



Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/93311/E

**To: Anthony Rivero,
Network Rail
Floor 3a, George Stephenson House
Toft Green
York
YO1 6JT**

For: Rob McIntosh, Network Rail (Infrastructure) 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:-

ERECTION OF NEW FOOTBRIDGE, RAMPS AND STAIRS (WITHIN A CONSERVATION AREA)

**At: LAND BETWEEN, RUTLAND ROAD, HOWLEY STREET, PRIMROSE HILL,
BATLEY**

In accordance with the plan(s) and applications submitted to the Council on 19-Aug-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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. No development shall take place until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall provide details of:

- timetable of all works;
- the construction access(es) and confirmation that adequate visibility splays shall be provided prior to the commencement of development including groundworks;
- pre-development road condition survey
- vehicle sizes and routes, times of vehicle movements, identify the location of any HGV waiting areas and include details of the management of said areas;
- the parking of vehicles of site operatives and visitors;
- signage;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding.
- 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;
- measures to control and monitor the emission of dust and dirt during construction;
- a Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works;
- mitigation of noise and vibration arising from all construction related activities to (these details should also include suitable 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 contact details (including their remit and responsibilities); and
- details of engagement with local residents and occupants or their representatives. This shall include a dedicated point of contact for residents to contact at the Rail Infrastructure Operator.

The development shall be carried out strictly in accordance with the approved CMP and no change there from shall take place without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of adjacent residents in accordance with Policy LP24 of the Kirklees Local Plan. This pre-commencement condition is required to ensure that appropriate practices are in place to maintain the amenity of residents prior to the construction period commencing.

4. Prior to commencement of works relating to the footbridge superstructure, details of measures to deter suicide attempts, including signage and parapet (anti-climb) measures, shall be submitted to and agreed with the Local Planning Authority. The details, once agreed, shall be implemented and maintained throughout the lifespan of the footbridge structure.

Reason: To protect public amenity and highway safety in accordance with Policies LP24 and LP21 of the Kirklees Local Plan.

5. Prior to commencement of the development, details of the specification and construction of the security fencing set out on the approved plan (151667-TSA-41-MDL1-DRG-C-ST-043261) shall be submitted to and approved by the Local Planning Authority. The part of the 2.4m security fence positioned on the eastern side of the 6no. 5m ramps (52m in length) situated between Section 1 – Ch.527325 and Section 4 – Ch.57374 on the approved plan (151667-TSA-41-MDL1-DRG-C-ST-043261) shall be obscured/opaque throughout its full height and width. Means of access to lighting columns should also be identified. The boundary treatment/fencing shall be implemented in accordance with the agreed/approved details.

Reason: To protect the amenity of residents on Primrose Hill, the appearance of the local area and the safety of pedestrians and the railway line in accordance with LP24 of the Kirklees Local Plan. This pre-commencement condition is required to ensure that appropriate boundary treatments are to be permanently installed so as to maintain the amenity of residents and to prevent the installation of incorrect fencing that may otherwise need to be removed to comply with the condition.

6. Prior to the commencement of development, a scheme detailing the structural design and construction details for the proposed footbridge, ramps, steps, lighting, drainage and associated works carrying the footpath shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented and thereafter retained in perpetuity.

Reason. In the interests of the free and safe use of the footpath for the purposes of highway safety in accordance with Policies LP20 and LP21 of the Kirklees Local Plan. This pre-commencement condition is required to ensure that the approved design of the scheme is structurally sound prior to ground works being undertaken that may otherwise require abortive work to comply with the condition.

7. Prior to the commencement of development, a scheme detailing the cross sectional information together with the proposed design and construction details for any modifications to any existing embankments or new embankments to construct the proposed development shall be submitted to and approved by the Local Planning Authority in writing. The details shall include a design statement, all necessary ground investigations on which design assumptions are based on, method statements for both temporary and permanent works, removal of any bulk excavations, a full slope stability analysis together with structural calculations and all associated safety measures for the protection of adjacent public highway. All embankments and retaining structures shall be designed and constructed in accordance with the agreed details and shall be maintained

Reason: In the interests of highway safety in accordance with Policies LP20 and LP21 of the Kirklees Local Plan. This pre-commencement condition is required to ensure that the approved design of the scheme is structurally sound prior to ground works being undertaken that may otherwise require abortive work to comply with the condition.

8. No part of the development affecting public footpath BAT/20/20 at Lady Ann Crossing should be carried out until an Order for the formal diversion or extinguishment of the Public Right of Way has been made and confirmed.

