



Town and Country Planning Act 1990

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

APPROVAL OF RESERVED MATTERS

Application Number: 2023/61/90909/E

To: Richard Mowat,
Johnson Mowat
Coronet House
Queen Street
Leeds
LS1 2TW

For: Richard Mowat, Johnson Mowat

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
2020/90436 FOR DEMOLITION OF 1 DWELLING AND ERECTION OF
RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORKS WITH DETAILS
FOR ACCESS

At: ADJ, 115, WESTFIELD LANE, WYKE, BD12 9LY

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 12-Apr-2023, being matters reserved in a permission granted on 02-Oct-2020 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 to ensure the satisfactory appearance of the development on completion and in the interests of highway safety in accordance with Policies LP1, LP2 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

2. This Reserved Matters approval relates to development for which outline permission was granted under application reference 2020/90436 dated 02-Oct-2020. The development shall be carried out in strict accordance with the conditions set out in the outline planning permission, except as modified by this permission.

Reason: For the avoidance of doubt and to ensure that development complies with the requirements and conditions of the outline permission and the approval of reserved matters.

3. All works and operations shall be carried in complete accordance with the submitted Landscape Management Document (no ref, dated July 2023, Web ID 998584) unless otherwise agreed in writing by the Local Plan Authority.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Policies LP24, LP32 and LP33, as well as Chapter 15 of the National Planning Policy Framework. This is a pre commencement condition to secure the necessary landscape maintenance scheme at the appropriate time in the development process.

4. Prior to the occupation of development, full details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall then be provided in full compliance with the approved details before any dwelling is occupied.

Reason: As to ensure that the boundary treatments are designed appropriately to respect and enhance the character of the area; to create a high quality place; to ensure suitable forward visibility through the site; and, to ensure adequate privacy for future occupants. As to accord with Kirklees Local Plan Policies LP21, LP22 and LP24, Chapters 9 and 12 of the National Planning Policy Framework and the Housebuilders and Highways Design Guide SPDs.

5. The dwellings shall be faced in Forterra Southdown Multi Red Brick for the walls, flat grey roof tiles for the roof and buff artificial stone for the heads unless otherwise agreed in writing with the Local Planning Authority.

Reason: As to ensure the scheme is delivered with high quality materials, in accordance with Local Plan Policy LP24, Chapter 12 of the National Planning Policy Framework and The Housebuilders Design Guide SPD.

6. Unless otherwise agreed in writing, 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 Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: As to ensure the development does not material impact the highway safety and to achieve a satisfactory layout, in accordance with Kirklees Local Plan Policies LP21 and LP22, Chapters 9 and 12 of the National Planning Policy Framework and the Highways Design Guide SPD.

7. Prior to the occupation of the development hereby approved, details of the proposed internal adoptable estate roads shall be 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: To ensure that suitable access is available for the development; to ensure the development does not material impact the highway safety; and, to achieve a satisfactory layout, in accordance with Kirklees Local Plan Policies LP21 and LP22, Chapters 9 and 12 of the National Planning Policy Framework and the Highways Design Guide SPD.

8. All works and operations shall be carried in complete accordance with Construction Traffic Management Plan Rev 01 unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: To ensure that construction vehicles do not material harm the safety of the highway, in accordance with Kirklees Local Plan Policies LP21 and LP24, Chapters 9 and 12 of the National Planning Policy Framework and the Highways Design Guide SPD.

9. Upon completion of the development and before any building is occupied, a highway condition survey identifying a scheme to reinstate any subsequent defects on Westfield Lane, not identified in Existing Highway Condition Survey ref: O-16.10 shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into use.

Reason: To ensure that construction vehicles do not material harm the safety of the highway, in accordance with Kirklees Local Plan Policies LP21 and LP24, Chapters 9 and 12 of the National Planning Policy Framework and the Highways Design Guide SPD.

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 (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.

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 Table:-

Plan Type	Reference	Version	Date Received
Location Plan	2023-018-005	-	13/04/2023
Existing Site Plan	2023-018-008	-	13/04/2023
Demolition plan/sections	2023-018-MSC-DM	-	13/04/2023
Proposed Elevations	2023-018-PINE-001	B	09/05/2023
Proposed Elevations	2023-018-HAZEL-001	B	09/05/2023
Proposed Elevations	2023-018-HAWTHORN-001	B	09/05/2023
Proposed Elevations	2023-018-BIRCH-001	B	09/05/2023
Proposed Site / Block Layout	O-16.04	P	19/07/2023
Proposed Site / Block Layout	2023-018-003 - Tracking	N	11/07/2023
Proposed Site / Block Layout	2023-018-002 – Visibility Splays	N	11/07/2023
Proposed Landscaping Masterplan	R-2679-1	E	12/07/2023
Proposed Landscape Details	R-2679-2	D	12/07/2023
Proposed Landscape Details	SD-T-65 Tree Pit adjacent to Highway	-	12/07/2023
Proposed Longitudinal Sections	124.008.06	F	14/07/2023
Existing Highway Condition Survey	O-16.10	-	17/07/2023
Construction Traffic Management Plan	-	01	17/07/2023
LANDSCAPE MANAGEMENT DOCUMENT	-	(1)	12/07/2023
Refuse Vehicle Tracking Layout	124.008.18	A	24/05/2023
Tree Survey	230204	-	13/04/2023
Design and Access Statement	-	-	13/04/2023

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 has, 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. The applicant, agent and case officer have been in constant discussion with regard to this application. Several amendments and significant more information has been received during the lifetime of this application. The amendments and supplementary information secured through negotiations has related to: Providing a suitable and acceptable housing mix; Revising the house types to comply with national described space standards; reflecting the already undertaken clearance of the site with regard to BNG; providing as much BNG on site, with the surplus secured via an off site contribution; the protection of TPO trees; the highway layout with respect to gradient and visibility; securing information regarding methods to protect the highway through the construction phase; securing 20% affordable housing; providing meaningful offsite Public Open Space; and, supplying suitable drainage. This is alongside the information secured by the 35 conditions on the outline application.

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

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.

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 coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

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, excavations for 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.

If any 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

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local 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 the Planning Inspectorates website](http://attheplanninginspectorswebsite). Further information on the Planning Appeal process can be found online [at the Planning Inspectorates website](http://attheplanninginspectorswebsite).
- 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: 21-Jul-2023

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](#), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/61/90909/E .

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

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
