



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England) Order
2010**

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2013/62/93186/E

To: Bob Newell,
Newell Projects Ltd
56, Saunderton vale
Saunderton
High Wycombe
Bucks
HP14 4LJ

For: Arriva Bus and Coach 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:-

DEMOLITION OF A BUILDING AND FORMATION OF ADDITIONAL COACH
AND BUS PARKING/STORAGE AREA, WITH SCREEN PLANTING AND
AMENDED VEHICULAR ACCESS ARRANGEMENTS

At: ARRIVA LODGE GARAGE, WHITEHALL ROAD WEST, HUNSWORTH,
CLECKHEATON, BD19 4BJ

**In accordance with the plan(s) and applications submitted to the Council on
10-Dec-2013, 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 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: So as to ensure the satisfactory appearance of the development on completion.

3. No activities shall be carried out on the bus and coach parking area to be created as part of this application, including deliveries to or dispatches from the premises, outside the hours of 08:00 and 20:00 Monday to Friday. No activities shall take place on Saturdays, Sundays or Bank Holidays.

Reason: So as to protect neighbouring residents from undue noise and disturbance and to accord with Policy EP4 of the Unitary Development Plan.

4. Noise emitted from the premises shall not exceed L_{Aeq} 47.2 dB 1 hour when measured at any point on the North Eastern boundary of the site with 117 Whitehall Road East.

Reason: So as to protect neighbouring residents from undue noise and disturbance and to accord with Policy EP4 of the Unitary Development Plan.

5. Development 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: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to accord with Policy G6 of the Unitary Development Plan.

6. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 5 development 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: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to accord with Policy G6 of the Unitary Development Plan.

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. 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 works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, 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: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to accord with Policy G6 of the Unitary Development Plan.

8. 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. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed 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: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to accord with Policy G6 of the Unitary Development Plan.

9. Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Vehicle washdowns and detergents shall not be passed through the interceptor.

Reason: In order to achieve satisfactory drainage and to accord with guidance contained within the NPPF – National Planning Policy Framework.

10. The development shall only be carried out in accordance with the approved Drainage Assessment, produced by H.I.M Associates, revision 2, dated 4th September with particular attention to: incorporating two separate discharge points not exceeding 3l/s each; below ground attenuation providing no flooding for the critical 1 in 30 year storm; and safe above ground storage for an exceedance event up to and including the critical 1 in 100 year storm including a 20% allowance for climate change.

Reason: In order to achieve satisfactory drainage and to accord with guidance contained within the NPPF – National Planning Policy Framework.

11. Development shall not commence until calculations to demonstrate the scheme restricting the rate of surface water discharge from the site to a maximum of 2 x 3 litres per second have been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Volumes in excess of the critical 1 in 30 storm event up to and including the critical 1 in 100 year storm event, with an appropriate allowance for climate change, shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: In order to achieve satisfactory drainage and to accord with guidance contained within the NPPF – National Planning Policy Framework.

12. No development shall commence with regard to altering land levels or laying of any hard surface until a scheme identifying, materials, size and depth of culverted watercourses, wells and other water related infrastructure which may run through the site has been agreed in writing with the Local Planning Authority. The scheme shall identify any proposed diversionary works and the establishment of suitable stand off distance. The scheme shall also provide details of measures to be taken to protect any watercourses and/pipes which may run through the site from damage or disturbance from the development. No development shall take place until the agreed works or phasing of such works as may be agreed in writing with the Local planning Authority have been completed.
Reason: In order to achieve satisfactory drainage and to ensure that there would be no flood risk associated with any blocked up or damaged water courses and to accord with guidance contained within the NPPF – National Planning Policy Framework.

13. The approved landscaping scheme as shown on drawing no. 1279/P/010 REV B received on 3rd June 2014 shall be implemented before any part of the development is brought into use. The approved landscaping scheme shall, from its completion, be maintained for the lifetime of the development. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, they shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In order to provide a satisfactory landscaped boundary which would harmonise with its surroundings and provide a natural screen to adjacent residents and to accord with guidance contained within the NPPF – National Planning Policy Framework

14. The proposed development shall be carried out in complete accordance with the recommendations within the agreed Arboricultural Assessment and Method Statement dated 9th December 2013 and carried out by BHA Trees Ltd.

Reason: So as to ensure the long term vitality of protected trees around the site and to accord with Policy NE9 of the Unitary Development Plan.

