



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/91287/E

To: David Storrie Planning
Wellington House
Lincoln Street
Huddersfield
HD1 6RX

For: U Can Recycling

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:-

CHANGE OF USE OF AGRICULTURAL BUILDINGS TO IT RECYCLING
BUSINESS

At: BROOKFIELD FARM, BROOKFIELDS ROAD, WYKE, BD12 9LU

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

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 the 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.

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.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is 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 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://www.gov.uk/planning-inspectorate> . 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: 16-Oct-2017

Signed:



Naz Parkar
Strategic Director Economy and Infrastructure

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 2016/62/91287/E .

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
