



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2020/62/92384/E

To: Nick Pleasant,
NJL Consulting
Park House
Park Square West
Leeds
LS1 2PW

For: Newriver Retail Portfolio No.8 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 EXTENSION AND ALTERATIONS TO UNIT 4 FOR FOOD AND
NON-FOOD RETAIL WITH ASSOCIATED EXTERNAL WORKS TO
RECONFIGURE CAR PARK AND SERVICING ARRANGEMENTS

At: UNIT 4, THE RISHWORTH CENTRE, RAILWAY STREET, DEWSBURY,
WF12 8EQ

**In accordance with the plan(s) and applications submitted to the Council on
24-Jul-2020, 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 Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 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 and to accord with Policies LP13, LP18, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. Notwithstanding the submitted plans and information, development on the superstructure of the extension hereby approved shall not begin until full details of all facing and roofing materials have been submitted and approved in writing by the Local Planning Authority. The proposed development shall then be carried out in accordance with these details.

Reason: In the interest of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure external materials are agreed at an appropriate stage of the development process.

4. Development shall not commence until a scheme detailing landscaping, tree/shrub planting, including the indication of existing trees and planting on the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure landscaping details are devised and agreed at an appropriate stage of the development process.

5. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP) to ensure that a biodiversity net gain is achieved post-development is submitted and agreed in writing by the Local Planning Authority. The BEMP shall accord with the Biodiversity Metric 2.0 calculations dated 18th January 2021 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination, and shall provide a minimum of 1.03 habitat units post-development. The BEMP shall include the following:

- a. Description and evaluation of features to be managed and enhanced;
- b. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- c. Ecological trends and constraints on site that might influence management;
- d. Aims and Objectives of management;
- e. Appropriate management Actions for achieving Aims and Objectives;
- f. An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);
- g. Details of the management body or organisation responsible for implementation of the BEMP;
- h. Ongoing monitoring programme and remedial measures; and
- i. The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented in accordance with the approved details.

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

6. Prior to superstructure works commencing, a detailed scheme for the provision of a signalised pedestrian crossing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, construction specifications, drainage works, street lighting, white lining, signing, ducting and signal equipment, together with an independent Safety Audit covering all aspects of the work. The agreed works shall be implemented before any part of the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and town centre connectivity, in order to comply with the aims of Policies LP18 and LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. A full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, three months prior to any part of the development being brought into use. The Travel Plan shall include measures to improve and encourage the use of sustainable transport, the Travel Plan shall continue to be developed and implemented as long as any part of the development is occupied.

Reason: To comply with the council's sustainability objectives and the aims of Policy LP20 of the Kirklees Local Plan and the National Planning Policy Framework.

8. The development shall not be occupied until the proposed car park hereby approved has been laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with the aims of Policies LP21 and LP22 of the Kirklees Local Plan and the National Planning Policy Framework.

9. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In the interest of highway safety and to accord with the aims of Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

10. The combined noise from any fixed mechanical services and external plant and equipment and delivery activities shall be effectively controlled so that the combined rating level of noise from all such sources does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

11. Prior to the installation of any new external artificial lighting or the alteration of any existing external lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- a) The proposed hours of operation of the lighting;
- b) The location and specification of all of the luminaires;
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated;
- d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity;
- e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site; and
- f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

12. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Impact Assessment, reference Urban Green, November 2020, No. UG546. These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: In order to ensure protection to trees in the interest of visual amenity and to accord with the aims of Policies LP24 and LP33 of the Kirklees Local Plan, and the National Planning Policy Framework.

13. The development shall only be carried out in accordance with the drainage strategy outlined Flood Risk Assessment, 'Combined Flood Risk Assessment and Outline Surface Water Drainage Statement produced by Bell Munro dated 17th Junly 2020 and shall incorporate all the proposed mitigation measures into the development.

Reason: to ensure that the development is appropriately drained in accordance with the aims of Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

14. Groundworks (other than those required for a site investigation report) 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 with regards to land contamination and coal mining risk in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

15. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 14, further groundworks 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 with regards to land contamination and coal mining risk in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

16. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 15. 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 groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. 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 regards to and contamination and coal mining risk with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework.

17. 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. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site 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 the safe occupation of the site with regards to land contamination and coal mining risk in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 178 and 179 of the National Planning Policy Framework.

