



Town and Country Planning Act 1990

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

APPROVAL OF RESERVED MATTERS

Application Number: 2018/61/90912/W

To: Wesley Dodds,
Enjoy Design Ltd
The Old Brewery
High Court
Leeds
LS2 7ES

For: Yelcon 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 PURSUANT TO OUTLINE PERMISSION
2015/91093 FOR ERECTION OF RESIDENTIAL DEVELOPMENT (17
DWELLINGS) (WITHIN A CONSERVATION AREA)

At: LAND OFF, HOLLYFIELD AVENUE, QUARMBY, HUDDERSFIELD

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 19-Mar-2018, being matters reserved in a permission granted on 08-Dec-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 development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice except as may be required by other conditions attached to this permission, which in all cases shall take precedence.

Reason: So as to ensure the satisfactory completion and operation of the Development and to accord with Policies BE1, BE2, BE5 and T10 of the Kirklees Unitary Development Plan, Kirklees Publication Draft Local Plan Policies PLP21, PLP24 and PLP35 and Sections 12, 15 and 16 of the National Planning Policy Framework.

2. Before development commences on the superstructure of dwellings on site details of facing and roofing materials to be used in the construction of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details so approved.

Reason: In the interests of visual amenity and to accord with Policies BE1, BE2 and BE5 of the Kirklees Unitary Development Plan, Kirklees Publication Draft Local Plan Policies PLP24 and PLP35 and Sections 12 and 16 of the National Planning Policy Framework.

3. Before development commences on the superstructure of dwellings on site details of storage and access for collection of wastes from the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation of the dwelling to which they relate and shall be so retained thereafter.

Reason: In the interests of visual amenity and highway safety and to accord with Kirklees Unitary Development Plan Policies BE1 and T10 and Kirklees Publication Draft Local Plan Policies PLP21 and PLP24.

4. No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP21. These measures are required via a pre-condition as the installation of such equipment would need to precede the construction of highways on site.

5. No development shall commence until a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls adjacent to the existing/ proposed adoptable highways have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP21. These measures are required via a pre-condition as level changes are required to implement this development.

6. No development shall commence until a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation culverts/ tanks located within the proposed adoptable highway footprint have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Reason: In the interests of highway safety and to accord with Kirklees Unitary Development Plan Policy T10 and Kirklees Publication Draft Local Plan Policy PLP21. These measures are required via a pre-condition as the installation of such equipment would need to precede the construction of highways on site.

7. Where biodiversity enhancements are proposed within the curtilage of a dwelling, as indicated on approved plan 00-001 Rev. P, these shall be fully implemented prior to the occupation of the dwelling on site to which they relate. Thereafter the biodiversity enhancements as implemented shall be retained.

Reason: In the interests of enhancing local biodiversity and to accord with Kirklees Publication Draft Local Plan Policy PLP30 and section 15 of the National Planning Policy Framework.

8. The land diagonally hatched in purple on plan No. 00-001 Rev. Q and annotated "*Diagonal Hatch indicates land to be transferred to 16b*" which is adjacent to no. 16b Haughs Road, does not form part of the development approved under this reserved matters submission. Before development commences on the superstructure of any dwelling on site evidence shall be submitted to the local planning authority confirming that the site owner has entered into a formal agreement transferring the land as denoted on the aforementioned plan.

Reason: In the interest of the amenity of nearby residential uses by providing a buffer between existing development and this proposal so reducing any impact associated with overshadowing and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Kirklees Publication Draft Local Plan Policy PLP24 and Section 15 of the National Planning Policy Framework.

Note: It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

Note: 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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) 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.

Note: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

Note: It is brought to the applicant's attention that whilst this reserved matters application has been approved, a number of pre-conditions remain to be discharged on the associated outline planning permission (2015/62/91093/W) including conditions relating to affordable housing and public open space which will require a planning obligation under Section 106 of the Town and Country Planning Act 1990 to discharge their requirements. Development cannot lawfully commence on site until all these conditions have been satisfactorily discharged.

Note: All new storm water attenuation tanks/pipes/culverts with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway where possible. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements. Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and/or must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate. The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding undertaking to the Highway Authority explicitly stating that they have a full understanding of their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with the Well-managed Highway Infrastructure – A Code of Practice 2016 or any corresponding superseding document thereafter.

Note: Adoption under Section 38 of the Highways Act)

It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			16/04/2018
Site layout	00-001	N	30/08/2018
Site sections	00-002	D	11/09/2018
Double garage design	GD01		20/07/2018
Single garage design	GS01		20/07/2018
House type A	A01	A	20/07/2018
House type B	B01	A	20/07/2018
House type C	C01	A	20/07/2018
House type D	D01	B	20/07/2018
House type E	E01	A	20/07/2018
House type F	F01	A	20/07/2018
Drainage and flood exceedance statement	1430/02		20/07/2018
Highways drainage statement	1430/02		20/07/2018
Stage 1 &2 road safety Audit			19/03/2018
Method statement	1430/02		19/03/2018
Stage 1 and 2 geo-environmental report	SCF/02r1		19/03/2018
Temporary surface water management plan	1430/02		19/03/2018
Proposed entrance road arrangement	00-02	O	20/07/2018
Landscaping general arrangement	RFM-XX-00-DR-L-0001	PL02	11.09.2018
Landscape management plan			17.08.2018
Planting Plan Schedule	RFM-XX-00-DR-L-0002	PL02	11.09.2018
Type and position of bird and bat boxes	00-001	P	07.09.2018
Flood exceedance layout	1430/02/10	A	20/07/2018
Flow control manhole S9	1430/02/12.02	A	20/07/2018
Flow Control manhole S3	1430/02/12.01	A	20/07/2018
Plan showing proposed land transfer	00-001	Q	22/10/2018

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 Planning 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. During the assessment of this application the following revisions to the original scheme have been achieved:

- Amendments to the site layout to ensure adequate easements have been secured in the proximity of existing drainage infrastructure crossing the site.
- Re-siting of plot 14 to reduce impact on listed building adjacent the site
- Amendments to access arrangements
- Submission of landscaping detail and ecological enhancement
- Additional drainage details

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 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.

Further information is also 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://www.gov.uk/planning-inspectorate>. 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: 05-Nov-2018

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

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 2018/61/90912/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
