



Town and Country Planning Act 1990

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

APPROVAL OF RESERVED MATTERS

Application Number: 2014/61/91677/E

To: Stephen Jenneson,
Jenneson Associates Ltd
May Cottage
Mill Lane
Seaton Ross
York
YO42 4NE

For: S HOPKINS, SHADWELL DEVELOPMENTS LTD

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority, having considered your application submitted to the Council for approval of:-

RESERVED MATTERS APPLICATION FOR ERECTION OF 34 DWELLINGS

At: FORMER VALLEY WORKS, OFF UNION STREET, HECKMONDWIKE, WF16 0HH

NOTE: Development pursuant to the outline planning permission to which this approval of reserved matters relates, must be commenced no later than 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.

In accordance with the plan(s) and applications submitted to the Council on 23-May-2014, being matters reserved in a permission granted on 16-June-2011 the Council have approved the said matters in terms of, and subject to compliance with the details specified in your application, subject to the following conditions:-

1. No development shall take place until a comprehensive schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method of site improvement,

- Where relevant removal of weed species,
- ground preparation and details of new tree and shrub planting and maintenance, and
- timescales and arrangements for its implementation.

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. 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.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of visual amenity and biodiversity and to accord with Policy BE2 of the Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: So as to ensure the satisfactory appearance of the development on completion in the interests of visual and residential amenity, highway safety and to reduce flood risk and to accord with Policies BE1, T10 and BE2 of the Kirklees Unitary Development Plan and Chapter 10 of the National Planning Policy Framework.

3. Samples of facing and roofing tile shall be left on site for the inspection and written approval of the local planning authority before the superstructure of any dwelling is first commenced. Thereafter the development shall be completed in accordance with the details so approved.

Reason: In the interests of visual amenity, and to accord with policy D2 and guidance contained in Part 7 of the National Planning Policy Framework "Requiring good design".

4. Details of the boundary treatments for the curtilages of the dwellings shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatment is first erected. Thereafter any boundary treatments for the curtilages of the dwellings shall be erected in accordance with the details so approved and thereafter retained.

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

5. Prior to development commencing a detailed scheme for the proposed internal adoptable estate road including improvements to public footpath SPE/106/50 (with reference to drawing no. 412/01 Rev H) 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 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 highway safety and in accordance with Kirklees Unitary Development Plan Policy T10.

6. Prior to the development being 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

Reason: In the interests of amenity and traffic safety. To ensure adequate space within the site for vehicle movements and parking, to reduce surface water run-off and in accordance with Kirklees Unitary Development Plan Policy T10 and Chapter 10 of the National Planning Policy Framework.

7. 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 safe and free use of the highway and to accord with Policy T10 of the Kirklees Unitary Development Plan.

8. Notwithstanding the provisions of the Town and Country (General Permitted Development)(England) Order 2015, or any Order revoking or re-enacting that Order) no development included within Schedule 2, Part 1, Classes A,B,D or E to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the future residential amenity of residents, the satisfactory provision of parking and the avoidance of flood risk, in accordance with Policies BE12 and T19 of the Kirklees Unitary Development Plan, and the guidance contained in the National Planning Policy Framework part 10" Meeting the challenge of climate change, flooding and coastal change".

Footnote:

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 (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. 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.

Footnote:

Public footpath SPE/106/50, which crosses the site, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

Footnote:

It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 01484 221000 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

Footnote:

Link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	412/02	A	27/5/15
Site layout and street scene	412/01	H	30/11/15
Group plans and elevations: Plots 1-10; 20-34	412/07		27/5/14
Group plans and elevations: Plots 11-19	412/08		27/5/14
Landscape	412/09	B	30/11/15

Pursuant to Article 31 of the Town and Country Planning (development Management Procedure) Order 2010 and the guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre application advice service available, complied with the Kirklees Management Charter 2015 and otherwise actively engaged with the applicants 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 Telephone: (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. 01484-225397 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 a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

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://acp.planninginspectorate.gov.uk> . 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: 10-Dec-2015

Signed: 

Jacqui Gedman
Director of Place

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 2014/61/91677/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