Town and Country Planning Act 1990

Town and Country Planning General Regulations 1992

PLANNING PERMISSION FOR DEVELOPMENT SUBJECT TO REGULATION 3

Application Number: 2022/48/92471/E

To: Mr Ian Pennington,
WSP
8, First Street
Manchester
M15 4RP

For: Kirklees Council, Growth & Regeneration

Description and location of development:

REDEVELOPMENT OF HECKMONDWIKE BUS STATION INCLUDING A NEW CONCOURSE BUILDING WITH WAITING ROOM, CHANGING PLACES WC, DRIVER OFFICES, 6 NO. BUS STANDS, LANDSCAPING, AND ASSOCIATED WORKS

At: HECKMONDWIKE HUB BUS STATION, ROYLE FOLD, HECKMONDWIKE, WF16 0HW

Date of submission: 22-Jul-2022

In pursuance of its powers under the above mentioned Act and Regulations KIRKLEES COUNCIL (hereinafter called "The Council") hereby grants planning permission for the above development subject to the following condition(s):-

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
Reason: As required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted, including the phasing of development, 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 and to ensure the development is carried out to an appropriate quality standard of design and does not detrimentally affect the surrounding landscape, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3. Prior to the commencement of development, details of all external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed using the agreed external facing materials.
Reason: As to ensure the development is of a high quality finish and is carried out to an appropriate quality standard of design and does not detrimentally affect the surrounding landscape, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP) to ensure that a biodiversity net gain is achieved post-development is submitted and agreed in writing by the Local Planning Authority. The BEMP shall accord with the enhancement measures details within the Biodiversity Net Gain Assessment dated July 2022. The BEMP shall include the following:
a. Description and evaluation of features to be managed and enhanced;
b. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
c. Ecological trends and constraints on site that might influence management;
d. Aims and Objectives of management;
e. Appropriate management Actions for achieving Aims and Objectives;
f. An annual work programme (to cover an initial 5 year period capable of being rolled forward over a period of 30 years);
g. Details of the management body or organisation responsible for implementation of the BEMP;
h. Ongoing monitoring programme and remedial measures; and
i. The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years.
The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The approved BEMP will be implemented in accordance with the approved details.
Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

5. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls and building retaining walls adjacent to the proposed/ existing highway shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan as well as Chapter 9 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that access to the site is designed and approved at an appropriate stage of the development process.

6. Before the development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan as well as Chapter 9 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that access to the site is designed and approved at an appropriate stage of the development process.

7. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that the site is made safe with regard to contaminated land at an appropriate stage of the development process.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that the site is made safe with regard to contaminated land at an appropriate stage of the development process.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8. Further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning. This pre-commencement condition is necessary to ensure that the site is made safe with regard to contaminated land at an appropriate stage of the development process.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that the site is made safe with regard to contaminated land at an appropriate stage of the development process.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that the site is made safe with regard to contaminated land at an appropriate stage of the development process.

12. Prior to the development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:
• Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
• Dust arising from all construction related activities.
• Artificial lighting used in connection with all construction related activities and security of the construction site. A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included. The agreed plan shall be adhered to throughout the construction of the development.
Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that measures are put in place for the protection of neighbours during the construction phase.

13. There shall be no commencement of the development hereby permitted above slab level until full details of both hard and soft landscape works have first been submitted to and approved in writing by the Local Planning Authority. These works shall include:
a) Materials to be used for all hard surfaced areas including linking paths to play area, vehicle and other circulation areas;
b) Soft landscape works to include planting plans; plant schedules noting species (with a preference for native species), plant sizes and proposed numbers/densities where appropriate; and an implementation, management, and maintenance programme;
c) Specifications of the green roof system to be installed, including substrate depth, watering details and confirmation that a sedum mat is not proposed.
d) The approved landscaping scheme shall, from its completion, be maintained for a period of five years to ensure establishment. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, including existing vegetation and trees on the site, it shall be replaced with others of similar size and species, in the next planting season, unless the Local Planning Authority gives written consent to any variation.
e) Landscape Management Plan required including details of initial aftercare and long-term maintenance for minimum of 5 years, management objectives and the detailed landscape planting plan. This should also include any SuDS features, maintenance and management schedules and programme of maintenance operations.

All hard and soft landscape works shall be carried out in strict accordance with the approved details.
The works shall be carried out prior to the use of any part of the development or in accordance with the implementation programme first agreed with the Local Planning Authority.
Reason: To mitigate and adapt for climate change, enhance and conserve the visual amenity of the built environment as well as the natural environment, and implement Biodiversity Net Gain in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that a design is set out that secures a suitable landscaping scheme at an appropriate stage of the development process.

