



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2018/62/93825/E

To: Stephen Casey,
Casey Designs Ltd
153, West Park Drive West
Leeds
LS8 2BZ

For: SWIFT PROPERTIES MANAGEMENT CONSULTANCY

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:-

ERECTION OF 110 DWELLINGS (MODIFIED HOUSE TYPES PLOTS 1-56, 59-106, 109-114)

At: CLECKHEATON MILLS, BRADFORD ROAD, CLECKHEATON, BD19 5BD

In accordance with the plan(s) and applications submitted to the Council on 27-Dec-2018, subject to the condition(s) specified hereunder:-

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

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.

Reason: So as to ensure the satisfactory appearance of the development on completion.

3. No development shall take place until a sample facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

4. No development shall take place until details of the boundary treatments to the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of each of the dwellings to which they relate.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan

5. No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

6. Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 5 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

7. Before any materials are brought on site or development commences, the developer shall erect protective chestnut paling or similar fencing around all trees, shrubs or hedges to be retained, to the branch spread of individual trees or groups of trees/shrubs. The applicant shall obtain the Local Planning Authority's written confirmation that the fence is satisfactory and shall maintain such fencing unaltered until the development is completed. No work shall be carried out within the protected area except in accordance with the Local Planning Authority's Code of Practice Note 1.

Reason: To ensure the protection and retention of mature trees in accordance with Policy NE9 of the Kirklees Unitary Development Plan.

8. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study 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

9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 8 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

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9 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

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. 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

12. 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

13. Before development commences, a scheme to show how the development shall incorporate facilities for charging plug-in electric vehicles shall be submitted to an approved in writing by the Local Planning Authority.

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

14. Before the dwellings to which this conditions relates (i.e. Plots 1-34 and 80-89) are first brought into use, all works which form part of the sound attenuation scheme as specified in the Noise Report NIA/5689/14/5399 v1 produced by Environmental Noise Solutions (as amended by email dated 19/5/15)

- Shall be implemented; and
- Written evidence provided to demonstrate that the appropriate noise levels have been achieved in the shall be submitted to and approved in writing by the Local Planning Authority,

If it cannot be demonstrated that the aforementioned noise levels specified have been achieved then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing before each dwelling to which this relates is brought into use.

Reason: To protect the residential amenities of future residents in accordance with Policy EP4 of the Kirklees Unitary Development Plan.

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

Reason: In the interests of the satisfactory drainage of the site, and to accord with the guidance contained in part 10 of the National Planning Policy Framework” Meeting the challenge of climate change, flooding and coastal change

16. Development shall not commence until a scheme detailing foul water, surface water and land drainage (including existing site drainage survey, proposed off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/ diverted/ abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until the approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained throughout the lifetime of the development.

Reason: In the interests of the satisfactory drainage of the site, and to accord with the guidance contained in part 10 of the National Planning Policy Framework” Meeting the challenge of climate change, flooding and coastal change”.

17. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 70% of the existing pre development flow rate to the same outfall has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100 year storm event, with an appropriate allowance for climate change. The scheme shall include a detailed maintenance regime for the storage facility including the flow restriction. There shall be no pipe discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: In the interests of the satisfactory drainage of the site, and to accord with the guidance contained in part 10 of the National Planning Policy Framework” Meeting the challenge of climate change, flooding and coastal change

18. Before development commences a detailed scheme for the proposed estate road and the site access road junction with A638 Bradford Road (with reference to drawing no. 827/02 Rev A) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections with suitable gradients and vertical curves, traffic calming, drainage works, street lighting, lining, surface finishes, together with an appropriate independent Road Safety Audit covering all aspects of the work. Before any building is brought into use the scheme shall be completed in accordance with the approved details and retained thereafter.

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.

19. Before development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all the retaining walls and building walls adjacent to both the existing and new public highway shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life 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

20. Before the development is brought into use the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency’s ‘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 satisfactory drainage of the site and to accord with the guidance contained in part 10 of the National Planning Policy Framework 2Meeting the challenge of climate change, flooding and coastal change”.

21. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

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

22. 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 1995 as amended (or any Order revoking or re-enacting that Order with or without modification) the integral garages that serve the new dwellings hereby approved shall not be converted into living accommodation without the prior consent of the Local Planning Authority.

Reason: To ensure the satisfactory level of parking provision within the site, in accordance with Policy T19 of the Kirklees Unitary Development Plan.

23. No part of the development shall be brought into use until a Full Travel Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall include:

- Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets;
- The provision of Travel Plan Co-ordinator including roles, responsibilities and annual monitoring;
- The provision of travel Information;
- Implementation and review timescale; and
- Enforcement, sanctions and corrective/review mechanisms.

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

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

24. Before development commences a scheme detailing the siting and provision of new bird and bat roost opportunities within the new development shall be submitted for the written approval of the Local Planning Authority. The approved details shall be implemented in accordance with an agreed phasing scheme.

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

This recommendation is based on the following plans and documents:

Plan Type	Reference	Version	Date Received
Planning Statement (Updated)	SPA-TP-RP-3904-001	B	28/12/18
Bat Survey			22/9/14
Noise Assessment	NIA/5689/14/5399	1	19/5/15
Flood Risk Assessment (Weetwood)		V.10	May 15
Transport Assessment	827		22/9/15
Environmental Risk Assessment			22/9/15
Coal Mining Risk Assessment	E14/5765/MD/001/01		6/5/15
Location Plan			28/12/18
Proposed site/ layout plan.	216-L1A	A	28/12/18
Group Plans and Elevations			
House type A	206-A-01		28/12/19
House type A A	206-A-02		28/12/19
House type A.A1.A	206-A-03		28/12/19
House type B	206-B-01		28/12/19
House type B-B	206-B-02		28/12/19
House C	206-C-01		28/12/19
House type C-C	206-C-02		28/12/19
House type C.C1-C	206-C-03		28/12/19
House type D	206-D-01		28/12/19
House type D-A	206-D-02		28/12/19

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, com-plied with the Leeds City Region Development Management Pledge and otherwise actively engaged with the applicant in dealing with the application.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at 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).

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:

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 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 grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate> . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

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

Purchase Notices

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

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

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

Dated: 27-Jun-2019

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 planning applications and decisions' and by searching for application number 2018/62/93825/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
