



Town and Country Planning Act 1990

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

APPROVAL OF RESERVED MATTERS

**NOTE: This approval should be read in conjunction with an Agreement made under
Section 106 of the Town and Country Planning Act 1990**

Application Number: 2019/61/92710/E

To: Acanthus WSM Architects
Studio 11
2, King Charles Street
Leeds
LS1 6LS

For: Stonewater Housing Association

**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
2017/93347 FOR ERECTION OF 32 DWELLINGS**

At: LAND OFF, FIELDHEAD LANE, BIRSTALL, BATLEY

**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
13-Aug-2019, being matters reserved in a permission granted on 09-Jan-2018 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 approved plans and specification except as may be required by other conditions.

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. Prior to development commencing, a scheme detailing 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, surfacing, and the treatment of sight lines, together with a safety audit covering all aspects of the work. The agreed scheme shall be implemented in accordance with an agreed timetable, and thereafter retained for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with Policy LP21 of the Kirklees Local Plan.

3. Prior to development commencing, a construction management plan or construction method statement shall be submitted to and be approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- parking of vehicle of site operatives and visitors
- routes for construction traffic
- hours of operation
- method of prevention of mud being carried onto highway
- pedestrian and cyclist protection
- any proposed temporary traffic restrictions; arrangements for turning vehicles.

Thereafter the approved development shall be undertaken in accordance with the approved construction management plan or construction method statement.

Reason: In the interests of the free and safe use of the highway, to accord with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition, given the need to ensure appropriate management of the highway.

4. Prior to their use, details of all the external facing and roofing 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.

5. Any planting, seeding or tree management works forming part of the agreed landscape scheme ref. '50806-DR-LAN-101' shall be carried out following the commencement of the development, or in accordance with a timetable agreed with the Local Planning Authority and shall be maintained for a period of five years from the completion of the planting works. All specimens that die within this period shall be replaced.

Reason: In the interests of visual amenity, to comply with the aims and objectives of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

6. Notwithstanding the submitted details, prior to the installation of any windows, a ventilation scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The ventilation scheme shall demonstrate how habitable rooms of the all plots shall be provided with enough ventilation to help control thermal comfort and avoid overheating, without the need to open windows. All works which form part of the approved scheme shall be installed prior to its occupation of the respective plot and shall thereafter be retained.

Reason. Because windows need to be kept closed to prevent excessive noise levels and in the interest of residential amenity, through mitigating harmful noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 14 of the National Planning Policy Framework.

7. Notwithstanding the submitted information, prior to the occupation of the hereby approved dwellings, details for the provision of a pedestrian route and cycle track across the site from Field Head Lane to the boundary with Oakwell Hall Park, as indicatively shown on plan ref. '3001.09.102 Rev. E' shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include details of signage to bring the route to the attention of users of the route via the application site. This approved pedestrian/ cycleway route shall be provided prior to the occupation of the site, or in accordance with a timeframe agreed with the Local Planning Authority and permanently retained thereafter

Reason: To enhance pedestrian and cycle facilities, in the interest of public health and highway safety, to comply with Policy LP21 of the Kirklees Local Plan

8. Prior to the occupation of the hereby approved dwellings, a Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets
- The provision of Travel Plan Co-ordinator including roles, responsibilities and annual monitoring
- The provision of travel information
- Implementation and review timescale; and
- Enforcement, sanctions and corrective/review mechanisms.

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

Reason: In the interests of the free and safe use of the highway and to comply with the Council's sustainable travel objectives, in accord with Policies LP20 and LP21 of the Kirklees Local Plan.

9. Prior to the occupation of each of the hereby approved dwellings, the dwelling shall have its respective parking on the listed plans marked and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use specified on the listed plans.

Reason: In the interests of amenity and traffic safety, so as to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP21 of the Kirklees Local Plan.

10. Prior to the occupation of each of the hereby approved dwellings, the dwelling shall have its respective bin presentation point shall be hard paved and provided on site, as shown on plan ref. '3001.09.103 Rev. A'. Thereafter each bin presentation point shall be retained.

Reason: To ensure adequate waste collection arrangements are in place, in the interest of the safe and efficient operation of the highway as per Policy LP21 of the Kirklees Local Plan.

