



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/92220/E

To: Gary Wake,
Wake Morley Architects
1, Dunford Road
Holmfirth
HD9 2DP

For: CJ DEVELOPMENTS 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:-

PROPOSED ENGINEERING OPERATION AND LANDSCAPING

At: LAND ADJ, WOODVILLE NURSERIES, NORTHFIELD LANE, Highburton,
HUDDERSFIELD, HD8 0QT

In accordance with the plan(s) and applications submitted to the Council on 10-Jun-2021, subject to the condition(s) specified hereunder:-

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

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, LP23 and LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered and brought in to the site during the development, all works shall cease immediately, and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until either (a) a Remediation Strategy by a suitably competent person to remove the contaminated land has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the material spreading, topsoiling, seeding or associated activity shall resume until such time where the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

4. Written notification of the date of commencement of the development shall be sent to the Local Planning Authority. The import of waste to the site shall cease, all associated plant and equipment shall be removed from the site, the temporary bund shall be removed, and the site shall be completed in accordance with the details on the application form and approved documents within 6 weeks from the commencement of development. Written notification of the works being completed shall then be sent to the Local Planning Authority.

Reason: To ensure the satisfactory completion of the development within an acceptable time period, as well as to safeguard the amenities of users of the PROW and nearby residents, to preserve the openness of the Green Belt for the purpose of including land within it, in accordance with paragraph 150 of the National Planning Policy Framework and Local Plan Policy LP23.

5. The development hereby permitted shall be carried out in accordance with the recommendations set out in section 4 of the approved Preliminary Ecological Appraisal ref: no. 1563 02, dated of Report: May 2021.

Reason: To protect and ensure no harm to the local ecology of the area and the function and connectivity of the adjacent Kirklees Wildlife Habitat Network and Green Infrastructure in accordance with Policies LP30 and LP34 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

6. Goods Vehicles importing waste to the site shall have their loads sheeted prior to delivery.

Reason: In the interests of the free and safe use of the highway and to accord with Local Plan Policy LP21.

7. There shall be no storage or processing of infilling material at the site including the use of any mechanical screening or crushing equipment

Reason: To safeguard the amenities of nearby residents, highway safety and to preserve the openness of the Green Belt in accordance with Kirklees Local Plan Policies LP21, LP34 and LP52 as well as guidance in the National Planning Policy Framework

8. The material to be imported from the site shall only be from the agreed site, addressed as Woodville Nurseries, Northfield Lane, Highburton, Huddersfield, HD8 0QT. The materials brought to the site shall also only be associated with the development permitted under applications 2016/92316 and 2018/93279.

Reason: To safeguard the amenities of nearby residents, highway safety, to ensure not biodiversity harm through contaminated and to preserve the openness of the Green Belt in accordance with Kirklees Local Plan Policies LP21, LP30 and LP52 as well as guidance in the National Planning Policy Framework.

Plans and specifications table:

Plan Type	Reference	Version	Date Received
Proposed Site Sections	04_02 A Proposed Sections and Model View	3	22/09/2021
Plan General	04_01 – Existing Site Sections	1	10/06/2021
Plan General	1_TCP_300	1	10/06/2021
Existing Site / Block Layout	00_01	1	10/06/2021
Location Plan	00_00A	2	22/09/2021
Proposed Site / Block Layout	00_02C Proposed Site Plan	3	13/09/2021
Design and Access Statement	1711	2	22/09/2021
Ecological / Biodiversity Statement		2	02/08/2021
Supp Info - General	Risk Assessment	1	13/09/2021
Tree / Arboricultural Survey	1711 – Arboricultural Method Statement	1	02/09/2021
Tree / Arboricultural Survey	Northfield_1_TCP_A0_300	1	02/09/2021
Tree / Arboricultural Survey		1	10/06/2021

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 has, 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.

Additional information and some amendments were sought throughout the application process. The agent submitted amendments to the scheme in the form of providing a bund and mesh to prevent land run off. The agent also amended the ecological/biodiversity statement to accurately reflect the application site. The agent submitted additional information regarding the works that will temporarily affect the public right of way on plan and in the form of a risk assessment. Officers did have concerns that the proposed sections did not show land levels on plan. However, given the plan is scalable, indicated land levels were considered unnecessary. The agent was asked to provide specific details of the quantities of material to be excavated from each plot of the associated site, and details of how many vehicular trips would be required to move this material. The agent was also asked to submit an amended sections and location plan to accurately reflect the proposed works. These amended plans and the necessary information were received on 21/09/2021.

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

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: 23-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 2021/62/92220/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
