



**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: 2023/61/93597/E**

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To: ELG Planning  
Gateway House  
55, Coniscliffe Road  
Darlington  
DL3 7EH

For: MANDALE HOMES

**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 2020/93777 FOR ERECTION OF RESIDENTIAL DEVELOPMENT (19 DWELLINGS)

At: EAST OF, MILL LANE, AND HEATON GRANGE, HANGING HEATON, BATLEY, WF17 6EN

**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 29-Jan-2024, being matters reserved in a permission granted on 01-Mar-2023 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, in conjunction with the decision notice of the parent outline permission referenced 2020/93777, except as may be specified in the conditions attached to each 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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. Details of any additional tree works required during the construction process that is not identified within the submitted information shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

**Reason:** To protect trees that provide visual amenity value, to comply with Policies LP24 and LP33 of the Kirklees Local Plan.

#### Prior to development commencing

3. Prior to development commencing, an “invasive non-native species protocol” shall be submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the containment, control, and removal of Rhododendron and Himalayan balsam species on site. Thereafter the development shall be undertaken in accordance with the approved scheme.

**Reason:** To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure ecological measures are capable of being fully integrated into the construction phase.

4. Prior to development commencing, notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include a Tree Protection Plan and details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

**Reason:** So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure appropriate regard is given to mitigation and that any necessary measures are in place to protect the trees, prior to works taking place.

5. Prior to development commencing, notwithstanding the submitted plans, a scheme assessing the adequacy of the embankment(s) which will be surcharged by the new development shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include an assessment statement, all necessary ground investigations on which assessment assumptions are based on, method statements for the removal of any bulk excavation together with a full slope stability analysis and structural calculations to verify the structural adequacy of the embankment.

**Reason:** In the interest of protecting the safe use of the highway network, in accordance with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure appropriate investigation and remediation is undertaken to not risk the safe use of the public highway.

6. Prior to development commencing, where the ground investigations undertaken pursuant to condition 5 identified for the need for remedial measures to deal with instability issues, a Stability Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

**Reason:** In the interest of protecting the safe use of the highway network, in accordance with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure appropriate investigation and remediation is undertaken to not risk the safe use of the public highway.

#### Prior to above ground works commencing

7. Prior to above ground works commencing, a scheme detailing the provision of the footpaths, as shown on plan L023113 – 102 rev N, shall be submitted to, and approved in writing by, the Local Planning Authority. The footpath shall have a minimum width of 2.0m and the scheme shall include details of the proposed construction specification, surfacing, drainage, kerbing, and lighting columns (if necessary). The scheme shall include a timeframe for the delivery of all footpaths. Thereafter the development shall be undertaken in accordance with the approved details.

**Reason:** In the interest of securing and delivering suitably designed and safe footpaths, to promote pedestrian movements, in accordance with Policy LP21 of the Kirklees Local Plan.

8. Prior to above ground works commencing, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall demonstrate how a minimum of 2.48 habitat units and 0.64 hedgerow units are to be achieved post development and include details of the following:

- a. Description and evaluation of features to be managed and enhanced;
- b. Extent and location/area of proposed works on appropriate scale maps and plans;
- c. Ecological trends and constraints on site that might influence management;
- d. Aims and objectives of management;
- e. Appropriate management actions for achieving aims and objectives;
- f. Preparation of a work schedule (to cover an initial 5-year period to be reviewed and updated for a minimum period of 30 years);
- g. Details of the body or organization responsible for implementation of the plan; and
- h. Ongoing monitoring and remedial measures;

The BEMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development can deliver the fully functioning biodiversity objectives of the originally approved scheme. Thereafter the development shall be delivered and managed in accordance with the approved details.

**Reason:** To ensure a scheme that provides mitigation and compensation for the ecological effects resulting from loss of habitat and provides an overall net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan.

#### Prior to specific trigger

9. Prior to their use, notwithstanding the submitted information, details of all the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

**Reason:** In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

10. Prior to their use, details of all the external facing materials for the proposed retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved dwellings being brought into use.

