

Residential Development

444 Bradford Road, Batley, WF17 5LW

Planning Statement

1. The application refers to a site which has the benefit of residential planning permission which was granted under 2010/90185 and renewed under 2013/92480 which is due to expire on the 2nd October 2016. A copy of the planning permission is attached to this submission.
2. The application is fundamentally a renewal of the 2013/92480 as none of the circumstances have changed from when the planning permission was issued.
3. In terms of flooding the Environment Agency's flood map is unchanged from when the original planning permission was granted in 2010. Only a very limited part of the application site falls within a flood zone and no built development will take place on the land as it is to be retained as part of the landscaping scheme and will not be built upon. The recommendations made in the Flood Risk Assessment are still relevant today and can be implemented into the scheme.
4. The application site is within a highly sustainable location and as such Paragraph 14 of the NPPF is considered to carry significant weight.
5. The merits of the application utilised when planning permission was granted are still relevant and the loss of the site from business and industry stock is not significant bearing in mind the current layout and the restrictive access. Accordingly, Paragraph 22 of the NPPF is considered to weigh heavily in the application's favour.

September 2016



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

Application Number: 2013/60/92480/E

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

For: P Lister, c/o agent

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:-

EXTENSION TO TIME LIMIT TO PREVIOUS PERMISSION 2010/90185 FOR
OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT

At: 444, BRADFORD ROAD, BATLEY, WF17 5LW

In accordance with the plan(s) and applications submitted to the Council on 07-Aug-2013, subject to the condition(s) specified hereunder:-

1. Approval of the details of the appearance, scale 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 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. Development shall not commence until details of external materials to be used have been submitted to and approved in writing by the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

Reason: In the interests of visual amenity and to accord with Policy BE2 of the Unitary Development Plan.

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 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;

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).

7. Notwithstanding the details shown on the approved plan, no development shall take place until a scheme detailing arrangements and specification for layout and parking have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

Reason: To ensure a suitable access and layout in the interests of highway safety, in accordance with Policy T10 of the Unitary Development Plan.

8. No part of the development shall be brought into use until the existing accesses from Bradford Road and Bridge Street have 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, in accordance with Policy T10 of the Unitary Development Plan.

9. The buildings shall not be occupied until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policy T10 of the Unitary Development Plan.

10. The development shall not begin until detailed plans of at least 2 car parking spaces designed for the use of disabled people to be provided within the car parking have been submitted to and approved in writing by the Local Planning Authority. The parking spaces shall then be constructed, surfaced and marked out in accordance with the plans so approved prior to the development being brought into use and shall be retained thereafter.

Reason: To provide suitable parking provision for the disabled in accordance with Policy D2 of the Unitary Development Plan.

11. The development shall not be brought into use until a footway 2 metres wide has been provided on Caledonia Road along the site frontage in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The footway so approved shall thereafter be retained.

Reason: In the interests of highway safety and to allow for safe pedestrian access to and from the site, in accordance with Policy T10 of the Unitary Development Plan.

12. 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 for or over a vehicular access or egress shall be set back 2 metres from the back of Caledonia Road 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 highway safety and to avoid the need for vehicles to wait in the highway, in accordance with Policy T10 of the Unitary Development Plan.

13. No building shall be occupied until cycle storage facilities have been provided in accordance with details that have been approved in writing by the Local Planning Authority, the approved facilities shall thereafter be retained.

Reason: To comply with the Council's sustainability objectives, in accordance with Part 4 of the National Planning Policy Framework.

14. Prior to the first occupation of the dwellings hereby approved, the developer shall subsidise the cost of a Metro travel card for the benefit of future occupiers in accordance with the Residential Metrocard scheme.

Reason: To encourage the use of public transport in accordance with the Council's sustainability objectives, in accordance with Part 4 of the National Planning Policy Framework.

15. No development shall take place until details of the siting, design and material to be used in the construction of retaining walls/ structures near or abutting highway have been approved in writing by the Highways Structures.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway, in accordance with Policy T10 of the Unitary Development Plan.

16. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Bradford Road along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

Reason: To ensure adequate visibility in the interests of highway safety, in accordance with Policy T10 of the Unitary Development Plan.

17. No development shall take place until provision has been made for the parking, loading and unloading of contractors` plant and equipment and the parking of vehicles of the workforce within the site.

Reason: In the interests of highway safety and to accord with Policy T10 of the Unitary Development Plan.

18. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by EWE Associates Ltd, dated May 2010, REF 2010/579 and the following mitigation measures detailed within the FRA:

1. Finished Floor Levels are set no lower than 55.24m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Part 10 of the National Planning Policy Framework.

