

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2016/62/91287/E

Site Address: Brookfield Farm, Brookfields Road, Wyke, BD12 9LU

Description: Change of use of agricultural buildings to IT recycling business

Recommending Officer: Paul Wood

**DECISION – TEMPORARY (12 MONTH) CONDITIONAL FULL
PERMISSION**

I hereby authorise the temporary approval of this application for the reasons set out in the officer's report contained within the Heavy Woollen Planning Sub-Committee agenda dated 28 September 2017 and the decision authorisation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 16-Oct-2017

Decision Authorisation – Committee Decision

Committee: Heavy Woollen Planning Sub-committee

Date of Committee: 28th September 2017

Application Number: 2016/91287

Officer Recommendation: DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

Committee Decision: Temporary 12 month approval

Summary of Committee Decision: Taking all factors into account, Members of the Heavy Woollen Planning Sub-Committee considered that a twelve month permission (as opposed to a full permission) was appropriate in this instance. Whilst it was acknowledged that the use had been operating from the site for approximately two years, it had not been operating with the conditions set out in the committee agenda. It was therefore the view of members to approve the application for a twelve month period, along with the suggested conditions, and to assess the situation over that period.

Conditions and Reasons:

1. The use hereby permitted shall cease and all electrical and electronic waste shall be removed from the site within one year of this decision date.

Reason: In the interest of highway safety and to allow the Local Planning Authority to retain control of the development should the conditions below be inadequate to address concerns for highway safety in accordance with Policy T10 of the Kirklees Unitary Development Plan.

2. This decision permits the use of the site for recycling waste electrical and electronic equipment only and for no other use whatsoever.

Reason: In the interests of residential and visual amenity and the protection of the environment and to accord with Policy G6 of the Kirklees Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

3. Within 3 weeks of the date of this decision, no Heavy Goods Vehicle heavier than 18 tonnes, or with more than two axles or articulated shall visit the site.

Reason: In the interest of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

4. The number of Heavy Goods Vehicle's (HGV's) visiting the site shall be limited to 17 per week during the hours of 9am to 5pm Monday to Friday excluding Bank Holidays. HGV's shall not enter or leave the site at any other

time. No more than one HGV shall be present within the site outlined in red on the location plan at any time.

Reason: In the interest of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

5. Heavy Goods Vehicle's (HGV's) visiting or leaving the site shall not park on Brookfields Road or Brookfields Avenue at any time, be it for waiting to enter the site or for any other reason.

Reason: In the interest of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

6. Within two weeks of this decision date, details shall be submitted for approval of the proposed refuge areas, the setting back of the fence, provision of a path with protective hand-rail and the increase in width of the private road that is within the control of the applicant to 4.5m (to the government's standard for permeable hard surfaces). That within 28 days of approval the road improvements shall be completed and retained.

Reason: In the interest of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

7. The private road and public footpath leading to the site shall be kept clear of mud and debris and hedgerows shall be controlled so as to not intrude within the 4.5m width of the road.

Reason: In the interest of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

8. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings or structures and erections, or private ways shall be erected, extended, installed or replaced at the site.

Reason: In the interests of visual amenity and to accord with Policy WD5 Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

9. Open storage shall be limited to the existing concrete hard surface immediately adjacent to the relevant buildings.

Reason: in the interest of visual amenity and to accord with Chapter 11 of the National Planning Policy Framework.

10. One vehicle charging point shall be provided in the staff car park within two months from the date of this permission.

Reason: In the interest of promoting Sustainable Development and in accordance with the National Planning Policy Framework.

11. The use hereby permitted shall not operate outside the hours of 7.30am and 7.30pm Monday to Friday and 8am to 12 noon on Saturdays. It shall not operate on bank holidays.

Reason: In the interest of residential amenity and to accord with Policy EP4 of the Kirklees Unitary Development Plan as well as the aims of chapter 11 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan title	Plan reference	Version	Date
Amended location plan			27 April 2017
Supporting Planning Statement	DSP14016		20 Apr 2016
Amended traffic management plan			27 April 2017

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. The case officer undertook extensive negotiations with the applicant to secure amendments to the traffic management plan.

The benefit to the local economy, jobs, and the environment through recycling outweighs the harm to highway safety provided there developer complies with the conditions designed to mitigate concerns for highway safety. This permission is temporary for one year in order to test the effectiveness of these conditions.

Report Dated:

13 th October 2017