11. Prior to the occupation of plots 06 – 32, each dwelling shall have their respective electric vehicle charging point installed, as shown on plan ref. '3001.09.105 Rev. B'. Cable and circuitry ratings of the electric vehicle charging points to be installed shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

12. Prior to the occupation of any of the hereby approved dwellings, the approved boundary treatments as shown on plan ref. '3001 09 106' shall be erected and shall thereafter be retained.

Reason: In the interests of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

13. Prior to the occupation of the hereby approved dwellings, all works which form part of the sound attenuation scheme for the respective plot as specified in the Noise Survey of Residential Development by Nova Acoustics dated 15 Jan 2020, shall be installed. The sound attenuation features shall thereafter be retained.

Reason: In the interest of residential amenity, through mitigating harmful noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 14 of the National Planning Policy Framework.

14. The hereby approved development shall be undertaken in accordance with the recommendations contained within the approved Arboricultural Impact and Method Statement ref. 'JCA 14850 TT', as per the given timescale. This shall include, but not be limited to, the erection of protective fencing.

Reason: To safeguard mature and protected trees, in the interest of amenity, in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Note: This approved Reserved Matters application should be read in conjunction with the parent outline application ref. 2017/93347.

Note: The submitted Biodiversity Enhancement Plan Survey & Report is not considered to satisfy the requirements of Condition 13 of the Outline Planning Application, which stands as needing to be discharged prior to development commencing.

Note: Pursuant to the requirements of condition 14 of the parent outline planning permission, ref. 2017/93347, your attention is brought to the need for the drainage strategy to include 'a detailed maintenance and management regime for the piped watercourse and works for the lifetime of the development'. This must include appropriate arrangements for maintenance and management prior to adoption by a statutory undertaker, which are typically secured via a S106 Agreement.

Plans and specifications schedule: -

Plan	Reference	Version	Date Received
Location Plan	3001.09.100		14.08.2019
Site layout plan	3001.09.102	Rev. E	01.09.2019
Waste Collection Points	3001.09.103	Rev. A	26.11.2019
Footpath sections	3001.09.104	Rev. A	26.11.2019
Electric charging points	3001.09.105	Rev. B	04.12.2019
Boundary Treatments	3001.09.106		14.08.2019
Footpath sections	3001.09.107		04.12.2019
Site sections	3001.09.108		04.12.2019
Plots 1-2	3001.09.111		14.08.2019
Plots 3-4;10-11;17-18;19-20 &22-23	3001.09.116	Rev. A	26.11.2019
Plots 5-6	3001.09.121		14.08.2019
Plots 7-9	3001.09.126	Rev. A	01.09.2019
Plots 14 – 16	3001.09.136	Rev. A	26.11.2019
Plot 21	3009.09.146		14.08.2019
Plots 24-25	3009.09.151		14.08.2019
Plots 26-28	3009.09.156		14.08.2019
Plots 29-30	3009.09.161		14.08.2019
Plots 31-32	3009.09.166		14.08.2019
Refuse Tracking	7418-34-02	Rev. A	04.12.2019
Drainage feasibility layout	7418-01	Rev. H	04.12.2019

Plan	Reference	Version	Date Received
Block Plan	50806 DR-LAN-101		08.11.2019
Land Survey	7512 / 1	Rev. B	14.08.2019
Existing Routes	Existing and proposed routes across the site and surrounding area.		26.11.2019
Supporting Information	Noise Survey of Residential Development		15.01.2020
Supporting Information	Arboricultural Method Statement - JCA 14850 / TT		12.09.2019
Supporting Information	Arboricultural Report – JCA 14850 / TT		14.08.2019

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 .

Additional information and sections were sought and provided during the application. Discussions with applicants and Oakwell Hall regarding the location of the cycle path, and how / where it links into the Oakwell Country Park. Finally, measures to protect the TPO'd trees provided and agreed.

On the request of a local ward councillor, the application was referred to the Heavy Woollen Planning Sub-Committee. The application was considered at the committee meeting dated the 5th of December 2019. Members resolved to support the application subject to deferral back to officers to secure the S106 and impose all relevant and appropriate conditions.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “*submitted to and approved in writing by the Local Planning Authority*”.
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or 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:
28 days of the date of service of the enforcement notice, or within 6 months of 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 6 months of the date of this notice.
- 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://acp.planninginspectorate.gov.uk> . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 11-Sep-2020

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

Address to which all communications should be sent:

Planning, Strategic Investment Service,
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR
