



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

PLANNING PERMISSION FOR DEVELOPMENT

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: 2022/70/91849/E

To: James Hicks,
Pegasus Planning Group
4, The Courtyard,
Chruch Street
Lockington
DE74 2SL

For: Tungsten Properties Ltd and BA Pension Trustees 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 21 (HIGHWAYS AND OCCUPATION) OF PREVIOUS PERMISSION 2021/94060 FOR VARIATION OF CONDITION 32 OF PREVIOUS OUTLINE PERMISSION 2016/92298 FOR REDEVELOPMENT OF FORMER WASTE WATER TREATMENT WORKS FOLLOWING DEMOLITION OF EXISTING STRUCTURES TO PROVIDE EMPLOYMENT USES (USE CLASSES B1(C), 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 26-May-2022 [together with those plans and application(s) submitted to the Council on 22-Oct-2021 and incorporated into planning permission ref no. 2021/70/94060/E granted on 27-Mar-2023] and subject to the condition(s) specified hereunder:-

Note: The applicant is advised that the following conditions, with the exception of condition 33, were originally imposed by planning permission 2016/92298 (i.e., those conditions that have not been sought for variation as part of this application). They are hereby 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 2016/92298's corresponding original list of conditions, have already been submitted for discharge and approved, or part approved, by the Local Planning Authority, and where there is no change to the details required by that condition, a further discharge of condition application pursuant to this application's reference will not be necessary. Any changes made to 2016/92298 via a non-material amendment application may also be considered applicable to this proposal.

1. Condition removed, as development has commenced.

2. Unless specifically stated otherwise in this planning permission, where reserved matters or other details have already been approved, or a valid reserved matters pursuant to outline 2016/92298 and as varied by Section 73 approval 2021/94060 and this Section 73 approval 2022/91849 are subsequently so approved under the application references referred to below, then this permission and the conditions attached to it shall be read in conjunction with and subject to those applications, and the development permitted by this planning permission shall be carried out in accordance with such approved reserved matters:

- 2020/91488
- 2020/91807
- 2021/91932
- 2021/94061

Reason: For the avoidance of doubt as to what is being approved and to ensure the clarity of enforceability, to ensure only one planning permission can be implemented at any one time, pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004

3. Condition removed in accordance with S73(5) of the Town and Country Planning Act 1990 (as amended).

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 on 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 authorised by this permission shall not begin until a phasing plan for the whole of the application site has been submitted to and approved in writing by the Local planning Authority. The development shall be carried out and completed in accordance with timescales of each phased part of the development.

Reason: To ensure the development of the site can be carried out within an approved phasing approach to avoid unnecessary delays, to enable the works continue and progress in accordance with guidance in the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure phasing is agreed at an appropriate stage.

6. Detailed plans and particulars of the Reserved Matters shall include a Biodiversity Enhancement and Management Plan (BEMP). The content of the BEMP shall include the following:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Details of initial aftercare and long-term maintenance;
- Details of the body or organisation responsible for implementation of the plan; and
- Details for on-going monitoring and remedial measures.

The approved plan and particulars shall be implemented in accordance with the approved details and timescales pre, during and post construction.

Reason: In the interests of the biodiversity of the area and to accord with Policy LP30 of the Kirklees Local Plan and guidance within chapter 15 of the National Planning Policy Framework.

This is a pre-commencement condition in order to ensure that adequate mitigation and enhancement measures are incorporated into the development at the appropriate stage of the development.

7. No development shall take place (including any demolition, ground works, (vegetation clearance) until a Construction Ecology Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of “biodiversity protection zones”;
- 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);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details/timescales.

Reason: In order to avoid harm to protected species and the integrity of the local ecological network, so as to accord with the requirements of the Wildlife and Countryside Act 1981 (as amended), Policy LP30 of the Kirklees Local Plan and guidance within chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure biodiversity protection measures are agreed at an appropriate stage.

8. Before development commences a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the procedures that will be used to protect the amenity of occupiers of nearby sensitive premises by effectively controlling:

- Noise and vibration from construction activities and vehicle movements;
- Dust from construction activities and vehicle movements; and
- Stray light and glare from artificial lighting used on site.

Thereafter the development shall be carried out adhering to the approved plan at all times during the construction phase, until completion.

