



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2020/62/91474/W

To: Iain Bath,
IB Planning Ltd
8, Wells Promenade
Ilkley
LS29 9LF

For: University of Huddersfield

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:-

FORMATION OF 53 SPACE CAR PARK WITH ASSOCIATED WORKS

At: FORMER SCRAP YARD, ADJ CANALSIDE WEST, FIRTH STREET,
HUDDERSFIELD, HD1 3DB

**In accordance with the plan(s) and applications submitted to the Council on
21-Oct-2020, 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 Policies LP7, LP8, LP20, LP21, LP22, LP23, LP24, LP27, LP28, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Prior to the first use of the car park hereby approved, a drainage scheme shall be carried out in strict accordance with the 'Proposed Surface Water Drainage Strategy' Revision B (ref – 45101/SJE/MW), produced by Eastwood & Partners dated January 2021.

Reason: To ensure that the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well-being and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

4. Prior to the installation of any lighting on the site, and notwithstanding the details of the lighting on Drawing No. D39734/AE/A, a lighting design strategy for the car park shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- identify those areas/features on site that are particularly sensitive for nocturnal species, including bats and otters, and that are 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;
- show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior consent from the Local Planning Authority.

Reason: To ensure that artificial lighting does not have a detrimental effect on the function of the River Colne as a wildlife corridor of particular value for protected species, in the interests of the visual and residential amenity, to preserve the significance of the nearby listed buildings and to accord with Policies LP24, LP30 and LP35 of the Kirklees Local Plan and Chapters 12, 15 and 16 of the National Planning Policy Framework.

5. Prior to the first use of the car park hereby approved, construction details of the public footpath through the application site linking Commercial Street and Firth Street displayed as 'footway' on Drawing No.11004/FS/GA01 Revision D shall be submitted to and approved by the Local Planning Authority. Thereafter, and prior to the first use of the car park hereby approved the public footpath shall be constructed in accordance with the approved details, and shall be retained and remain clear and accessible for use as a footpath at all time.

Reason: In the interests of promoting sustainable modes of transport and safeguarding an important link between the existing core walking/cycling route along Firth Street and Kings Mill Lane, in accordance with Policies LP20 and LP23 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Guidance.

6. Prior to any development commencing that results in an obstruction/ closure of the existing footpath link between Commercial Street and Firth Street, a Method Statement setting out how a public right of way through the site between Commercial Street and Firth Street is to be maintained during the period of construction until such time as the public footpath required by condition 5 is provided and open to use by the public shall be submitted to and approved by the Local Planning Authority. Thereafter, the construction of the car park shall be in accordance with the approved Method Statement until the footway displayed on Drawing No.11004/FS/GA01 Revision D is provided and open to use by the public.

Reason: In the interests of promoting sustainable modes of transport and safeguarding an important link between the existing core walking/cycling route along Firth Street and Kings Mill Lane, in accordance with Policies LP20 and LP23 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Guidance.

7. Prior to the first use of the car park hereby approved, 5 electric vehicle recharging points shall be installed within the site. 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. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles and to accord Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

8. Prior to the first use of the car park hereby approved, the car parking spaces shall be laid out in accordance with Drawing No. 11004/FS/GA01 Revision D and the number of parking spaces at the site shall not exceed 53 without prior consent from the Local Planning Authority.

Reason: In the interests of highway safety, to ensure compliance with the University of Huddersfield Travel Plan 2017-2023, and to comply with Policies LP20, LP21 and LP22 of the Kirklees Local Plan and Government guidance contained within Chapter 9 of the National Planning Policy Framework.

9. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

NOTE: An Environmental Permit for a Flood Risk Activity will be required from the Environment Agency for any structures, such as walls, fences, bollards and outfall structures, which are within 8 metres of the bank of the River Colne. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	11 th February 2021
Proposed Site Layout Plan	11004/FS/GA01	D	16 th February 2021
Block Plan	MW2020024 B 001	H	17 th February 2021
Proposed Surface Water Drainage Strategy by Eastwood and Partners dated January 2021	45101/SJE/MW	B	15 th January 2021
E-mail from Applicant's Agent on 11 th January 2021 providing Further Sequential Test Flooding Information	-	-	11 th January 2021
E-mail from Applicant's Agent on 15 th January 2021 regarding calculation of Travel Plan figures	-	-	15 th January 2021
Flood Risk Assessment by Eastwood and Partners dated 5 th October 2020	44101-003		21 st October 2020
Preliminary Ecological Appraisal Report by Brooks Ecological dated 6 th August 2020	ER4574 01	-	11 th August 2020
Lighting Plan	D39734/AE/A	-	22 nd May 2020
Coal Mining Risk Assessment by Eastwood and Partners dated 19 th May 2020	SJE/KE/CLC/45101-001	-	28 th May 2020

Plan Type	Reference	Version	Date Received
Travel Plan Update by Optima dated May 2020	-	-	27 th May 2020
Email from Applicant's agent Regarding height of post and rail fencing on 15 th January 2021	-	-	15 th January 2021

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.

Officers requested further details and information on a number of matters during the processing of this application and the applicant's agent provided such detail and information to address Officer concerns. The applicant's agent has agreed to the conditions attached.

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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is 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 land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

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, excavations for 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.

If any 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: 24-Feb-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

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 2020/62/91474/W .

If a paper copy of the decision notice or decided plans are required please email dc.admin@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: dc.admin@kirklees.gov.uk

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