14. Notwithstanding the submitted information, prior to commencement of the development, detailed design information relating to all of the proposed works within the existing and proposed highway shall be submitted to and approved in writing by the Local Planning Authority, alongside a Stage 2 Road Safety Audit (RSA), Designers Response and a Final RSA Decision Log. The approved details must be fully implemented prior to the development becoming operational.
Reason: In the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that all highway works are designed and approved at an appropriate stage of the development process.

15. Prior to the commencement of development (including ground works), a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

- Development program and phasing;
- Hours of works;
- Details of construction access arrangements;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Lighting, signing and traffic management arrangements during construction works;
- Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- Temporary bus stop arrangements;
- Temporary changes to pedestrian routes and associated safety measures;
- 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 and street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Site manager and liaison officer contacts, including details of their remit and responsibilities, and;
- Engagement with local residents, businesses and others stakeholders and/or their representatives.

The development shall be carried out strictly in accordance with the CMP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.
Reason: In the interests of amenity, to ensure the highway is not obstructed and in the interests of highway safety to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

16. There shall be no commencement of the development hereby permitted (except for demolition works) until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rates with the Lead Local Flood Authority indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision has first been submitted to and approved in writing by the Local Planning Authority.
The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure.
No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.
Reason: In the interest of providing a satisfactory surface and foul water drainage strategy in accordance with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

17. Prior to the development becoming operational, an Operational Management Plan (OMP) shall be submitted to and approved in writing by the Local Planning Authority, which includes measures that will ensure the safe and efficient operation of the bus station and adjacent highway, including Management, Operation, Monitoring and Review procedures. The approved OMP must then be implemented for the life of the development, unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan.

18. The bus station usage shall be limited to a maximum of 52 buses per hour.
Reason: To ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan.

19. Prior to the removal of the two disabled/accessible parking bays on Royle Fold, two replacement disabled/accessible parking shall be provided at the Albion Street car park, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that accessible parking facilities are maintained in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

20. Notwithstanding the submitted information, details relating to the following off-site highway measures shall be submitted to and approved in writing by the Local Planning Authority:

- Changes to traffic regulation orders, including associated signage and road marking alterations, to
- prevent vehicles stopping on Royle Fold and George Street;
- Improved yellow box markings at the Royle Fold / Westgate junction.
- The approved details must be fully implemented prior to the development becoming operational, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan.

21. Before any demolition and construction work commences, the mitigation measures to control fugitive dust emissions during the demolition and construction phase of the development shall be implemented in accordance with those detailed in Chapter 6 of the (pages 29 -31) of the Air Quality Assessment (ref: 001) (dated: July 2022) by WSP and retained for the duration of the demolition and construction period.
Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

22. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

23. All new street lighting for development hereby approved shall comply with BS5489-1:2020 standard or any superseding standards. Any replacement street lighting within the lifetime of the shall also accord with the relevant and current standard.
Reason: As to ensure the site is suitable lit in the interests of user safe, in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 8, 9 and 12 of the National Planning Policy Framework.

24. All glazing for the bus station hereby approved shall incorporate one pane of laminated glass to a minimum thickness of 6.4mm or glass successfully tested to BS EN 356:2000 Glass in building (or the relevant superseding standards). This is necessary as resistance to attack. Any replacement glass during the lifetime of the development shall meet the forementioned standards.
Reason: As to protect end users from attack via hostile vehicles or other methods, in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 8, 9 and 12 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:
• Land Contamination Risk Management (LCRM)
• BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice • Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

NOTE: Noisy 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
• With no noisy activities on Sundays or Public Holidays. Institute of Air Quality Management document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014 provides detailed information regarding dust control.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: It is brought to the Applicant's notice that the formal stopping up of areas of public highway is required BEFORE the development to which this consent relates can be implemented. The appropriate procedure to stop up a highway is by application to the Secretary of State under the powers vested in Section 247 of the Town and Country Planning Act 1990. The application should be made directly to the Secretary of State at:
The National Transport Casework Team
Department for Transport
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR
nationalcasework@dft.gov.uk

NOTE: 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.