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

11. Prior to the installation of any boundary treatment or the occupation of any dwelling, notwithstanding the submitted plans, a comprehensive boundary treatment plan shall be submitted to, and approved in writing by, the Local Planning Authority. Boundary treatments enclosing rear garden spaces which are adjacent to the public realm shall be constructed in the same material as the hereby approved dwellings, approved pursuant to condition 9. The submission shall include typical elevations for all boundary treatments proposed. Thereafter the development shall be undertaken in accordance with the approved details.

**Reason:** To ensure an appropriate appearance and design, in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan.

#### Prior to the occupation of dwellings

12. Prior to the occupation of the hereby approved dwellings, notwithstanding the submitted details, a Crime Mitigation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The document shall detail how the car parking spaces allocated to plots 14 – 17, as shown on plan L023113 – 102 rev N, shall be kept safe from crime. Thereafter the approved strategy shall be implemented, prior to the occupation of plots 14 – 17.

**Reason:** Due to the lack of natural surveillance, in the interest of mitigating opportunities for crime, in accordance with Policy LP24 of the Kirklees Local Plan.

13. Prior to the occupation of the hereby approved dwellings or works associated with the delivery of the natural play area, as shown indicatively on plan L02311 – 102 rev N commencing, a scheme providing details of the play equipment to be installed within the natural play area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timescale for the implementation of the play equipment. The approved scheme shall be fully implemented in accordance with the timescale and be so retained thereafter.

**Reason:** To ensure adequate provision of equipment, in accordance with Policy LP63 of the Kirklees Local Plan.

14. Prior to the occupation of the hereby approved dwellings, a waste storage and collection strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall confirm the location and layout of the dedicated waste storage area(s), whether a separate collection point is proposed and its location, arrangements for the collection and removal of the waste, along with any proposed screening. Prior to occupation, the development shall be implemented in accordance with the approved scheme and shall thereafter be retained.

**Reason:** In the interest of visual amenity, residential amenity, and highway effectiveness, to comply with policies LP21 and LP24 of the Kirklees Local Plan.

15. Where implementation of the development hereby approved is to be phased and / or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of those residential units. The temporary arrangements so approved shall be implemented prior to first occupation of those residential units in that phase and shall be retained thereafter for the duration of the construction works.

**Reason:** To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

#### Ongoing requirements

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, or E of Part 1 of Schedule 2 to that Order shall be carried out within plots 5 – 13 and 17, as shown on plan L023113 – 102 rev N

**Reason:** To preserve the visual amenity of the site and wider area, and the amenity standard of neighbouring residents, in accordance with Policy LP24 of the Kirklees Local Plan.

#### **Note: Submitted landscaping and landscape management details**

You have submitted the detailed landscape proposal plan 4041/1 rev H and the document titled Landscape Management Specification by Rosetta Landscape Design as part of this Reserved Matters application. These documents demonstrate that an acceptable landscaping arrangement may be achievable with the proposed layout, however, it is outside the scope of this Reserved Matters application to approve the submitted details.

Conditions 16 of the parent outline application, ref 2020/93777, require the submission of the site's detailed landscaping arrangements and landscape maintenance, via the separate Discharge of Condition process.

#### **Note: Submitted drainage details**

You have submitted the drainage strategy ref 24004-LE-00-ZZ-DR-D-0100 rev P01 as part of this Reserved Matters application. This document demonstrates that an acceptable drainage system may be achievable with the proposed layout, however, it is beyond the remit of this Reserved Matters application to approve the drainage strategy.

Conditions 17 and 18 of the parent outline application, ref 2020/93777, require the submission of the site's detailed drainage strategy via the separate Discharge of Condition process.

### **Note: Approved Access - Informative**

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38 or 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

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 (Sections 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

### **Note: Off-site Highway Works – Informative**

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the works.

This process will involve entering into a Section 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Interference with the highway without such permission is an offence which could lead to prosecution.

