



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

**NOTE: This approval should be read in conjunction with an Agreement made under
Section 106 of the Town and Country Planning Act 1990**

Application Number: 2021/60/94208/E

To: Matthew Sheppard,
Sheppard Planning
40, Wensley Drive
Chapel Allerton
Leeds
LS7 3QW

For: KeyLand 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:-**

Outline application for re-development of former waste water treatment works,
including demolition of existing structures to provide employment uses (Use
Classes E(g)(ii); E(g)(iii); B2 and B8)

At: Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane,
Oakenshaw, BD12 7ET

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

Time limits, commencement period, phasing, and approved plans

1. Prior to development commencing within a given phase, pursuant to the phasing details approved via condition 6, full details of the access, appearance, landscaping, layout and scale of the site (hereinafter called 'the reserved matters') for that phase shall be submitted to and approved in writing by the Local Planning Authority. For the purposes of this permission, all references to a 'phase' or 'phase of development' shall be interpreted as being a reference to a phase as defined on a phasing plan to be submitted pursuant to Condition 6.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

2. Plans and particulars of the Reserved Matters referred to in Condition 1, relating to the access, appearance, landscaping, layout and scale of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matters referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application(s) for approval of Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of Reserved Matters or, in the case of approval of different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. 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) and except as may be specified in any subsequent minor or non-material amendments approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to what is being permitted.

6. Prior to development commencing, a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan should include details on buildout phases and the provision of infrastructure including, but not limited to, highways and drainage. The development shall be implemented in accordance with the approved phasing plan.

Reason: To define the scope of this permission and to provide clarity in relation to the progression of development across the site.

Development to be undertaken in accordance with

7. The hereby approved development does not authorise the operation of a 'Last Mile' and/or 'Parcel Distribution' distribution use. 'Last Mile' and/or 'Parcel Distribution' is hereby defined as any single parcel undertaking its last leg of a journey from a transportation hub to a final destination, based upon the nationally recognised TRICS (Trip Rate Information Computer System) database definition.

Reason: In the interest of highway safety, to ensure the development operates within the parameters of the assessment undertaken, in accordance with LP21 of the Kirklees Local Plan.

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

Reason: To prevent and manage flooding and drainage issues, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

9. No building or other obstruction, including trees and landscape features, shall be located over or within 6 (six) metres either side of the centre lines of all sewers with a diameter equal to or greater than 600 mm i.e., a protected strip widths of 12 (twelve) metres per sewer that cross the site. If the required stand-off distances are to be achieved via diversion or closure of any sewers, the developer shall submit evidence to the Local Planning Authority that the relevant diversion or closure has been agreed with the relevant statutory undertaker.

Reason: In the interest of public health and maintaining the public sewer network, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

10. The development shall be carried out in accordance with the submitted flood risk assessment 'Flood Risk Statement and Drainage Strategy – 1926 North Bierley' produced by Civic Engineers dated 27 October 2021, the supplementary FRA report by Civic Engineers dated 2 March 2022, reference '1926 – North Bierley – Letter to EA', drawing ref. 1926-CIV-XX-XX-GA-C-00001 revision P02 dated Jan 2022, and the following mitigation measures they detail:

- Finished floor levels shall be set no lower than 92.0 mAOD, as detailed in sections 2 and 3 of the supplementary FRA
- No development shall take place within flood zone 3 as shown on drawing 1926-CIV-XX-XX-GA-C-00001 revision P02 dated Jan 2022

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: In the interest of flood safety, to comply with Policy LP27 of the Kirklees Local Plan.

11. The removal of vegetation and any buildings present should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause the destruction of nests or disturbance to the resident birds, must cease until the young have fledged.

Reason: In the interests of biodiversity of the site, in accordance with Policy LP30 of the Kirklees Local Plan.

12. The development (construction phase) shall be undertaken and completed in accordance with the mitigation measures to control fugitive dust emissions detailed in Appendix 5 section 5.1.15 (page 17 - 18) of the Air Quality Assessment (ref: LD10272) (dated October 2021) by Wardell Armstrong of the Environment Statement Update Volume 1: Main Report - North Bierley Phase 2 (dated October 2021). These measures shall be retained for the duration of the construction period.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policy LP52 of the Kirklees Local Plan.

Details to be provided at Reserved Matters stage

13. Plans and particulars relating to the Reserved Matters of layout, scale, appearance, and landscape shall comply with the restrictions detailed within the Parameters Plan, ref. "1773-01 223", specifically limiting the total maximum floorspace to 12,077sqm, building height to be no greater than 18.0m at any given point, and the construction and landscaping areas to those defined within the plan.