Reason: In the interest highway safety of all those using the surrounding highway infrastructures and residential amenity of nearby residents in accordance with Policies LP21 and LP52 of the Kirklees Local Plan.

This is a pre-commencement condition to ensure the development of this site can reasonably be carried out with minimal disruption to occupants of nearby residential properties.

9. Prior to occupation, a “lighting design strategy for biodiversity” for the whole development site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- identify those areas/features on or adjacent to the site, including Hunsworth Beck and Hanging Wood, where artificial lighting is likely to affect the function of these habitats as part of a wider ecological network; and
- 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 species using their territory or having access to their breeding sites and resting places.

All external lighting 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. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To maintain the function of the site and surrounding habitats as part of an ecological network, by avoiding indirect impacts to these features, in accordance with Policy LP30 of the Kirklees Local Plan and guidance within chapter 15 of the National Planning Policy Framework.

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

Reason: In order to allow sufficient access for maintenance and repair work at all times, to retain a healthy water environment and to accord with Policies LP28 and LP29 of the Kirklees Local Plan as well as guidance in the National Planning Policy Framework.

11. No development shall commence until details of ensuring permanent access throughout all phases of the development to Moorend Combined Sewer Overflow and associated syphon sewer have been 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 and verified as complete to the Local Planning Authority.

Reason: To ensure sufficient access for maintenance and repair work at all times is retained and to accord with Policy LP24 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure access arrangements are agreed at an appropriate stage.

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

Reason: In the interests of achieving satisfactory and sustainable drainage of the site. This is to accord with Policy LP28 of the Kirklees Local Plan and guidance in part 14 of the National Planning Policy Framework.

13. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works, the point(s) of connection and appropriate phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. If sewage pumping is required, the peak pumped foul water discharge must not exceed 6 (six) litres per second. No buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal. In the interests of achieving satisfactory and sustainable drainage of the site. This is to accord with Policy LP28 of the Kirklees Local Plan and guidance in part 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details of foul water disposal are agreed at an appropriate stage.

14. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, during and after the construction phase in the interests of amenity, environmental well-being and to ensure that the site is satisfactorily drained and avoids the risk of flooding from the proposed development in accordance with Policy LP28 of the Kirklees Local Plan and part 14 of the National Planning Policy Framework.

15. The development permitted shall be carried out in accordance with the mitigation measures contained within the approved Flood Risk Assessment (FRA) Rev 04 dated 12 October 2017, FRA-SB, by Curtins and the following mitigation measure detailed within the FRA:

- All buildings and their servicing access roads are placed outside of the 100 year flood outlines determined by the FRC model.

The mitigation measures contained within the FRA shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and to protect the future occupants/users of the site in accordance with part 10 of the National Planning Policy Framework and Policy LP28 of the Kirklees Local Plan and parts 10 and 14 of the National Planning Policy Framework.

16. Prior to the submission of reserved matters, the developer shall submit a report detailing intrusive site investigations for the mine entries and shallow coal workings on site for the written approval of the Local Planning Authority

Reason: In the interest of health and safety and to ensure any unidentified pollution/risk is dealt with accordingly and to comply with Policies LP52 and LP53 of the Kirklees Local Plan as well as guidance in the National Planning Policy Framework.

17. Detailed plans and particulars of the reserved matter (layout and landscape) pursuant to conditions 1 and 2 above shall include:

- A report of the findings following intrusive site investigations carried out in relation to condition 16;
- The results of any gas monitoring undertaken;
- A layout plan which identifies appropriate zones of influence for the recorded mine entries on site and the definition of suitable 'no build' zones;
- A scheme of treatment for the recorded mine entries for approval;
- A scheme of remedial works for the shallow coal workings for approval;
- Details and how the above two matters are to be undertaken; and
- Written verification that the remediation works shall be carried out in accordance with the approved details.

Thereafter the development shall be carried out in accordance with the approved details. Prior to the first use of the approved development, written confirmation shall be submitted to the Local Planning Authority, verifying the works have been fully completed in accordance with the approved details.

Reason: In the interest of health and safety, to ensure any pollution/risk identified is dealt with appropriately, to ensure the users of the new development are protected from being put at unacceptable risk and to accord with Policies LP52 and LP53 of the Kirklees Local Plan as well as guidance in the National Planning Policy Framework.

