



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

PLANNING PERMISSION FOR DEVELOPMENT

**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: 2015/62/90435/E

To: Catherine Brotherton,
Fox Architecture and Design
Fox Cottage
Whitley Road
Whitley
Dewsbury
WF12 0LU

For: Swift Property Management & Consultancy

**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:-**

ERECTION OF 14 DWELLINGS WITH INTEGRAL GARAGES

At: FORMER PARKHAM FOODS SITE, 395, HALIFAX ROAD, LIVERSEDGE, WF15
8DU

**In accordance with the plan(s) and applications submitted to the Council on
05-Nov-2015, 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, and to accord with Policies BE1, BE2 and T10 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works to erect the superstructure of any dwelling commence. Thereafter 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.

4. Details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls for the dwellings shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commence. The approved walls/fences shall then be erected before any of the dwellings hereby approved are first occupied and shall thereafter be retained.

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

5. A scheme detailing the proposed internal adoptable estate roads shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commence. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with independent safety audits covering all aspects of work. Thereafter the scheme shall be completed in accordance with the approved details before first occupation of any dwelling and be retained thereafter

Reason: To ensure that suitable access is available for the development and to accord with Policy T10 of the Kirklees Unitary Development Plan.

6. No dwelling shall be first occupied until the existing access from Halifax Road has been permanently closed [and any redundant footway crossings removed and the footway reinstated] and the new access has been constructed and brought into use in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: To avoid danger and inconvenience to highway users and to accord with Policy T10 of the Kirklees Unitary Development Plan.

7. 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) shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commences. Thereafter no dwelling shall be first occupied until the approved drainage scheme has been provided on the site to serve the development and shall thereafter be retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well being and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan and the aims of the National Planning Policy Framework.

8. An assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commences. No dwelling shall be first occupied until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well being and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan and the aims of the National Planning Policy Framework.

9. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition in order to address land contamination and coal mining legacy issues on the site and to accord with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

10. Where further investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 9 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: This is a pre-commencement condition in order to address land contamination and coal mining legacy issues on the site and to accord with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 10 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: This is a pre-commencement condition in order to address land contamination and coal mining legacy issues on the site and to accord with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 11. 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: In order to address land contamination and coal mining legacy issues on the site and to accord with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

13. 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 to address land contamination and coal mining legacy issues on the site and to accord with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

14. A scheme detailing how Plot 1 will be protected from road traffic noise from Halifax Road shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of Plot 1 commence. The scheme shall include the provision of thermal double glazing and ventilation to bedroom windows to allow ventilation without the need to open windows and details of an acoustic barrier to the outdoor amenity area (garden). Thereafter the approved mitigation measures shall be completed to the satisfaction of the Local Planning Authority prior to first occupation of Plot 1.

Reason: To protect the amenity of the future occupiers of this property from road traffic noise and to accord with Policy EP4 of the Kirklees Unitary Development Plan.

15 A landscaping scheme including native tree/shrub planting to enhance local habitat networks and make links beyond the site boundary shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the dwellings commence. The scheme shall detail the phasing of the landscaping and planting. Thereafter the works comprising the approved scheme shall be implemented in accordance with the approved phasing before any dwelling is first occupied. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework (NPPF).

16. Provision shall be made for a bat boxes in the form of the Schweglar type 1FR bat box or similar and a bird box integral to each dwelling. These features shall be erected before each dwelling is first occupied and such features shall thereafter be retained.

Reason: In the interests of promoting biodiversity interest within the site and in accordance with the guidance contained within chapter 11 of the National Planning Policy Framework.

17. Prior to first occupation of each dwelling an electric vehicle recharging point shall be installed within the curtilage. 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 point so provided shall be retained.

Reason: In the interests of promoting modes of transport with ultra-low emissions and to accord with the sustainability principles of the National Planning Policy Framework.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the elevations of the dwellings hereby approved.

Reason: So as not to detract from the amenities of neighbouring property by reason of loss of privacy and to accord with Policy BE12 of the Kirklees Unitary Development Plan

19. Notwithstanding the provisions of section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Act or Order with or without modification) no development included within Classes A, B and C or E of Part 1 of Schedule 2 to that Order shall be carried out.

Reason: To protect the residential amenity of occupiers of neighbouring residential properties and to accord with Policy BE12 of the Kirklees Unitary Development Plan

20. Details of storage and access for collection of wastes shall be submitted to and approved in writing by the Local Planning Authority before first occupation of any dwelling. Thereafter the approved scheme for the storage and access for the collection of wastes shall be provided before first occupation of any dwelling and shall be so retained thereafter.

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

NOTE: In respect of condition 14 the ventilation scheme shall comply with the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975.

NOTE: Any new lighting scheme should be designed to avoid light spillage into tree corridors where bats are likely to forage and/or where bat boxes have been erected. This applies to both the construction and operational phases.

NOTE: Vegetation clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work 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: Emergency vehicle access and turning is not provided to all dwellings on this development and the applicants are advised to contact their building control provider regarding requirements for the provision of alternative measures to allow emergency fire service access to the proposed dwellings.

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: - Adoption under Section 38 of the Highways Act:

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: A competent person should undertake any noise survey and developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/Pages/Links.htm> (01736 852958) or the Institute of Acoustics <http://www.ioa.org.uk> (01727 848195) for a list of members.

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents

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 13.00hours , 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:-

Plan Type	Reference	Version	Date Received
Existing Site Location	1434/100		19.03.15
Existing Site Survey	1434/101		19.03.15
Existing Site Elevations	1434/102		19.03.15
Site Layout	1434/110	D	13.03.17
Site Footprint	1434/111	E	13.03.17
House Type A Details	1434/113		09.11.16
House Type B Details	1434/114		09.11.16
House Type C Layouts	1434/115		09.11.16
House Type C Elevations	1434/116		09.11.16
House Type D Layouts	1434/117	B	27.01.17
House Type D Elevations	1434/118	B	27.01.17
House Type E Details	1434/119		09.11.16
Site Elevations	1434/112	B	09.11.16
Drainage Plan	8731-002	C	
Affordable Housing Statement			21.04.17
Bat Survey			19.03.15
Transport Statement	859/February 2015		19.03.15
Phase 1 Desk Study	GGC/PNG/WF158DU		19.03.15

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. The case officer undertook negotiations with the applicant to secure amendments to address highway matters and to secure additional drainage information, and information regarding viability matters and Section 106 contributions.

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.

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 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 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 so that we can work on continually improving our customer service. Thank you.

Dated: 19-Oct-2017

Signed:



Naz Parkar
Strategic Director Economy and Infrastructure

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

planning.contactcentre@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Planning, Strategic Investment Service,
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR
