



Town and Country Planning Act 1990

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

APPROVAL OF RESERVED MATTERS

Application Number: 2023/61/93714/E

To: Roger Lee Planning Ltd
18, Leeds Road
Methley
Leeds
LS26 9EQ

For: WAVIN 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 (INCLUDING THE CONSIDERATION OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT, AND SCALE) FOR THE ERECTION OF 10 DWELLINGS PURSUANT TO OUTLINE PERMISSION 2019/93906 FOR ERECTION OF RESIDENTIAL DEVELOPMENT UP TO 10 DWELLINGS, AND DISCHARGE OF CONDITION 20 (WASTE ARRANGEMENTS)

At: LAND OFF, CUMBERWORTH LANE, DENBY DALE, HUDDERSFIELD, HD8 8RU

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 28-Feb-2024, being matters reserved in a permission granted on 07-Jan-2021 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 LP1, LP2, LP21, LP22, LP24, LP28 and LP30 of the Kirklees Local Plan and Principles 2, 5, 6, 8, 9, 12, 13, 14, 15, 17, 18, 19 of the Housebuilders' Design Guide SPD.

2. The landscaping scheme shown on the approved document 5061/1 Rev A shall be implemented within the first sowing or planting season following the commencement of development. Any tree or shrub dying or becoming diseased within five years shall be replaced by another of the same species and variety.

Reason: To ensure the provision and retention of a well-laid out scheme of soft landscaping within the site in the interests of visual amenity, and to accord with the aims of Policy LP24 of the Kirklees Local Plan.

3. Samples of all facing and roofing materials shall be left on site for the inspection of, and approved in writing by, the Local Planning Authority, before work on the superstructure of the new build commences and the development shall be implemented using the approved materials.

Reason: In the interests of visual amenity, and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Principle 13 of the Housebuilders' Design Guide SPD and Chapter 16 of the National Planning Policy Framework.

4. No development shall take place until a scheme detailing the proposed internal road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, lining and signing. 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 in the interests of highway safety and the servicing of the site, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

This information is required pre-commencement to ensure that a suitably designed highway is incorporated into the scheme at an early stage in the development process.

5. All areas shown to be used for the parking of vehicles within the site, including garages, as shown on the approved site plan, plans and elevations, shall be provided and laid out with a hardened and drained surface before the dwelling to which those spaces relate are first occupied, or in the case of visitor parking spaces, before any dwelling is first occupied. These shall be thereafter retained as such, free of all obstructions to their use for the parking of vehicles.

Reason: To ensure that satisfactory resident and visitor parking is achieved in the interests of highway safety and the satisfactory servicing of the site, and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders' Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

6. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), the integral garages shall be retained as such and shall not be converted to living accommodation.

Reason: To ensure that satisfactory resident and visitor parking is retained at all times in the interests of highway safety and the satisfactory servicing of the site, and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders' Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

7. The areas indicated to be used on the proposed site plan for the storage and collection of wastes shall be laid out with a hard surface, the bin enclosures erected in accordance with the details shown on the approved site plan, and made available for use before the dwelling to which they relate is first occupied. The facilities for the storage and collection of wastes shall thereafter be retained as such, free from obstructions to the storage and collection of wastes.

Reason: To ensure that satisfactory facilities are provided and retained within the site for the separation, storage and disposal of wastes in a way that does not compromise highway safety and efficiency, in accordance with the aims of Policies LP21 and LP24(d) of the Kirklees Local Plan and Principle 19 of the Housebuilders' Design Guide SPD.

8. The proposed secure cycle storage facilities as shown on the approved site plan shall be provided in accordance with the approved details and prior to the first occupation of the dwelling it would serve and shall be thereafter retained as such.

Reason: To comply with the council's sustainability objectives by encouraging the use of low-impact modes of travel, the promotion of healthy, safe and active lifestyles, and protection against crime and the fear of crime, in accordance with the aims of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, the Highways Design Guide Supplementary Planning Document, and Chapter 8 of the National Planning Policy Framework.

9. A full scheme of boundary treatments showing the position, height and design of all new or retained walls, fences and other boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority before any new dwelling is first occupied. The approved boundary treatments shall be erected or constructed before any dwelling is first occupied, and these shall be thereafter retained.