18. Detailed plans and particulars of the reserved matters (layout and landscape) pursuant to conditions 1 and 2 above shall include a tree survey and Arboricultural method statement in accordance with BS5837.

Reason: In the interests of visual amenity and to prevent direct or indirect harm to the adjacent ancient woodland (Hanging Wood) and any trees to be retained on site, in accordance with Policy LP33 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

19. Detailed plans and particulars of the reserved matters (layout and landscape) pursuant to conditions 1 and 2 above shall include details for the treatment and enhancement of existing public right of way SPE/21/20, crossing the site. No part of the development shall be brought into use until the approved works comprising the approved scheme have been completed.

Reason: For the convenience of all those using the public right of way and to accord with Policies LP23 And LP31 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

20. No more than 17,642m² of floorspace shall be constructed until either:

- the highway works on the Bradford Road approach to M62 Junction 26 Chain Bar, as shown in principle on AECOM drawing number 60221630 Rev 5, are approved in writing with Kirklees Council in consultation with Highways England; or
- the improvement scheme to remove M62 westbound to M606 northbound traffic from the M62 Junction 26 Chain Bar roundabout circulatory carriageway is implemented by Highways England.

Reason: In the interests of highway safety for all those using the surrounding highway infrastructure and to accord with Policy LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

21. No more than 21,882m² of floorspace shall be occupied and come into use until either:

- the highway works on the Bradford Road approach to M62 Junction 26 Chain Bar, identified in Condition 20 (first bullet) are implemented and open to traffic to Kirklees Council's approval in consultation with National Highways; or
- the improvement scheme to remove M62 westbound to M606 northbound traffic from the M62 Junction 26 Chain Bar roundabout circulatory carriageway is implemented by National Highways.

Reason: In the interests of highway safety for all those using the surrounding highway infrastructure to ensure either the mitigation highway works described above are completed and implemented and to accord with Policy LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

22. The development shall be restricted to the plateau areas as shown on drawing 207 Revision H, titled PARAMETERS PLAN.

Reason: in the interests of highway safety, visual amenity and to preserve the openness of the green belt, in accordance with Policies LP24 and LP59 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

23. Detailed plans and particulars of the reserved matters shall include a 'Residual Uncertainty Assessment' in relation to flood risk to be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- Use latest Environment Agency Guidance that seeks to develop uncertainty from known inputs;
- Validate REFH2 hydrograph or where demonstrated that there is not possible increase Standard of Protection significantly to allow for the uncertainty posed by an unvalidated hydrograph (the LLFA recommend the use of the 1 in 1000 year flood extent given the minimal change; and
- Ensure that all areas of the site have a dry evacuation route that does not cross a Fluvial, Surface Water risk area or an area of flood routing.

Reason: To enable officers to make an informed assessment and to ensure satisfactory drainage of the site is delivered, in accordance with the National Planning Policy Framework and Policies LP28 and LP29 of the Kirklees Local Plan.

24. Detailed plans and particulars of the reserved matters pursuant to conditions 1 and 2 above shall include a scheme to dispose of surface water from the development. This scheme shall:

- Restrict discharge from the development to a combined discharge rate of 50.2/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by the Local Planning Authority;
- Adhere to the principles as set out in the drainage strategy from Curtins reference 65646-FRA-SB Rev 4;
- Provide attenuation on site for the 1 in 100 year plus climate change event;
- Using known flood levels perform simulations to ascertain the risk associated with a blocked outfall and provide compensatory storage and high level overflow within the drainage systems to manage this;
- Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable. Justification for alternatives should be by means of a viability assessment; and
- Provide details of the adoption and maintenance of all surface water features onsite.

The resultant drainage information shall inform the layout of the site and shall include appropriate stand-off distances between drainage infrastructure and buildings within the site and appropriate measures for flood risk management. None of the buildings shall be occupied until the approved drainage scheme, the flow restriction and attenuation works has been provided on the site to serve the development for each agreed phasing of the development to which the buildings relate and thereafter retained.

Reason: In this instance it is necessary that the layout of the site be interdependent with the existing and proposed drainage infrastructure. A comprehensive layout taking its form following investigation and consideration of on-site drainage systems and their relationship to adjoining off-site drainage networks shall be submitted to demonstrate that the site can be satisfactorily drained and to mitigate flood risk. This is to accord with Policy LP28 of the Kirklees Local Plan and part 14 of the National Planning Policy Framework.

