



**Town and Country Planning Act 1990**

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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2015/62/92343/E**

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**To:** Roger Lee Planning Ltd  
18, Leeds Road  
Methley  
Leeds  
LS26 9EQ

**For:** Mohammed Hanif Patel

**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:-**

PART DEMOLITION AND CONVERSION OF MILL TO FORM 18 RESIDENTIAL UNITS

**At:** WARWICK MILLS, WARWICK ROAD, BATLEY, WF17 6BS

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**In accordance with the plan(s) and applications submitted to the Council on 24-Nov-2015, subject to the condition(s) specified hereunder:-**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

**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 schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE1, BE2, BE12, T10, G6, EP11, EP4 and B4 of the Kirklees Unitary Development Plan, Policies PLP1, PLP21, PLP22, PLP24, PLP28, PLP30, PLP51 and PLP53 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

3. The dwellings shall not be occupied until the proposed car park hereby approved has been laid out surfaced, marked out into bays and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** In the interest 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 Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan, and chapter 10 of the National Planning Policy Framework.
4. The maximum length of vehicle permitted to enter the proposed access is 9.62 metres. A scheme for private refuse collection to serve the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. Thereafter the development shall be undertaken in accordance with the approved details before any dwelling is first occupied, and the private waste collection service shall be provided in perpetuity.  
**Reason:** In the interests of highway safety as on street parking prevents a normal size refuse vehicle to enter and exit the site in a forward gear and to accord with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.
5. Prior to first occupation of any dwelling electric vehicle charging points shall be installed in 10% of the unallocated parking spaces. 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 charging points 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.
6. 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 to protect future occupiers of the development as further intrusive investigation is recommended in the Preliminary Risk Assessment NG7620/WAR/SK and to accord with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Kirklees Publication Draft Local Plan and chapter 11 of the National Planning Policy Framework.
7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 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 to protect future occupiers of the development as further intrusive investigation is recommended in the Preliminary Risk Assessment NG7620/WAR/SK and to accord with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Kirklees Publication Draft Local Plan and chapter 11 of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. 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 approved 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 protect future occupiers of the development and to accord with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Kirklees Publication Draft Local Plan and chapter 11 of the National Planning Policy Framework.

9. 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 protect future occupiers of the development and to accord with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Kirklees Publication Draft Local Plan and chapter 11 of the National Planning Policy Framework.

10. The development hereby approved shall be carried out in complete accordance with the Noise Report Ref 250YP by Nova Acoustics Ltd. The recommendations for glazing units and ventilation detailed in Section 7 shall be implemented in accordance with the details in the report before first occupation of the dwellings.

**Reason:** To protect future occupants of the development from noise disturbance and to accord with Policies EP4 and D2 of the Kirklees Unitary Development Plan.

11. Details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works shall be submitted to and approved by the Local Planning Authority before any dwelling is first occupied. Thereafter the development shall be undertaken in accordance with the approved details before any dwelling is first occupied. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

**Reason:** To ensure that no surface water discharges take place until proper provision has been made for its disposal and to accord with chapter 10 of the National Planning Policy Framework.

12. A biodiversity and mitigation plan shall be submitted to and approved by the Local Planning Authority before any dwelling is first occupied. The plan shall include details of landscaping, bat and bird boxes and external lighting. Thereafter the development shall be undertaken in accordance with the approved details before any dwelling is first occupied and the biodiversity features retained thereafter.

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

13. 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 have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, the arrangements shall cover the following matters:-

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

**Reason:** This is a pre-commencement condition to ensure the provision of affordable housing in accordance with the requirements of Policy H10 of the Kirklees Unitary Development Plan and the Council's Interim Affordable Housing Policy.

**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:** In respect of condition 12 the biodiversity and mitigation plan shall include the following details:

- **Landscaping:** native species planting of tree and shrub species to enhance and develop habitat networks.
- **Bat boxes:** the erection of 2 bat boxes, in the form of Schweglar type 1FQ bat boxes or similar installed integral to the new dwellings within the site.
- **Bird boxes:** the erection of 1 sparrow terrace and 1 multi-chamber swift box.
- **Lighting:** details of artificial lighting including car park lighting. Note that there should be no light spillage into tree habitats and corridors or, areas with bat roost potential including installed bat boxes.

**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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			27.07.15
Site Plan as Proposed	14-256-10A		25.02.18
Proposed Basement & Ground Floor Plan	14-256-11A		25.02.18
First & Second Floor & Roof Plans as Proposed	14-256-12A		25.02.18
Proposed Elevations	14-256-14A		04.10.16
Swept Paths for 9.6m refuse vehicle			17.03.17
Sightlines	Figure 1 & 2		04.10.16
Planning Statement			05.08.15
Design and Access Statement			27.05.15
Transport Assessment	15299/February 2015		27.07.15
Phase I Desk Top Study	NG7620/WAR/SK		27.07.15
Drainage Impact Assessment Report			27.07.15
Noise Assessment	250YP		27.07.15

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 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 additional information regarding the loss of the site for employment use and the current uses within the building, to secure a noise report, to address highway safety and drainage concerns, and to retain the arched windows to the rear of the building. The issue of affordable housing is addressed via condition.

**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 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](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://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.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 27-Mar-2018

**Signed:**



**Karl Battersby**  
**Strategic Director Economy and Infrastructure**

### **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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2015/62/92343/E .

If a paper copy of the decision notice or decided plans are required please email [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

**Write to:** Planning Services  
Investment and Regeneration  
PO Box B93, Civic Centre III  
Off Market Street, Huddersfield  
HD1 2JR

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