



**Town and Country Planning Act 1990**

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

**OUTLINE PLANNING PERMISSION**

---

**Application Number: 2015/60/93824/W**

---

**To:** John Crompton,  
LOROC Architects  
25A, Park Square West  
Leeds  
LS1 2PW

**For:** Prospect Estates Ltd

**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-**

OUTLINE APPLICATION FOR ERECTION OF 56 DWELLINGS AND CARE HOME WITH ASSOCIATED CAR PARKING

**At:** FORMER MIDLOTHIAN GARAGE, NEW MILL ROAD, HOLMFIRTH, HD9 7LN

**In accordance with the plan(s) and applications submitted to the Council on 01-Dec-2015, subject to the condition(s) specified hereunder:-**

1. Approval of the details of the layout, scale, appearance and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale, appearance, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

**Reason:** No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

5. No development shall take place until full details of the junctions and associated highway works on New Mill 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 junctions have been completed in accordance with the approved plans.

**Reason:** In the interests of the free and safe use of the highway, and to accord with Policy T10 of the Kirklees Unitary Development Plan.

6. The buildings shall not be occupied until sightlines of 2.4 metres x 58 metres at the care home entrance and 2.4 metres x 50.7 metres at the residential access have been cleared of all obstructions to visibility exceeding 1 m in height above the level of the adjacent carriageway and these shall be retained free of any such obstruction throughout the lifetime of the development.

**Reason:** In the interests of the free and safe use of the highway, and to accord with Policy T10 of the Kirklees Unitary Development Plan.

7. No part of the development shall be brought into use until the redundant vehicle crossing points from New Mill Road has been permanently closed and the footway reinstated and until 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:** In the interests of the free and safe use of the highway, and to accord with Policy T10 of the Kirklees Unitary Development Plan.

8. No development 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:** In the interests of the free and safe use of the highway, and to accord with Policies T10 and T19 of the Kirklees Unitary Development Plan.

9. The development shall not be brought into use until a detailed drawing of the car park facilities for the approved development have been submitted and approved in writing by the Local Planning Authority. The approved car parks shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

**Reason:** In the interests of the free and safe use of the highway and to accord with Policies T10 and T19 of the Kirklees Unitary Development Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) any gates or barriers across the access to the care home car park shall be set back 5 metres from the back of the adopted footway and shall be hung as to only open inwards. So long as such gates or barriers are in position they shall be retained to only open inwards.

**Reason:** In the interests of the free and safe use of the highway and to accord with Policies T10 and T19 of the Kirklees Unitary Development Plan.

11. No development shall take place until details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The works comprising the approved details shall be provided before the development is occupied and shall be so retained thereafter free of obstructions and available for storage throughout the lifetime of the development.

**Reason:** In the interests of the free and safe use of the highway, and to accord with Policy T10 of the Kirklees Unitary Development Plan.

12. Development shall not commence until a scheme detailing measures to prevent mud and debris being brought from the site onto the public highway during construction works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction period.

**Reason:** In the interests of the free and safe use of the highway and to accord with Policy T10 of the Kirklees Unitary Development Plan.

13. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

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

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

15. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 14. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

16. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

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

17. Prior to development commencing a scheme detailing the provision of electrical charging points for low emissions vehicles( these details to include numbers and locations), shall be submitted for the written approval of the Local Planning Authority. The agreed scheme shall be implemented in accordance with an agreed phasing plan, and thereafter shall be retained.

**Reason:** To accord with the guidance contained in part 4 of the National Planning Policy Guidance "Promoting sustainable transport".

18. Before development on the Care Home details of any external plant( including location, expected noise levels) to be installed, on the Care Home building shall be submitted to the Local Planning Authority for written approval. Any agreed plant shall be installed and thereafter maintained in accordance with manufacturers recommendations.

**Reason:** To protect the residential amenities of the nearest new build dwellings and future residential occupiers of this site, in accordance with Policy EP6 of the Kirklees Unitary Development Plan.

19. There shall be no deliveries to or dispatches from the Care Home outside of the hours of 07.30-18.30 Monday to Friday; 08.00-13.00 Saturday, and none on Sundays or Bank Holidays.

**Reason:** To protect the residential amenities of the nearest new build dwellings and future residential occupiers of this site, in accordance with Policy EP6 of the Kirklees Unitary Development Plan.

20. Before development of the Care Home commences, a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme.

**Reason:** To protect the residential amenities of the nearest new build dwellings and future residential occupiers of this site in accordance with the guidance contained in part 8 of the National Planning Policy Framework “promoting healthy communities”.

21. Development shall not commence until 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, and percolation tests where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby approved shall be occupied until such approved drainage scheme has been provided to serve the development, or each agreed phasing of the development to which the dwellings relate, and it thereafter 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 part 10 of the National Planning Policy Framework “Meeting the challenge of climate change, flood risk and coastal change”.

22. Development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, on drainage infrastructure and the surface water run-off pre and post development, between the site and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use, until the works comprising the approved scheme have been completed, and such approved scheme 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 part 10 of the National Planning Policy Framework “ Meeting the challenge of climate change, flood risk and coastal change”.

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 the temporary drainage provision;
- include methods of preventing silt, debris and contaminants entering existing drainage systems 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:** 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 part 10 of the National Planning Policy Framework “ Meeting the challenge of climate change, flood risk and coastal change”.

24. Prior to development commencing, a scheme detailing biodiversity enhancement (is bird and bat roost opportunities), both within the built up and wooded areas of the site, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be implemented in accordance with an agreed phasing plan, and thereafter retained.

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

25. Construction and construction deliveries shall take place only between 8am to 6pm Monday to Friday and 9am to 1pm on Saturdays. There shall be no construction or construction deliveries on Sundays or bank holidays.

**Reason:** In the interest of residential amenity

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	1447-01		01/12/15
Amended site plan	1447-02	C	26/2/16
Survey Plan	1447-102		01/12/15
Design and Access Statement			01/12/15
Flood Risk Assessment (Eastwoods and Ptnrs)	39141-001		01/12/15
Phase I and II Geo technical Report (Eastwoods and Ptnrs)	39141-001		01/12/15
Ecological Report	20151026 K874 LP		01/12/15
Extended phase 1 Habitat report	151047		01/12/15
Transport Assessment	9111/01/001final		26/01/16

Pursuant to article 35(2) of the Town and Country Planning (Development Management Procedure) Order 2015 and the guidance contained 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 this application

**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](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 an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

<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](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is 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 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 26-May-2016

**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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2015/60/93824/W.

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.

---

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

---