



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/70/92122/E

To: Alexander Buller
KPP Architects
Lodge House
12 Town Street
Horsforth
LEEDS
LS18 4RJ

For: Gardner

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:

VARIATION OF CONDITION 1 (PLANS) ON PREVIOUS PERMISSION 2019/94152 RESERVED MATTERS APPLICATION PURSUANT TO APPLICATION NO 2018/90802 FOR DEVELOPMENT OF 16,723 SQ METRES EMPLOYMENT FLOOR SPACE TOGETHER WITH ASSOCIATED INTERNAL ROADS, PARKING AND LANDSCAPING IN RELATION TO THE RESERVED MATTERS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING. TOGETHER WITH THE DISCHARGE OF CONDITIONS 3, 6, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 32, 33 AND 34 IN SO FAR AS THEY RELATE TO PHASE 2

At: LAND AT SLIPPER LANE, LEEDS ROAD, MIRFIELD, WF14 0DE

In accordance with the plan(s) and applications submitted to the Council on 21-May-2021 [together with those plans and application(s) submitted to the Council on 16-Jan-2020 and incorporated into planning permission ref no. 2019/61/94152/E granted on 05-Jun-2020] and subject to the condition(s) specified hereunder:

1. The development hereby permitted shall be carried out in complete accordance with the with the plans and specification listed in this decision notice, except as may be specified in the conditions attached to the permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP22, LP24 and LP32 of the Kirklees Local Plan.

2. Prior to the development, above ground level being implemented details of the external materials to be used have been submitted to and approved in writing by the Local Planning Authority. No other materials other than those approved shall be used

Reason: In the interests of visual amenity and to accord with Policy LP24 of Kirklees Local Plan.

3. The development shall not be brought into use, until all area indicated to be use for access, parking and servicing have been surfaced, marked and laid out. These areas shall be so retained for the lifetime of the development.

Reason: In the interests of amenity and traffic safety, and to ensure adequate space within the site for vehicle movements and parking, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan

4. Prior to the occupation of each unit, a detailed parking/servicing plan for each unit shall be submitted for the written approval of the local planning authority. The approved scheme shall be implemented prior to the unit being occupied, and thereafter retained or the lifetime of the development.

Reason: To accord with Policy LP22 of the Kirklees Local Plan.

5. The approved landscape scheme shall from its completion, be maintained for a period of 5 years. If within this period, any tree or shrub or hedge shall die, become diseased or be removed, it shall be replaced with other or similar size species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure there is well laid out scheme of healthy trees and shrubs in the interests of amenity and to accord with Policy PLP32 of the Kirklees Local Plan.

6. No above ground works on unit 4 shall take place until the developer has notified the Local Planning Authority, in writing, that either, the a) the elevation on drawing no 1856-12 2007; or b) the elevation on drawing no 1856-12 2015 is being implemented. The approved scheme shall thereafter be implemented as notified to the Council.

Reason: To accord with Policy LP24 of the Kirklees Local Plan.

7. No piped discharge of surface water from the application site shall take place until the developer has notified the Council that either a) the works proposed on drainage drawing no 19172-100 P5 are being implemented, or b) a suitable alternative drainage strategy has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the satisfactory drainage of the site and to accord with Policy LP28 of the Kirklees Local Plan.

Note: The applicant is advised that the above conditions were originally imposed by planning permission 2019/94152 (i.e., those conditions that have not been sought for variation as part of this application). They are hereby reproduced on this notice, to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.

Where the details pursuant to the above conditions, in accordance with 2019/94152's corresponding original list of conditions, have already been submitted for discharge and approved, or part approved, by the Local Planning Authority, and where there is no change to the details required by that condition, a further discharge of condition application pursuant to this application's reference will not necessary.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Landscaping Plan	4050-06	Rev. C	20.07.2021
As per application 2019/94152			
Site plan	1856-12 2001		8/1/20
Phasing Plan	1856-12 2013		8/1/20
Unit 2. Proposed building plan.	1856-12 2002		8/1/20
Unit 2. Proposed building plan.	1856-12 2003		8/1/20
Unit 3. Typical sections	1856-12 3022	R2	13/3/20
Unit 3. Proposed elevations	1856-12 3018	T1	13/3/20
Unit 4. Proposed building plan	1856-12 2006		13/3/20
Unit 4. Proposed elevation	1856-12 2007; 1856-12 2015 (10m haunch)		8/1/20; 8/1/20
Unit 5. Proposed building plan	1856-12 2008		8/1/20
Unit 5. Proposed elevations	1856-12 2009		8/1/20
Unit 6. Proposed building plan	1856-12 2010		8/1/20
Unit 6. Proposed elevations	1856-12.2011		8/1/20
Vehicle Tracking	1856-12 2012		8/1/20
Electric charging details	Rolec EV		8/1/20
External Lighting scheme	D36091/JB/D		8/1/20
Landscape Management Plan	(DEP Landscape Architects)		8/1/20

Plan Type	Reference	Version	Date Received
Planting plan	4050-06		8/1/20
Air Quality Assessment	SLR 410.05342-00004	R2	8/1/20
Drainage Strategy	19172 (CALDS) (P4)		8/1/20
Drainage Strategy Plan.	1972 100 P5		8/1/20
Construction stage temporary drainage note	Dudleys		8/1/20
Fencing details	1856-12 2016		8/1/20
Site Elevation and Sections	1856-12 2018		13/3/20
Construction Environmental Management Plan	Caddicks		8/1/20

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.

The application initially sought to replace the originally approved standard trees with 'Hydro-seeded British Native wildflower and grass seed mix'; this did not include the planting of trees. The applicant stated that this was for health and safety purposes, as the planting and ongoing maintenance of the trees on the site's steep topography would not be feasible. This was disputed by officers and not considered to be acceptable as it would not achieve the purpose of the trees; to act as a visual screen. Discussions took place between officers, K.C. Trees, and the applicant. It was concluded that the use of whip trees, at a higher density, was an arboriculturally preferable solution.

In accordance with the Delegation Agreement the application was referred to the Strategic Planning Committee for decision. The application was presented to the committee on the 26th of August 2021 where members resolved to support officer's recommendation for approval.

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.

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

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 refuse permission for the proposed development or 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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from 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: 27-Aug-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 2021/70/92122/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
