Planning
Investment and Regeneration Service
PO Box B93, Civic Centre 3,
Off Market Street, Huddersfield, HD1 2JR

Enquiries to: Catherine McGuigan

Tel: 01484 221000
Fax: 01484 221613
Email: Catherine.McGuigan@kirklees.gov.uk

Paul Kemp
Service Director
Economy, Regeneration and Culture

Devonshire Solicitors
5, Wheathouse Road
Birkby
Huddersfield
HD2 2UN

Date: 24-Aug-2017
Our Ref: 2017/92428

Dear Sir/Madam

Request for confirmation of compliance with a condition or conditions
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990
Application: 2017/92428
For: Confirmation of compliance of conditions on previous permission no. 2005/95145 for erection of 247 no. dwellings with garages, 44 no. apartments, change of use and alterations to convert existing building to 24 no. apartments, with associated parking, access, public open space, play areas and pedestrian routes (within a conservation area)
At: 5 & 7 Wheathouse Road, Birkby, Huddersfield, HD2 2UN

I write with reference to your request for written confirmation of compliance with a condition or conditions for the above development.

10. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development in accordance with the requirements of Policy H18 of the Council's Unitary Development Plan have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

    a) the layout and disposition of the public open space.
    b) the timescale for the implementation and completion of the works to provide the public open space;
    c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
    d) maintenance of the public open space in perpetuity.

This condition stipulates no development shall be carried out on site prior to the provision of arrangements for both Public Open Space and Affordable Housing on site being submitted and approved of by the Local Planning Authority. I can confirm that condition 10 is complied with, as the Council has record of Section 106 Agreement outlining the provision of Public Open Space and Affordable Housing for the site, between Cala Management Limited, Cala Land Investments Limited and The Council of the Borough of Kirklees, approved and dated on the 31st of October 2006 for application 2005/95145, varied by Deed through application 2006/95034, approved on the 8th of October 2007.

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11. 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 in accordance with the requirements of Policy H10 of the Council's Unitary Development Plan and the Council's Supplementary Planning Guidance (The Provision of Affordable Housing in New Housing Developments) 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.

This condition stipulates no development shall be carried out on site prior to the provision of arrangements for both Public Open Space and Affordable Housing on site being submitted and approved of by the Local Planning Authority. I can confirm that condition 11 is complied with, as the Council has record of Section 106 Agreement outlining the provision of Public Open Space and Affordable Housing for the site, between Cala Management Limited, Cala Land Investments Limited and The Council of the Borough of Kirklees, approved and dated on the 31st of October 2006 for application 2005/95145, varied by Deed through application 2006/95034, approved on the 8th of October 2007.

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.

This condition relates to contamination on site, and potential remediation. Following consultation with the council's Environmental Health department I can confirm that records are held of a validation report that includes plots 307-314; now known as Flat 11 and Flats 15-27, Macaulay Road. It was deemed by the Environmental Health Officer that the content of the report satisfied the conditions in question.

In investigating further, it was found that the Environmental Health Officer confirmed, if no.5 and no.7 Wheathouse Road are located on plots 318 – 319 'then they can be deemed appropriate to comply with the conditions attached to the applications'.

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.

This condition relates to contamination on site, and potential remediation. Following consultation with the council's Environmental Health department I can confirm that records are held of a validation report that includes plots 307-314; now known as Flat 11 and Flats 15-27, Macaulay Road. It was deemed by the Environmental Health Officer that the content of the report satisfied the conditions in question.

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In investigating further, it was found that the Environmental Health Officer confirmed, if no.5 and no.7 Wheathouse Road are located on plots 318 – 319 'then they can be deemed appropriate to comply with the conditions attached to the applications'.

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 Phase I or Phase II reports] is identified or encountered on site, the local planning authority shall be notified in writing within 2 working days. Proposed revisions to the Remediation Strategy shall be submitted to the local planning authority for approval in writing. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

This condition relates to contamination on site, and potential remediation. Following consultation with the council's Environmental Health department I can confirm that records are held of a validation report that includes plots 307-314; now known as Flat 11 and Flats 15-27, Macaulay Road. It was deemed by the Environmental Health Officer that the content of the report satisfied the conditions in question.

In investigating further, it was found that the Environmental Health Officer confirmed, if no.5 and no.7 Wheathouse Road are located on plots 318 – 319 'then they can be deemed appropriate to comply with the conditions attached to the applications'.

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. No area of the site shall be brought into use until such time as that area has been remediated in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation works has been approved in writing by the local planning authority.

This condition relates to contamination on site, and potential remediation. Following consultation with the council's Environmental Health department I can confirm that records are held of a validation report that includes plots 307-314; now known as Flat 11 and Flats 15-27, Macaulay Road. It was deemed by the Environmental Health Officer that the content of the report satisfied the conditions in question.

In investigating further, it was found that the Environmental Health Officer confirmed, if no.5 and no.7 Wheathouse Road are located on plots 318 – 319 'then they can be deemed appropriate to comply with the conditions attached to the applications'.

17. In the event that any contamination not previously identified is encountered during the development, the local planning authority shall be notified in writing within 2 working days. A Remediation Strategy shall be submitted to the local planning

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In investigating further, it was found that the Environmental Health Officer confirmed, if no.5 and no.7 Wheathouse Road are located on plots 318 – 319 'then they can be deemed appropriate to comply with the conditions attached to the applications'.

Yours faithfully

Team Leader
Teresa Harlow