



Town and Country Planning Act 1990

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

APPROVAL OF RESERVED MATTERS

Application Number: 2020/61/91807/E

To: Amy Smith,
Pegasus Group
4, The Courtyard
Church Street
Lockington
Derby
DE74 2SL

For: Tungsten Properties Ltd And Ba Pension Trustees Ltd

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 PHASE 2 OF OUTLINE PERMISSION NO. 2016/92298 (AS AMENDED BY NMA 2020/91436) FOR THE RE-DEVELOPMENT OF THE FORMER WASTE WATER TREATMENT WORKS FOLLOWING DEMOLITION OF EXISTING STRUCTURES TO PROVIDE EMPLOYMENT USES (USE CLASSES B1(C), B2 AND B8) TO INCLUDE THE DISCHARGE OF CONDITION 6 (BEMP), CONDITION 9 (LIGHTING DESIGN STRATEGY), CONDITION 17 (SITE INVESTIGATIONS), CONDITION 29 (NOISE ATTENUATION) AND CONDITION 31 (ELECTRIC VEHICLE CHARGING POINTS) OF 2016/92298 AS THEY RELATE TO PHASE 2.

At: FORMER NORTH BIERLEY WASTE WATER TREATMENT WORKS,
OAKENSHAW, BD12 7ET

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 16-Jun-2020, being matters reserved in a permission granted on 25-Oct-2018 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:-

CONDITIONS AND REASONS

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 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.

2. The development shall not be occupied until the approved cycle parking facilities have been provided in accordance with Plan 2454 P406 Revision A received 16 June 2020. The facilities shall thereafter be retained for the lifetime of the development.

Reason: To encourage sustainable travel by means other than the private car.

3. No above ground building works shall take place until samples (manufacturing details) of all external cladding and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed from the approved materials.

Reason: To ensure good design and in the interests of visual amenity.

4. The landscape scheme shall be implemented in accordance with landscape plan KL-449-001 revision P3 received 10th December 2020 prior to first occupation of the development, or within the first planting season following first occupation. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an appropriate and healthy landscape scheme in the interests of visual amenity and bio-diversity.

5. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be implemented in accordance with these approved details.

Reason: To ensure the successful aftercare of the landscaping.

6. Before the electrical system is installed, a scheme detailing the dedicated facilities that will be provided for a minimum of 20 Standard Electric Vehicle Charging Points (of a minimum output of 16A/3.5kW) charging electric vehicles and other ultra-low emission vehicles, including the phasing of their delivery, shall be submitted to and approved in writing by the Local Planning Authority. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational or in accordance with the alternative phasing strategy to be approved. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement.

7. The boundary fence to the site frontage shall be implemented as shown on approved plan number ADC2358-DR-001-rev P2 to be set back to the rear of the proposed visibility splays and shall, at all times, be cleared of all obstructions to visibility.

Reason: To ensure adequate visibility in the interests of highway safety.

DISCHARGE OF CONDITIONS

Condition 6 BEMP

Condition 6 is discharged for Phase 2 subject to advice that to secure full compliance with Condition 6 the development shall be implemented in accordance with the approved plan and particulars and in accordance with the approved details and timescales pre, during and post construction as set out in the BEMP (ER-5146-01-1) prepared by Brooks Ecological dated December 2020 and the landscape plan KL-449-001 revision P3 received 10th December 2020.

Condition 9 (Lighting)

Condition 9 is discharged for Phase 2 subject to advice that to secure full compliance with Condition 9, all external lighting within Phase 2 shall be installed in accordance with the phasing, specifications and locations set out in the following documents:

- Lighting Strategy prepared by Loveday Lighting (Report ref: LL117-001) dated 10 June 2020 received 16 June 2020
- Lighting classifications (Overspill and Office Car Parks, Access Road and Rear HGV prepared by Loveday Lighting Limited received 16 June 2020
- Street Lighting Design Risk Assessment received 16 June 2020
- Plan LL117-001 received 16 June 2020

The lighting shall be maintained thereafter in accordance with the above strategy and plans.

Condition 17 (Site investigations)

Condition 17 is discharged pursuant to Phase 2 and the wider site as detailed in the submitted reports subject to advice that to secure full compliance with Condition 17, the development must be implemented in accordance with the information and recommendations set out in the Ground Investigation Report (Ref: V01) dated 3rd December 2019 received 16 June 2020 as well as the Phase II Geo-environmental Report prepared by Wardell Armstrong dated November 2017 (Report Ref: RPT-002C) and the Coal Mining Risk Assessment for Phase 1 and 2 prepared by Curtins dated 4 February 2020 (Report Ref: B065646-CUR00-XX-RP-GE-001) approved as part of Condition 16 in accordance with 2019/93679 and confirmed in accordance with 2020/91488 (Phase 1).

