



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/92066/W

To: Andrew Chapman
Brewster Bye Architects
5 North Hill Road
Leeds
LS62EN

For: KIRKLEES STADIUM DEVELOPMENT LTD & HOTEL

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:-

ERECTION OF HOTEL WITH ASSOCIATED EXTERNAL WORKS INCLUDING
CAR PARKING, SERVICING AND LANDSCAPING INCLUDING REALIGNING
OF ACCESS ROAD

At: STADIUM WAY, HUDDERSFIELD, HD1 6PG

In accordance with the plan(s) and applications submitted to the Council on 20-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 the requirements of Section 51 of the Planning and Compulsory Purchase Act 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 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, in the interests of visual amenity, highway safety, the amenity of future residents and to accord with policies BE1(ii), BE2(i), G1(i & iii) T10 and R13 (i) of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

3. A materials palette for all external materials shall be left on site for inspection and shall be approved in writing by the Local Planning Authority before works to construct the superstructure of the approved hotel commences. The development shall be completed in accordance with the approved materials and thereafter retained as such.

Reason: In the interests of visual amenity and to accord with Policies BE (ii) and BE2 (i) of the Kirklees Unitary Development Plan and guidance within the National Planning Policy Framework.

4. Notwithstanding the submitted plans and prior to the completion of the internal access road and car park layout, details of proposed retaining structures and landscaping to include:

- The design, height and materials of the proposed retaining structure to be erected along the north and eastern boundaries, and
- soft landscaping of the site (species, density/numbers, planting height)

shall be submitted to and approved in writing by Local Planning Authority. The retaining structure shall be erected and the landscaping shall be implemented before the hereby approved hotel is first occupied and thereafter retained in accordance with the approved details.

Reason: In the interests of visual amenity and to accord with Policies BE (ii) and BE2 (i) of the Kirklees Unitary Development Plan.

5. Any planting, seeding or tree management works forming part of the soft landscaping scheme referred to in Condition 4 shall be carried out during the first planting, seeding or management season following the commencement of construction, or as otherwise may be approved in writing by the Local Planning Authority and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced with like for like species.

Reason: In the interests of visual amenity and to accord with Policies BE (ii) and BE2 (i) of the Kirklees Unitary Development Plan.

6. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site. This is a pre- commencement condition so as to ensure ground investigation are undertaken to assess the suitability of the existing soils for the proposals and in the interest of the safe occupation of the site in accordance with Policy G6 of the Unitary Development Plan and guidance in the National Planning Policy Framework.

7. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site. This is a pre- commencement condition so as to ensure ground investigation are undertaken to assess the suitability of the existing soils for the proposals and in the interest of the safe occupation of the site in accordance with Policy G6 of the Unitary Development Plan and guidance in the National Planning Policy Framework.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no. 7 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 ensure the safe occupation of the site. This is a pre- commencement condition so as to ensure ground investigation are undertaken to assess the suitability of the existing soils for the proposals and in the interest of the safe occupation of the site in accordance with Policy G6 of the Unitary Development Plan and guidance in the National Planning Policy Framework.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no. 8. 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. Unless otherwise agreed in writing with the local planning authority, 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 the safe occupation of the site in accordance with Policy G6 of the Kirklees Unitary Development Plan.

10. 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. Unless otherwise agreed in writing with 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 the approved remediation measures are completed before the development is occupied in the interests of the health and wellbeing of future residents and in accordance with Policy G6 of the Kirklees Unitary Development Plan.

11. Prior to the completion of the hotel hereby approved, a lighting design strategy for the whole of the site, including the means of lighting for the car park areas and the proposed footpath/cycleway along the riverside to the western boundary shall be submitted to and approved in writing by the Local Planning Authority. The strategy/scheme should include the following information:-

- a) identification of the areas/features on or adjacent to the site that are particularly sensitive for bats and otters where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging,
- b) the proposals to minimise or eliminate glare from the use of the lighting installed for areas identified in a) above,
- c) design details of lighting and location of any lighting columns/structures, and
- d) the levels of maintained average horizontal illuminance for the site.