### Discharge of Conditions

#### **Condition 21 (Ecological Impact Assessment)**

Condition 21 requires the submission of an updated Ecological Impact Assessment at Reserved Matters stage. You have submitted the document titled Ecological Impact Assessment referenced 240321 / EclA pursuant to condition 21.

I can confirm that the submitted document is acceptable for the purposes of condition 21, which is hereby discharged.

## Condition 22 (Biodiversity Enhancement and Management Plan)

Condition 22 requires the submission of a Biodiversity Enhancement and Management Plan at Reserved Matters stage. You have submitted the document titled Biodiversity Enhancement and Management Plan referenced 240231/BEMP pursuant to condition 22.

The submitted details are not considered acceptable and condition 22 is not hereby discharged. This is because:

- A scalable plan of the proposed works has not been provided, preventing measurements and checks, contrary to b.
- No details of site ecological trends or constraints have been provided, nor any details dismissing such matters, contrary to c.
- The aims and objectives of the proposed management are indeterminate, with the document progressing straight into management proposals within a clear objective, contrary to d and e.
- No work schedule has been provided, as required by f.

In light of this, officers have imposed condition 8 on this application to ensure adequate details are provided at the appropriate time.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	L023113 – 100	Rev. A	12/12/2023
Existing Site / Block Layout	L023113 – 101		12/12/2023
Proposed Site Plan	L023113 – 102	Rev. N	13/11/2024
Existing Site Sections	L023113 – 103		12/12/2023
Proposed Site Sections	L023113 – 104	Rev. B	09/05/2024
Proposed Floor Plans	L023113 – 105	Rev. A	29/05/2024
Proposed Elevations	L023113 – 106	Rev. B	09/05/2024
Proposed Floor Plans	L023113 – 107		12/12/2023
Proposed Elevations	L023113 – 108		14/12/2023
Proposed Floor Plans	L023113 – 109		14/12/2023
Proposed Elevations	L023113 – 110		14/12/2023
Proposed Floor Plans	L023113 – 111 (plot 4)		12/12/2023
Proposed Elevations	L023113 – 112 (plot 4)		12/12/2023
Proposed Floor Plans	L023113 – 113		12/12/2023
Proposed Elevations	L023113 – 114		12/12/2023
Proposed Floor Plans	L023113 – 115	Rev D	13/11/2024
Proposed Elevations	L023113 – 116	Rev. B	09/05/2024
Proposed Floor Plans	L023113 – 117 (plot 18)		12/12/2023
Proposed Elevations	L023113 – 118 (plot 18)		12/12/2023
Proposed Site Sections	W21880 16 00 DR S 3100	Rev. P02	13/11/2024
Proposed Site Sections	W21880 16 00 DR S 3102	Rev. P01	13/11/2024

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
General Plan	24004-LE-00-ZZ-DR-D-0005	Rev. P03	10/10/2024
Proposed Site / Block Layout	24004-LE-00-ZZ-DR-D-0006	Rev. P02	25/07/2024
General Plan	24004-LE-00-ZZ-DR-D-0007	Rev. P02	14/11/2024
General Plan	24004-LE-00-ZZ-DR-D-0010	Rev. P02	25/07/2024
General Plan	Play Area Plan – East of Mill Lane and Heaton Grange		31/10/2024
Supporting Information	Affordable Housing Statement		17/12/2024
Supporting Information	W21880-WBE-XX-XX-CO-Z-0001/ks		10/10/2024
Ecological/Biodiversity Statement	Heaton Grange Ecological Impact Assessment		29/08/2024
Supporting Information	Planning Compliance Statement		09/01/2024
Supporting Information	Climate Change Statement		16/01/2024
Supporting Information	Crime Prevention Statement		17/01/2024

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.

**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.

**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 the Planning Inspectorates website](#). Further information on the Planning Appeal process can be found online [at the Planning Inspectorates website](#).**
- **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: 20-Dec-2024

Signed:



David Shepherd  
Executive Director for Place

## 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 2023/61/93597/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: Kirklees Council  
Planning and Development Service  
PO Box 1720  
Huddersfield  
HD1 9EL

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