19. Before development commences a report specifying the measures to be taken to protect the development from noise from road traffic shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- i. Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development.
- ii. Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).
- iii. The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of future occupiers of the development, in accordance with Policy EP4 of the Unitary Development Plan.

20. 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 permission granted is not rendered inoperable, in accordance with Policy G6 of the Unitary Development Plan.

21. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 20 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 permission granted is not rendered inoperable, in accordance with Policy G6 of the Unitary Development Plan.

22. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 21. 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 permission granted is not rendered inoperable, in accordance with Policy G6 of the Unitary Development Plan.

23. 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 permission granted is not rendered inoperable, in accordance with Policy G6 of the Unitary Development Plan.

24. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage, in accordance with Policy D2 of the Unitary Development Plan.

25. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the development can be properly drained in accordance with Policy D2 of the Unitary Development Plan.

26. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharge takes place until proper provision has been made for their disposal, in accordance with Policy D2 of the Unitary Development Plan.

27. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage, in accordance with Policy D2 of the Unitary Development Plan.

28. The development shall be carried out in accordance with the recommendations set out in the Revised Desk Study and Phase 2 Geo-Environmental Ground Investigation Report, particularly with regard to the need for site investigation works to be undertaken prior to development commencing. Any remedial works identified by the site investigations should be undertaken prior to commencement of development.

Reason: To ensure that the site is safe, stable and suitable for development in accordance with Part 11 of the National Planning Policy Framework.

29. An updated bat survey shall be undertaken prior to demolition of the existing building, between the months of May and August which shall include details of an appropriate level of mitigation and enhancement for the development. This should include the type of features proposed and their location on a plan, in addition to photographs demonstrating the measures in place.

Reason: In the interests of the biodiversity of the site, and to accord with Part 11 of the National Planning Policy Framework

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

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: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Design and Access Statement			04.02.10
Traffic Documents	177A/Oct 07		04.02.10
Location Plan			04.02.10
Site Survey			04.02.10
Site Plan as Proposed	2128/1/A/B		04.02.10
Planning Statement			04.02.10
Phase I desk study	PL2800		04.02.10
Bat Survey	TWO0172/001		04.02.10
Flood Risk Assessment	2010/579		11.05.10

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Leeds City Region Development Management Pledge and otherwise actively engaged with the applicant in dealing with the application.

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

Development within a Coal Mining Area

The proposed development lies within 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 www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. 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 Coal Authority permission 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 The Coal Authority's Property Search Service on 0845 762 6848 or at 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 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

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 refuse permission for the proposed development or 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:
28 days of the date of service of the enforcement notice, or within 6 months of 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 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to fill in the online form www.kirklees.gov.uk/business/PlanningApplication/planning_application_feedback.asp so that we can work on continually improving our customer service. Thank you.

Dated: 02-Oct-2013

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 2013/60/92480/E.

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



Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

OUTLINE PLANNING PERMISSION

Application Number: 2010/60/90185/E1

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

For: P Lister

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

At: 444, BRADFORD ROAD, BATLEY, WF17 5LW

In accordance with the plan(s) and applications submitted to the Council on 04-Feb-2010, subject to the condition(s) specified hereunder:-

1. Approval of the details of the appearance, scale 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 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. Development shall not commence until details of external materials to be used have been submitted to and approved in writing by the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

Reason: In the interests of visual amenity and to accord with policy BE2 of the Unitary Development Plan.

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 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;

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).

7. Notwithstanding the details shown on the approved plan, no development shall take place until a scheme detailing arrangements and specification for layout and parking have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

Reason: To ensure a suitable access and layout in the interests of highway safety, in accordance with Policy T10 of the Unitary Development Plan.

8. No part of the development shall be brought into use until the existing accesses from Bradford Road and Bridge Street 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, in accordance with Policy T10 of the Unitary Development Plan.

9. The buildings shall not be occupied until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policy T10 of the Unitary Development Plan.

10. The development shall not begin until detailed plans of at least 2 car parking spaces designed for the use of disabled people to be provided within the car parking have been submitted to and approved in writing by the Local Planning Authority. The parking spaces shall then be constructed,

surfaced and marked out in accordance with the plans so approved prior to the development being brought into use and shall be retained thereafter.

Reason: To provide suitable parking provision for the disabled in accordance with Policy D2 of the Unitary Development Plan.

11. The development shall not be brought into use until a footway 2 metres wide has been provided on Caledonia Road along the site frontage in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The footway so approved shall thereafter be retained.

Reason: In the interests of highway safety and to allow for safe pedestrian access to and from the site, in accordance with Policy T10 of the Unitary Development Plan.