Reason: In the interests of maintaining the core walking and cycling network in accordance with Policy LP23 of the Kirklees Local Plan

9. Prior to the commencement of development, details of a drainage design, including consent from the statutory undertaker to connect to the public sewerage infrastructure, shall be submitted to and approved by the Local Planning Authority. The drainage design shall include, but not be limited to, the following information:

a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;

b) evidence of existing positive drainage to public sewer and the current points of connection; and

c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage in accordance with LP28 – Drainage and Paragraphs 167 and 169 of the National Planning Policy Framework. This pre-commencement condition is necessary so that submitted information can be provided that confirms the site will not increase surface water flood risk on and off the site prior to works beginning.

10. Development shall not commence until a scheme detailing landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with the Policies LP32 and LP33 of the Kirklees Local Plan. This pre-commencement condition is required so that the development will be appropriately landscaped such that any harm to the visual amenity of the area is minimised.

11. Prior to commencement of the development, an Environmental and Social Management Plan (ESMP) shall be submitted to and approved by the Local Planning Authority. The ESMP shall satisfactorily detail the following measures and practices:

- Environmental & Social Policies and Strategies
- Stakeholder Management Plan
- Internal and External Communication Strategies
- Environmental & Social Risks & Opportunities
- Environmental Impact Areas
- Social Impact Areas
- Incident Management and Response

The approved measures will be implemented throughout the construction period.

Reason: To protect the amenity of adjacent residents in accordance with Policy LP24 of the Kirklees Local Plan.

12. a) Prior to the closure of Lady Anne Level Crossing, a Crime Survey shall be conducted. The Crime Survey of Lady Anne Level Crossing shall provide the baseline for comparison of a Crime Impact Assessment (CIA) as set out in part (b) of the condition.

b) One calendar year following the completion and use of the footbridge and its footpath by the public, a Crime Impact Assessment (CIA) of the development hereby approved shall be submitted to and approved by the Local Planning Authority. The CIA shall review the impact of the development on crime within the redline boundary of the permission and across the following residential streets:

- Rutland Road;
- Stoney Lane;
- Howley Street, and;
- Primrose Hill

The findings of the CIA shall identify whether a reduction or an uplift in criminal behaviour has occurred as a result of the development and, if an uplift is found to have occurred that is attributable to the development, the CIA shall identify the severity of the increase alongside appropriate mitigation measures to target and reduce relevant criminal activity. The identified mitigation shall be implemented within three calendar months of the CIA's submission to the Local Planning Authority.

Reason: To identify and prevent crime for the purposes of maintaining the amenity of local residents in accordance with LP24 of the Kirklees Local Plan. This pre-commencement condition is required to ensure that appropriate practices are in place to maintain the amenity of residents prior to the construction period commencing.

13. Prior to their installation, details of the pilasters on the footbridge entrance to Rutland Road, and at the western side of the reduced wingwall on Howley Street, shall be submitted to and approved in writing by the Local Planning Authority. The pilasters shall be designed and installed in accordance with the approved details.

Reason: In the interests of the heritage and appearance of the area in accordance with LP24 and LP35

14. Prior to the commencement of works relating to the footbridge superstructure, detail of the dimensions, materials (stone and pointing) and construction method of the section of wall to be constructed to replace the current level crossing gates on Stoney Lane/Rutland Road shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall match, as far as reasonably practical, the existing boundary wall of the Conservation Area. The new part of the wall shall be erected in accordance with the approved details.

Reason: In the interests of the heritage and appearance of the area in accordance with LP24 and LP35

15. Prior to the commencement of works relating to the footbridge superstructure, detail of the appearance and operation of the new gate to be installed to allow access to the railway line for maintenance at the corner of Rutland Road and Stoney Lane shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be installed in accordance with the approved details.

Reason: In the interests of the heritage and appearance of the area in accordance with LP24 and LP35

16. Prior to the commencement of the development, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved by the Local Planning Authority. The assessment shall ascertain a site baseline, prior to de-vegetation, and the habitat units necessary to achieve a 10% net gain in biodiversity for the development (assessed in accordance with the 2019 Department for Environment, Food & Rural Affairs biodiversity metric). The BEMP shall include the monitoring, maintenance, management and reporting arrangements. Prior to the footbridge being brought into use, the measures identified to achieve an overall 10% net gain in biodiversity for the development, including identification of the specific on-site and off-site location of net gain, shall be implemented in accordance with the approved BEMP.