15. Notwithstanding the submitted plans and information on the application form, no development shall commence until details of the proposed surfacing of the parking areas and their locations have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the use of the areas commencing and such agreed surfacing shall thereafter be retained for the lifetime of the development.

Reason: So as to ensure that the proposal does not conflict with the openness of the Green Belt and to accord with guidance contained within the NPPF – National Planning Policy Framework.

16. Before development commences the overhanging trees and foliage shall be cutback to the rear of the existing highway verge as shown on approved plan number SCP/13212/100 and shall be cleared of all obstructions to visibility and shall be retained free of any such obstruction thereafter.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy T10 of the Unitary Development Plan

17. Prior to the development being brought into use, the proposed vehicle parking areas hereby approved shall be 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 and to accord with Policy T10 of the Unitary Development Plan.

18. Prior to development commencing, a detailed scheme for the provision of a right turn lane from Whitehall Road West into the site with associated signing and white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing and surface finishes together with an independent Safety Audit covering all aspects of the work. All of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policy T10 of the Unitary Development Plan.

19. Before development commences a bat mitigation strategy shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The survey shall include the undertaking of bat activity surveys between May and August before the building is demolished. The report as approved shall be implemented as part of the application. Should any bats be found roosting in the building then a Natural England European Protected Species license will be required.

Reason: To ensure compliance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework (NPPF)

20. No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details the measures to be employed for the storage of retained soils on site. This scheme shall include:

- The position of soil storage mounds including details of the overall height and design of the mounds
- Any proposed landscape treatment of the mounds including details of planting densities, species type, method of planting, weed control and protection from pests which links back to the submitted landscaping plan as shown on drawing no. 1279/P/010 REV B received 3rd June 2014

Reason: So as to ensure that the proposed development would have an acceptable impact upon the openness of the Green Belt and to accord with guidance contained within the NPPF – National Planning Policy Framework.

21. All soils excavated in connection with the development hereby permitted shall be retained on site and stored in accordance with the scheme required under the terms of condition 20.

Reason: So as to ensure that the proposed development would have an acceptable impact upon the openness of the Green Belt and to accord with guidance contained within the NPPF – National Planning Policy Framework.

22. In the event that the use of the site permitted by this planning permission ceases for a period in excess of 6 (six) months, all storage of vehicles and hard surfacing shall be removed from the site and the site shall be restored in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented within 2 months of such approval or within 6 months of the cessation of the permitted use, whichever is the later.

Reason: So as to ensure that the proposed development would have an acceptable impact upon the openness of the Green Belt and to accord with guidance contained within the NPPF – National Planning Policy Framework.

23. This permission shall be personal to the applicant only and shall not enure for the benefit of the land.

Reason: The proposal is inappropriate development in the Green Belt and is only acceptable due to the very special personal circumstances demonstrated by the applicant which are required to be retained.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Site location plan			4/Oct/2013
Ariel photograph			4/Oct/2013
Topographical survey	SSL:15030A:200:1:2		4/Oct/2013
Topographical survey	SSL:15030A:200:2:2		4/Oct/2013
Section through the parking area	1279/P/002	A	4/Oct/2013
Site plan & landscaping layout	1279/P/010	B	3/Jun/2014
Transport statement	LK/13212/TS/2		4/Oct/2013
Desk study	NE3234		4/Oct/2013
Noise impact assessment	90322r1		4/Oct/2013
Ecological appraisal survey	BOW0017/509		12/Dec/2013
Existing ARRIVA sites in Yorkshire			12/Dec/2013
Sequential test for alternative sites			12/Dec/2013
Arboricultural impact assessment			12/Dec/2013
Tree report appendix A			12/Dec/2013
Tree schedule			12/Dec/2013
Arboricultural method statement			12/Dec/2013
Additional highways information			4/Nov/2013
Drainage statement			4/Oct/2013
Design and access statement			4/Oct/2013

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 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 Leeds City Region Development Management Pledge and otherwise actively engaged with the applicant in dealing with the application.

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 the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No: (01484) 225397 who can advise further on this matter.

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). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. 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 Coal Authority permission 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 The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

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 Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.
- 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 fill in the online form

www.kirklees.gov.uk/business/PlanningApplication/planning_application_feedback.asp so that we can work on continually improving our customer service. Thank you.

Dated: 18-Jun-2014

Signed:



**Jacqui Gedman
Director of Place**

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 2013/62/93186/E.

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

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