Reason: In the interest of visual amenity and highway safety, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

14. Plans and particulars relating to the Reserved Matters of layout and landscape, of any phase of development approved pursuant to condition 6, notwithstanding the submitted details, shall include a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned). The scheme shall include a maintenance and management plan for surface water infrastructure. No phase of development shall be brought into use until the approved drainage scheme has been provided to serve the phase. The approved drainage strategy shall be retained thereafter.

Reason: To prevent and manage flooding and drainage issues, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

15. Plans and particulars relating to the Reserved Matters of layout and landscape, of each phase approved pursuant to condition 6, notwithstanding the submitted details, shall include 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, in both directions. Flood routing shall avoid buildings and utilise the road network and open spaces. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To prevent and manage flooding and drainage issues, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

16. Plans and particulars relating to the Reserved Matters of layout and landscaping, of each phase approved pursuant to condition 6, notwithstanding the submitted information, shall be supported by an Arboricultural Impact Assessment, Arboricultural Method Statement, and a Tree Protection Plan. Thereafter the development shall be undertaken in accordance with the measures detailed within the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: The submitted details are based on indicative details, and therefore up to date details will be required at reserved matters stage, in the interest of visual amenity and preserving trees, to comply with Policies LP24 and LP33 of the Kirklees Local Plan.

17. Plans and particulars relating to the Reserved Matters of layout and appearance of each phase approved pursuant to condition 6, notwithstanding the submitted information, shall include a Noise Impact Assessment report by a suitably competent person. The report shall include:

- a) An assessment of all of the noise emissions from the proposed development
- b) Details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises
- c) A written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation

Each phase shall not be brought into use until the respective works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To ensure appropriate noise mitigation measures are secured, in the interest of amenity, to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

18. Plans and particulars relating to the Reserved Matters of layout, scale, appearance, and landscape of each phase approved pursuant to condition 6, notwithstanding the submitted information, shall include a Climate Change Statement which details how climate change mitigation has been considered through the design process. This shall include, but not necessarily be limited to, the consideration of:

- Reducing energy demand
- Minimising carbon emissions and waste
- Renewable and low carbon energy
- Building design and layout
- Flooding
- Water usage
- Landscape
- Biodiversity
- Air pollution

Each phase of development shall be undertaken and completed in accordance with the respective approved Climate Change Statement.

Reason: To support measures that limit and mitigate the impacts of climate change, in accordance with Policies LP24, LP26, and LP27 of the Kirklees Local Plan.

19. Plans and particulars relating to the Reserved Matters of layout and/or landscape of each phase approved pursuant to condition 6, shall include an Ecological Design Strategy (EDS) which demonstrates that a biodiversity net gain is achieved post-development. The EDS shall detail a minimum increase of 10% in habitat units, 10% in river units, and 10% in hedgerow units, based on an up-to-date review of the site's ecological baseline value using the Biodiversity Metric 3.1 (or as updated). The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Details on the establishment of the habitats on the site;
- f) Type and source of materials to be used where appropriate, e.g., native species of local provenance;
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- h) Persons responsible for implementing the works;
- i) Details of initial aftercare and long-term maintenance;
- j) Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain; and
- k) Details for disposal of any wastes arising from works.

The EDS for each phase of development shall be implemented in accordance with the respective approved details and all features shall be retained in that manner thereafter

Reason: To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan.

Details to be provided prior to development commencing

20. Groundworks (other than those required for a site investigation report) shall not commence within any phase approved pursuant to condition 6 until a Phase II Intrusive Site Investigation Report for that phase, undertaken by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

21. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 20, further groundworks on that phase shall not commence until a Remediation Strategy for the relevant area, prepared by a suitably competent person, 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: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

22. Remediation shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 21 for each phase approved pursuant to condition 6. In the event that remediation within a phase is unable to proceed in accordance with the approved Remediation Strategy, or where contamination not previously considered in either the Phase 1 Geoenvironmental Desk Study by Wardell Armstrong dated June 2021 (ref: LD10258 – V1.0) or the Phase II Intrusive Site Investigation Report, is identified or encountered on site, all groundworks in the phase (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence within the phase until revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the phase shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

23. Prior to the occupation of any phase, a Validation Report pursuant to the remediation measures approved within condition 22 shall be submitted to and 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 as part of the last phase's Validation Report, to also be 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 paragraph nos. 178 and 179 of the National Planning Policy Framework.

24. Prior to development commencing within any phase approved pursuant to condition 6, details of temporary surface water drainage for the construction period of the phase (after soil and vegetation/site strip) shall be 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.
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- The strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable offsite discharge rate shall not exceed 2.5 litres per second, unless otherwise agreed in writing by the Local Planning Authority.

The temporary works for that phase shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall 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 prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary mitigations are considered and implemented at the appropriate stage.

