



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

Application Number: 2015/60/91093/W

To: Richard Baxter
Corrieness
Aultvaich
Beaully
IV4 7AN

For: JP & RM Salvini

**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 RESIDENTIAL DEVELOPMENT
(WITHIN A CONSERVATION AREA)**

At: LAND OFF HOLLYFIELD AVENUE, QUARMBY, HUDDERSFIELD

**In accordance with the plan(s) and applications submitted to the Council on
13-Jul-2015, subject to the condition(s) specified hereunder:-**

1. Approval of the details of the, appearance, scale, layout and 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 matters 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, appearance, scale, layout and 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 matters 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 & Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the reserved matters.

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

5. 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 provision of affordable housing in accordance with the requirements of Policy H10 of the Council's Unitary Development Plan and the Council's Supplementary Planning Document 2 (Affordable Housing). This is a pre-commencement condition to ensure the provisions for affordable housing are provided at an appropriate point taking into account the viability of the development.

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 public open space to serve the development have been submitted to and approved 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 Council's Unitary Development Plan. This is a pre-commencement condition to ensure the provisions for public open space are provided at an appropriate point taking into account the viability of the development.

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 and in accordance with KMC Policy Guidance 'Providing for Education Needs Generated by New Housing'. This is a pre-commencement condition to ensure the provisions of educational facilities to serve the needs of the development are provided at an appropriate point taking into account the viability of the development.

8. Details of landscape submitted pursuant to conditions 1 and 2 shall include details of:

a) height, design, siting and materials to be used for the erection of walls/fences, retaining walls within the site and constructional details and facing materials of all proposed boundary treatment,

b) enhancement measures as specified in paragraphs 45 to 47 (page 12) inclusive of the Ecological Appraisal dated March 2015 by Brooks Ecological, and

c) a phasing plan of a) and b), above.

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales, prior to the occupation of the dwellings and retained thereafter.

Reason: In the interest of visual and residential amenity and to maintain and enhance ecological interest within the site, in accordance with the guidance contained within the National Planning Policy Framework and Policy EP11 of the Kirklees Unitary Development Plan.

9. No development shall take place until details of the siting, design and materials to be used in the construction of retaining walls/structures abutting a highway have been submitted to and approved in writing by the Local Planning Authority. The construction of the hereby approved dwellings shall commence only on completion of the retaining structures/walls in accordance with the approved details or in accordance with an alternative timescale agreed in writing by the Local Planning Authority and thereafter retained as such.

Reason: This is a pre-commencement condition to ensure that new structures do not compromise the stability of the highway and in the interest of highway and pedestrian safety, in accordance with the requirements of Policy T10 of the Kirklees Unitary Development Plan.

10. The development shall be served solely off the access point onto Hollyfield Avenue as shown on the drawing no. 7470/050 Rev B prepared by CODA Structures

Reason: In the interests of highway safety and in accordance with Kirklees Unitary Development Plan Policy T10.

11. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: This is a pre-commencement condition to ensure that an appropriate scheme is agreed in the interests of highway safety before construction works commence in accordance with Kirklees Unitary Development Plan Policy T10

12. Notwithstanding the details shown on drawing no. 7470/050 Rev B, no development shall take place until details of the junction and associated highway works, between the proposed estate road and Hollyfield Avenue have been submitted to and approved in writing by the Local Planning Authority. The details shall include full sections, details of speed reducing features, construction specifications, drainage works, lighting, signage, white lining, surface finishes, treatment of sight lines together with an appropriate independent road safety audit covering all aspects of the works. The development shall not be brought into use until all the works under the approved scheme have been carried out complete in accordance with the approved scheme.

Reason: In the interest of highway and pedestrian safety and to ensure that new highway structures do not compromise the safety of all those using the proposed access, in accordance with the requirements of Policy T10 of the Kirklees Unitary Development Plan.

This is a pre-commencement condition to ensure that appropriate details of access can be provided without detriment to highway safety on the surrounding highway network for existing and future residents in accordance with guidance in the National Planning Policy Framework.

13. The development shall not be brought into use until visibility splays 2.4m x 16m either side of the site access in which there shall be no obstruction to visibility above the level of the adjacent footway/carriageway as indicated on the drawing no. 7470/050 Rev B have been completed. Thereafter the visibility splays shall thereafter be retained in accordance with these approved details.

Reason: In the interest of highway and pedestrian safety and to ensure that new proposed access point does not compromise the safety of all those using it, in accordance with the requirements of Policy T10 of the Kirklees Unitary Development Plan.

14. 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 safe occupation of the site. This is a pre-commencement condition so as to ensure ground investigation are undertaken to assess the suitability of the existing soils for garden areas for the proposals and in the interest of the safe occupation of the site in accordance with Policy G6 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

15. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no. 14 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 safe occupation of the site. This is a pre- commencement condition so as to ensure ground investigation are undertaken to assess the suitability of the existing soils for garden areas for the proposals and in the interest of the safe occupation of the site in accordance with Policy G6 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

16. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no. 15. 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 safe occupation of the site in accordance with Policy G6 of the Kirklees Unitary Development Plan.

17. 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 that the approved remediation measures are completed before the dwellings are occupied in the interests of the health and wellbeing of future residents and in accordance with Policy G6 of the Kirklees Unitary Development Plan.

