



**Town and Country Planning Act 1990**

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

**APPROVAL OF RESERVED MATTERS**

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**Application Number: 2016/61/90399/W**

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**To:** Gareth Jackson,  
Brewster Bye Architects Ltd.  
5a, North Hill Road  
Leeds  
LS6 2EN

**For:** Mark Oliver Homes & Cornell Group 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 42 DWELLINGS  
PURSUANT TO OUTLINE PERMISSION 2012/93903 FOR EXTENSION TO  
TIME LIMIT TO PREVIOUS PERMISSION 2009/92885 FOR OUTLINE  
APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT

**At:** COWLERSLEY LANE, COWLERSLEY, HUDDERSFIELD, HD4 5UE

**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 05-Feb-2016, being matters reserved in a permission granted on 11-Feb-2013 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. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications schedule except as may be required by other conditions.

**Reason:** So as to ensure the satisfactory appearance of the development on completion and to accord with Policies BE1, BE2 and T10 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

2. Sight lines of 2.4m x 40.21 m and 2.4 x 40.27m (left and right respectively) shall be cleared of all obstructions to visibility exceeding 1m above the existing footway before any of the dwellings are first occupied and shall be kept free of obstruction thereafter.

**Reason:** In the interests of the free and safe use of the highway, and to accord with Policy T10 of the Kirklees Unitary Development Plan

3. A scheme to provide for off street parking facilities for the residents of Cowlersley Lane, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include provisions for future use, management and maintenance of the facilities. The approved scheme shall then be made fully operational before any of the dwellings hereby approved are occupied and thereafter retained free of obstruction and available for the parking of vehicles by the residents of Cowlersley Lane.

**Reason:** In the interests of the free and safe use of the highway, and to accord with Policy T19 of the Kirklees Unitary Development Plan.

4. Prior to development commencing details of the construction and position of the boundary walls adjacent the new access shall be submitted for the written approval of the Local Planning Authority. These details shall also include the proposed siting of the two existing gateposts. The approved details shall be implemented prior to the occupation of the first of the dwellings hereby approved, and thereafter retained.

**Reason:** In the interests of the visual amenities of the area, ad to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

5. Prior to the development commencing a scheme shall be submitted indicating the provision of bird nesting and bat roost opportunities, within the site and the neighbouring woodland. This scheme shall include details of the numbers and locations of these structures, and the approved details shall be implemented prior to the occupation of the houses on which they are sited, and thereafter retained.

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

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			8/2/16
Amended Site layout plan	486 01/004	B	15/6/17
Proposed landscape plan, general arrangement	11105 LO5Aa 802		8/2/16
Planting Plan	11105 L03	P02	8/2/16
Landscape Support Notes	11105 L05a	P01	8/2/16
Fencing and furniture plan	11105 L02	P02	8/2/16
Vehicle tracking	1189/03/20		8/2/16
<u>House types</u>			
A The Paisley	486/01(02) 010	A	8/2/16
	020	A	8/2/16
B The Buckram	011	A	8/2/16
	021	A	8/2/16
D The Gingham	014	A	8/2/16
	022	A	8/2/16
F The Limerick	016	A	9/5/16
C3 The Cashmere	015	A	8/2/16
	026		8/2/16
C1 The Lattice	023	A	8/2/16
Site Survey	486/01(02) 001&002		8/2/16
Design and Access Statement			8/2/16

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant 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](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://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.**

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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 17-Jun-2016

**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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2016/61/90399/W.

If a paper copy of the decision notice or decided plans are required please email [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

**Write to:** Planning Services  
Investment and Regeneration  
PO Box B93  
Civic Centre III  
Off Market Street  
Huddersfield  
HD1 2JR

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