



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

PLANNING PERMISSION FOR DEVELOPMENT

NOTE: This approval should be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990

Application Number: 2017/70/91269/E

To: Paul Thornton,
Persimmon Homes (West Yorkshire)
3, Hepton Court
York Road
Leeds
LS9 6PW

For: Persimmon Homes (West Yorkshire)

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:-

VARIATION CONDITION 2 (PLANS) ON PREVIOUS PERMISSION 2016/92811 FOR ERECTION OF 46 DWELLINGS AND ASSOCIATED WORKS INCLUDING ACCESS, PUBLIC OPEN SPACE, LANDSCAPING, PARKING AND ANCILLARY WORKS

At: FLOCKTON HALL FARM, BARNSLEY ROAD, FLOCKTON, HUDDERSFIELD, WF4 4DW

In accordance with the plan(s) and applications submitted to the Council on 10-Apr-2017 [together with those plans and application(s) submitted to the Council on 19-Aug-2016 and incorporated into planning permission ref no. 2016/62/92811/E granted on 07-Mar-2017] and subject to the condition(s) specified hereunder:-

1. 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, D5, BE1, BE2, BE11, BE12, T10, T16, T19, G6, H1, H10, H12, H18, EP4, EP10, EP11, BE23 and R13 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

2. The development shall be completed in accordance with the approved facing and roofing materials pursuant to application Ref 2017/93755 and thereafter be retained.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan as well as the aims of chapter 7 of the National Planning Policy Framework.

3. The wall to the site frontage shall be set back to the rear of the approved visibility splays onto Barnsley Road and cleared of all obstructions to visibility and tarmac surfaced in accordance with details approved as part of application Ref 2017/92202 before any dwelling is first occupied.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policies D2 and T10 of the Kirklees Unitary Development Plan.

4. The internal adoptable estate roads shall be completed in accordance with the details approved as part of application Ref 2017/92202 and in accordance with written confirmation of an agreed Section 38 scheme before any dwelling is first occupied and be retained thereafter.

Reason: To ensure that suitable access is achieved to serve the development in the interest of visual amenity and highway safety, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan.

5. The provision of footway widening works along the Barnsley Road site frontage and the provision of a new farm access to Flockton Hall Farm with the provision of yellow box marking on Barnsley Road with associated signing and white lining shall be completed in accordance with details approved as part of application Ref 2017/92202 and in accordance with written confirmation of an agreed Section 38 scheme before any dwelling is first occupied and be retained thereafter.

Reason: To ensure that suitable access is achieved to serve the development in the interest of visual amenity and highway safety, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan.

6. All construction arrangements shall be carried out in accordance with the approved schedule of the means of access to the site for construction traffic pursuant to application 2017/92202 throughout the period of construction.

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

7. Remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy pursuant to application Ref 2017/93628. 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: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to establish the exact situation with respect to the Coal Mining Legacy, in accordance with Policy G6 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

8. 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 approved in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to establish the exact situation with respect to the Coal Mining Legacy and to accord with Policy G6 of the Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

9. The Ecological Design Strategy approved pursuant to application Ref 2017/92202 shall be implemented in accordance with the approved details and all features shall thereafter be retained.

Reason: To secure appropriate ecological mitigation and biodiversity enhancement measures to comply with the aims of Chapter 11 of the National Planning Policy Framework.

10. The provision of on-site public open space to serve the development shall be provided in accordance with the approved details and the accompanying Section 106 agreement.

Reason: To ensure the provision of open space to serve the development and in accordance with Policy H18 of the Kirklees Unitary Development Plan.

11. Prior to occupation of the dwelling(s), in all residential units with a dedicated parking area and/or garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. Thereafter the electric vehicle recharging 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.

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

Reason: To avoid the overdevelopment of the site and in the interest of the amenity of occupiers of neighbouring residential properties and to accord with Policy D2 of the Kirklees Unitary Development Plan.

13. Notwithstanding the provisions of section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Act or Order with or without modification) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in any elevation of the approved dwellings.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policies D2 and BE12 of the Kirklees Unitary Development Plan.

14. No dwelling shall be occupied until the approved scheme of foul, surface water and land drainage pursuant to application Ref 2017/92202 has been provided to serve the development and thereafter shall be retained.

Reason: In the interest of satisfactory and sustainable drainage; to ensure that the development can be properly drained and to accord with Policy D2 of the Kirklees Unitary Development Plan and Chapter 10 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that adequate drainage works are carried out at the appropriate stage of the development.

