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|------------------------------------------|--------------------|
| Application Number                       |                    |
| Date Logged                              |                    |
| Receipt No                               | Fee Received       |
| Card                                     | Other              |
| KIRKLEES COUNCIL<br>VALIDATION CHECKLIST | SUPPLY 1 COPY ONLY |

Planning - PO Box 1720, Huddersfield, HD1 9EL  
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## Application for a Lawful Development Certificate for a Proposed Use or Development

### Town and Country Planning Act 1990 (as amended)

#### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### Site Location

**Disclaimer:** We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Challenge Way / John Orsmby V C Way junction

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

WF12 7QJ

Description of site location must be completed if postcode is not known:

Easting (x)

426148

Northing (y)

423048

Description

Improvements on the Leeds Road / Challenge Way junction to reduce traffic and pedestrian delays, improve cycling facilities and to help to create additional road capacity to cater for increased use due to nearby developments. The improvements include:

- Additional traffic lanes between Challenge Way and John Ormsby VC Way
- Removal of some 'low-demand' vehicle turns at the Junction
- Consolidation of pedestrian crossing stages
- Provision of cycling infrastructure

The improvements will require a small strip of land beyond the existing highway boundary to the south west of the junction.

## Applicant Details

### Name/Company

Title

Mr

First name

Farhad

Surname

Rahman

Company Name

Kirklees Council

### Address

Address line 1

Civic Centre 3

Address line 2

Market Street

Address line 3

Town/City

Huddersfield

County

Country

United Kingdom

Postcode

HD1 2EY

Are you an agent acting on behalf of the applicant?

- ☐ Yes  
☒ No

## Contact Details

Primary number

Redacted

Secondary number

Fax number

Email address

Redacted

## Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- ☐ Yes  
☒ No

Does the proposal consist of, or include, a change of use of the land or building(s)?

- ☒ Yes  
☐ No

If Yes, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out

Includes two parcels of land approximately 143m2 in total. It is currently classed as industrial land and is unused with its current state being a grass verge.  
Once purchased we will adopt this as part of the highway boundary to implement our proposals.

If Yes, please fully describe the existing or the last known use, with the date when this use ceased

While it is classed as industrial land it borders the existing highway boundary and is not used. The land is a grass verge.

Has the proposal been started?

- ☐ Yes  
☒ No

## Grounds for Application

### Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

All improvements are being undertaken within the existing highway boundary with the exception of an additional strip of land which will require purchasing. This strip of land is to the south west of the junction and adjoins the existing highway verge.

Under Class A of Part 9 of Schedule 2, carrying out “works required for or incidental to the maintenance or improvement of the highway” on “land outside but adjoining the boundary of an existing highway” can be permitted development that doesn’t require planning permission. The strip of land at the southwest corner of the junction is considered “land outside but adjoining the boundary of an existing highway”, therefore highway-related work carried out on that strip of land (as part of an improvement of the highway, such as a wider junction improvement scheme) might not need planning permission.

The strip of land in question is attached under document 'PC2558-RHD-CE-SD-DR-D-0001' and includes the blue and red strip highlighted.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

PC2558-RHD-CE-SD-DR-D-0001: this shows the additional land requirements  
PC2558-RHD-PD-SD-DR-D-0101: our proposed highway improvement at the junction  
PC2558-RHD-ZZ-XX-RP-R-0006-S3-P02 Challenge Way Modelling Report with Appendices (15Feb23): traffic modelling report

Select the use class that relates to the existing or last use.

Other

**Please note that following changes to Use Classes on 1 September 2020:** The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Other (please specify)

Unused grass verge

#### Information about the proposed use(s)

Select the use class that relates to the proposed use.

Other

**Please note that following changes to Use Classes on 1 September 2020:** The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Other (please specify)

Cycle lane and pavement

Is the proposed operation or use

- ☒ Permanent  
☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

Under Class A of Part 9 of Schedule 2 this comes under Lawful Development.

The development will also benefit the the area by improving pedestrian and cycling facilities at the junction as well as reduce vehicular congestion. This is critical due to the additional traffic which will be generated by nearby developments proposed within the Local Plan. The attached modelling report demonstrates that without the improvements the junction would be operating beyond acceptable saturation. The improvements will reduce congestion making the junction operate much more efficiently.

## Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes  
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent  
☒ The applicant  
☐ Other person

## Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes  
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

Mr

First Name

Redacted

Surname

Redacted

Reference

Date (must be pre-application submission)

26/01/2023

Details of the pre-application advice received

Had view of our plans and the land requirements. Victor advised that a planning application may not be necessary and we should instead apply to get a Lawful Development certificate.

## Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☒ Yes  
☐ No

If yes, please provide details of their name, role, and how they are related:

Redacted

## Interest in the Land

Please state the applicant's interest in the land

- ☐ Owner  
☐ Lessee  
☐ Occupier  
☒ Other

If Other, please give the names and addresses of anyone who has an interest in the land and state the nature of their interest (if known)

Redacted

Have they been informed of the application?

- ☐ Yes  
☒ No

If No, why have they not been informed?

Redacted

## Declaration

I / We hereby apply for Lawful development: Proposed use as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Farhad Rahman

Date

15/02/2023