

Date of Application: 19 September 2013
Date Decision Issued: 11 February 2014
Application Number: 13/02705/OUT

Mr Duffy, Mr Duffy & Mr Davies
c/o Mr Michael Townsend
10 Rishworth Street
Wakefield
West Yorkshire
WF1 3BY
United Kingdom

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**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England)
Order 2010**

Grant of Outline Planning Permission

Description and Location of Application

Outline Application for 22no. Dwellings (access only) together with demolition of existing dwelling and removal of commercial uses

at: Land At Wakefield Road Pontefract WF8 4HW

Particulars of Decision

Outline planning permission granted. Permission is granted for the development in accordance with the plans and specifications hereby approved subject to the following condition(s) and reason(s) if any:-

1. Application for approval of all the reserved matter(s) shall be made before the expiration of three years from the date of this permission.
Reason : Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be begun before the expiration of two years from the date of the last of the reserved matters to be approved.
Reason : Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. Development shall not commence until details of the following reserved matter(s) have

been submitted to and approved in writing by the Local Planning Authority:-
appearance, landscaping, layout and scale.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The approved landscaping scheme shall be completed not later than the first planting season following occupation of the development. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and to accord with the requirements of LDF Policy D12.
5. Except in an emergency or with the prior written consent of the Local Planning Authority, construction work, shall not take place outside 07:30 to 18:00 hours on Mondays to Fridays, 08:30 to 13:00 hours on Saturdays nor at any time on Sundays or Bank and National Holidays.
Reason : In the interests of the amenity of the occupiers of neighbouring properties and to accord with the requirements of Local Development Framework Development Policy D20.
6. During the construction phase of the development, no vehicle exceeding 7.5 tonnes maximum gross weight shall be permitted to arrive, depart, be loaded or unloaded outside 07.30 and 18.00 hours on Monday to Friday, 08.00 and 13.00 on Saturdays nor at any time on Sundays or Bank Holidays.
Reason : In the interests of the amenity of the occupiers of neighbouring properties and to accord with the requirements of Local Development Framework Development Policy D20.
7. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority . The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase have been completed.
Reason : To ensure the provision of adequate and sustainable means of drainage in the interests of amenity, in accordance with Local Development Framework Development Policy D25.
8. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from greenfield areas shall be restricted to the existing 1 in 1 year flowrate of 5 litres per second. Storage shall be provided for the 1 in 100 year return period storm. A 30% allowance shall be included for climate change effects for the lifetime of the development. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
Reason. To accommodate flows in storm events, in accordance with Policy D25 of the Local Development Framework.

9. There shall be no discharge of foul or contaminated drainage from the site to any part of the groundwater or surface water network, whether directly or via soakaway.
Reason : To prevent pollution of the water environment.
10. Development shall not commence until a scheme, detailing temporary surface water drainage generated during the construction of the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of temporary drainage provision. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be maintained until the approved permanent surface water drainage system is in place and functioning.
Reason : To ensure the provision of adequate temporary means of drainage in the interests of amenity, in accordance with Local Development Framework Development Policy D25.
11. Development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstandings through an oil interceptor, reedbed or alternative treatment system, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstandings shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.
Reason : To prevent pollution of the water environment.
12. Development shall not commence until scheme(s) to accommodate flooding have been submitted to and approved in writing by the Local Planning Authority. Scheme(s) shall cater for the impact resulting from the minimum 100 year return period storm event. No part of the development shall be brought into use until the works comprising the scheme(s) approved under this condition have been completed.
Reason : To accommodate flows in storm events and allow for future maintenance, in accordance with Local Development Framework Development Policy D25.
13. Development shall not commence until a scheme detailing measures for protecting dwellings from road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained for the lifetime of the development.
Reason: In the interests of amenity of future occupiers in accordance with Policy D20 of the Local Development Framework.
14. Notwithstanding the submitted details, development shall not commence on site until a scheme detailing the means of access - its layout, position and sightlines based on a topographical survey has been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved details and be the sole means of access for the lifetime of the development.
Reason: To ensure a suitable access and layout in the interests of highway safety in accordance with Policy D14 of the Council's Local Development Framework Development policies Document.
15. The development shall not be brought into use until sightlines 2.4m x 4.3m as per para

3.2.1 of the Transport Statement in which there should be no obstruction to visibility exceeding 1.0m in height above the adjacent carriageway channel line have been completed. Such sightlines shall thereafter be retained for the lifetime of the development.

Reason: To provide and maintain adequate visibility in the interests of highway safety in accordance with Policy D14 of the Local Development Framework.

16. The development shall not be brought into use until all footway / verge crossings have been completed.

Reason: To avoid damage to the footway / verge and to provide an adequate means of access to the site in accordance with Policy D14 of the Council's Local Development Framework Development policies Document.

17. No development shall take place, (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the LPA. The approved statement shall include scaled drawings illustrating the provision for -

- 1) The parking of site operatives and visitors vehicles.
- 2) Loading and unloading of plant and materials.
- 3) Management of construction traffic and access routes.
- 4) Storage of plant and materials used in constructing the development.
- 5) Measure to prevent mud and debris being brought onto the highway.

