

OUTLINE PLANNING PERMISSION

Town and Country Planning England

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

THIS PERMISSION DOES **NOT** CONSTITUTE APPROVAL UNDER THE BUILDING REGULATIONS

(Please see notes at end of this letter)

To
Midas Land Ltd.
c/o Cassidy + Ashton Group Ltd.
Mr Alban Cassidy
7 East Cliff
Preston
PR1 3JE

This Council hereby grants planning permission for

Residential development of 23 dwellings and 18 apartments alongside associated access and parking works (amended description) (Outline)

on land at

**Land At Junction Of Birkby Lane And
Bradford Road
Brighouse
Calderdale**

in accordance with the plans approved by the Council on 24.09.2018

Plan Type	Reference	Version	Date Received
Location Plan			05.01.2018
Site Plan	3315-18-ARC104B		04.09.2018

subject to the following conditions under Section 92 of the Act

- (a) application for the approval of any reserved matter must be made not later than the expiration of THREE YEARS beginning with the date of this Outline Planning Permission; and
- (b) the development to which this permission relates must be begun not later than the expiration of TWO years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved

and subject to the additional conditions specified below:

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.
2. The development shall not begin until full details of the following matters as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 have been submitted to and approved in writing by the Local Planning Authority :

- (a) appearance;
- (b) landscaping;
- (c) scale

The development shall thereafter be implemented in accordance with the details so approved and so retained thereafter.

3. Prior to the first occupation of the development full details of the foul and/or surface water and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.
4. Before the development commences, a scheme of intrusive site investigation works in respect of Coal Mining hazards shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall then be fully implemented and a report of findings arising from the site investigation shall be submitted to and approved in writing by the Local Planning Authority prior to commencement. If the report identifies that further remedial works are required a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. Verification that the remedial works have been fully carried out shall be submitted to and approved in writing by the Local Planning Authority before the dwelling is first brought into use.
5. Before the development begins details of the construction and specification for the access roads shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be fully implemented before any part of the development is occupied and shall be retained thereafter.
6. The building construction works shall not begin until the new vehicular access has been laid out and constructed to base course. The access shall be completed in accordance with the permitted plans before any part of the development is brought into use and shall be so retained thereafter.

- 7.. No dwelling shall be occupied until the parking and manoeuvring facilities shown on the permitted plans for that dwelling have been provided and sealed and made available for the occupiers of that dwelling. These facilities shall thereafter be retained.
8. Notwithstanding the provisions of Part 4, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, before construction works commence, details shall be submitted for the written approval of the Local Planning Authority in respect of the provision of a contractors compound and staff car parking area within the site. Such details shall include the provision of protective fencing to the boundaries of the construction site. The details so approved shall thereafter be implemented in advance of construction works commencing and shall be retained for the duration of construction works unless otherwise agreed in writing by the Local Planning Authority.
9. Prior to commencement of works at the site, a scheme for the prevention of mud or other material being deposited onto the public highway, including full details of any equipment on the site used to clean the hardstanding areas, access, wheels and chassis of vehicles, equipment location and means of drainage, shall be submitted to and approved in writing by the local planning authority. The permitted scheme shall be implemented on commencement of works. The scheme shall be updated where the local planning authority consider mud on the road to be a recurrent problem by the operator or their agents in liaison with and to the written approval of the local planning authority. The updated scheme shall be implemented within a timescale to be agreed. In the event of mud or other material being deposited onto the public highway, immediate remedial and preventative action shall be taken, including suspension of operations if necessary.
10. The development shall not begin until plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, drives, garages and parking areas and the height and finish of any retaining walls within the development site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be so retained thereafter.
11. In connection with any garage, driveway, vehicle hardstanding or car-port hereby approved for construction within the boundary of a dwelling, prior to the occupation of that dwelling, there shall be installed a facility to permit the recharge of an electrical battery-powered vehicle. Unless otherwise required by the location the installation(s) shall comply with IEE regulations, IEC 61851-1 Edition 2, and BSEN 62196-1. The facility shall be so retained thereafter
12. Prior to the first occupation of the dwellings details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

13. Before the first occupation of any of the dwellings details of the treatment of all the boundaries of the site, including those between the new dwellings, have been submitted to the Local Planning Authority. The treatments so approved shall then be provided in full prior to the first occupation of the dwellings and shall thereafter be retained.
14. Prior to the commencement of development a scheme for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The aforementioned scheme shall make provision for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and National Planning Practice Guidance.

Where a sustainable drainage scheme is to be provided, the submitted details shall include but are not limited to:

- i. Details of the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, the measures taken to prevent pollution of the receiving groundwater and/or surface waters and increasing flood risk to downstream land;
- ii Design details of all components and in accordance with CIRIA report C753 The SuDS Manual
- iii. A timetable for its implementation; and
- iiii. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme (including all physical measures and the management and maintenance measures) shall be implemented prior to the first occupation of the development and shall be so retained thereafter in a functioning and effective state.