15. No dwelling shall be occupied until the works comprising the approved scheme of the effects of the 1 in 100 year storm events pursuant to application Ref 2017/92202 have been completed and thereafter shall be retained.

Reason: In the interest of satisfactory and sustainable drainage; to ensure that the development can be properly drained and to accord with Policy D2 of the Kirklees Unitary Development Plan and Chapter 10 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that adequate drainage works are carried out at the appropriate stage of the development.

16. The approved scheme of temporary surface water drainage for the construction phase pursuant to application Ref 2017/92873 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: In the interest of satisfactory and sustainable drainage; to ensure that the development can be properly drained, and to ensure that no surface water discharge takes place until proper provision has been made for its disposal; and to accord with Policy D2 of the Kirklees Unitary Development Plan and Chapter 10 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that adequate drainage works are carried out at the appropriate stage of the development.

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).

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan (submitted as part of application 2016/92811)	FLO-2014-02	A	
Topographical Survey (submitted as part of application 2016/92811)	PS 1028-01		
Hanbury (3x block) House Type(submitted as part of application 2016/92811)	HB-WD11		
Hanbury (Semi) House Type (submitted as part of application 2016/92811)	HB-WD10		
Whitehall House Type (submitted as part of application 2016/92811)	WH-WD10		
Holborn Plans House Type(submitted as part of application 2016/92811)	HB-WD10		
Fenchurch House Type(submitted as part of application 2016/92811)	FH-WD10		
Harley Plans House Type(submitted as part of application 2016/92811)	HY-WD10		
Marylebourne House Type(submitted as part of application 2016/92811)	ME-WD10		
Knightsbridge House Type(submitted as part of application 2016/92811)	KB-WD10		
Mayfair House Type(submitted as part of application 2016/92811)	MY-WD10		
Piccadilly (Semi) House Type(submitted as part of application 2016/92811)	PY-WD10		
Piccadilly House Type(submitted as part of application 2016/92811)	PY-WD10		

Plan Type	Reference	Version	Date Received
Brampton (Pair) House Type(submitted as part of application 2016/92811)	BRA-WD10		
Standard Garages(submitted as part of application 2016/92811)	FLO-SGD-01-01	A	
6 x 3 garages (submitted as part of application 2016/92811)	FLO-SGD-02	A	
Car Port (submitted as part of application 2016/92811)	FLO-SPD-01	A	
Boundary Treatments (submitted as part of application 2016/92811)	FLO-BOUND-01	A	
Flood Routing Plan(submitted as part of application 2016/92811)	E14/6164/019A		
Design and Access Statement (submitted as part of application 2016/92811)			
Design and Access Statement Addendum (submitted as part of application 2016/92811)			
Planning Statement (submitted as part of application 2016/92811)	PS/FLO/1412/19		
Statement of Community Involvement (submitted as part of application 2016/92811)	SCI/FLO/1412/19		
Transport Assessment (submitted as part of application 2016/92811)			
Road Safety Audit Stage 1(submitted as part of application 2016/92811)			
Road Safety Audit – Designer's Response(submitted as part of application 2016/92811)			
Proposed Access Arrangement (submitted as part of application 2016/92811)	3177/SK003/01	E	
Road Safety Audit Option 1(submitted as part of application 2016/92811)			
Road Safety Audit Designers Response proposed Access option 1(submitted as part of application 2016/92811)			
Arboricultural Survey (submitted as part of application 2016/92811)	AWA1292		
Arboricultural Method Statement (submitted as part of application 2016/92811)	AWA1584		
Flood Risk Assessment (submitted as part of application 2016/92811)	E14/6164/R001b		

Plan Type	Reference	Version	Date Received
Extended Phase I Habitat Survey (submitted as part of application 2016/92811)			
Bat Scoping and Activity Survey (submitted as part of application 2016/92811)			
Bat Activity Survey(submitted as part of application 2016/92811)			
Phase 1 Geo-environmental Report(submitted as part of application 2016/92811)	E14/6164/R001		
Phase 2 Ground Investigation Report (submitted as part of application 2016/92811)	E14/6164/R002A		
Site Layout Plan	FLO-2014-01	Y	07.02.18
Landscaping Plan	R/1780/1	J	27.03.18
Public Open Space Management Plan	FLO-2014-06	E	14.02.18

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer undertook negotiations with the applicant to secure a deed of variation to tie the Section 73 application to the previously approved Section 106 agreement and to secure the provision of the approved on-site Public Open Space.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

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

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to 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 Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>
Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

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

Purchase Notices

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

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

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 08-May-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, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2017/70/91269/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