Reason: In the interests of highway safety in accordance with Policy D14 of the Local Development Framework.

18. No development shall commence until a scheme of details of finished floor levels of the development, together with existing and finished ground levels within the application site and on land adjacent to the application site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details so approved and no dwelling shall be occupied until the works relating to that property have been completed. These shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy D9 of the Local Development Framework and guidance contained in the Council's Residential Design Guide.

19. Development shall not commence until a scheme for the provision of a 32Amp single phase electrical supply that will allow for the future inclusion of an individual electric car charging point for each property has been submitted to and approved in writing by the Local Planning Authority. The approved works for each individual unit shall be implemented on site before that unit is first brought into use and retained thereafter for the lifetime of the development.

Reason: To contribute towards a reduction in emissions in accordance with Air Quality objectives and in accordance with Policy D20 of the LDF Development Policies Document.

20. Prior to the development commencing, a scheme for incorporation of on site renewable energy generation technology shall be submitted for approval in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of mitigating and adapting the climate change in accordance with Policies CS13, D27 and D28 of the Local Development Framework and guidance contained in the National Planning Policy Framework.

21. Development shall not commence until a scheme detailing measures to conserve energy and water resources within the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained and maintained throughout the lifetime of the development.

Reason: In the interests of mitigating and adapting to climate change in accordance with Policies CS13, D27 and D28 of the Local Development Framework Development Policies Document and guidance contained in the National Planning Policy Framework.

22. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

A site investigation scheme, based on the recommendations in the Phase I Geo-Environmental Report [Haigh Huddleston & Associates, July 2013, Ref.

E13/5816/R001A] to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS10 & D22 of the Local Development Plan.

23. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS10 & D22 of the Local Development Plan.

24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS10 & D22 of the Local Development Plan.

25. Prior to the commencement of development a Tree Protection Plan indicating Tree Protective Fencing of scaffold type construction secured with wooden boards or wire mesh framework, be 2.3m in height and driven at least 0.6m into the ground, shall be submitted to and approved in writing by the Local Planning Authority. The Local Planning Authority shall be notified in writing of the erection of the Tree Protection Fencing and confirmed in writing that it is implemented in accordance with the approved plan. The approved plan fencing shall be retained and maintained for the duration of the construction period.
Reason: To ensure trees are protected during the construction period, in the interests of visual amenity, and to safeguard the visual amenity provided by the trees on the site in accordance with policy D7 the Local Development Framework Development Policies Document
26. Prior to the commencement of development a site specific construction methodology for the roadway, indicating a tree friendly no-dig method of construction, built over existing ground levels not cutting into existing levels, incorporating a cellular confinement system and finish of block pavements or similar to reduce soil compaction and allow water permeation to tree roots shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained for the lifetime of the development.
Reason: To safeguard the long term retention of the trees in the interests of visual amenity and in accordance with policy D7 of the Local Development Framework Development Policies Document
27. Prior to the commencement of development a tree planting scheme and biodiversity management plan for the woodland shall be submitted to and approved in writing by the Local Planning Authority. New trees will comprise of a mixture of deciduous and evergreen native stock to be planted in the first available planting season following the commencement of the approved development. All new trees shall be 12-14 cm girth Heavy standard, rootballed or containerised as per British Standard BS3936 Nursery Stock and must be staked and tied in accordance to good arboriculturalist practice. The approved scheme shall be retained and maintained for the lifetime of the development. Any new tree becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.
Reason: To safeguard the long term retention of the trees in the interests of visual amenity and in accordance with policy D7 of the Local Development Framework Development Policies Document
28. Any tree work should be carried out in accordance with BS3998 2010 (British Standard for Tree Work).
Reason: Tree Work Condition - To comply with good practice and ensure that the work is undertaken in a competent manner.
29. No building materials, cement mixing or washings to be stored/conducted within the canopy/root zones of the trees.
Reason In the interests of tree health and visual amenity.
30. The development shall not be commenced until the Local Planning Authority has

approved in writing the details of arrangements for the provision of affordable housing by the developer as part of the development and such arrangements shall address and contain the following matters: 1. The delineation of that area or those areas of land on the site which shall be constructed as affordable housing units. 2. The type and nature of the affordable housing provision to be made as part of the development. 3. The arrangements the developer shall make to ensure that such provision is affordable for both initial and subsequent occupiers; and 4. The occupancy criteria the developer shall adopt for determining the identity of prospective and successive occupiers of such affordable housing and means by which such occupancy criteria shall be enforced. The development shall not be occupied until the approved scheme has been carried out unless otherwise agreed in writing by the Local Planning Authority shall thereafter be retained.

Reason: To ensure that affordable housing is provided on site in accordance with Policy CS6 (b) of the Local Development Framework.

