



Town and Country Planning Act 1990

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

APPROVAL OF RESERVED MATTERS

Application Number: 2021/61/91932/E

To: Andrew Windress,
ID Planning
9 York Place
Leeds
LS1 2DS

For: Interchange LLP 26

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 OUTLINE PERMISSION 2016/92298 FOR RE-DEVELOPMENT OF FORMER WASTE WATER TREATMENT WORKS FOLLOWING DEMOLITION OF EXISTING STRUCTURES TO PROVIDE EMPLOYMENT USES (USE CLASSES B1(C), B2 AND B8) RELATING TO PHASE 4 - THE CONSTRUCTION OF 2 X INDUSTRIAL WAREHOUSE UNITS WITH ANCILLARY OFFICE ACCOMMODATION (APPROXIMATELY 6021M2 AND 4046M2) WITH PARKING AND LANDSCAPING, INCLUDING THE DISCHARGE OF CONDITION 6 (BIO-DIVERSITY ENHANCEMENT MANAGEMENT PLAN), CONDITION 17 (SITE INVESTIGATIONS), CONDITION 19 (PUBLIC RIGHTS OF WAY), CONDITION 29 (NOISE ATTENUATION) AND CONDITION 31 (ELECTRIC VEHICLE CHARGING POINTS).

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 14-May-2021, 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:-

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 ref. '2115 PL 108 Rev. A'. The facilities shall thereafter be retained.

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 plans ref. '823/LA1' and '823/LA2 rev. A' and the supporting documents 'Soft Landscape Specification' and 'Planting Schedule', 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 biodiversity.

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. The boundary fence to the site frontage shall be implemented as shown on approved plans ref. '2115 PL 104 Rev. B' and '2115 PL 105 Rev. B', 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 (Bio-diversity Enhancement Management Plan)

You have submitted the Biodiversity Enhancement Management Plan by Brooks Ecological, ref. 'ER-4003-03' to discharge condition 6.

I can confirm that the submitted details are acceptable and Condition 6 is discharged, in so far as it relates to Phase 4 only. Please note that Condition 6 has the following ongoing requirement to secure full compliance:

'The approved plan and particulars shall be implemented in accordance with the approved details and timescales pre, during and post construction.'

Condition 17 (Site Investigations)

This condition was requested by The Coal Authority. The Coal Authority expressed an initial objection. A Phase 2 Ground Investigation report had been submitted as part of this application to attempt to address this condition. However, the document related to 'Phase 2' of the development. As this is 'Phase 4' of the build out, the CA assumed this report was incorrect.

Clarification was sought from the applicant, and they elaborated. While the development build out had been split into 5 phases (Phase 0 through to Phase 4), the ground investigations had subdivided the site in half, having Phase 1 and Phase 2, with the terminology leading to the confusion. This site falls within Phase 1 for the purposes of the ground investigation reports.

Subsection a) of condition 17 stipulates 'A report of the findings following intrusive site investigations carried out in relation to Condition no. 16' should be submitted. Condition 16 was part discharged, for the ground investigation 'phase 1', via 2019/93679. In this DOC application it was concluded that:

"The Coal Mining Risk Assessment submitted identifies that within Phase 1 [for ground investigation purposes] as defined, there are no risks arising from past coal mining activity and no further works are required in this area.

Accordingly, the requirements of Condition 17 do not trigger for this phase, and the proposed development is deemed to have adhered to Condition 17 in so far as it relates to Phase 4 (of the build schedule) only.

Condition 19 (Public Rights of Way)

The Public Right of Way does not fall within the boundary of this phase of development.

Condition 19 is deemed discharged in so far as it relates to Phase 4 of the development.

Condition 29 (Noise Attenuation)

You have submitted the Noise Impact Assessment document 'Dragonfly Consulting dated 24 January 2020 ref. DC3229-R1' to discharge Condition 29, in so far as it relates to Phase 4 of the development.

I can confirm that the submitted details are acceptable and Condition 29 is discharged for Phase 4 of the development. However, please note that Condition 29 has the following ongoing requirement to secure full compliance:

Thereafter the development of each phase shall be completed in accordance with the approved details, before occupation of any building within each phase.

Condition 31 (Low Emission Strategies and Electric Vehicle Charging Points)

You have submitted the following information to discharge Condition 31:

- Plan ref. '2115 PL 108 Rev. A'
- Pod Point Twin Datasheet (Models T7-S and T22-S)
- Email dated 10.11.2021 on Low Emission Strategies
- Email dated 11.11.2021 regarding number of charging points (10)

I can confirm that the submitted information, read as a whole and specifically through the provision of no less than 10no. Electric Vehicle Charging Points, is sufficient to discharge Condition 31 in so far as it relates to Phase 4 only. However, please note that Condition 31 has the following ongoing requirement to secure full compliance:

Thereafter, each phase of the development shall be completed in accordance with the approved details/mitigation strategies, before occupation/use of any building on site within that phase.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Plan General	2115 PL 100		10.05.2021
Plan General	2115 PL 102		10.05.2021
Block Plan	2115 PL 103	Rev. B	17.08.2021
Block Plan	2115 PL 104	Rev. B	17.08.2021
Block Plan	2115 PL 105	Rev. B	17.08.2021
Plan General	2115 PL 106		10.05.2021
Plan General	2115 PL 107		10.05.2021
Block Plan	2115 PL 108	Rev. A	17.08.2021
Plan General	2115 PL 109		10.05.2021
Proposed Floor Plans	2115 PL 111	Rev. A	14.05.2021

Plan Type	Reference	Version	Date Received
Proposed Floor Plans	2115 PL 112	Rev. A	14.05.2021
Proposed Elevations	2115 PL 113	Rev. A	14.05.2021
Proposed Elevations	2115 PL 114	Rev. A	14.05.2021
Plan General	2115 PL 115	Rev. A	14.05.2021
Proposed Elevations	2115 PL 117	Rev. A	14.05.2021
Proposed Elevations	2115 PL 118	Rev. A	14.05.2021
Proposed Elevations	2115 PL 119	Rev. A	14.05.2021
Proposed Elevations	2115 PL 120	Rev. A	14.05.2021
Plan General	2115 PL 121	Rev. A	14.05.2021
Plan General	2115 PL 123	Rev. A	14.05.2021
Plan General	823 LA1		10.05.2021
Block Plan	078796-CUR-00-ZZ-DR-C-04001	Rev. P02	17.08.2021
Supporting Information	Planting Schedule		14.10.2021
Supporting Information	Soft Landscaping Specification		14.10.2021
Supporting Information	Landscape Plan and Bed Planting / 823/LA2 rev. A		14.10.2021
Supporting Information	Coal Mining Risk Assessment		13.10.2021
Supporting Information	Noise Assessment		12.10.2021
Supporting Information	Transport Assessment		17.08.2021
Supporting Information	Flow Design Report		18.05.2021
Supporting Information	Design and Access Statement		10.05.2021
Supporting Information	Pod-Point-Twin-datasheet		10.05.2021
Supporting Information	Biodiversity Enhancement Management Plan – ER-4003-03		10.05.2021

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 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.

Officers sought clarification on several point, including regarding the parking arrangements and sustainability measures. Adequate information was provided and allowed a positive assessment, subject to the imposition of 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 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

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: 12-Nov-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 and view existing planning applications and decisions' and by searching for application number 2021/61/91932/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