25. Before occupation of the approved development, a scheme for the maintenance, management and adoption of all SUDS features shall be submitted to and approved in writing by the Local Planning Authority. The maintenance and management scheme shall thereafter be implemented and adhered to at all times following occupation of the buildings on site.

Reason: In the interests of achieving satisfactory and sustainable drainage of the site and to mitigate flood risk. This is to accord with Policy LP29 of the Kirklees Local Plan and part 14 of the National Planning Policy.

26. Prior to the commencement of development, details of the disposal of surface water from the development through the construction phase shall be submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre commencement condition to ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features, in accordance with Policy LP28 of the Kirklees Local Plan and guidance in part 14 of the National Planning Policy Framework.

27. Before occupation of any buildings on site, written confirmation shall be submitted to the Local Planning Authority that all the off-site highway works as shown on drawings:

- 60345322-P-003.1 & 2 Revision D (2 drawings) - Mill Carr Hill Road/Bradford Road junction improvements for the widening of Mill Carr Hill Road to provide a right turn facility at the junction, new pedestrian footways, pedestrian refuge;
- 60345322 - Re-alignment of the Carr Hill Road/Cliff Hollins Lane junction to give priority to vehicles travelling towards Cliff Hollins Lane and the development site, new pedestrian footways, pedestrian refuge; and
- 60345322 – 001 – Site access - realignment of Cliff Hollins Lane,

and the 7.5 tonne lorry bans to Wyke lane and Cliff Hollins Lane are fully completed and made operational.

Reason: In the interests of highway safety and to ensure the proposals can be served adequately by the surrounding highway infrastructure, in accordance with Policy LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

28. The combined noise from all fixed mechanical services and external plant and equipment at any individual unit on the site shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed 5dB below the background sound level at any time (“rating level” and “background sound level” are as defined in BS4142:2014).

Reason: In the interest of residential amenity of nearby residents and to accord with Policy LP52 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

29. Detailed plans and particulars of the reserved matter (layout & landscape) pursuant to conditions 1 and 2 above, shall demonstrate how proposals will achieve a level of 5dB attenuation measures through the provision of screening and land features as predicted in Table 21 of the Noise & Vibration Report by AECOM, dated December 2017. Thereafter the development shall be completed in accordance with the approved details, before occupation of any building on site or in agreement with a phasing of the development to which the buildings relate to and thereafter retained.

Reason: In the interest of residential amenity of nearby residents and to accord with Policy LP52 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

30. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

Reason: To ensure any unidentified contamination is dealt with appropriately and to accord with Policy LP53 of the Kirklees Local Plan as well as guidance within Chapter 15 of the National Planning Policy Framework.

31. Detailed Plans and particulars of the Reserved Matters (layout and landscape) pursuant to conditions 1 and 2 shall include:

- on site, low emission mitigation strategies; and
- details of electric charging points which shall be installed on the basis of 1 charging point per 10 spaces.

Thereafter the development shall be completed in accordance with the approved details/mitigation strategies before occupation/use of any building on site or in agreement with a phasing of the development to which the buildings relate and thereafter retained.

Reason: To offset and mitigate the impact from the development, equivalent to the identified damage costs and to accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies LP21 and LP24 of the Kirklees Local Plan.

32. The B2 Use within the site shall not exceed 51.9% of the maximum 41,191m² floor space to be created.

Reason: In the interest of highway safety as the submitted traffic assessment is based on development to include 51.9% of B2 Use, to avoid an intensification in vehicle movement on the surrounding highway infrastructure and to accord with Policy LP21 of the Kirklees Local Plan.

