Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/90933/W

To: Alan Davies,
Northern Design Partnership
The Chapel
Millmoor Road
Meltham
Holmfirth
HD9 5JU

For: Specialist Glass Products Ltd

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF MANUFACTURING UNIT WITH ASSOCIATED ACCESS, PARKING AND TURNING

At: COLNE VALE ROAD, MILNSBRIDGE, HUDDERSFIELD, HD3 4NY

In accordance with the plan(s) and applications submitted to the Council on 27-Jun-2016, subject to the condition(s) specified hereunder:-

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. 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 required by other conditions attached to this permission, which in all cases shall take precedence.
Reason: So as to ensure the satisfactory completion and operation of the development.

3. No development shall commence until details of the proposed foundations and excavations have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the building's construction.
Reason: To ensure the stability of adjacent land and to accord with Section 11 of the National Planning Policy Framework. The information is required prior to development commencing to ensure that the proposed foundations will be appropriate achieve this aim.

4. Prior to any part of the development being brought into use arrangements for a scheme for the provision and maintenance of a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include measures to improve and encourage the use of sustainable transport. The measures will include as a minimum:

- the provision of 'bus/train information
- car sharing facilities
- the introduction of working practices to reduce travel demand
- the provision of onsite cycle facilities and information
- details of when these measures will be introduced.

To support the promotion of the use of sustainable modes the travel plan will also include: how the travel plan will be managed; targets aimed at lowering car use, particularly single occupancy trips, from/to the site; a program for monitoring the travel plan and its progress and how the travel plan and its objective of more sustainable travel will be promoted. The approved travel plan shall thereafter be fully implemented and retained throughout the lifetime of the development.
Reason: In the interests of highway safety and to accord with Unitary Development Plan Policy T10.

5. Prior to the development commencing, visibility slays of 2.4 x 43m from the proposed vehicular accesses onto Colne Vale Road shall be cleared of all obstructions level with the adjacent footway and these sightlines shall be retained thereafter.
Reason: In the interests of highway safety and to accord with Unitary Development Plan Policy T10.

6. The development shall not be brought into use until the proposed car parking areas hereby approved shall be laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the local Planning Authority.
Reason: In the interests of highway safety and to accord with Unitary Development Plan Policy T10.

7. The development shall not be brought into use until details of storage and access for the collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and retained thereafter.
Reason: In the interests of highway safety and to accord with Unitary Development Plan Policy T10.

8. No development shall commence on the building's superstructure until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.
Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Unitary Development Plan and Section 7 of the National Planning Policy Framework.

9. The planning permission hereby approved shall be carried out in accordance with the following measures:

- Finished floor levels of buildings at the site shall not be below 94.9 AOD

- Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the supporting Flood Risk Assessment (Ref: 2015-170-02) .

- The minimum easement of 3.6m (as detailed in the letter dated 17-05-2016 ref: DM/170516/2015-170) is maintained to provide access to the watercourse at all times.

Reason: To provide adequate measures to protect against flood risk, and to provide satisfactory access to existing water infrastructure and to accord with Section 10 of the National Planning Policy Framework.

10. No development shall commence until public water supply pipes that enter the site have been diverted in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.
Reason: To provide adequate measures to protect existing water infrastructure crossing the site. This information is required before development commences as the required works would be hindered by development on site.

11. No development shall commence until a scheme detailing foul, and surface water drainage, (*including existing drainage assessment, discharge rates agreed with the Lead Local Flood Authority, off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned*) has been submitted to and approved in writing by the Local Planning Authority. None of the buildings shall be occupied until the approved drainage scheme has been provided on the site to serve the development and the approved scheme shall be retained thereafter.
Reason: To ensure adequate drainage provision is made to accommodate foul, surface water and land drainage from the site and to accord with Section 10 of the National Planning Policy Framework. This information is required before development commences as satisfactory drainage works will need to be installed prior to the construction of the site buildings.

12. No development shall commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.
Reason: To accord with section 11 of the National Planning Policy Framework. The information is required before development commences to ensure that any potential onsite contamination is identified and can be safely dealt with without contaminating adjacent land or ground water or surface water regimes.

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 12 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: To accord with Section 11 of the National Planning Policy Framework. The information is required before development commences to ensure that any potential onsite contamination is identified and can be safely dealt with without contaminating adjacent land or ground water or surface water regimes.

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 13. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure that any on site contamination is satisfactorily dealt with and to accord with Section 11 of the National Planning Policy Framework.

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.
Reason: To ensure that any on site contamination is satisfactorily dealt with and to accord with Section 11 of the National Planning Policy Framework.

