



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England) Order
2010**

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2014/62/91813/W

To: Robert Halstead,
Robert Halstead Chartered Surveyor
57, Bowers Mill Branch Road
Barkisland
Halifax
HX4 0AD

For: Redwaters Yorkshire 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:-

DEMOLITION OF PART OF MILL, ALTERATIONS TO CONVERT MILL BUILDING INTO 6 DWELLINGS AND ERECTION OF 11 DWELLINGS WITH ASSOCIATED PARKING (WITHIN A CONSERVATION AREA)

At: HOYLE ING DYEWORKS, MANCHESTER ROAD, LINTHWAITE, HUDDERSFIELD.

In accordance with the plan(s) and applications submitted to the Council on 03-Sep-2014, 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 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 in accordance with Policies BE1, BE2 & BE5 of the Unitary Development Plan.

3) All areas of proposed new development shall be constructed of regular coursed natural gritstone with a pitched faced finish, a sample of which shall be inspected by and approved in writing by the Local Planning Authority prior to the development commencing, and the development shall thereafter be constructed in accordance with the approved sample.

Reason: In the interests of visual amenity; to safeguard the character of the Linthwaite Conservation Area; to accord with Unitary Development Plan Policies BE2, BE5 & BE11; and Sections 7 & 12 of the National Planning Policy Framework.

4) Any new or replacement areas of stonework or roof slates for all buildings to be converted shall match the existing buildings in terms of type, colour, scale and finish.

Reason: In the interests of visual amenity; to safeguard the character of the Linthwaite Conservation Area; to accord with Unitary Development Plan Policies BE2 & BE5; and Sections 7 & 12 of the National Planning Policy Framework.

5) The roofing materials shall be flat profile roofing tiles to harmonise with the roofs of the existing buildings in the vicinity of the site, a sample of which shall be inspected by and approved in writing by the Local Planning Authority before development commences, and the development shall thereafter be constructed in accordance with the approved sample.

Reason: In the interests of visual amenity; to safeguard the character of the Linthwaite Conservation Area; to accord with Unitary Development Plan Policies BE2 & BE5; and Sections 7 & 12 of the National Planning Policy Framework.

6) No construction shall take place until full details of all window and external doors types have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and thereafter retained as such.

Reason: In the interests of visual amenity; to safeguard the character of the Linthwaite Conservation Area; to accord with Unitary Development Plan Policies BE2 & BE5; and Sections 7 & 12 of the National Planning Policy Framework.

7) No wall or fences for boundaries, screens or retaining walls shall be erected until details of the siting, design and materials have been submitted to and approved in writing by the Local Planning Authority. The approved walls / fences shall be erected before the development hereby approved is first occupied and shall thereafter be retained as such.

Reason: In the interests of visual amenity; to safeguard the character of the Linthwaite Conservation Area; to accord with Unitary Development Plan Policies BE2 & BE5; and Sections 7 & 12 of the National Planning Policy Framework.

8) 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: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment; and to accord with Policy G6 of the Unitary Development Plan and Section 11 of the National Planning Policy Framework.

9) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 8 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: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment; and to accord with Policy G6 of the Unitary Development Plan and Section 11 of the National Planning Policy Framework.

10) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. 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 two 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: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment; and to accord with Policy G6 of the Unitary Development Plan and Section 11 of the National Planning Policy Framework.

11) 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: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment; and to accord with Policy G6 of the Unitary Development Plan and Section 11 of the National Planning Policy Framework.

12) Before the development is first occupied, all works which form part of the sound attenuation scheme as specified in the Noise Report dated 3 September 2014 produced by Environmental Noise Solutions Limited :-

i) shall be completed; and

ii) 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 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 order to protect future residents from noise nuisance, and to accord with Unitary Development Plan Policy EP4 and Section 11 the National Planning Policy Framework.

13) No development shall take place to construct plots 6-12 until a scheme to show how habitable rooms to these properties will be ventilated without the need to open windows has been 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 occupation of the aforementioned plots.

Reason: In order to protect future residents from noise nuisance, and to accord with Unitary Development Plan Policy EP4 and Section 11 the National Planning Policy Framework.

14) No demolition or development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological building recording. This recording must be carried out by an appropriately qualified and experienced archaeological organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To enable recording of the archaeological value of the site in accordance with Section 12 of the National Planning Policy Framework.

15) No development, except demolition of buildings approved by this permission, shall take place until a scheme detailing the proposed internal adoptable estate roads 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 and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable access is available for the development; in the interests of highway safety; and in accordance with Unitary Development Plan Policy T10 and Section 9 of the National Planning Policy Framework.

16) No development shall take place until details of the junction and associated highway works, between the proposed estate road and Manchester Road, have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works to provide the junction have been completed in accordance with the approved details.

