



**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: 2018/61/92842/E**

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**To:** Andy Brook,  
Code L6 Architecture Ltd  
31, Halifax Road  
Brighouse  
HD6 2AA

**For:** YT Developments

**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  
PURSUANT TO OUTLINE PERMISSION 2014/92815 FOR DEMOLITION OF  
EXISTING HOSTEL BUILDINGS (C1) AND ERECTION OF RESIDENTIAL  
DEVELOPMENT

**At:** FORMER COMBS HOSTEL, HALL LANE, THORNHILL, DEWSBURY, WF12  
0PL

**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-2018, being matters reserved in a permission granted on 25-Jan-2016 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 specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

2. Samples of the proposed facing materials (natural stone, brick, render and roof tiles) shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the first dwelling commence. The development shall be constructed of the approved materials and thereafter retained as such.

**Reason:** In the interests of visual amenity and to preserve the setting of the adjacent Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. Construction details of the proposed retaining wall to the western boundary of the site, as indicated on the approved site layout plan, shall be submitted to and approved in writing by the Local Planning Authority before any works to construct the retaining wall commence. The details shall specify the type of construction, wall height and facing materials. The retaining wall shall be constructed in accordance with the approved details and retained as such.

**Reason:** In the interests of visual amenity and to preserve the setting of the adjacent Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

4. The vehicle turning area off Hall Lane (in between plots 22 and 23) shall be hard surfaced and drained and provided in accordance with the approved site plan before the development is first brought into use. The turning area shall thereafter be kept free from obstruction and available for vehicle turning at all times.

**Reason:** In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

5. Details of arrangements for the storage and collection of waste from the dwellings shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The approved waste storage and collection arrangements shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

**Reason:** In the interests of highway safety and amenity and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

6. The private vehicle parking areas shall be surfaced and drained and provided before the dwelling to which they relate is first occupied and thereafter retained as such.

**Reason:** In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

7. The proposed stone boundary walls shall in all respects match the stone used on the dwellings and as approved pursuant to condition 2.

**Reason:** In the interests of visual amenity and to preserve the setting of the adjacent Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

8. The soft landscaping of the site shall be provided in accordance with the approved landscaping plans. Any tree, shrub or hedge that dies, becomes diseased or is removed within the first five years of completion of the development shall be replaced with the same or similar species.

**Reason:** In the interests of biodiversity and visual amenity and to accord with Policies LP30 and LP24 of the Kirklees Local Plan.

9. The development shall be carried out in accordance with the approved Ecological Impact Assessment.

**Reason:** In the interests of biodiversity to accord with Policy LP30 of the Kirklees Local Plan.

10. Notwithstanding the approved Ecological Impact Assessment and condition 19 of outline planning permission 2014/92815, a scheme of biodiversity enhancement measures that would deliver a demonstrable net gain to biodiversity shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the 10th dwelling commence. The scheme shall include a timetable for the provision of the enhancement measures. The development shall be provided in accordance with the approved scheme and retained as such.

**Reason:** In the interests of biodiversity to accord with Policy LP30 of the Kirklees Local Plan

11. Details of the external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The lighting scheme so approved shall be provided before the development is first brought into use (or before the dwelling to which it relates is first occupied) and shall thereafter be retained as such.

**Reason:** To mitigate opportunities for crime and reduce the fear of crime, in accordance with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

12. Design and construction details of the footway to the site frontage shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use, or, where the existing footway is to be retained, details of works to resurface, repair and make good the footway post construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The footway shall be provided in accordance with the approved details before the 17th dwelling is occupied and thereafter retained as such.  
**Reason:** In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

13. A scheme detailing the proposed internal adoptable estate road shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the first dwelling commence. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sightlines, together with an independent safety audit covering all aspects of work. The approved scheme shall be completed in accordance with the approved details and thereafter retained.

**Reason:** To ensure that suitable access is available for the development to accord with Policy LP21 of the Kirklees Local Plan.

**Note regarding condition 10:**

If it is not possible to achieve a demonstrable biodiversity net gain on the site, then an off-site commuted sum would need to be provided in order to satisfy the condition. This would need to be secured through a Section 106 agreement.

**Note regarding the indicative drainage design:**

Kirklees Lead Local Flood Authority have advised that the use of a cellular storage crate would not be accepted as part of the detailed drainage design required under conditions 10 and 11 on the outline permission.

Please note that the box culvert shown on the indicative drainage scheme may affect the adoption of the estate road.

Plans and specifications schedule:

| <b>Plan Type</b>                           | <b>Reference</b>   | <b>Version</b>  | <b>Date Received</b> |
|--|--|-----------------|----------------------|
| Topographical Survey                       | 7491/1   | -               | 31/8/18              |
| Site Plan as Proposed                      | 20-095-100F  | Rev F           | 11/8/21              |
| House Type A Plans & Elevations            | 20-095-101-A   | Rev B           | 21/9/21              |
| House Type B Plans & Elevations            | 20-095-102A  | Rev A           | 13/7/21              |
| House Type C Plans & Elevations            | 20-095-103A  | Rev A           | 13/7/21              |
| House Type D Plans & Elevations            | 20-095-104A  | Rev A           | 13/7/21              |
| Landscape Proposals – Layout               | YT/T/608/1<br>rev A  | Rev A           | 12/5/21              |
| Landscape Proposals – Details              | YT/T/608/1<br>rev A  | Rev A:<br>04052 | 12/5/21              |
| Preliminary Ecological Appraisal           | Ref No: 210150.<br>Date: 8th February 2021                         | -               | 25/2/21              |
| Ecological Impact Assessment               | Ref No:<br>210150/EcIA/1.<br>Date: 24th<br>September 2021          | -               | 27/9/21              |
| Biodiversity Metric Calculation 2.0        | -  | -               | 27/9/21              |
| Supporting Information: Drainage Statement | Holdgate Consulting Ltd<br>Project 21-05                           | -               | 6/4/21               |
| Heritage Impact Assessment                 | Prepared By<br>Code L6<br>Architecture Ltd<br>July 21<br>20-095-16 | -               | 13/7/21              |
| Design and Access Statement                | Prepared by Code<br>L6 Architecture Ltd<br>July 2021<br>20-095-15  | -               | 13/7/21              |

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. Amendments were secured to the layout and design and additional supporting information was requested.

**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](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.

### **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](http://www.gov.uk/government/organisations/the-coal-authority)

### **Digital Infrastructure: Fibre To The Property (FTTP)**

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at [carl.tinson@kirklees.gov.uk](mailto:carl.tinson@kirklees.gov.uk).

**Note:** The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

**Note:** Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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

**Dated:** 22-Nov-2021

**Signed:**



**David Shepherd**  
**Strategic Director Growth and Regeneration**

#### 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 2018/61/92842/E .

If a paper copy of the decision notice or decided plans are required please email [dc.admin@kirklees.gov.uk](mailto:dc.admin@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:** [dc.admin@kirklees.gov.uk](mailto:dc.admin@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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