



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/92268/W

To: R Turner
Farrar Bamforth Associates Ltd
51, Trinity Street
Huddersfield
HD1 4DN

For: CUMMINS TURBO TECHNOLOGIES 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:-

ERECTION OF EXTENSIONS, ALTERATIONS TO ROOFS AND ELEVATIONS
AND INSTALLATION OF SPRINKLER TANK AND PUMP HOUSE

At: CUMMINS TURBO TECHNOLOGY, ST ANDREW'S ROAD, HUDDERSFIELD,
HD1 6RA

**In accordance with the plan(s) and applications submitted to the Council on
29-Jun-2017, subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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, and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

3. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy detailed within section A.3 of the submitted 'Geotechnical Environmental Report'. 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 prevent land, groundwater and surface water contaminants and to ensure the site is fit to receive new development, in the interest of health and safety, so as to accord with policy G6 of the Unitary Development plan and Chapter 11 of the National Planning Policy Framework.

4. 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 prevent land, groundwater and surface water contaminants and to ensure the site is fit to receive new development, in the interest of health and safety, so as to accord with policy G6 of the Unitary Development plan and Chapter 11 of the National Planning Policy Framework.

5. Prior to their use details of all the external facing materials for the alterations of 'bay 9' and 'bay 10' and the proposed extension to 'bay 9', as shown on the plan ref. '16-C34-07' rev.D, shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the proposed colour(s). 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 Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

6. Prior to the hereby approved pump house and sprinkler tank being brought into use a Landscape and Ecological Design strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following details:

- Explore and present opportunities for ecological and landscaping enhancement based on site conditions.
- Provide details of means of ecological and landscape enhancement onsite.
- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance.

- Details for monitoring and remedial measures, including replacement of any trees, shrub or planting that fails or becomes diseased within the first five years from completion.

The approved proposals and recommendations of the Landscape and Ecological Design strategy shall be implemented in accordance with the approved details prior to the pump house and sprinkler tank being brought into use. All approved features shall be retained in that manner thereafter.

Reason: To ensure the long term viability of the retained and created habitats adjacent to the canal, in the interest of visual amenity and ecological enhancement and protecting, so as to comply with Policies D2, BE1, EP11 and R18 of the Kirklees Unitary Development Plan and Chapters 7, 8 and 11 of the National Planning Policy Framework.

7. No building or other obstruction including landscape features shall be located over or within 6 meters either side of the centre line of the public sewer i.e. a protection strip width of 12metres that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to consecution in the affected area the approved works have been undertaken. Furthermore, construction in the relevant area of the site shall not commence until evidence has been submitted to and approved by the Local Planning Authority that a formal built-over agreement with respect to the 1200mm diameter sewer that is laid within the site has been reached with the statutory sewerage undertaker.

Reason: In order to allow sufficient access for maintenance and repair work at all times to underground assets, in accordance with Chapter 10 of the National Planning Policy Framework.

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

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Chapter 10 of the National Planning Policy Framework.

9. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balance works and off-site works, has been submitted to and approved by the Local Planning Authority. Any discharge to public sewer shall be subject to evidence being submitted to and approved in writing by the Local Planning Authority that demonstrates that surface water drainage from the whole site to watercourse is not reasonable practical and shall then be subject to a maximum rate of discharge of five litres per second. 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: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Chapter 10 of the National Planning Policy Framework

Note: Surface water run-off from hardstanding (equal to, or greater than, 800 sqm) and/or communal car parking area(s) of more than 49 spaces should pass through an oil, petrol and grit interceptor/separator of adequate design prior to discharge to an existing or prospectively adoptable sewer. This is as so to ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Chapter 10 of the National Planning Policy Framework.

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

Note: Your attention is drawn to the consultation response from the Environment Agency. The consultation response includes advice and recommendations on land contamination, model procedures, use of waste on site and the removal of waste off site. The Environment Agency's consultation response can be accessed using the follow web-link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2F92268>

Note: During construction, the applicant is reminded that they should adopt appropriate construction methods to prevent accidental contamination of the canal, in accordance with best practice guidelines.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			29.06.2017
Existing Floor Plans	B9 – 01		29.06.2017
Existing Floor Plans	B9 – 11		29.06.2017
Proposed Floor Plans	16 – C34 – 01	Rev.C	29.06.2017
Proposed Elevations	16 – C34 – 04		29.06.2017
Proposed Grouped Plans and Elevations	16 – C34 – 05	Rev.C	29.06.2017
Existing Elevations	16 – C34 – 06		29.06.2017
Proposed Elevations	16 – C34 – 07	Rev.D	29.06.2017
Proposed Block Plan	16 – C34 – 08	Rev.B	22.08.2017
Proposed Elevations	16 – C34 – 09		29.06.2017
Ground Investigation Plan	FBA_094_Cummins		29.06.2017
Supporting Information	Flood Risk Assessment		29.06.2017
Supporting Information	Coal Mining Risk Assessment		24.08.2017
Supporting Information	Planning Statement		29.06.2017
Supporting Information	Geotechnical Environmental Report		29.06.2017

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.

Officers were supportive of the principle of the development, however several consultees required additional technical details to support the proposal. These technical details were provided and suitably addressed the concerns raised by consultees. Therefore officers were supportive of the proposal and recommended approval to members of Kirklees Strategic Planning Committee on the 7th of September, 2017, where members resolved to approve 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). 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: 25-Sep-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 2017/62/92268/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