Reason: In the interests of visual amenity and to protect the privacy of existing and future residents, and to accord with the aims of Policy LP24(a and b) of the Kirklees Local Plan.

10. Before any new dwelling is first brought into use, the roof-mounted solar panel array on each dwelling, as shown on the approved site plan and elevational drawing, shall be installed and made operational, and thereafter retained as such.

Reason: To ensure that the development contributes to reducing the causes of climate change in accordance with the aims of Policy LP24(d) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

11. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification including paragraph A.1(ea)), no development falling within Classes A, B or E of Part 1, Schedule 2 of the General Permitted Development Order shall be undertaken within the curtilages of Plots 3 to 6 as shown on the approved site plan without full planning permission having been first obtained from the Local Planning Authority.

Reason: So as to retain adequate planning control over the site in the interests of ensuring that these plots retain an adequate amount of private amenity space and that the development potential of land to the north, which forms part of a housing allocation, is not compromised, and to accord with the aims of Policies LP7 and LP24(b) of the Kirklees Local Plan.

12. All windows in the western side elevation of the proposed dwelling on Plot 3 shall be non-opening and shall be fitted with obscure glazing to give a grade 5 degree of obscurity before the dwelling is first occupied. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) windows of this type shall be retained thereafter.

Reason: To ensure that harm to residential amenity arising from loss of privacy to existing or future residents does not occur and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan.

13. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed at ground floor level in the western side elevation of Plot 3 at any time.

Reason: To ensure that harm to residential amenity arising from loss of privacy to existing or future residents does not occur and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan.

14. Development shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers' parking facilities, the provision, use and retention of adequate wheel washing facilities within the site, and pre-development road condition surveys. All construction works shall be carried out in accordance with the approved CMP throughout the period of construction.

Reason: In the interests of protecting amenity and highway safety during the construction phase, and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan, as well as Chapters 9 and 12 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure appropriate measures to protect amenity and maintain highways safety are agreed before development commences.

15. Prior to the commencement of development an assessment of the effects of 1 in 100 year storm events (with an additional allowance for climate change, blockage scenarios and exceedance events) on drainage infrastructure and surface water run-off pre- and post-development between the development and the surrounding area, in both directions, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed. The approved scheme shall be retained thereafter.

Reason: To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

Note – outline condition 20

It is hereby confirmed that the submission requirements of condition 20 of outline permission 2019/93906 have been met, and no further submission is necessary pursuant to that condition.

Note – works within the highway

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) regarding 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 – Management and Maintenance of Private Estate Streets

The applicant is advised that it is their responsibility to inform the potential purchasers of the properties served by any unadopted streets that the streets will remain unadopted and provide details of the ongoing management and maintenance requirements and their obligations. The potential purchasers must also be advised by the developer of the potential implications of the streets remaining private, which are described in DfT Advice Note 'Highway Adoption' at Annex C 'A Guide for Home Buyers': [Highways Adoption \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/highway-adoption-annex-c-a-guide-for-home-buyers.pdf)

The applicant is advised to consult with the Local Highway Authority guidance document on 'Private Streets and the Advance Payments Code': [Highways guidance note: Private Streets and the Advance Payments Code \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/media/100000/private-streets-and-the-advance-payments-code.pdf)

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			18/12/2023
Existing site and location plan	23-058-01	A	29/02/2024
Proposed site plan	23-058-10	G	18/02/2025
Proposed landscaping plan	5061/1	A	07/02/2025
Existing sections	23-058-11	A	29/02/2024
Proposed sections	23-058-11	D	29/02/2024
House types 1 and 2 plans and elevations	20-058-11	A	20/05/2024
House type 3 plans and elevations	20-058-12	A	20/05/2024
Arboricultural Report	14057/ME		29/02/2024
Arboricultural Impact Assessment	14057a/ME		29/02/2024
Climate Change Statement			29/02/2024
Road Safety Audit			08/01/2025
Road Safety Audit Designers' Response			18/02/2025

Plan Type	Reference	Version	Date Received
Design and Access Statement			29/08/2024

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 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. The case officer requested changes to design and additional information during the application process in the interests of visual amenity and highway safety.

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 Mining Remediation 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 Mining Remediation 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 a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation 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.

Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at:

<http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](#)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](#)

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 so that we can work on continually improving our customer service. Thank you.

Dated: **14-Mar-2025**

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 2023/61/93714/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
