



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

**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: 2014/60/92535/W

To: Laura Mepham,
John R Paley Associates
14, Mariner Court
Calder Park
Wakefield
WF4 3FL

For: Hartley Property Trust Ltd

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

Outline application for erection of 48 dwellings, formation of access and
associated infrastructure

At: Shop Lane, Kirkheaton, Huddersfield, HD5 0DB

**In accordance with the plan(s) and applications submitted to the Council on
27-Aug-2014, subject to the condition(s) specified hereunder:-**

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

Reason: None of the details of the matters referred to have been submitted they are
reserved for subsequent approval of the Local Planning Authority.

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

Reason: None of the details of the matters referred to have been submitted they are reserved for subsequent approval 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.

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.

5. Development shall not commence until a scheme detailing the layout, construction and specification of the highway works at the site access junction with Shop Lane and with Orchard Road (with reference to drawing no. P09:4266.01 Rev A) and all associated highway works, and the appropriate Road Safety Audit, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all the works under the approved scheme have been carried out and completed in accordance with the approved scheme and thereafter retained throughout the lifetime of the development.

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

6. The development shall not be brought into use until visibility splays of 2.4 m x 43 m in both directions along Shop Lane at the site access junction in which there shall be no obstruction to visibility above the level of the adjacent footway as indicated on the approved plan have been completed. Thereafter, the visibility splays shall be retained throughout the lifetime of the development.

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

7. Before the development commences a scheme detailing suitable boundary treatments to those parts of the development abutting footpath Kirkburton 255 shall be submitted to and approved in writing by the Local Planning Authority. 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 visual amenity and highway/pedestrian safety, in accordance with Policies BE2, T10 and T16 of the Kirklees Unitary Development Plan.

8. Before the 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 in writing by the Highway Authority. 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 pedestrian safety and to accord with Policies T10 and T16 of the Kirklees Unitary Development Plan.

9. 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, in accordance with Policy T10 of the Kirklees Unitary Development Plan.

10. 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.

11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 10, 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.

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11, 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.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. 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.

14. 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.

15. Prior to development commencing a noise attenuation scheme relating to dwellings which front onto Shop Lane and also the rear elevations and garden areas of dwellings to the NE corner of this site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings concerned.

Reason: In the interests of residential amenity of future residents and to accord with Policy EP4 of the Kirklees Unitary Development Plan.

16. The development shall not commence until an assessment of the effects of 1 in 100 years storm events, with an additional allowance for climate change, upon drainage infrastructure and surface water run off pre and post development between the development and the surrounding area in all directions shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and the approved scheme shall be retained throughout the lifetime of the development.

Reason: In the interests of the satisfactory drainage of this 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. Notwithstanding the submitted detail, no development shall commence until details of the on-site surface water attenuation have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the scheme.

Reason: In the interests of the satisfactory drainage of this 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. 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 this 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".

19. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: In the interests of the satisfactory drainage of this 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".

20. 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. Furthermore, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: In the interests of the satisfactory drainage of this 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".

21. Prior to the commencement of development, details of a bio-diversity habitat enhancement scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall include details and potential locations for bat / bird roost opportunities within the new development and surrounding retained trees. The approved scheme shall be implemented prior to the first occupation of any dwellings / plots containing such opportunities.

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

22. Prior to development commencing a scheme detailing the provision of electric charging points across the site, shall be submitted for the approval of the Local Planning Authority. The approved details shall be implemented in accordance with an agreed timetable.

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

23. Where European Protected Species(eps) may be affected by a development and it can be demonstrated that an Natural England EPS licence will not be required, a written method statement(based on the format of Natural England’s EPS licence application method statement) detailing how the development shall be completed without harm to any EPS and without loss or detriment to the wildlife habitat used by the said species, shall be submitted to and approved by the Local Planning Authority before development commences. The development shall be carried out in accordance with the agreed method statement.

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan and Site Layout	P09-42266.01	A	July 2015
Design and Access Statement			27/8/14
Transport Statement and Supplementary Report	702B/ Aug 2015		August 2015
Flood Risk Assessment (Updated)	E1015174/KR01	b	April 2015
Noise Report	10553/01/1v1		27/8/14
Ecological Report	R2314-01.1		April 2015
Bat Emergence Survey	R2314-02		August 2015
Arboricultural Survey (Kirkheaton Mill site)			27/8/14
Arboricultural Survey (Garage site)			27/8/14

Pursuant to article 35(2) of the Town and County 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 service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

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

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.**

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.

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.

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: 12-Apr-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 2014/60/92535/W .

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