Condition 29 (Noise Assessment)

Condition 29 is discharged pursuant to Phase 2 subject to advice that to secure full compliance with Condition 29, it shall be completed in accordance with the details set out within the 'M606 Bradford Planning Condition Discharge (Noise)' report prepared by Hoare Lea Acoustics received 16 June 2020 before the occupation of the Phase 2 building.

Condition 31 (EVCP and Mitigation)

Condition 31 is discharged subject to advice that to secure full compliance with the condition, the Phase 2 building hereby approved shall be constructed to a minimum BREEAM standard of 'Very Good' (or equivalent standard) and at least 20 electric vehicle charging points shall be provided before occupation/use of the Phase 2 building on site in accordance with the phasing agreed by Condition 7 and in accordance with the following documents:

- The Proposed Site Parking Plan B1/B2 Parking Arrangement by HTC Architects dated May 2020 (ref: Job 2454 Dwg. P403 Rev. A) received 16 June 2020 for the first phase of spaces;
- Covering letter from the agent dated 12 June 2020, received 16 June 2020 to confirm that the building is to be delivered to a minimum BREEAM standard of 'Very Good';
- The Fastcharge Floor Mounted Electric Vehicle Charging Units manufacturer's information received 16 June 2020 and;
- Confirmation on p8 of the Design and Access Statement HTC Architects received 16 June 2020 in respect of the provision of electronic vehicle charging points.

Once provided, the measures shall be thereafter retained.

Informative

Electric Vehicle Charging Points Guidance

A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is, however, more likely to be futureproof.

Standard charging points that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 sockets would be acceptable.

At non-residential developments, the requirement for one electric vehicle charging point for every 10 parking spaces may initially be reduced to one charging point for every 20 parking spaces with the remainder provided at an agreed trigger point.

For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable. • The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.

The installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan	P400		16 June 2020
Existing Site Plan	P401		16 June 2020
Proposed Site Plan	P402	Rev B	16 June 2020
Parking arrangements	P403	Rev A	16 June 2020
Floor plans and elevations	P100	Rev A	16 June 2020
Roof plan	P110		16 June 2020
Gatehouse	P120		16 June 2020
Substation	P130		16 June 2020
Boundary Treatments	P404	Rev A	16 June 2020
Constraints overview	P405	Rev A	16 June 2020
Bin/cycle store	P406	Rev A	16 June 2020
Landscape Plan	KL-449-001	Rev P3	10 December 2020
Gas Pipeline Route and Easements	P408	Rev A	16 June 2020

Plan Type	Reference	Version	Date Received
Design and Access Statement	Prepared by hta Architects		16 June 2020
Noise Assessment	Prepared by Hoare Lea		16 June 2020
BEMP	Prepared by Brooks Ecological Report Ref ER-5146-01.1 dated December 2020		10 December 2020
Swept Path Analysis Articulated Vehicle B1/B2	ADC2358-DR-051	Rev P2	16 June 2020
Swept Path Analysis Articulated Vehicle B8	ADC2358-DR-052	Rev P1	16 June 2020
Swept Path Analysis Large Car	ADC2358-DR-053	Rev P1	16 June 2020
Ground Investigation Report prepared by Curtins	065646-CUR-00-XX-RP-GE-001 dated 3 December 2020	Rev VO1	16 June 2020
Ground Investigation Results Test Certificate	Prepared by i2 Analytical Ltd Job Ref 19-66815		16 June 2020
Phase II Geo-environmental Assessment	Prepared by Wardell Armstrong dated November 2017 Report Number RPT-002C		16 June 2020
Lighting Strategy	LL1171-001 dated 10 June 2020 prepared by Loveday Lighting Limited		16 June 2020
Lighting plan	LL1171-001		16 June 2020
Lighting Report	LL1171-001 dated 10 June 2020 prepared by Loveday Lighting Limited		16 June 2020

Plan Type	Reference	Version	Date Received
Lighting Report overspill and office car parks	LL1171-001 dated 10 June 2020 prepared by Loveday Lighting Limited		16 June 2020
Street Lighting Design Risk Assessment	LL1171-001 dated 10 June 2020 prepared by Loveday Lighting Limited		16 June 2020
Fastcharge document	Produced by Chargemaster		16 June 2020

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. Negotiations were carried out during the course of the application, which resulted in the conditions set out on this decision notice to ensure an acceptable quality of development.

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. 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:

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 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

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- **Economic prosperity – workforces that are digitally-literate enables business to thrive.**
- **Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.**
- **New services – digital delivery can lower costs and provide innovative public and health services more conveniently.**

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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: 18-Dec-2020

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 and view existing planning applications and decisions' and by searching for application number 2020/61/91807/E .

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