Thereafter the development shall be completed in accordance with the approved lighting scheme and operated in accordance with the approved details upon occupation of the hotel/site.

Reason: In the interests biodiversity, to avoid any potential detrimental impacts to habitats of protected species and to accord with requirements of the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Chapter 11 of the National Planning Policy Framework.

12. Notwithstanding the submitted plans the development shall include seven plug in charging points for electric vehicles. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. All works involved in providing the charging points shall be completed prior to occupation of the hereby approved hotel.

Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework “Promoting sustainable transport” and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework.

13. Development of the superstructure of the hotel hereby approved shall not commence until details of:

- a full ventilation scheme for all habitable rooms,
- acoustic performance (in terms of resistance to external sound and/or expected noise levels within habitable rooms of the development from the system itself), including any external plant/air conditioning units with any attenuation measures, and
- an associated maintenance scheme for the above have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved systems shall be installed before occupation of the hotel accommodation hereby approved and thereafter shall be maintained and serviced in line with the manufacturers/installers guidelines.

Reason: To ensure the amenity of the future residents of the approved development is not compromised and to accord with Policy EP4 of the Kirklees Unitary Development Plan and Part 11 of the National Planning Policy Framework

14. Notwithstanding the submitted plans, the security measures detailed in the consultation response by the West Yorkshire Police Architectural Liaison Officer dated 7th July 2016 shall be incorporated into the development hereby approved before the development is first occupied and shall be retained as such thereafter.

Reason: In the interest of crime prevention and to accord with National Planning Policy Framework, Part 7 – Requiring good design and Part 8 – Promoting healthy communities.

15. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of achieving satisfactory and sustainable drainage of the site and to mitigate flood risk. This is to accord with Policy BE1(i) of the Kirklees Unitary Development Plan and guidance in part 10 of the National Planning Policy Framework.

16. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: This is a pre-commencement condition to ensure the provision of adequate and sustainable systems of drainage are employed, during and after the construction phase in the interests of amenity, environmental well-being and to ensure that the site is satisfactorily drained and avoids the risk of flooding to the occupiers of the existing neighbouring sites and proposed development in accordance with part 10 of the National Planning Policy Framework and Policy BE1(iv) of the Unitary Development Plan.

17. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 70% of the existing pre-development flow rate has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority unless it can be demonstrated to the satisfaction of the Local Planning Authority that discharge from site does not cause an increased risk of flooding elsewhere. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall thereafter be implemented, maintained and serviced in line with the manufacturers/installers guidelines.

Reason: This is a pre-commencement condition to ensure the provision of adequate and sustainable systems of drainage are employed, during and after the construction phase in the interests of amenity, environmental well-being and to ensure that the site is satisfactorily drained and avoids the risk of flooding to the occupiers of the existing neighbouring sites and proposed development in accordance with part 10 of the National Planning Policy Framework and Policy BE1(iv) of the Unitary Development Plan

18. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: In the interests of amenity, environmental well-being and to ensure that the site is satisfactorily drained and avoids the risk of polluting of the adjacent river/water corridors in accordance with part 10 of the National Planning Policy Framework and Policy BE1(iv) of the Unitary Development Plan.

19. The development hereby approved shall be carried out and completed in accordance with the conclusions and recommendations outlined within Section 4 of the Phase 1 Habitat Survey Report by JCA Limited Arboricultural Consultants Ref, 12798a/JoC, received on 10th August 2016.

Reason: In the interests of preserving the ecology and biodiversity value of the adjacent river corridor and in accordance with guidance within the National Planning Policy Framework.

20. No development shall take place (including any demolition, ground works and site clearance) until a method statement for the avoidance of impacts to amphibians has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a. purpose and objectives for the proposed works;
- b. detailed design(s) and/or working methods(s) necessary to achieve the stated objectives (including, where relevant, type and source of materials to be used);
- c. extent and location of proposed works shown on appropriate scale maps and plans;
- d. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e. persons responsible for implementing the works;
- f. initial aftercare and long-term maintenance (where relevant);
- g. disposal of any waste arising from works.

thereafter the development shall be carried out in accordance with the approved details.

