



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

**NOTE: This approval should be read in conjunction with an Agreement made under
Section 106 of the Town and Country Planning Act 1990**

Application Number: 2013/60/90249/E

To: Kathryn Timmins,
Calderpeel Architects
20-24, Market Court
Church Street
Altrincham
W14 4DW

For: Ian Shorrocks, Blackmores (D) 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:-**

Outline application for erection of 104 dwellings, demolition of existing buildings
and removal of disused railway embankment

At: Lock Street, Thornhill, Dewsbury, WF12 9BZ

**In accordance with the plan(s) and applications submitted to the Council on
04-Mar-2013, subject to the condition(s) specified hereunder:-**

1. Approval of the details for layout 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 layout 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 any reserved matter 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. Details of layout submitted in respect of condition 2 shall be for no more than 104 dwellings.

Reason: In the interests of the satisfactory development of the site and in the interests of highway safety.

6. No development shall take place until samples of facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

7. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is fit to receive the new development, in accordance with Policy G6 of the Kirklees Unitary Development Plan.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7, development shall not commence 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: To ensure the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary 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. Unless otherwise agreed in writing with the Local Planning Authority, 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 the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan.

10. 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 the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan.

11. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Report dated June 2012, produced by Spectrum Acoustic Consultants (ref RK884/11161):-

- 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 aforementioned Noise Report have been achieved then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels.

All works comprised in 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.

Reason: In the interests of the residential amenities of future residents in accordance with Policy EP4 of the Kirklees Unitary Development Plan.

12. Before development commences the applicant shall submit a plan detailing facilities to be provided for charging plug-in and other ultra low emissions vehicles. This plan must be agreed in writing by the Local Planning Authority and implemented before the first occupation of the properties hereby permitted and shall be retained as such thereafter.

Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport".

13. The site shall be developed with separate systems of foul and surface water drainage.

Reason: In the interests of the satisfactory drainage of the site and to accord with the guidance contained in part 10 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".

14. No development shall take place until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the satisfactory drainage of the site and to accord with the guidance contained in part 10 of the National Planning Policy Framework " Meeting the challenge of climate change, flooding and coastal change".

15. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no building shall be brought into use or occupied until the completion of the approved foul drainage works.

Reason: In the interests of the satisfactory drainage of the site, and to accord with the guidance contained in part 10 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".

16. No development shall be commence until a scheme to attenuate surface water run off has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing with the Local Planning Authority.

Reason: In the interests of the satisfactory drainage of the site, and to accord with the guidance contained in part 10 of the National Planning Policy Framework "Meeting the challenge of climate change, flooding and coastal change".

17. Prior to development commencing a scheme detailing new bat roost and bird nesting areas within the development shall be submitted for the written approval off the Local Planning Authority. The approved details shall be implemented in accordance with an agreed timetable, and subsequently maintained for the lifetime of the development.

Reason: To accord with the guidance contained in part 11 of the National Planning Policy Framework "Conserving and enhancing the natural environment".

18. Before development commences a scheme for the provision of replacement tree planting to the western boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agreed scheme and retained for a period of 5 years thereafter

Reason: In the interests of visual and residential amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

19. Before development commences, a scheme detailing the phased implementation of the development to ensure provision of the replacement tree planting scheme within phase 1 of the development, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agreed scheme.

Reason: In the interests of visual and residential amenity, and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Design and Access Statement			June 2013
Tree Survey			June 2013
Ecological Report			June 2013
Air Quality Assessment	LC-12-0065-RP2		June 2013
Business Report			June 2013
Phase 1 Contaminated Land Report	40767405-1-1		June 2013
Noise Vibration Assessment	RK884/11161		June 2013
Block Plan			June 2013
Indicative layout plan			July 2014
Topographical Survey			June 2013
House types	11031-200 201 202 203 300 301 302 303	A	June 2013 June 2013 June 2013 June 2013 June 2013 June 2013 June 2013 June 2013
Street scenes	11031-400 401		June 2013 June 2013

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 Leeds City Region Development Management Pledge and otherwise actively engaged with the applicant in dealing with the application.

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). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. 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 Coal Authority permission 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 The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

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 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:
28 days of the date of service of the enforcement notice, or within 6 months of 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 6 months of the date of this notice.
- Appeals can be made online at www.planningportal.gov.uk/pcs or in writing on a form that must be obtained from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) www.gov.uk/government/organisations/planning-inspectorate. Further information on the Planning Appeal process can be found online at the Planning Inspectorates [website www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).
- 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.

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. 01484-225397 for further advice on this matter.

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: 17-Apr-2015

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 2013/60/90249/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