15. The 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. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy so approved. In the event of contamination not previously considered being identified the local planning authority shall be notified of the extent of that unforeseen contamination and of the further works necessary to complete the remediation of the site. Following completion of all remediation measures 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 and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

The reasons for the Council's decision to grant an approval for the development subject to the above additional conditions are:

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Development Plan and National Planning Policy Framework.
2. The application is in outline only, and details of the matters referred to have been reserved for subsequent approval and to ensure compliance with the policies of the Replacement Calderdale Unitary Development Plan.
3. To ensure proper drainage of the site and to ensure compliance with policies EP14, EP20 and EP22 of the Replacement Calderdale Unitary Development Plan.
4. In the interests of ensuring the land is stable and to ensure compliance with policy EP11 of the Replacement Calderdale Unitary Development Plan and paragraph 120 of the National Planning Policy Framework.
5. To ensure that suitable access is available for the development and to ensure compliance with policy BE5 of the Replacement Calderdale Unitary Development Plan.
6. To ensure that suitable access is available for the development and to ensure compliance with policy BE5 of the Replacement Calderdale Unitary Development Plan.
7. To ensure that adequate off-street parking is available for the development and to ensure compliance with policy T18 of the Replacement Calderdale Unitary Development Plan.
8. In the interests of highway safety and to ensure that adequate off-street parking is available during the construction period and in the interests of amenity and to ensure compliance with policy BE5 of the Replacement Calderdale Unitary Development Plan.
9. In the interests of highway safety and to ensure compliance with policy BE5 of the Replacement Calderdale Unitary Development Plan.
10. To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and to ensure compliance with policies BE1, BE2 and BE5 of the Replacement Calderdale Unitary Development Plan.
11. In the interests of sustainability and to ensure compliance with section 9 of the National Planning Policy Framework.
12. In the interests of crime prevention and to ensure compliance with policy BE4 of the Replacement Calderdale Unitary Development Plan.
13. In the interests of amenity and privacy and to ensure compliance with policies BE1 and BE2 of the Replacement Calderdale Unitary Development Plan.

14. To ensure proper drainage of the site and to ensure compliance with Policy EP20 of the Replacement Calderdale Unitary Development Plan.
15. To ensure that any ground contamination is identified and remediated, and to ensure compliance with policy EP9 of the Replacement Calderdale Unitary Development Plan

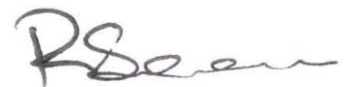
Informative(s)

1. The Local Planning Authority has endeavoured to work with the applicant/agent in relation to this application, to secure a development that positively contributes to the economic, social and environmental well being of Calderdale in accordance with the National Planning Policy Framework.
2. The applicant's attention is drawn to the consultation responses from: The Coal Authority. Consultation responses can be viewed on our website at www.calderdale.gov.uk. Click on the search button in the Search and Comment on Planning Applications box and then enter the relevant application number. Consultation responses can be found when you click on the Comments tab.
3. The applicant's attention is drawn to the consultation responses from Yorkshire Water. Consultation responses can be viewed on our website at www.calderdale.gov.uk. Click on the search button in the Search and Comment on Planning Applications box and then enter the relevant application number. Consultation responses can be found when you click on the Comments tab.
4. The applicant's attention is drawn to the consultation responses from: INSERT NAME HERE which can be viewed on our website at www.calderdale.gov.uk. Click on the search button in the Search and Comment on Planning Applications box and then enter the relevant application number. Consultation responses can be found when you click on the Comments tab.
5. The applicant's attention is drawn to the consultation responses from: INSERT NAME HERE which can be viewed on our website at www.calderdale.gov.uk. Click on the search button in the Search and Comment on Planning Applications box and then enter the relevant application number. Consultation responses can be found when you click on the Comments tab.
6. The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Condition(s) number(s) 2, 4, 5, 8, 9, 10, 14, and 15 of this permission require(s) matters to be approved before development starts; however, in this instance the conditions are justified because:
 - i. The details required under condition(s) number(s) 2, 4, 5, 10, 14 and 15 are fundamental to the acceptability of the subsequent building works.
 - ii. The details required under condition(s) number(s) 8, 9 are necessary to ensure that public safety and/or amenity are protected during the subsequent building works.

Please be aware that you will have to submit an application to have the details required by condition, approved. The fee is £34 for a Householder application and £116 for a Non-householder. There is no charge for discharging conditions on Listed Building Consents, TPO's or Conservation Area Consents

Please note the charges will be applied per application irrespective of how many conditions the application is for. ie If there are 20 conditions and you only apply for 1 -10 then the appropriate fee will apply and when you apply for conditions 11 -20 you will be charged again.

DATED: 24 September 2018



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Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

TOWN AND COUNTRY PLANNING ACT 1990

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 for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal then you must do so within six months of the date of this notice.

However, if an Enforcement has been served for the same or very similar development the time limit is:

28 days from the date of the Local Planning Authority's decision if the Enforcement Notice was served before the decision was made yet not longer than 2 years before the application was made or

28 days from the date the Enforcement Notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 12 weeks – where this relates to a householder application, or unless this extends the appeal period beyond 6 months, for the other applications).

You should use forms which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 4445000). A copy of the completed appeal form should be sent to, Calderdale MBC Planning Services, Northgate House, Northgate Halifax, West Yorkshire, HX1 1UN.

The Secretary of State can allow a longer period for giving notice of an appeal, but 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 her that the Local Planning Authority could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by her.

The Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

Purchase Notice

If either the Local Planning Authority of the Secretary of State for Communities and Local Government 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 can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. 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.