Reason: To avoid any detrimental impact to amphibians as identified in the ecological reports submitted in support of the application, and to comply with Chapter 11 of the National Planning Policy Framework and protect species listed under the provisions of Section 41 of the Natural Environment and Rural Communities Act 2006.

21. Prior to development commencing, intrusive site investigation works shall be undertaken to establish the exact situation regarding the coal mining legacy on site. In the event that site investigations confirm the need for remedial works to treat the areas of shallow mine workings, a scheme of further intrusive site investigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- the undertaking of that scheme of intrusive site investigations
- the submission of a report of findings arising from the intrusive site investigations
- the submission of a scheme of remedial works for approval; and
- implementation of those remedial works

thereafter the development shall be carried out in completed in accordance with the approved details.

Reason: In the interest of health and safety and to prevent both existing and new development from being put at unacceptable risk from past coal mining activity and water pollution and to accord with Policies D2 and G6 of the Kirklees Unitary Development Plan and the National Planning Policy Framework.

22. Before the development hereby approved is first brought into use, details of a waste management scheme for the proposed bin storage area, including the number and capacity/size of bins to be used to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The hotel shall thereafter be operated in accordance with the approved waste management scheme at all times.

Reason: So as to achieve a satisfactory layout in the interest of amenity and highway safety of the future occupants and users of the site, in accordance with Policies D2 (iv & v) and T10 of the Unitary Development Plan and the aims of the National Planning Policy Framework.

23. The development shall not commence until a scheme detailing:

- a) Coach and service vehicle swept paths for the internal access road from the sites junction with Stadium Way, internal circulation and turning areas.
- b) The proposed finished gradients of the internal access and internal circulation areas.
- c) Pedestrian footway/routes and dropped crossing points from the sites access with Stadium Way to the Hotel Entrance and car park.
- d) Secure and sheltered parking for 10 cycles and 4 motorcycles.
- e) The location and design of the riverside walkway/ cycleway.

has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme (a, b, c and d) has been implemented and (e) programmed for its delivery. Thereafter, the implemented approved schemes (a, b, c, and d) shall be retained in accordance with the approved details.

Reason: In the interests of amenity and traffic safety. This is a pre commencement to ensure a satisfactory layout is achieved within the site for manoeuvrability for vehicles and pedestrians, parking provision and link to the riverside walkway/cycleway, in accordance with the Policies T10 and R13 of the Kirklees Unitary Development Plan and guidance within the National Planning Policy Framework.

24. The development shall not commence until a scheme detailing:

- a) Construction (Including demolition and site preparation) traffic, timing and routing to and from the site.
- b) Wheel washing on site and street cleaning arrangement
- c) Parking arrangement for site staff
- d) Construction/build schedule

has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to prior to and throughout the construction phase, until completion of the approved development.

Reason: In the interests of highway safety and to accord with Policy T10 of the Unitary Development Plan and Section 4 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the development is carried out in accordance with an appropriate schedule of means of access to the site for construction and to avoid obstruction to the wider highway network.

25. The development shall not be brought into use until a scheme detailing the location of over-flow car parking to accommodate 65 spaces (including the protocol for relocating the over-flow car parking throughout the development of the masterplan for the wider site) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter delivered in accordance with the approved details.

Reason: This is a condition to ensure the highway and traffic safety is not compromised and to ensure an adequate level of parking provision is provided to accommodate the approved development, in accordance with Policy T10 of the Kirklees Unitary Development Plan

ADVICE TO APPLICANT/DEVELOPER – please see link below to HSE response to Local Planning Authority, giving HSE 21 days' notice in which to consider whether or not to request that the Secretary of State call-in the Application for his own determination, in accordance with paragraph 072 of the Planning Practice Guidance on handling development proposals around sites handling hazardous substances.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92066>

NOTE - Advisory notes from Northern Gas Networks

This work is in the vicinity of our pipeline, which was laid in a legally negotiated easement to which certain conditions apply. This pipeline has a 6m easement and a 14m proximity distance; this means that no buildings are allowed to be built within 14m of the pipeline. Having examined your proposals I do not believe that this is going to be compromised. I note however that for a short distance our pipeline will be covered by your new car park, the pipelines cover must not be increased or decreased because of these works and in addition it will have to be protected by a concrete raft as part of the construction of the car parking area. I have attached a generic design for the concrete raft for your information that is acceptable to NGN.

