Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/62/90245/E

To: Michael Crabtree
Enjoy Design
The Old Brewery
High Court
Leeds
LS2 7ES

For: Yelcon 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 EXTERNAL SUBSTATION AND BOUNDARY TREATMENT

At: LAND AT, ABBEY ROAD NORTH, SHEPLEY, HUDDERSFIELD, HD8 8DY

In accordance with the plan(s) and applications submitted to the Council on 24-Feb-2022, subject to the condition(s) specified hereunder:-

1. The development hereby approved 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 approved.

2. For the electricity substation hereby approved, no materials other than those shown on drawing NPG-01 rev B and/or listed in the document titled "Abbey Road, Shepley – Condition #2 – Materials Nov 2021" by Enjoy Design (approved under Discharge of Conditions application ref: 2021/94539 on 25/02/2022) shall be used.
Reason: In the interests of visual amenity, to maintain the character and appearance of the area, and to accord with Policy LP24 of the Kirklees Local Plan.

3. For the boundary treatment hereby approved, no materials other than natural stone (to match the stone of existing walls on Stretch Gate adjacent and opposite the development hereby approved) shall be used.
Reason: In the interests of visual amenity, to maintain the character and appearance of the area, and to accord with Policy LP24 of the Kirklees Local Plan.

4. Works shall be carried out in accordance with the Construction Method Statement (rev 2) by Yelcon Construction and the Construction Management Plan (drawing 00-110) by Enjoy Design (approved under Discharge of Conditions application ref: 2021/91276 on 13/08/2021).
Reason: In the interests of amenity and highway safety, and to accord with Policies LP21 and LP52 of the Kirklees Local Plan.

5. No other, additional or higher boundary treatment (other than that shown in drawing 00-111 rev B) shall be erected to the rear and side garden of unit 27 (31 Tailors Green) or to the rear garden of unit 26 (29 Tailors Green), and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Class A of Part 2 of Schedule 2 to that Order shall be carried out to the rear and side garden of unit 27 (31 Tailors Green) or to the rear garden of unit 26 (29 Tailors Green) without the prior written consent of the Local Planning Authority.
Reason: In the interests of visual amenity and crime prevention, to maintain the character and appearance of the area, and to accord with Policy LP24 of the Kirklees Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no gate, fence, other barrier, other boundary treatment or other development included within Class A of Part 2 of Schedule 2 to that Order shall be erected across or within the pedestrian/cyclist connection to the north and east of unit 27 (31 Tailors Green) without the prior written consent of the Local Planning Authority. The pedestrian/cyclist connection to the north and east of unit 27 (31 Tailors Green) shall remain unobstructed and accessible to pedestrians and cyclists moving between Stretch Gate and the estate road of Tailors Green in perpetuity.
Reason: In the interests of visual amenity and the free movement of pedestrians and cyclists, to ensure the use of sustainable modes of transport is enabled, and to accord with Policies LP20, LP21 and LP24 of the Kirklees Local Plan.

7. Works shall be carried out in accordance with the submitted Flood Risk Assessment Addendum for New Electricity Substation at Development at Abbey Road, Shepley (ref: 1305/11tn01) and the following mitigation measures detailed therein:

- Finished floor levels shall be set no lower than 147.2 metres Above Ordnance Datum.

Reason: In the interests of minimising flood risk and in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

NOTE: An officer of the council visited the site on 26/08/2023, and observed that the boundary treatment that has been built to the rear and side garden of unit 27 (31 Tailors Green) and to the rear garden of unit 26 (29 Tailors Green) does not accord with the drawings hereby approved. Please ensure the boundary treatment is rebuilt (lowered) to accord with the drawings hereby approved within three months of the date of this permission. Should these works not be carried out within this timeframe, the matter shall be reported to the council's Planning Enforcement team.

NOTE: For the avoidance of doubt, the external materials already used on the substation hereby approved (as observed on site on 26/08/2023) and already used on the boundary treatment to the rear and side garden of unit 27 (31 Tailors Green) and to the rear garden of unit 26 (29 Tailors Green) (as observed on site on 26/08/2023) are considered acceptable and compliant with conditions 2 and 3 above.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of building, structures or roads shall not take place outside the hours of:

07:30 and 18:30 hours Mondays to Fridays
08:00 and 13:00 hours Saturdays

With no working on Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974 (Section 60), Kirklees Council can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: The references to unit numbers in the above conditions are as per the unit numbers shown on drawing 00-103 rev Q approved under application ref: 2019/91638 on 13/05/2020 and viewable online here: https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2019/91638&file_reference=796407

NOTE: For the avoidance of doubt, the drawing titled "Western Boundary and Plot 27 Wall Proposals", numbered 00-111 rev B, received on 09/09/2022, is not hereby approved. The version of that drawing (with the same title, drawing number and revision number) received on 12/09/2022 is the approved version, and is viewable online here: https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2022/90245&file_reference=951184

NOTE: For the avoidance of doubt, the "Roof colour: Grey (RAL 7016)" annotation on drawing NPG-01 rev B, and the annotations on drawings referring to a stepped wall, are understood to be errors, and are to be disregarded.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan (Proposed Substation)	00-116	rev A	25/02/2022
Proposed Substation – General Arrangement	NPG-01	rev B	09/09/2022
Proposed Substation – Site Location	S-001	rev D	09/09/2022
Western Boundary and Plot 27 Wall Proposals	00-111	rev B (version received 12/09/2022)	12/09/2022
Letter to Environment Agency	ARP, 1305-11l05a, 03/04/2023		03/04/2023
Flood Risk Assessment Addendum for New Electricity Substation at Development at Abbey Road, Shepley	ARP, 1305/11tn01, 12/10/2022		01/11/2022
Statement on Flood Risk Assessment	ARP, 1305/11		25/02/2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and 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. Amendments were sought during the life of the application, and these amendments rendered the proposals acceptable in planning terms, resulting in a recommendation for approval.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on 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

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 speeder installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:**

  i) 28 days of the date of service of the enforcement notice, or
  ii) within the specified period, starting on the date of this notice,

  whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/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.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 12-Dec-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 planning applications and decisions' and by searching for application number 2022/62/90245/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