16. Within one month of the date of the permission hereby approved, a scheme shall be submitted and approved in writing by the local planning authority which provides full soft and hard landscaping proposals for the site which shall include the following:

- The planting of native tree species only
- Details of planting species and their densities
- Details of the proposed maintenance arrangements

The approved scheme shall be fully implemented within the first available planting season. Within a period of 5 years of implementation, any planting which forms part of the approved landscaping scheme which dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size or species.
Reason: In the interests of visual amenity, to provide habitat opportunities for local wildlife and connectivity with existing green infrastructure networks and to accord with UDP policy D2 and Section 11 of the National Planning Policy Framework.

17. The development hereby approved shall not be brought into use until a scheme indicating the measures to be taken for the control of any glare or stray light from the operation of artificial lighting has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall provide:

(i) The proposed design level of maintained average luminance

(ii) The predicted vertical luminance that will be caused by the lighting when measured at the windows of the nearest residential properties in the vicinity

(iii) The proposals to eliminate glare from the use of the lighting installation

(iv)The proposed hours of operation of the lighting

The lighting scheme shall be designed to prevent light spillage into areas of semi-natural vegetation and ecological corridors where light levels from any new lighting shall be below a level 0.3 lux in those areas. The approved scheme shall be implemented in full prior to the site being occupied and thereafter retained for the duration of the development. The approved scheme shall be implemented in full prior to the site being occupied and thereafter retained for the duration of the development.
Reason: To protect the amenities of local residents and to and to ensure local bat populations are not detrimentally affected and to accord with Unitary Development Plan Policy D2 and Section 11 of the National Planning Policy Framework.

18. No activities shall be carried out on the premises outside the hours of 0600 and 2200 Monday to Friday and 0800 to 1300 Saturdays. No activities shall take place on Sundays or Bank/Public Holidays.
Reason: To protect the amenities of local residents and to accord with Unitary Development Plan Policy D2 and Section 11 of the National Planning Policy Framework.

19. There shall be no deliveries to or dispatches from the premises outside the hours of 0600 and 1800 Monday to Friday and 0800 and 1300 Saturdays. No deliveries shall take place on Sundays or Bank/Public Holidays.
Reason: To protect the amenities of local residents and to accord with Unitary Development Plan Policy D2 and Section 11 of the National Planning Policy Framework.

20. All roller shutter doors and other openings in all elevations shall be kept closed except when required for access/egress and loading/unloading.
Reason: To protect the amenities of local residents and to accord with Unitary Development Plan Policy D2 and Section 11 of the National Planning Policy Framework.

21. There shall be no siting of external plant/flues or louvres or other extract points in the main building structure.
Reason: To protect the amenities of local residents and to accord with Unitary Development Plan Policy D2 and Section 11 of the National Planning Policy Framework.

22. Notwithstanding the details provided in support of this application, the development shall include a minimum of 7 plug in charging points for electric vehicles. All works involved in providing the charging points shall be completed prior to occupation of the development.
Reason: To encourage the use of sustainable modes of transport and to accord with section 4 of the National Planning Policy Framework.

Note: The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust.

Note: West Yorkshire Police advise the applicant to install external lighting and monitored CCTV to include coverage of site entrances, all the car parking spaces and all other accessible areas within the site boundary. Physical security specifications of items including external doors, accessible windows and intruder alarm systems should also meet with the requirements of *Secured by Design*, details of which can be found via the following link:
http://www.securedbydesign.com/professionals/pdfs/SBD_Commercial_2015_V2.pdf

Note: Demolition and site clearance should be carried out outside the bird nesting season (March to August inclusive)

Note: All contamination reports shall be prepared in accordance with CLR11, Planning Practice Guidance and the Council's Advice for Development documents or any subsequent revisions of those documents.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	1524		09.08.16
Proposed Elevation	02		21.03.16
Proposed Site Plan East Entrance	04		
Proposed Site Plan West Entrance	03		
Proposed site layout	01		21.03.16
Flood Risk and Drainage Impact Assessment	2015-170-02		06.04.16
Sequential Test Report	2015-170-01		21.03.16
Ecological Survey	Eco/16/03		21.03.16
Design and Access Statement			21.03.16
Phase 1 Ground Investigation	SGP 3234		21.03.16
Noise Assessment	DRUK/ACC/RS/AVAW MFMLH/2522		27.06.16
Amended car parking layout	1625	Rev. A	10.08.16

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. In this case it was necessary to seek a noise assessment and amended parking arrangement during the assessment of 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 Tel No: (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.**

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

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:**

  i) 28 days of the date of service of the enforcement notice, or
  ii) within the specified period, starting on the date of this notice,

  whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://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: 09-Sep-2016

Signed: J. Gedman

Jacqui Gedman
Director of Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2016/62/90933/W.

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

Write to: Planning Services
Investment and Regeneration
PO Box B93, Civic Centre III
Off Market Street, Huddersfield
HD1 2JR