25. Prior to development commencing, details which ensure permanent access, throughout all phases of the development, to the Moorend Combined Sewer Overflow and the associated syphon sewer, shall be submitted to and approved by the Local Planning Authority. Furthermore, no construction activity shall commence in the affected area(s) of the site until the approved works have been implemented to the satisfaction of the Local Planning Authority.

Reason: In the interest of public health and maintaining the public sewer network, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure adequate provision is made at the appropriate stage to protect public infrastructure.

26. Prior to development commencing, a strategy which sets out measures to protect the public sewerage infrastructure that is laid within the site boundary shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include, but not be exclusive, to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken. Thereafter the development shall be undertaken in accordance with the approved strategy.

Reason: In the interest of public health and maintaining the public sewer network, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan. This is a pre-commencement condition to ensure adequate provision is made at the appropriate stage to protect public infrastructure.

27. Prior to development of each phase approved pursuant to condition 6 commencing, (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity for each phase shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of “biodiversity protection zones”.
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity for the phase shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

28. Prior to development of each phase approved pursuant to condition 6 commencing, a Construction (Environmental) Management Plan (C(E)MP) for the phase shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- Any phasing of development and timetable of all works;
- Hours of works;
- Details of construction access arrangements;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Lighting during construction works;
- Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;

- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development of the phase shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

29. Prior to development of each phase approved pursuant to condition 6 commencing, a survey of the existing condition of the highway (the extent of highway to be surveyed to be agreed with the Local Planning Authority in advance) shall be carried out jointly with the Local Highway Authority and submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of each phase of the development hereby approved (or at any earlier stage to be agreed with the Local Planning Authority in advance) a post-construction survey of the agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to each phase of development and prior to the occupation of the final unit associated with each phase of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. Should any highways defects (affecting highway safety) attributable to the construction traffic or activities of the development hereby approved be identified during the construction period, remediation of these shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to ensure the effective maintenance of the highway and to accord with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure highways surrounding the site are appropriately surveyed prior to works commencing, and to ensure responsibility for remedial works can be fairly assigned with reference to evidence.

30. Prior to development commencing, an 'invasive non-native species protocol' shall be submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the containment, control, and removal of invasive non-native species, including the identified Japanese knotweed (*Reynoutria japonica*) and Himalayan Balsam (*Impatiens glandulifera*) species on site. Thereafter the development shall be undertaken in accordance with the approved strategy.

Reason: To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure ecological measures are capable of being fully integrated into the construction phase.

Details to be provided prior to specified time

31. Prior to the installation of any external lighting with a phase approved pursuant to condition 6, a 'lighting design strategy' for the phase, which has due regard to amenity, biodiversity and security interests, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include, but not be limited to:

- a. Identify those areas/features on site that are particularly sensitive for protected species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c. The proposed hours of operation of the lighting
- d. Specification of all of the luminaires
- e. The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- f. The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- g. The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- h. The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

All external lighting for that phase shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to comply with Policy LP30 of the Kirklees Local Plan.

32. Prior to works associated with the installation of the surface water drainage system with a phase of development approved pursuant to condition 6 commencing, a scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil / petrol interceptor of adequate capacity prior to discharge for the phase shall be submitted to, and approved in writing by, the Local Planning Authority. Roof drainage should not be passed through any interceptor. Thereafter the approved oil/petrol interceptor shall be installed and made ready use, prior to the development being brought into use, and shall thereafter be retained.

Reason: In the interest of protecting water quality, in accordance with Policy LP27 of the Kirklees Local Plan.

Prior to occupation

33. Prior to the occupation of the hereby approved development, a detailed scheme for the provision of the combined cycle/footway improvement on Cliff Hollins Lane and Mill Carr Hill Road, as shown indicatively on drawing '31019-100-SK-010 Rev. A', shall be submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented prior to occupation of the development.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

34. Prior to the occupation of the hereby approved development, all off-site highway improvement works as shown on plans ref. 'AMA/20804/D/001 rev. J' and '065646 CUR ZZ ZZ DR C 95001 rev. P08' shall be completed and be ready for use.

Reason: In the interests of highway safety for all those using the surrounding highway infrastructure to ensure that the mitigation highway works are completed and implemented and to accord with Policy LP21 of the Kirklees Local Plan.

35. Prior to any phase of development approved pursuant to condition 6 being brought into use, a detailed Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include proposals for enabling and encouraging the use of active and sustainable modes of transport, monitoring, review and timings for delivery. The approved Travel Plan and measures for that phase shall be implemented prior to occupation or in accordance with the agreed timescales, or as otherwise agreed with the Local Planning Authority.