NOTE: All new storm water attenuation tanks/pipes/culverts with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements.
The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding
agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450- Inspection of Highway structures.
Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and must be accredited with a BBA (The British Board of Agreement Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

Plans and Specification Table:-

Plan Type	Reference	Version	Date Received
Location Plan	20233-SGP-HEK-XX-DR-A-010001	P02	22/07/2022
Existing Site Plan	20233-SGP-HEK-ZZ-DR-A-010002	P03	22/07/2022
Proposed Site Plan	20233-SGP-HEK-XX-DR-A-201001	P05	30/06/2023
Proposed GA Plan	20233-SGP-HEK-XX-DR-A-201101	P03	30/06/2023
Proposed GA Roof Plan	20233-SGP-HEK-ZZ-DR-A-201118	P03	30/06/2023
Existing Site Sections	20233-SGP-HEK-XX-DR-A-000201	P03	22/07/2022
Elevations Sheet 1 of 2	20233-SGP-HEK-ZZ-DR-A-201300	P09	30/06/2023
Elevations Sheet 2 of 2	20233-SGP-HEK-ZZ-DR-A-201301	P06	30/06/2023
Topographical Survey	20233-SGP-HEK-00-DR-A-020001	P02	30/06/2023
GA Pod Sections	20233-SGP-HEK-ZZ-DR-A-201201	P03	30/06/2023
GA Bus Stand Sections	20233-SGP-HEK-ZZ-DR-A-201202	P02	30/06/2023
General Arrangement	TCF-WSP-KIR-HECK-DR-CH-01_01	P08	30/06/2023
Landscape Design	TCF-WSP-KHBH-XXX-DR-LE-000001	P04	30/06/2023
Drainage Proposals	TCF-WSP-KIR-HECK-DR-CH-05_01	P03	30/06/2023
Existing Drainage Catchment Areas	TCF-WSP-KIR-HECK-DR-CH-05_02	P01	30/06/2023
Proposed Levels	TCF-WSP-KIR-HECK-DR-CH-0800	P01	30/06/2023
Electrical Services External Areas Enabling Works Street Lighting Column Relocation Layout	HBH-WSP-00-ZZ-DR-E-630001	P03	30/06/2023
Landscape Management Plan	TCF-WSP-KHBH-XXX-LMP-LE-000001	P02	26/07/2022
Biodiversity Net Gain Assessment	BNG-001	P01	26/07/2022
Design and Access Statement	HEK-SGP-ZZ-RP-A-021701	P03	26/07/2022

Plan Type	Reference	Version	Date Received
Appendix D Heckmondwike Bus Stop Small Sites Metric Calculation Tool	210722	1.1	22/07/2022
Planning Statement	70091329-001	1	22/07/2022
Arboricultural Impact Assessment Report	70091329-ARB-001	1	22/07/2022
Air Quality Assessment	001	1	26/07/2022
CDM Regulations 2015 Cleaning Access & Maintenance + Statement	20-233-03	P04	22/07/2022
Outline Construction Environmental Management Plan	70056810 CEMP	V1	22/07/2022
Kirklees Road Safety Audit Procedures	-	1	22/07/2022
Transport Assessment Appendices	A - F	1	22/07/2022
Transport Assessment	-	V2.0	22/07/2022
Environmental Noise Assessment	70091329_N01	1	22/07/2022
Historic Environment Desk-Based Assessment	70091329-012	1	22/07/2022
Electrical Services External Areas Lighting & Control Strategy Layout	HBH-WSP-00-ZZ-DR-E-630102	P11	30/06/2023
Electrical Services External/Internal Areas Security CCTV Strategy Layout	HBH-WSP-00-ZZ-DR-E-630101	P06	30/06/2023
Single Decker Bus Swept Path Analysis	TCF-WSP-KIR-HECK-DR-CH-01_02	P05	27/04/2023
Junction Intervisibility Zones and Forward Visibility	TCF-WSP-KIR-HECK-DR-CH-01_09	P06	27/04/2023
Swept Path Analysis Stand 6, Dentist & Layover	TCF-WSP-KIR-HECK-DR-CH-01_10	P08	27/04/2023

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 has, 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. There have been extensive negotiations and discussion with regard to the application. The officers have held 5 formal teams meetings with the applicant and agent, as well as substantial email and telephone correspondence. Matters whereby amendments / additional information have been sought are mainly highways issues, landscaping, waste collection and management, loss of disabled parking provision, the design of the cycling provision, vehicle tracking and the management of the site. This application follows a formal pre-application enquiry which resolved other matter also.

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. Alternatively the forms and supporting guidance for submitting an application can be found online at Kirklees Council Planning Website.**

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- **Economic prosperity – workforces that are digitally-literate enables business to thrive.**
- **Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.**
- **New services – digital delivery can lower costs and provide innovative public and health services more conveniently.**

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for 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 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 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 the Planning Inspectorates website. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website
- 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: 05-Jul-2023

Signed: 

David Shepherd
Strategic Director Growth and Regeneration

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

Kirklees Council Planning Website

If a paper copy of the decided plan is required please email:

planning.contactcentre@kirklees.gov.uk

or telephone (01484) 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
