

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
Bands Capital III
c/o Steven Abbott Associates LLP
Mr Harry Tonge
130 Highgate
Kendal
LA9 4HE

This Council hereby grants planning permission for

Residential Development of 25 dwellings (Outline)

on land at

**Marsh Quarry
Burnley Road
Warley
Halifax
Calderdale**

in accordance with the plans approved by the Council on 25.09.2019

Plan Type	Reference	Version	Date Received
Location Plan	245/01	A	23.09.2019

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) access (area or areas identified in this outline planning permission);
 - (b) appearance;
 - (c) landscaping;
 - (d) layout; and
 - (e) scale

The development shall thereafter be implemented in accordance with the details so approved and so retained thereafter.
3. Prior to the development commencing:
 - a. A contaminated land Phase I report to assess the actual/potential contamination risks at the site shall have been submitted to, and approved in writing by, the Local Planning Authority.
 - b. Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority.
 - c. Should the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. The remedial scheme in the approved Remediation Statement shall then be carried out.

Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including an agreed scheme of validation works shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use or occupation of any part of the development hereby approved.
4. Prior to the construction of the external walls of the dwellings hereby approved full details of the foul and/or surface water and/or sustainable systems of drainage if feasible 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) shall be 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.
5. 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
- iv. 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.

- 6. A scheme for biodiversity mitigation and enhancement should be submitted to and approved in writing by the Local Planning Authority. This should include but not necessarily be restricted to the following:
 - o Retention of existing trees and shrubs and protection measures.
 - o Planting of locally native species rich hedgerows on the site boundaries.
 - o Use of native species in the landscaping scheme.
 - o The integration of a permanent bat roosting or bird nesting feature in each of the dwellings.
 - o Measures, to include lighting design, to protect protected and notable species (such as badgers, hedgehogs and breeding birds) during and after construction.
 - o Measures should be taken to ensure Japanese knotweed (recorded 155m to the North West of the site) is not allowed to spread onto the site.
- 7. No removal or management of any tall vegetation, including brambles, ivy, trees and shrubs, should be carried out between 1st March and 31st August inclusive unless a competent ecologist has undertaken a bird survey immediately before the vegetation has been cleared and provided written confirmation that no birds will be harmed or disturbed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation should be submitted to the Local Planning Authority.
- 8. No groundworks (including but not limited to clearance, levelling, excavations) shall commence in relation to the development hereby permitted, until the restoration of the quarry permitted under 97/01652/MCO has been achieved to the satisfaction of the Mineral Planning Authority.
- 9. The development shall not begin until a site investigation and assessment has been carried out by a properly qualified and experienced expert(s) able to demonstrate relevant specialist experience in the assessment and evaluation of unstable land. The findings of the investigation shall be submitted in writing to the Local Planning Authority before development commences. Such investigations shall identify the nature and extent of any unstable land and indicate such remedial measures as are

necessary to ensure land stability in the area, within the site and beyond as a result of the proposed development. All measures identified under these provisions shall be implemented as the development proceeds and shall be completed before any part of the development is brought into use.

10. 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.
11. Prior to first occupation of the development permitted, details of an affordable housing scheme shall be submitted to and approved in writing by the Local Planning Authority . The development shall be constructed in accordance with the details so approved.

The reasons for the conditions are as below:

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. 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.
3. To ensure that any ground contamination is identified and remediated, and to ensure compliance with policy EP9 of the Replacement Calderdale Unitary Development Plan
4. In the interests of flood prevention and to ensure compliance with policies EP14, EP20 and EP22 of the Replacement Calderdale Unitary Development Plan.
5. In the interests of flood prevention and to ensure compliance with policies EP14, EP20 and EP22 of the Replacement Calderdale Unitary Development Plan.
6. To protect and enhance biodiversity in line with policies NE16 and NE17 of the Replacement Calderdale Unitary Development Plan and chapter 15 of the National Planning Policy Framework.
7. To protect and enhance biodiversity in line with policies NE16 and NE17 of the Replacement Calderdale Unitary Development Plan and chapter 15 of the National Planning Policy Framework.
8. To ensure a satisfactory restoration of the quarry prior to any development taking place in accordance with policy GM1 of the Replacement Calderdale Unitary Development Plan and chapter 17 of the National Planning Policy Framework
9. To ensure that land stability is addressed prior to commencement of development and to comply with policy EP11 of the Replacement Calderdale Unitary Development Plan and chapter 15 of the National Planning Policy Framework
10. In the interests of crime prevention and to ensure compliance with policy BE4 of the Replacement Calderdale Unitary Development Plan.

11. To ensure compliance with paragraph 64 of the NPPF

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 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) 3,5,8 and 9 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) 5 are fundamental to the acceptability of the subsequent building works.

ii. The details required under condition(s) number(s) 3, 8 and 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. 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: 25 September 2019

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.