Reason: To ensure that suitable access is available for the development; in the interests of highway safety; and in accordance with Unitary Development Plan Policy T10 and Section 9 of the National Planning Policy Framework.

17) 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 1995 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the use specified on the submitted plans for the lifetime of the development.

Reason: In the interests of highway safety, sustainable drainage, and to ensure adequate space within the site for vehicle movements and parking, and in accordance with Policy T10 of the Unitary Development Plan and Section 10 of the National Planning Policy Framework

18) The following bat and bird roosting opportunities shall be undertaken during the construction phase of the development:

- 2 woodcrete sparrow terrace nest boxes installed integral to the new dwellings within the site.
- 3 woodcrete swift nest boxes installed integral to the new dwellings within the site.
- 4 bat boxes, in the form of a Schweglar type 1FR bat box or similar installed integral to the new dwellings within the site. Alternatively, Schweglar type 1 FQ boxes or similar erected on external walls of the retained buildings (this should be dependent upon the most suitable locations for the erection of bat boxes).

All bat and bird roosting opportunities shall be completed prior to the first occupation of the development, and thereafter retained..

Reason: In order to compensate for the potential loss of nesting sites resulting from the demolition of buildings, and to accord with advice in Section 11 of the National Planning Policy Framework (NPPF).

19) 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 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; and
- d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

Reason: To ensure the satisfactory provision of affordable housing in accordance with Policy H10 of the Council's Unitary Development Plan and SPD2 and Section 6 of the National Planning Policy Framework.

20) The bin / recycling facilities as shown on the approved plan 0114-23C shall be installed before the development hereby approved is first occupied and shall thereafter be retained.

Reason: In the interests of visual amenity and highway safety, and to accord with Policies D2 and T10 of the Unitary Development Plan.

21) No building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water mains, which enter the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times, and to accord with Unitary Development Plan Policy D2.

22) The site shall be developed with separate systems of drainage for foul and surface water on and off site. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: In the interest of satisfactory and sustainable drainage; to ensure that the development can be properly drained; and to accord with Unitary Development Plan Policy D2 and Chapter 10 of the National Planning Policy Framework.

23) 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 buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal, and to accord with Unitary Development Plan Policy D2 and Chapter 10 of the National Planning Policy Framework.

NOTE: To avoid the risk of harm to bats:

- Contractors working at the site should be made aware that there is always the possibility of bats being found during the development.
- The removal of roof tiles and other features under which bats might shelter should be removed with care by hand. Roof tiles should be lifted.
- During the active season (March to October), bats may take up residence in suitable locations, including new buildings before work is completed. Contractors should be made aware of this.
- If bats are found, then work must cease immediately and the advice of a licensed bat worker sought.

It is recommended that if the development is not completed within 2 years of the original bat survey repeat activity surveys should be undertaken.

NOTE: Demolition of buildings should be undertaken outside of the bird breeding season, March to August inclusive. If demolition is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

NOTE: Due to air quality issues at this location it will only be acceptable for the ventilation scheme to draw air into plots 7 to 12 from the rear of the development. The inlet for plot 6 should be to the furthest extremity to the south east as practicable.

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) 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: 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

This decision is based on the following plans / reports:-

Plan/Report Type	Reference	Version	Date Received
Location Plan	-	-	16/6/14
Existing site plan	0114-22	A	16/6/14
Proposed site plan	0114-23	C	17/9/14
Proposed street sections / elevations	0114-24	A	16/6/14
Plots 1 & 2 as proposed	0114-25	A	16/6/14
Plots 3 – 6 as existing	0114-26	A	16/6/14
Plots 3 – 6 as proposed	0114-27	A	16/6/14
Plots 7-12	0114-28	-	16/6/14
Plots 13-17	0114-29	A	17/9/14
Proposed site layout (overlay)	J3385/02	C	17/9/14
Proposed site sections	J3385/03	B	17/9/14
Bat survey	Brooks Ecological	Aug 2014	8/14
Noise assessment			3/9/14
Heritage assessment	-	-	16/6/14
Design & access statement	-	-	16/6/14
Planning policy statement	-	-	16/6/14
Engineering summary	BMC Ltd.	-	16/6/14
Phase I desk top study	Jnp Group	-	16/6/14
Coal mining report	David Bellis surveyors	-	16/6/14
Flood risk assessment	Jnp Group	-	16/6/14
Transport assessment	HY Consulting	March 2011	16/6/14

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 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.

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 the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No: (01484) 225397 who can advise further on this matter.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

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

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 Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.
- 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 fill in the online form www.kirklees.gov.uk/business/PlanningApplication/planning_application_feedback.asp so that we can work on continually improving our customer service. Thank you.

Dated: 08-Oct-2014

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 planning applications and decisions' and by searching for application number 2014/62/91813/W.

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