18. No building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewers, which cross the site.

Reason: To allow for sufficient access for maintenance and repair work at all times and to retain a healthy water environment in accordance with National Planning Practice Guidance.

19. No new tree planting, shall be permitted over or within 5.0 (five) metres either side of the centre line of the sewers, which crosses the site.

Reason: To allow for sufficient access for maintenance and repair work at all times and to retain a healthy water environment in accordance with National Planning Practice Guidance.

20. Any reserved matters of 'layout' of the site submitted pursuant to conditions 1 and 2 shall be accompanied by the following drainage information:

- a. details of any existing surface water flood routes on site with topography details,
- b. existing drainage infrastructure to be maintained/diverted /abandoned,
- c. proposed scheme detailing separate systems of foul and surface water drainage, including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, and a detailed maintenance and management regime for the existing drainage systems to be maintained/diverted/abandoned together with the proposed foul and surface drainage water systems for the proposed development;
- d. an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change to include a scheme to manage flows in channel, exceedance events and blockage scenarios (overland flow) for onsite systems and the surrounding area in both directions and flood risk associated with the systems identified in a. (above) along with above ground flow routes. Exceedance routes should avoid property and curtilage areas;
- e. an off-site requisition for foul and surface water sewers, if necessary and
- f. a flood risk assessment of the site based on a., b., c., d., and e. (above).

The resultant drainage information referred to in a., b., c., d., e., and f. shall inform the layout of the site and shall include appropriate stand-off distances between existing and proposed drainage infrastructure and buildings within the site and appropriate measures for flood risk management.

Reason: In this instance it is necessary that the layout of the site be interdependent with the existing and proposed drainage infrastructure. A comprehensive layout taking its form following investigation and consideration of on-site drainage systems and their relationship to adjoining off-site drainage networks shall be submitted to demonstrate that the site can be satisfactorily drained and to mitigate flood risk. This is to accord with Policy BE1(i) of the Kirklees Unitary Development Plan and guidance in part 10 of the National Planning Policy Framework.

21. The development shall be carried out in accordance with the drainage scheme approved pursuant to condition 20. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the works comprising the approved scheme have been provided on and off site. The works comprising the approved scheme shall thereafter be retained and the approved maintenance and management regimes adhered to at all times.

Reason: In the interests of achieving satisfactory and sustainable drainage of the site and to mitigate flood risk. This is to accord with Policy BE1(i) of the Kirklees Unitary Development Plan and guidance in part 10 of the National Planning Policy Framework.

22. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of *4 litres per second* has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100 year storm events, with a 30% allowance for climate change. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: This is a pre commencement condition to ensure that the site can be satisfactorily drained and to reduce the risk of flooding to the proposed and existing development and occupants in accordance with part 10 of the National Planning Policy Framework.

23. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure the provision of adequate and sustainable systems of drainage are employed, during and after the construction phase in the interests of amenity, environmental well-being and to ensure that the site is satisfactorily drained and avoids the risk of flooding to the occupiers of the existing properties and proposed development in accordance with part 10 of the National Planning Policy Framework and Policy BE1(iv) of the Unitary Development Plan

24. There shall be no new buildings, structures or raised ground levels within 3 metres either side of the centre line of watercourses within or along the boundary of the site.

Reason: To allow for sufficient access for maintenance and repair work at all times and to retain a healthy water environment in accordance with National Planning Practice Guidance.

25. Prior to occupation of the dwellings, in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. In residential units that have unallocated parking spaces then before occupation of these units at least one electric vehicle recharging point per ten properties with the above specification shall be installed. The electric vehicles charging points so installed shall thereafter be retained.

Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport" and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework.

NOTE: The improvements works adjacent to neighbouring land will require regrading/engineering operations to be undertaken. Where a site could be affected by land stability issues you are reminded that it is the responsibility of the developer/landowner for securing a safe development.

NOTE: It is important that research of watercourses, containment areas and associated pipework is carried out before any proposed layouts are submitted in order to fully understand the implication of such systems on the site itself in terms of design constraints.

NOTE: See link below to full advice from Yorkshire Water on existing & proposed drainage infrastructure:

http://www.kirklees.gov.uk/business/planning/application_search/filedownload.aspx?application_number=2015/91093&file_reference=545881

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 414700) 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 01484 221000 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

NOTE: 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.

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.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance may involve access to land outside your ownership.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1000	01	13 th July 2015
Engineers detailed drawing of point of access to site	7470/050 by Coda Structures	B	10 th July 2015
Proposed indicative layout – for illustration only	4000		13 th July 2015
Planning Statement	dated April 2015		13 th July 2015
Heritage appraisal,	dated March 2015		
Design & Access statement	dated April 2015		13 th July 2015
Phase 1 (ground investigation) Environmental Assessment	7470 Dated 23 rd Feb 2015		13 th July 2015
Flooding & Drainage Assessment	7470 dated 09 March 2015		13 th July 2015
Ecological Appraisal	R-2142-01, dated March 2015		13 th July 2015

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 an amended point of access plan and vehicular swept paths demonstrating the manoeuvrability of refuse vehicles into the site, to ensure the proposals could be served from an adequate vehicular access point.

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.

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 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 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: 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 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: 08-Dec-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 2015/60/91093/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