33. The hereby approved development does not authorise the operation of a 'Last Mile' and/or 'Parcel Distribution' distribution use within the area highlighted in red on plan ref. '2147 PL 100B', as submitted on the 13th June 2022. '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.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Submitted Via 2022/91849			
Supporting Information	TRANSPORT TECHNICAL NOTE 1		26/05/2022
Submitted Via 2021/94060			
Covering Letter	AWID4148		16/11/2021
Block Plan	2147 PL 100	Rev. B	13/06/2022
Supporting Information	Last Mile / Parcel Distribution Note		04/05/2022
Supporting Information	Justification of Agreed Trip Rates		04/05/2022
Supporting Information	Air Quality Assessment / Delta-Simons Project No. 22-0361.01		14/03/2022
Supporting Information	Proposed Amendments to Consented Gross Floor Area		08/11/2021
Supporting Information	Environmental Statement Addendum – Non-Technical Summary		25/10/2021
Supporting Information	Environmental Statement Addendum (ESA) – Volume 1		25/10/2021
Supporting Information	Environmental Statement		25/10/2021

Plan Type	Reference	Version	Date Received
Submitted Via 2016/92298			
Location plan	1773-01 -209		11/07/2016
Proposed plateau levels	1773-201 -	E	02/11/2017
Proposed site sections	1773-01 -211	D	11/01/2018
Proposed distance to nearest dwelling			03/01/2018
Revised parameters plan	1773-01 -207	H	21/11/2017
Proposed site access junction (realignment of Cliff Hollins Lane)	60345322-001		19/10/2016
Mitigation works - bradford road arm of m62 roundabout Rev 5 -Straight Ahead Hatching	60221630	5	07/02/2018
- Mitigation works - bradford road arm of m62 roundabout Rev 5- Left Turn	60221630	5	07/02/2018
Mitigation works - bradford road arm of m62 roundabout Rev 5- no hatching	60221630	5	07/02/2018
Road Safety Audit - Designers Response (Rev 2) (combined)	Project number 60345322 Dated 1st February 2018		20/02/2018
North Brierley Stage 1 Audit	Dated January 2018		31/01/2018
Stage 1 road safety audit point reference plan	laebrierley1.6_05		31/01/2018
Stage 1 road safety audit point reference plan (Mill Carr Hill/Bradford Rd Junction)	laebrierley1.6_04		31/01/2018
Bradford Road Mitigation Scheme and Vehicle SPA	60345322-P-003.1	D	31/01/2018
Bradford Road Mitigation Scheme and Vehicle SPA	60345322-P-003.2	D	31/01/2018

Plan Type	Reference	Version	Date Received
Mitigation works - bradford road arm of m62 roundabout -	60221630, Rev 2		22/01/2018
Mill Carr Hill Road / Cliff Hollins junction with vehicle tracks and visibility splays	60345322-P-003 (Rev C)		22/10/2018
Noise and Vibration Report (Draft) v2			27/12/2017
baseline monitoring locations plan (for noise)			27/12/2017
Phase II Geo-Enviro Site Investigation Report November 2017- SH10534-RPT-002C North Bierley -			14/12/2017
Phase I Report North Bierley dated Nov 2006			28/11/2017
Revised planning statement	Dated November 2017		23/11/2017
Phase I Geo-Enviro Desk Study - FINAL SH10534-RPT-004	Dated November 2017		21/11/2017
Updated Design and Access Statement North Bierley WWTW November 2017			09/11/2017
Environmental statement	Dated July 2016		14/07/2016
Environmental statement technical appendices	Dated July 2016		14/07/2016
Transport Assessment - October 2017			02/11/2017
Revised Flood Risk and Outline Drainage Strategy Study with Appendices	65646-FRA-SB Dated 12/October 2017	4	02/11/2017
Environmental Statement Addendum (ESA) Volume 1	Dated November 2017		02/11/2017

Plan Type	Reference	Version	Date Received
Environmental Statement Addendum – non technical summary	Dated November 2017		02/11/2017
Environmental Statement Addendum (ESA) Volume 2			02/11/2017
Statement of community involvement	Dated July 2016		11/07/2016

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.

Officers sought clarification on aspects of the applicant's assessment, along with understanding the current position of the highway works in question and reassurance when they are expected to be delivered. This has taken place via meetings and email exchange, with the applicant, National Highways, and internal Council departments. On receipt and review, officer concluded they were able to support the proposal.

In accordance with the Council's Delegation Agreement the application was presented to the Strategic Planning Committee on 03/11/2022, where Members resolved to support officer's recommendation to approve, subject to the signing of a S106 agreement and imposition of conditions.

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.

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

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 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.

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: 28-Mar-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 2022/70/91849/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
