2016
Coal Mining Risk Assessment	Michael D Joyce Associates May 2013		20th September 2016
Acoustic Report	Paul Horsley		20th September 2016

	Acoustic Ltd Ref: J1987-R1		
Proposed Block Plan (Illustrative)	11/195/B Rev G		20th September 2016
Proposed Site Sections	11/195/C		20th September 2016
Plots 1-12 Indicative	11/195/D		20th September 2016
Plots 13-19 Indicative	11/195/E		16th February 2017
Plots 20-32 & 33-37 Indicative	11/195/F		16th February 2017

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. Officers undertook negotiations with the applicant to secure amended plans in order to ensure the indicative plans corresponded.

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: <https://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 of the 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 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://acp.planninginspectorate.gov.uk> . 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: 01-Mar-2017

Signed: 

Jacqui Gedman
Director of Place

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 and view existing planning applications and decisions' and by searching for application number 2016/60/93112/E .

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