18. Before construction work commences, the control measures listed in Table 17 – Fugitive Dust Emission Mitigation Measures on page 26 of the Air Quality Assessment by Redmore Environmental dated 20th July 2020 (ref: 3768r2) shall be implemented and thereafter retained throughout the whole construction phase of the development.

Reason: In the interests of air quality and to accord with Policy LP51 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that dust control measures are implemented at an appropriate stage of the development process.

19. Before works to construct the superstructure of the development hereby permitted are commenced, a report containing the proposed crime prevention and anti-terrorism measures shall be submitted to, and approved in writing by, the Local Planning Authority. The identified measures shall be implemented before the development is brought into use and shall be retained thereafter.

Reason: In the interest of crime prevention and anti-terrorism mitigation, so as to comply with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

20. Notwithstanding the details as shown on the approved plans, before the proposed use commences dedicated facilities for charging electric vehicles and other ultra-low emission vehicles shall be installed and made available for use. The scheme shall meet at least the following minimum standard for numbers and power output:

- Four Electric Vehicle Charging Point providing a continuous supply of at least 32A (7.7kW); and
 - The charging points should provide Mode 3 charging via a Type 2 connector.
- 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. 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, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

21. All ecological measures cited as recommendations in Section 5 of the Preliminary Ecological Appraisal dated May 2020, as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination, shall be implemented in full and all features created will be retained in that manner thereafter.

Reason: To avoid significant ecological harm in respect of impacts to biodiversity, in accordance with Policy LP30 and section 15 of the National Planning Policy Framework.

NOTE: Construction working hours

Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours , Saturdays

With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Contaminated land

All contamination reports shall be prepared in accordance with guidance in *Land Contamination Risk Management (LCRM)*, National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: Offsite Highway works

An agreement with the council under Section 278 of the Highways Act 1980 will be required in relation to the proposed signalised pedestrian crossing. The applicant advised to make early contact with the Highway and Transportation Service. In the first instance further information is available on the council's website.

NOTE: Artificial lighting

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the *“Guidance Notes for the Reduction of Obtrusive Light”* by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone E3.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	PL01	-	24th July 2020
Existing Site Plan	PL02	-	24th July 2020
Existing Ground Floor Plan	PL03	-	24th July 2020
Existing Mezzanine Floor Plan	PL04	-	24th July 2020
Existing Elevations	PL05	-	24th July 2020
Proposed Site Plan	PL06	B	1st March 2021
Proposed Ground Floor Plan	PL07	-	24th July 2020
Proposed Elevations	PL08	-	24th July 2020
Proposed Section Plans	PL09	-	24th July 2020
Proposed Roof Plan	PL10	-	24th July 2020
Proposed Access Road Section	PL11	-	24th July 2020
Highways Improvement Plan	18007 - 010	C	11th January 2021
Air Quality Assessment prepared by Redmore Environmental dated 20th July 2020	3768r2		24th July 2020
Design and Access Statement	10574-05.01	V1	24th July 2020
Flood Risk and Drainage Statement prepared by BMC consulting dated 17/07/2020	J6957	A	24th July 2020
Noise Impact Assessment prepared by JPM Acoustics dated 14th July 2020	0532020	1	24th July 2020
Preliminary Ecological Appraisal undertaken by Urban Green dated May 2020	UG546	01	24th July 2020
Transport Assessment undertaken by Connect consultants dated July 2020	-	-	24th July 2020

Plan Type	Reference	Version	Date Received
Planning and Retail Statement prepared by NJL consulting dated July 2020	2017-222	-	24th July 2020
Preliminary Investigation – Ground conditions prepared by Ian Farmer Associates dated February 2020	2240156	-	24th July 2020
Letter from Ian Farmer Associates dated 5th August 2020	EM/vt/2240156/8640		1st September 2020
Framework Travel Plan prepared by Connect consultants dated November 2020	-	-	9th November 2020
Air Quality Addendum dated 5th November 2020	3768c4	-	5th November 2020
Arboricultural Impact Assessment undertaken by Urban Green dated November 2020	UG546	02	26th November 2021
Road Safety Audit Stage 1 prepared by JBartlett Consulting dated 19th November 2020	Connect/1156	D1	11th January 2020
Biodiversity Net Gain Assessment prepared by Urban Green	UG546	04	18th 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. The agent provided amended plans in order to overcome concerns in terms of highway safety. The decision is based on the amended plans and the conditions set out above.

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

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: 05-Mar-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 2020/62/92384/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