Reason: To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with LP30 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that the biodiversity of the site is adequately measured and sufficiently replaced to meet the requirements of Local Policy and the emerging Environment Bill.

17. Prior to the commencement of the development, the method statements for works impacting protected species identified in Table 4-1 of Ecological Constraints Report (151667-TSA-00-TRU-REP-W-EN-000880 – Version P01 – 09/08/2021) shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.

Reason: To ensure the development hereby permitted does not incur harm to protected species in accordance with LP30 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that protected species are identified and appropriately mitigated for prior to works commencing on the site that may otherwise pose significant harm to those species, if present.

Footnotes:

Construction Working Times Footnote

Construction related activities should not take place outside the hours of:
07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00 hours, Saturdays

Highway Works Footnote

Works on the Highway; The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Crime Prevention Footnote

Please be aware of the comments of the Secure by Design/Crime Prevention Officer which are available via the URL below and which focus upon security advice relating to boundary treatments, gates, external lighting, wall construction, roller shutters/grilles, external door set apertures, windows, security glazing, car & motorcycle parking, CCTV and intruder alarms.

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planningapplications/filedownload.aspx?application_number=2021/91700&file_reference=876943

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
MDL1/32A, Planning Application Lady Anne Crossing Proposed General Arrangement	151667-TSA-41-MDL1-DRG-C-ST-043261	P02	19th August 2021
MDL1/32A, Planning Application Lady Anne Footbridge Diversion Routes	151667-TSA-41-MDL1-DRG-C-ST-043267	P01	19th August 2021
MDL1/32A, Planning Application Lady Anne Crossing Proposed Embankment Cross-Sections	151667-TSA-41-MDL1-DRG-C-ST-043262	P02	19th August 2021
MDL1/32A, Planning Application Lady Anne Crossing Proposed Works at Disused Abutment	151667-TSA-41-MDL1-DRG-C-ST-043264	P01	19th August 2021
MDL1/32A, Planning Application Lady Anne Crossing Proposed Details	151667-TSA-41-MDL1-DRG-C-ST-043263	P02	19th August 2021
Amey Consulting – 27.04.2022 – TRU Lady Anne Footbridge – Footbridge/Ramp Lighting (Luminaire Design and Rendering)	151667-TSA-41-MDL1-CAL-W-EP-000012	-	28th April 2022
MDL1/32A Lady Anne Crossing –	151667-TSA-48-	P07.1	20th June 2022

Proposed Footbridge and Access Lighting General Arrangement	MDL1-DRG-E-EP-080012		
Lady Ann - Phase 1 Habitat Map	151667-TSA-00-TRU-REP-W-ED-000882	P02	19th August 2021
MDL1/32A, Planning Application Lady Anne Crossing Cross Sections	151667-TSA-41-MDL1-DRG-C-ST-043265	P02	19th August 2021
Planning, Design and Access Statement (Network Rail – A.Rivero 18th August 2021)	151667-TSA-00-TRU-CNT-W-LP-000303	-	19th August 2021
Ecological Constraints Report – Network Rail -	151667-TSA-00-TRU-REP-W-EN-000880	P01	24th August 2021
Proposed Lady Ann Footbridge Indicative Ecological Landscaping Plan	151667-TSA-00-TRU-REP-W-EN-001112	P01	19th August 2021
Earthwork Condition Report - Project W4 – Area B W4 - Geotech - Area B - Lady Anne Footbridge Geotechnical Assessment Civils Form 001 - Approval in Principle	NR/L2/CIV/003/F001	Issue 3	
Indicative Construction Traffic Management Plan	151667-TSA-00-TRU-CNT-W-LP-000298	-	19th August 2021
Arboricultural Impact Assessment Report – Network Rail	151667-TSA-00-TRU-REP-W-EN-000881	17/11/2020	24th August 2021
Tree Survey Sheet 1 of 3 (Waterman)	15642-163-WIE-ZZ-XX-DR-V-77-001	P01	19th August 2021
Tree Survey Sheet 2 of 3 (Waterman)	15642-163-WIE-ZZ-XX-DR-V-77-002	P01	19th August 2021
Tree Survey Sheet 3 of 3 (Waterman)	15642-163-WIE-ZZ-XX-DR-V-77-003	P01	19th August 2021
Tree Protection Plan -	15642-163-WIE-ZZ-XX-DR-V-77-006	P01	19th August 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.

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 a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local 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: 08-Jul-2022

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 2021/62/93311/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