Prior to any work commencing on site it is essential that you contact Chris Wright (Network Technician) 07813538143 and he will locate the pipeline for you and supervise any HAND DUG trial holes.

Please be aware that no mechanical excavation can take place within 3m of the pipeline without NGN personnel being present. 7 days' notice, or shorter by prior arrangement with NGN, is required before any work may commence within the easement."

NOTE - Advisory notes from the Environment Agency

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Colne, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The Environment Agency recommends that developers should:
Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health. Refer to the [contaminated land](#) pages on GOV.UK for more information.

Waste Management

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have **ceased** to be waste. Under the Code of Practice:
excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution:
treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:
the Definition of Waste: Development Industry Code of Practice on the CLAIRE website and;
The Environmental regulations page on GOV.UK.

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

Duty of Care Regulations 1991

Hazardous Waste (England and Wales) Regulations 2005

1. Environmental Permitting (England and Wales) Regulations 2010
2. The Waste (England and Wales) Regulations 2011
3. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the [Hazardous Waste](#) pages on GOV.UK for more information.
4. NOTE – Advisory notes from Yorkshire Water
5. FOUL WATER - The development of the [site should take place with separate systems](#) for foul and surface water drainage. Foul water domestic waste should discharge to the 1650mm diameter public combined sewer recorded in St. Andrew's Road at a point approximately 140 metres from the site.

6. From the information supplied, it is not possible to determine if the whole [site will](#) drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must be agreed.

Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

SURFACE WATER - The public sewer does not have capacity to accept any surface water from the development. Sustainable development requires appropriate surface water disposal. It is understood that the River Colne is located adjacent to the site.

Restrictions on surface water disposal from the site may **be** imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

- Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hardstanding must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator. It is good drainage practice for any interceptor/ separator to
- be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.
- The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

WATER SUPPLY - Company records indicate there are no water mains recorded in Stadium Way as it crosses River Colne. Therefore, some off-site main laying may be required to serve the development. A water supply can be provided under the terms of the Water Industry Act, 1991.

NOTE - Construction Noise

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays
- 08.00 and 13.00hours , Saturdays
- With no working Sundays or Public Holidays
- In some cases, different site specific hours of operation may be appropriate.
- Under [the Control](#) of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.
- NOTE: In relation to condition no. 14 above, please see link below [to full](#) response by the West Yorkshire Police Architectural Liaison Officer dated 7th July 2016

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2016/92066&file_reference=594282

- NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.
- NOTE: The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner
- NOTE: No removal of trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active bird's nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that appropriate measures can be put in place to protect any birds, their nests, eggs or young. Any such written confirmation should be submitted to the local planning authority.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Design & Access Statement		E	June 2016
Supporting planning Statement by Signet Planning			June 2016
Location Plan	469/01(03)006	B	June 2016
Existing site/ block layout	469/01(03)001	B	June 2016
Proposed site/ block layout	469/01(03)002	D	June 2016
Proposed elevations (CC & DD)	469/01(03)302	A	June 2016
Proposed elevations (AA & BB)	469/01(03)3021	A	June 2016
Proposed section 01	469/01(03)201	A	June 2016
Proposed Ground floor plan	469/01(03)003	D	June 2016
1st, 2nd, 3rd and 4th floor plan	469/01(03)004	D	June 2016
Proposed 5th floor plan	469/01(03)005	C	June 2016
Arboricultural Statement	12798/SR		June 2016
Environmental Statement		C	June 2016
Flood Risk Assessment		C	
Phase 1 Habitat Survey	by JCA Limited Arboricultural	-	10th August 2016

	Consultants Ref, 12798a/JoC,		
Addendum to Noise Assessment			June 2016
Transport Statement		C	June 2016
Coal Mining Risk Assessment	By Earth Environment & Geotechnical		June 2016
Appendix to Coal Risk Assessment			June 2016

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.

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). 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

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://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: 08-Nov-2016

Signed: 
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 2016/62/92066/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
