Town and Country Planning Act 1990

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

APPROVAL OF RESERVED MATTERS

Application Number: 2016/61/92870/W

To: Alistair Flatman,
I D Planning
Atlas House
31, King Street
Leeds
LS1 2HL

For: Stirling Scotfield (Huddersfield) LLP/Mac's Trucks

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 PERSUANT TO PERMISSION 2014/93136 FOR DEMOLITION OF EXISTING BUILDINGS, OUTLINE APPLICATION FOR INDUSTRIAL DEVELOPMENT (CLASS B1C B2 OR B8) PLOT A - (160,000SQ FT./14,864 SQM) WITH ENGINEERING WORKS TO FORM DEVELOPMENT PLATEAUX, FORMATION OF ACCESS FROM LINDLEY MOOR ROAD, PROVISION OF SERVICES AND DRAINAGE INFRASTRUCTURE. ERECTION OF INDUSTRIAL UNIT.
PLOT B - (50,000SQFT/ 4648 SQM) UNIT ACCESS FROM CROSLAND ROAD DETAILED APPLICATION (PLOT C) FOR RESIDENTIAL DEVELOPMENT OF 252 DWELLINGS WITH ACCESS FROM CROSLAND ROAD, ENGINEERING WORKS TO CREATE UNDERGROUND DRAINAGE ATTENUATION, PROVISION OF OPEN SPACE AND LANDSCAPING

At: PLOT B, PEAT POND FARM, LINDLEY MOOR ROAD, LINDLEY MOOR, HUDDERSFIELD, HD3 3TD

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 31-Aug-2016, being matters reserved in a permission granted on 08-May-2015 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 following reserved matters are hereby approved; layout, scale, appearance and the landscaping of the site. The development shall be carried out in accordance with the details approved, except where specified in the conditions below and in the conditions of Outline planning permission 2014/62/93136/W which shall in all cases take precedence.
Reason: In accordance with condition 1 of planning permission 2014/62/93136/W.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decisions notice.
Reason: For the avoidance of doubt as to what is being permitted.

3. The development shall be implemented in accordance with the provisions of the Travel Plan ref 9482/BL/002/02 dated 17 August 2016.
Reason: To comply with the Council's sustainability objectives set out in Kirklees Unitary Development Plan Policy T1 and the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for access, parking and turning on the submitted/listed plan(s) have been marked out, and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) for the lifetime of the development.
Reason: In the interests of highway safety and reducing the risk of flooding resulting from surface water flows and to accord with Kirklees Unitary Development Plan Policies T10 and T19, and Section 10 of the National Planning Policy Framework.

5. Prior to the external cladding of the building, samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed of the approved materials.
Reason: In the interests of visual amenity and to accord with Kirklees Unitary Development Plan Policies BE1 and BE2 and Section 7 of the National Planning Policy Framework.

6. Except for the provision of the access into the development, the existing drystone wall to the boundaries of the site with Lindley Moor Road and Crosland Road shall be retained.
Reason: In the interests of visual amenity and to accord with Kirklees Unitary Development Plan Policies BE1 and BE2 and Section 7 of the National Planning Policy Framework.

7. Notwithstanding the submitted landscaping proposals, an amended scheme for landscaping to the Crosland Road frontage of the site to extend the area of woodland planting and woodland edge planting shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and to accord with Kirklees Unitary Development Plan Policies BE1 and BE2 and Section 7 of the National Planning Policy Framework.

8. Prior to development commencing, a detailed Landscape Management Plan for Plot B shall be submitted to and approved in writing by the Local Planning Authority. The approved Landscape Management Plan shall thereafter be implemented for the lifetime of the development.
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:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	2016-120/050		31/8/16
Block Plan	2016/120/061		31/8/16
Landscape proposals	9016-001/105	B	9/11/16
Floor Plan	2016-120/055	A	31/8/16
Roof Plan	2016 120/56		31/8/16
Elevations	2016-120/061		31/8/16
Site Sections	2016-120/052		31/8/16
Site Sections Construction Phase – Archaeological Protection Plan	2016-120/060 M 9016-001-103		31/8/16
Planning Support Statement			31/8/16
Transport Assessment (and appendices)	9482/001/02		31/8/16
Travel Plan			31/8/16

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. 01484-221000 Ext 74199 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 an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:
https**://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries**

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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: 23-Nov-2016

Signed: J. Gedman

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 2016/61/92870/W .

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
