



**Town and Country Planning Act 1990**

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

**APPROVAL OF RESERVED MATTERS**

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**Application Number: 2019/61/91327/W**

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**To:** J Granger,  
jg-d  
Stepaside  
Coal Pit Lane  
Brighouse  
HD6 4HW

**For:** Marsden Tractors

**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority, having considered your application submitted to the Council for approval of:-**

**RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE PERMISSION  
2017/90207 FOR ERECTION OF B1 LIGHT INDUSTRY**

**At:** THONGSBRIDGE MILLS, MIRY LANE, THONGSBRIDGE, HOLMFIRTH, HD9  
7RW

**NOTE Development pursuant to the outline planning permission to which this approval of reserved matters relates, must be commenced no later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**

**In accordance with the plan(s) and applications submitted to the Council on 17-Apr-2019, being matters reserved in a permission granted on 19-Oct-2017 the Council have approved the said matters in terms of, and subject to compliance with the details specified in your application, subject to the following conditions:-**

1. 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 and to accord with Kirklees Local Plan Policies LP21, LP24 and LP35 and Sections 12, 15 and 16 of the National Planning Policy Framework

2. Before development commences on the superstructure of buildings on site details of facing and roofing materials to be used in the construction of the buildings/structures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details so approved.

**Reason:** In the interests of visual amenity and to accord with Kirklees Local Plan Policies LP24 and LP35 and Sections 12 and 16 of the National Planning Policy Framework.

3. Before development commences on the superstructure of buildings on site details of storage and access for collection of wastes from the buildings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation of the buildings to which they relate and shall be so retained thereafter.

**Reason:** In the interests of visual amenity and highway safety and to accord with Kirklees Local Plan Policies LP21 and LP24.

4. Prior to the development being brought into use the areas to be used by vehicles and/or pedestrians shall be surfaced, marked out and drained in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. Thereafter the areas to be used by vehicles and/or pedestrians shall be retained in accordance with the details so approved.

**Reason** In the interests of the free and safe use of the highway and to accord with Kirklees Local Plan Policies LP21 and LP22.

5. Prior to the development being brought into use a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be fully implemented and retained for the duration of the development.

**Reason:** To ensure the safety of the occupants of the development and to accord with Kirklees Local Plan Policy LP27 and Section 14 of the National Planning Policy Framework.

6. Notwithstanding the details submitted with this application the landscape planting along the Huddersfield Road frontage shall include four examples of either of the following tree species planted at standard size:

- Beech
- Lime
- Oak

**Reason:** to provide added amenity value and to accord with Kirklees Local Plan Policy LP52 and Section 15 of the National Planning Policy Framework.

7. Notwithstanding the lighting scheme submitted with this application, measures shall be submitted to and approved in writing by the local Planning Authority prior to the development being brought into use which ensures that light levels at the boundary of the site are not increased from existing levels by more than 3.5 Lux.

**Reason:** To ensure that foraging bats are not adversely affected by the development and to accord with Kirklees Local Plan Policy LP30 and Section 15 of the National Planning Policy Framework.

8. No activities shall be carried out at the site, including deliveries to or dispatches from the premises, outside the hours of 07:30 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No activities shall take place on Sundays or Bank Holidays.

**Reason:** In the interests of the amenity of neighbouring uses and to accord with Kirklees Local Plan Policy LP52 and Section 15 of the National Planning Policy Framework.

9. Before development commences on the superstructure of buildings a scheme shall be submitted to and approved in writing by the Local Planning Authority which details the proposed boundary treatment (all walls and fences) at the site. The approved scheme shall be implemented in full prior to the development being brought into use.

**Reason:** In the interests of the amenity of neighbouring uses and to accord with Kirklees Local Plan Policy LP52 and Section 15 of the National Planning Policy Framework.

**Note:** Whilst it is considered that the issues relating to a number of the planning conditions attached to the original outline planning permission (2017/60/90207/W) have been satisfactorily addressed by supporting information contained in this application, the following conditions remain to be discharged, some of which are pre-commencement conditions: 4,5,7,8,9,10,15,16,17,18,19,21.

**Note:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

| Plan Type                          | Reference | Version | Date Received |
|------------------------------------|-----------|---------|---------------|
| Location Plan                      | (17562)9  |         | 18.04.19      |
| Amended Block plan                 | (17562)10 | Rev B   | 07.06.19      |
| Amended Elevations                 | (17562)11 | Rev B   | 07.06.19      |
| Amended Ground Floor Plan          | (17562)11 | Rev B   | 07.06.19      |
| Amended Mezzanine Floor Plan       | (17562)11 | Rev B   | 07.06.19      |
| Vehicle Tracking Plan              | 1212-101  |         | 23.07.19      |
| Vehicle Tracking Plan              | 1212-102  |         | 23.07.19      |
| Surface Water Management Plan      |           |         | 18.04.19      |
| Drainage Layout Plan               |           |         | 18.04.19      |
| Coal Mining Report                 |           |         | 18.04.19      |
| Planning Statement                 |           |         | 18.04.19      |
| Invasive Species control           | 1857MS-01 |         | 05.06.19      |
| Revised Ecological Design Strategy | 896b      |         | 13.08.19      |

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. During the assessment of this application negotiations have resulted in:

- Amendments to the position of the two units in site
- Amendments to the Ecological Design Strategy
- Information relating to how invasive species will be dealt with on site

**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 Telephone: (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](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://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 a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 15-Aug-2019

**Signed:**



**Karl Battersby**  
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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2019/61/91327/W .

If a paper copy of the decision notice or decided plans are required please email [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

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

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