This decision is based on the following plans(s):-

Plan Type	Reference	Version	Date Received
Application Form			19.09.2013
Location Plan		OS rev A	19.09.2013
Site Plans	TOPOGRAPHICAL SURVEY		19.09.2013
Arboricultural Report			19.09.2013
Applicant/Agent Letter			19.09.2013
Design and Access Statement			19.09.2013
Bat Survey	UPDATED SURVEY		07.11.2013
Flood Risk/Run Off Impact Assessment	FLOOD RISK ASSESSMENT		19.09.2013
Miscellaneous Support Documentation	HIGHWAY REPORT		19.09.2013
Environmental Impact Analysis documents	ENVIROMENTAL REPORT		19.09.2013
Planning Statement			19.09.2013
Miscellaneous Support Documentation	STATEMENT OF SIGNIFICANCE		19.09.2013
Site Plans	INDICATIVE LAYOUT	12 rev D	10.01.2014

Notes

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Wakefield One, Wakefield (08458 506506) with regard to obtaining this permission and approval of the construction specification(s).

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

The developer is advised that the development should not be brought into use until the

existing Traffic Regulation Order permitting on street parking along the site frontage has been amended. The applicant should consult with the Council's Traffic Management Section (08458 506506) to agree the alteration of the TRO.

The Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.

The applicant is advised that this permission does not authorise excavations within or abutting the public highway. If any such works are required in connection with this permission, the PRIOR APPROVAL of the Council is required as Highway Authority. Works to the public highway undertaken without the necessary approval would be an unlawful interference with the public highway in respect of which, legal action may be taken under the Highway Act 1980 and related statutes.

The applicant is advised that, even if no building work is proposed, approval may also be required under Building Regulations. The advice of the Building Control Service should be sought before the use commences. If any amendments are proposed to the drawings approved herewith when making application under the Building Regulations, a note to that effect should be made on the revised drawings.

Please refer to the accompanying Statutory Provisions and Notes, which form part of this Notice.

Service Director for Planning

I. D. Thomson

STANDING ADVICE - DEVELOPMENT LOW RISK AREA



The Coal
Authority

This Standing Advice is valid from 1st January 2013 until 31st December 2014

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FURTHER INFORMATION

Now that your application has been determined, this information sheet is intended to inform you of your options.

GRANTED

If your application has been granted, please be aware that the following may apply to you.

TIMESCALES

- If you do not begin the development within the period specified on your decision notice, the permission will lapse.
- Extension of Planning Permission – in order to keep consent extant, you are required to submit a new application, including the full plans and information, and the full current fee.
- If the development is begun but not completed we can, in certain circumstances, require that it is completed within a specified period.

CONDITIONS

If your application has been granted subject to conditions you may be required to submit information to allow the discharge of conditions, after which development may commence.

The form for discharge of condition applications can be found using the following link www.planningportal.gov.uk/uploads/appPDF/X4725Form027_england_en.pdf a fee will also be payable.

OTHER CONSENTS

This is only a Planning Permission; it does not necessarily mean you can start your development. You must also assess the impact of the following on your development:

- It may be necessary to obtain approval under the Building Regulations. This is handled by our Building Control Department.
- This permission does not entitle you to obstruct a Right of Way. If you need to stop up or divert a footpath or bridleway to enable you to carry out the development you should contact our Public Rights of Way office.
- Any applications for Council grants towards the costs of the development will need to be approved before work starts.
- Your development may come under the jurisdiction of two different pieces of Civil Legislation: the Party Wall Act and Right to Light: see the DCLG website for more information
- If your development requires you to alter any existing utilities (Drainage, Water, Electricity, Gas, Phone, Cable, etc.) then you will need to liaise with the appropriate organisation.

Do not start your development until you have all the applicable consents

GROUND STABILITY

- This Planning Permission does not constitute any guarantee as to the stability of the site.

GRANTED WITH CONDITIONS, SPLIT DECISION OR REFUSAL

If your application has been refused, in part or in full, or if there are conditions attached to the grant, then you may wish to consider making a resubmission or an appeal.

APPEALS

If you are aggrieved by this decision, then you may be able to make an appeal. Appeals in England and Wales are handled (on behalf of the Secretary of State for the Department of Communities and Local Government) by the Planning Inspectorate in Bristol.

There are strict time limits on when Appeals can be made and you are urged to visit www.planninginspectorate.gov.uk . Alternatively information about all aspects of the Appeal Process are available from the Planning Inspectorate, and the Planning Portal.

INFORMATION

BUILDING CONTROL

01924 306580

buildingcontrol@wakefield.gov.uk

www.wakefield.gov.uk/Planning/BuildingControl

PUBLIC RIGHTS OF WAY

0845 8 506 506

prowteam@wakefield.gov.uk

www.wakefield.gov.uk/CultureAndLeisure/ParksAndOpenSpaces/Footpaths/default.htm

PLANNING INSPECTORATE

www.planninginspectorate.gov.uk

The Planning Inspectorate,
Temple Quay House,
2 The Square, Temple Quay,
Bristol BS1 6PN

PLANNING PORTAL

The Planning Portal is the UK Government's online planning and building regulations resource. Use this site to learn about planning and building regulations, and appeal against a decision and research government policy.

www.planningportal.gov.uk

DCLG (DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT)

The DCLG are the central Government Department responsible for planning policy and building regulations.

www.communities.gov.uk