12. 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 for or over a vehicular access or egress shall be set back 2 metres from the back of Caledonia Road

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 highway safety and to avoid the need for vehicles to wait in the highway, in accordance with Policy T10 of the Unitary Development Plan.

13. No building shall be occupied until cycle storage facilities have been provided in accordance with details that have been approved in writing by the Local Planning Authority, the approved facilities shall thereafter be retained.

Reason: To comply with the Council's sustainability objectives, in accordance with PPS1 – Delivering Sustainable Development.

14. Prior to the first occupation of the dwelling hereby approved, the developer shall subsidise the cost of a Metro travel card for the benefit of future occupiers in accordance with the Residential Metrocard scheme (details attached).

Reason: To encourage the use of public transport in accordance with the Council's sustainability objectives, in accordance with PPS1 – Delivering Sustainable Development.

15. No development shall take place until details of the siting, design and material to be used in the construction of retaining walls/ structures near or abutting highway have been approved in writing by the Highways Structures.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway, in accordance with Policy T10 of the Unitary Development Plan.

16. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Bradford Road along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

Reason: To ensure adequate visibility in the interests of highway safety, in accordance with Policy T10 of the Unitary Development Plan.

17. No development shall take place until provision has been made for the parking, loading and unloading of contractors` plant and equipment and the parking of vehicles of the workforce within the site.

Reason: In the interests of highway safety and to accord with Policy T10 of the Unitary Development Plan.

18. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by EWE Associates Ltd, dated May 2010, REF 2010/579 and the following mitigation measures detailed within the FRA:

i. Finished Floor Levels are set no lower than 55.24m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with PPS25: Development and Flood Risk.

19. Before development commences a report specifying the measures to be taken to protect the development from noise from road traffic shall be submitted to and approved in writing by the Local Planning Authority.

The report shall

Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development

i. Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

ii. Unless otherwise agreed in writing with the LPA the development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained

Reason: To protect the amenity of future occupiers of the development, in accordance with Policy EP4 of the Unitary Development Plan.

20. 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 permission granted is not rendered inoperable, in accordance with Policy G6 of the Unitary Development Plan.

21. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 20 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 permission granted is not rendered inoperable, in accordance with Policy G6 of the Unitary Development Plan.

22. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 21. 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 permission granted is not rendered inoperable, in accordance with Policy G6 of the Unitary Development Plan.

23. 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 permission granted is not rendered inoperable, in accordance with Policy G6 of the Unitary Development Plan.

24. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage, in accordance with Policy D2 of the Unitary Development Plan.

25. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the development can be properly drained in accordance with Policy D2 of the Unitary Development Plan.

26. Unless otherwise agreed in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharge takes place until proper provision has been made for their disposal, in accordance with Policy D2 of the Unitary Development Plan.

27. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage, in accordance with PPS23 – Planning and Pollution Control.

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: 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: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification.

NOTE: It is recommended that bat roosting opportunities are included in the development. Ideally, these should be in the form of integral 'bat bricks' or 'schwegler'-type bat boxes. Bird nesting opportunities should also be provided in accordance with government guidance contained within PPS9.

The decision to grant planning permission has been taken having regard to the policies and proposals in the Kirklees Unitary Development Plan and National Guidance set out below:

B1 - Employment needs of the district
B4 - Change of use of land and buildings last used for business or industry
D2- Unallocated Land
T10 - Highway safety
T19 - Parking standards
BE1 - Design principles
BE2 - Quality of design
BE12 - Space about buildings
H10 - Affordable housing
G6 - Land contamination
EP4 - Noise sensitive development
PPS1 Delivering Sustainable Development
PPS3 Housing
PPS25 Planning and Flood Risk

The reasons for granting planning permission can be summarised as follows:

The site comprises previously developed land. The development would have no detrimental affect on the visual amenities of the area nor any neighbouring properties and would not impact adversely on any highway safety issues.

There are no other material considerations which outweigh these findings.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Design & Access Statement			04.02.10
Traffic Documents	177A/Oct 07		04.02.10
Location Plan			04.02.10
Site Survey			04.02.10
Site Plan as proposed	2128/1/A/B		04.02.10
Planning Statement			04.02.10
Phase I desk study	PL2800		
Bat Survey	TWO0172/001		04.02.10
Flood Risk Assessment	2010/579		11.05.10

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

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. Applicants must investigate and take account of these hazards prior to commencing development and introduce appropriate measures to address risks both within and beyond the development site. Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

An electronic version of the full Standing Advice, which you are strongly advised to read and details of the coalfield consultation areas can be provided on request to: planningconsultation@coal.gov.uk

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 refuse permission for the proposed development or 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 you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Dated: 23-Aug-2010

Signed:



**Andy Rushby
Head of Service**

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) 221631 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