Reason: In the interests of enabling and encouraging the use of active and sustainable transport modes, to mitigate the air quality impacts of the development and to accord with Policies LP20, LP21, LP22, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

36. Prior to any phase of development approved pursuant to condition 6 being brought into use, being brought into use, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of parking spaces

The approved charging facilities shall be installed and made ready for use prior to the building(s) within the phase being brought into use. The charging points so installed shall thereafter be retained.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

37. Prior to any part of site being brought into use, a Delivery and Servicing Management Plan (DSMP) for that part of the site shall be submitted to and approved in writing by the Local Planning Authority. The DSMP shall include as a minimum:

- Intended method of notifying inbound and outbound Operational traffic to not travel upon Cliff Hollins Lane and Mill Carr Hill Road, with the exception of the sections necessary to access the site from Bradford Road;
- A strategy for the use of the development's servicing areas and individual access points for the management of operational traffic to minimise impacts on the local highway network;
- Details of servicing facilities at the site, including the access and yard arrangements;
- Details of any on-site servicing procedures;
- Details of any delivery driver procedures, including measures to ensure that HGV parking does not affect the operation of the highway;
- Details of any on-site holding area(s) for waiting Operational Vehicles;
- Details of any driver welfare facilities;
- Monitoring and review procedures;
- Details of the remedial measures that may be required to address any highway safety or operational issues.

The development shall thereafter be occupied and operated strictly in accordance with the DSMP so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of highway safety and mitigating the impacts of the development, and to accord with Policy LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

Ongoing post occupation

38. The combined noise from any fixed mechanical services and external plant and equipment, shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Note: Contaminated Land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

Note: Electric Vehicle Charging Points

A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof.

Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.

The installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing Site Levels	1773-01-210	/	08.11.2021
Location Plan	1773-01-216	Rev. A	08.11.2021
Block Plan	1773-01-218	Rev. A	08.11.2021
Block Plan	1773-01-219	Rev. B	08.11.2021
Proposed Site / Block Layout	1772-01-220	Rev. D	08.12.2021
Block Plan	1773-01-221	/	08.11.2021
Block Plan	1773-01-222	Rev. A	08.11.2021
Block Plan	1773-01-223	/	08.11.2021
Block Plan	100-P-001	Rev. A	07.02.2023
Block Plan	100-P-002	Rev. A	07.02.2023
Block Plan	31019-100-SK-010	Rev. A	07.02.2023
Design and Access Statement			08.11.2021
Transport Assessment	Transport Assessment Addendum	Version 1.0	04.04.2023
Transport Assessment	Stage 1 Road Safety Audit Designer's Response	Version 1.0	07.02.2023
Transport Assessment	Technical Note: Update to Highway Response Note 1 – Sensitivity Testing	Version 1.0	07.02.2023
Transport Assessment	Technical Note: Response to Kirklees Council Highways	Version 1.0	12.05.2022
Travel Plan	Framework Workplace Travel Plan	Version 2.0	07.02.2023
Ecological / Biodiversity Statement	The Biodiversity Metric 2.0 Calculations		08.03.2022
Ecological / Biodiversity Statement	ER-5528-06	Rev. C	07.03.2022
Tree / Arboricultural Survey	Arboricultural Impact Assessment Plus Tree Survey / AR-5528-02		08.11.2021
Flood Risk Assessment	Flood Risk Statement and Drainage Strategy		08.11.2021
Supporting Information	Civic Engineers – Response to EA comments		02.03.2022
Supporting Information	Statement of Community Involvement		08.11.2021
Supporting Information	Invasive Species Survey / R-EE-5613-01		08.11.2021

Plan Type	Reference	Version	Date Received
Supporting Information	Environmental Statement Update Volume 3: Original ES Addendum (Appendix 2)		08.11.2021
Supporting Information	Environmental Statement Update Volume 2: Original Environmental Statement (Appendix 1)		08.11.2021
Supporting Information	Environmental Statement Update Volume 1: Main Report		08.11.2021
Supporting Information	Climate Change Statement for Planning Applications		08.11.2021
Supporting Information	Archaeological Appraisal / KEY05/ LPA-211		08.11.2021
Supporting Information	Phase 1 Geo-environmental Desk Study / LD10258-001		08.11.2021
Supporting Information	Coal Mining Risk Assessment / JC/LD10258/LET-003		08.11.2021
Supporting Information	White-Clawed Crayfish Survey / ER-5528-05		08.11.2021
Supporting Information	Riparian Mammal Survey / ER-5528-02		08.11.2021
Supporting Information	Interim Bat Activity Survey / ER-5528-02		08.11.2021
Supporting Information	SUSTAINABILITY STATEMENT		08.11.2021
Supporting Information	Outline Landscape & Visual Impact Appraisal		08.11.2021

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.

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

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

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.

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 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:
28 days of the date of service of the enforcement notice, or within 6 months of 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 6 months of the date of this notice.
- 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/appeal-planning-decision>. 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.

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.

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: 16-Oct-2023

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 2021/60/94208/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: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
