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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/70/90671/W0

To: Hannah Elliott,
SUEZ Recycling and Recovery UK Ltd.
West Sleekburn IWMF
West Sleekburn Industrial Estate
West Sleekburn
NE22 7LQ

For: Hannah Elliott, SUEZ Recycling and Recovery UK 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:-

VARIATION OF CONDITION 2 (OPENING HOURS) ON PREVIOUS PERMISSION 98/92724 FOR FORMATION OF HOUSEHOLD WASTE DISPOSAL/ RECYCLYING CENTRE AND A COMPOSTING FACILITY

At: EMERALD ST HWRC, FARTOWN, HUDDERSFIELD, HD1 6BY

In accordance with the plan(s) and applications submitted to the Council on 24-Feb-2022 [together with those plans and application(s) submitted to the Council on 29-Sep-1998 and incorporated into planning permission 98/92724 granted on 20-Apr-1999] and subject to the condition(s) specified hereunder:-

(1) The proposed boundary fence to the civic amenity site, the entrance gate off Emerald Street to the civic amenity site and the entrance gate to the civic amenity site from the proposed composting area, all indicated with a green line on approved drawing No. K02/01/04 shall be constructed of steel palisade railings in accordance with a scheme submitted for the prior approval in writing of the Local Planning Authority, painted brown 'Medium Dark Brown' (BS 480008 B29) and maintained thereafter.
Reason: In the interests of local visual amenity**.**

(2) The household waste recycling centre shall not be operated outside the following times:
07.30 - 18.00 Monday to Friday (including Bank Holidays)
07.30 - 17.00 Saturdays and Sundays
Reason: To protect the amenities of local residents

(3) Unless otherwise agreed in writing by the Local Planning Authority green waste shall be shredded only:
- between 09.30 hours and 16.30 hours on weekdays (excluding bank holidays) and 10.00 and
12.30 hours on Saturdays and not at all on Sundays or Bank Holidays.
- for no longer than 6 hours maximum during the working day with 1 hour minimum break between 12.00 hours and 14.00 hours.
Reason: To protect the amenities of local residents

(4) Unless otherwise agreed in writing by the Local Planning Authority the green waste shredding machine shall not be operated more than a maximum of 250 hours on the site per calendar year.
Reason: To protect the amenities of local residents

(5) During the shredding of green waste, the discharge end of shredding machine shall at all times be pointed away from the Abbey Road and Hammond Street residential area unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the amenities of local residents

(6) Unless otherwise agreed in writing by the Local Planning Authority noise levels arising from the operation of the civic amenity and green waste composting excluding the green waste shredder shall not exceed the following noise levels at any nearby residential premises at the following times, viz, Weekdays 52 dB(A) (LAeq)(1hour) freefield Saturdays 52 dB(A) (LAeq)(1hour) freefield Sundays 48 dB(A) (LAeq)(1hour) freefield
Reason: To protect the amenities of local residents

(7) Unless otherwise agreed in writing by the Local Planning Authority noise levels arising from the operation of the green waste shredding on the site shall not exceed 55 dB(A) (LAeq)(1hour) freefield at any nearby residential premises.
Reason: To protect the amenities of local residents

(8) Unless otherwise agreed in writing by the Local Planning Authority any facilities for the storage of oils, fuels, chemicals or liquid wastes shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bunded area. The drainage system of the bunded area shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bunded area.
Reason: To prevent against pollution of soils and surface or underground aquifers

(9) Drainage from areas likely to be contaminated by petrol, oil or waste materials shall be passed through a suitable petrol/oil interceptor before discharge to sewer.
Reason: To prevent against pollution of soils and surface or underground aquifers**.**

(10) A scheme to prevent emissions of dust, odours and windblown material from the site shall be submitted for the approval of the Local Planning Authority and the approved scheme implemented as soon as the facility is brought into use.
Reason: To protect the amenities of local residents.

(11) No waste or other materials shall be burned on the site.
Reason: To protect the amenities of local residents.

(12) All signage on the permitted site and the Emerald Street access road shall be in accordance with a scheme submitted for the prior approval in writing of the Local Planning Authority prior to development commencing. The submitted scheme shall provide details of the location, size, colour, font and construction materials. Signage installed in accordance with the scheme approved by the Local Planning Authority shall be maintained.
Reason: In the interests of local visual amenity.

(13) A scheme for preventing the deposit of waste on Emerald Street during or outside operational hours shall be submitted for the approval of the Local Planning Authority prior to the site being brought into use and the approved scheme be implemented in the development and subsequent operation of the site.
Reason: In the interests of local visual amenity.

(14) Prior to development commencing a scheme for the management of traffic on Emerald Street including signage shall be submitted for the approval in writing of the Local Planning Authority and the approved scheme implemented in the operation of the site.
Reason: To ensure satisfactory access to the site and other premises accessed off Hill House Lane via Emerald Street in the interests of the free and safe use of the public highway

(15) Unless otherwise agreed in writing by the Local Planning Authority the landscaping proposals in the application shall be implemented within 12 months of development commencing in accordance with a scheme submitted for the prior approval in writing of the Local Planning Authority and subsequently maintained. The submitted scheme shall detail species to be planted, method of planting, density of planting, location of planted species and aftercare proposals. All trees, shrubs or other botanical species that fail within 4 years of initial planting shall be replaced in the next planting season.
Reason: In the interests of local visual amenity

(16) Fixed external lighting provided on the application site shall meet current design standards for the prevention of light pollution and in particular fixed external lighting shall not be provided on the green waste composting area unless otherwise agreed in writing by the Local Planning Authority.
Reason: To prevent light pollution and in the interests of local visual amenity

(17) The development shall not be brought into use until the access shown on the approved amended drawing KO2/00/01A including the proposed amendments shown on approved additional drawing No. KO2/01/14 have been provided.
Reason: To ensure satisfactory access to the site and other premises accessed off Hill House Lane via Emerald Street in the interests of the free and safe use of the public highway

(18) The development shall not be brought into use until the areas to be used by vehicles including parking, loading and unloading areas have been laid out, surfaced, sealed and drained.
Reason: In the interests of the free and safe use of the public highway.

(19) The height of windrowed green waste and stockpiles of compost shall not exceed 3 metres unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of local visual amenity.

(20) The land within the green line shown on approved amended drawing No. KO2/00/01A shall be modelled and landscaped to provide a noise baffle and be tree planted all in accordance with a scheme submitted for the prior approval in writing of the Local Planning Authority.
Reason: To protect the amenities of local residents.

NOTE:
Conditions 1 and conditions 3 to 20 (i.e. those conditions that have not been sought for variation as part of this application) were originally imposed on approval of 1998/62/92724/W0. They are reproduced on this notice to provide you with a complete record of all conditions, regardless of whether some may have already been discharged. Where the details pursuant to the above conditions in accordance with reference 1998/62/92724/W0 already been submitted for discharge and approved by the Local Planning Authority and there is no change to the details required by that condition, a further discharge of condition application pursuant to this application reference will not be necessary.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Application form			24 Feb 2022
Location plan			24 Feb 2022
Revised supporting planning statement	Dated February 2022		24 May 2022

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. In this instance no negotiations were deemed necessary.

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.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

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 refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from the date of this notice,

whichever period expires earlier.

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

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

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/planning-inspectorate. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**
- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**

- **The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**
- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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

Dated: 14-Jun-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 and view existing planning applications and decisions' and by searching for application number 2022/70/90671/W0.

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
