



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/90158/W

To: Gerald Sharp,
Martin Walsh Architectural
Firth Buildings 99-103 Leeds Road
99-103 Leeds Road
Dewsbury
WF12 7BU

For: Chris Hart-Jones, Lubrizol 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 WAREHOUSE WITH EXTERNAL STORAGE YARD

At: PO BOX 521, LEEDS ROAD, HUDDERSFIELD, HD2 1YU

In accordance with the plan(s) and applications submitted to the Council on 29-Jan-2021, subject to the condition(s) specified hereunder:-

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

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 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, so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP8, LP21, LP24, LP27, LP28 and LP30 of the Kirklees Local Plan.

3. No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (Biodiversity) (CEMPB) has been submitted

to and approved in writing by the Local Planning Authority. The CEMPB shall address all the matters summarised on page 15 of the submitted Ecology Report dated 10 August 2021, including details of enhancements to existing habitats and management of these. Thereafter the approved CEMPB shall be adhered to and implemented strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure, as far as possible, that direct impacts to protected and priority species are avoided during construction of the scheme, to maintain and enhance habitat networks and ecological interest within the site and continued function of the adjacent Kirklees Wildlife Habitat Network, in accordance with guidance in the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure appropriate ecological measures are designed and agreed prior to commencement of any potentially damaging operations associated with the construction phase.

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

Reason: To ensure adequate drainage provision is made to accommodate foul and surface water drainage from the site and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Section 14 of the National Planning Policy Framework.

5. The development shall be carried out in accordance with the submitted Flood Risk Assessment by WSP (FRA (Rev 02) Public, Project No 70081327, ref LBZ-WSP-XX-ZZRP-C-001, dated April 2021) and in particular, the flood risk management and mitigation measures detailed in Section 6. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing / phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding and in the interests of safety of future occupants of the site by ensuring the satisfactory storage of/disposal of surface water from the site in the safe interests of future occupants and to accord with Policies LP27 and LP28 of the Kirklees Local Plan.

6. Development shall not commence until a detailed design scheme detailing surface water and land drainage (including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change storm event, attenuation construction design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an itinerary of maintenance tasks with schedules. The proposed building shall not be occupied until such approved drainage scheme has been provided on the site to serve the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental well-being of future users of the site and surroundings and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details of drainage are designed and agreed at an appropriate stage of development.

7. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (buildings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being of future users of the site and surroundings and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details of drainage are designed and agreed at an appropriate stage of development.

8. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- detail phasing of the development and phasing of temporary drainage provision;
- and
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the provision of suitable temporary drainage arrangements for the construction phase in order to protect the natural environment, local infrastructure and adjacent property. This is to accord with Policies LP24, LP27 and LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that temporary drainage matters are addressed at an appropriate stage of development.

9. Development shall not commence until a scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil/petrol interceptor of adequate capacity prior to discharge has been submitted to and approved in writing by the Local Planning Authority. Roof drainage should not be passed through any interceptor.

Reason: To deliver effective sustainable drainage systems that will be operated, maintained and managed for the lifetime of the development that it will serve and to accord with Policies LP24 and LP27 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure details of drainage are designed and agreed at an appropriate stage of development.

10. Prior to the development first being brought into use, details of the operation, maintenance and management of the surface water drainage infrastructure associated with the development shall be submitted to and approved in writing with the Local Planning Authority. Details shall include adoption proposals of any adoptable structures, as necessary. The development shall thereafter be operated, managed and maintained at all times for the lifetime of the development, or up to the point of adoption, in accordance with the approved details.

Reason: To deliver effective sustainable drainage systems that will be operated, maintained and managed for the lifetime of the development that it will serve and to accord with Policies LP24 and LP27 of the Kirklees Local Plan.

11. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details of site contamination are submitted and considered at an appropriate stage of development.

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 11, 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 identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 12, 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 that the presence of contamination is identified, risks are assessed and proposed remediation works are agreed in order to make the site suitable for use in accordance with Policy LP53 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 13. 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 that the presence of contamination is identified, risks are assessed and proposed remediation works are agreed in order to make the site suitable for use, in accordance with Policy LP53 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

15. 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 (that part of) 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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To remove unacceptable risks to human health and the environment arising from unexpected contamination and to ensure that the site is satisfactorily remediated. This is to accord with Policy LP53 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

16. Superstructure works shall not commence until details of all external materials (including their colour(s)) have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the details so approved.

Reason: To ensure a satisfactory appearance to the development and to accord with Policy LP24 of the Kirklees Local Plan.

Footnote - construction activities:

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

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours Saturdays

With no noisy activities on Sundays or Public Holidays

Footnote - construction sites working times:

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 a notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Environmental permit - advice to applicant

The proposed warehouse is located close to the River Colne which is a designated main river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	0001	A	21/01/2021
Block plan	0004	B	18/01/2021
Proposed floor plans	0002	C	18/01/2021
Proposed grouped plans/elevations/section	0003	A	18/01/2021
Figure 2: Phase 1 Habitat Survey	Plan		12/08/2021
Planning Support & Design Access Statement			18/01/2021
Flood Risk Assessment Appendices			29/01/2021
Revised FRA	LBZ-WSP-XX-ZZ-RP-C-001 rev01 FRA – 25/02/2021		09/03/2021
Revised FRA (REV 02) PUBLIC, PROJECT NO. 70081327	LBZ-WSP-XX-ZZ-RP-C-001 – April 2021		12/04/2021
Ecology report dated 10/08/21	prepared by: Nick Birkinshaw		12/08/2021

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. No revisions to the plans were sought, albeit officers engaged with the applicant to seek and address concerns in relation to the flood risk and biodiversity issues and agree the above conditions.

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.

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local 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: 29-Sep-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 2021/62/90158/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
