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: 2023/62/90668/E

To: Hamish Gledhill,
Acumen Designers & Architects Ltd
Headrow House
Old Leeds Road
Huddersfield
HD1 1SG

For: PCS PROPERTY SOLUTIONS

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:-

DEMOLITION OF EXISTING BUILDINGS. ERECTION AND OPERATION OF A SINGLE BUILDING COMPRISING A SUI GENERIS LAND USE LIMITED TO THE PURPOSE OF STORAGE, ASSEMBLY, SALE AND DISTRIBUTION OF CUSTOM-BUILT COMPUTERS, LAPTOPS AND THEIR COMPONENTS AS WELL AS ANY ASSOCIATED DEVELOPMENT (THOSE BEING A REPLACEMENT WIND TURBINE, UTILITY PROVISION, DRAINAGE, ACCESS, HARD AND SOFT LANDSCAPING) WITHIN THE RED-LINE BOUNDARY ALONGSIDE BUSINESS OPERATIONS PURSUANT TO THE EFFECTIVE ADMINISTRATION OF THE SUI GENERIS USE.

At: GRANGE MOOR COACHWORKS, BARNSLEY ROAD, GRANGE MOOR, HUDDERSFIELD, WF4 4DR

In accordance with the plan(s) and applications submitted to the Council on 08-Mar-2023, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. Prior to commencing the construction of foundations of the approved building, all scrap vehicles, vehicles, plant, machinery and all other items stored on site shall be completely removed from the site. Upon complete removal of all items, written confirmation shall be provided to the Local Planning Authority that the site has been cleared prior to commencing construction of the foundations of the approved building.
Reason: In the interests of visual amenity and to preserve the openness and character of the Green Belt to accord with the Kirklees Local Plan and the National Planning Policy Framework.

4. Prior to the commencement of superstructure works, details of all external facing materials to be used shall be submitted to the Local Planning Authority, and samples shall be left on site for the inspection and approval in writing of the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

5. Prior to the commencement of superstructure works, notwithstanding what is shown on the Landscape Strategy plan ref: ZLA_1386 rev E hereby approved, details (including sections and details of levels) of all the northwestern boundary treatments (adjacent to the approved building), and any retaining walls/structures shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate how the work shall be constructed and completed without adverse impact on the existing hedgerow outside the application site red line boundary. The development shall be implemented in accordance with the details so approved prior to the occupation of the hereby approved building and retained thereafter.
Reason: In the interests of visual amenity, highways safety, biodiversity and to accord with Policies LP21, LP24 and LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

6. Prior to the commencement of superstructure works, details (including sections and details of levels) of all boundary treatments (other than those referred to in condition 5) and of any retaining walls/structures shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how the work will be constructed and completed without adverse impact on the existing hedge rows/soft planting outside the application red line. The development shall be implemented in accordance with the details so approved prior to occupation of the hereby approved building and retained thereafter.
Reason: In the interests of visual amenity, highways safety, biodiversity and to accord with Policies LP21, LP24 and LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

7. Prior to the commencement of superstructure works a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information;
- Details of precautionary working methods for amphibians, reptiles, badgers and hedgehog;
- Identification of “biodiversity protection zones”, where appropriate;
- 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, where appropriate;
- Responsible persons and lines of communication; and
- Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
Reason. To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Kirklees Local Plan Policy LP30 and the National Planning Policy Framework.

8. Prior to the commencement of superstructure works, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The BEMP shall include an updated biodiversity metric, shall demonstrate that an appropriate biodiversity net gain (above the baseline biodiversity value of the site) will be achieved and shall include details of the following:

- Description and evaluation of features to be managed and enhanced;
- Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- Ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management Actions for achieving Aims and Objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP;
- Ongoing monitoring programme and remedial measures; and
- The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years.

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. 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 development shall be implemented in accordance with the approved BEMP and all measures and features shall be retained in that manner thereafter.
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.

9. Soft and hard landscaping details shown on the approved landscaping drawings (landscape strategy ref: ZLA_1386 rev E and detailed planting ref: ZLA_1386 rev E) and details approved pursuant to conditions 5, 6, 7 and 8 above, shall be implemented in the first growing season following completion of the development or before occupation of the hereby approved building, whichever is sooner unless otherwise agreed in writing within an alternative timescale by the Local Planning Authority.
Reason: In the interests of local ecological value and visual amenity, and to accord with Policies LP24, LP30, LP32 and LP33 of the Kirklees Local Plan and the National Planning Policy Framework

10. All landscaping implemented pursuant to condition 9 above shall be retained thereafter in accordance with the long-term maintenance, monitoring and remedial arrangements, details of which shall be submitted to and approved in writing by the Local Planning Authority, within one month following occupation of the hereby approved building.
Reason: In the interests of local ecological value and visual amenity, and to accord with Policies LP24, LP30, LP32 and LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

11. Prior to development commencing protective fencing in accordance with British Standard BS 5837 shall be erected around root protection areas or canopy extent, whichever is larger, of the trees shown to be retained within the submitted Arboricultural Impact Assessment ref: JCA Ref: 19649-B/AJB. During the development the fenced-off area shall not be used for machinery or storage of materials, spoil heaps or washing off of concrete and burning of waste.
Reason: So as to protect to viability of the mature trees within close proximity to the application site and to accord with Policy LP33 of the Local Plan and the National Planning Policy Framework.

12. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority in response to evidence to be submitted in writing to the Local Planning Authority demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
Reason: To prevent significant ecological harm to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

13. The replacement wind turbine shall be no higher in height and scale than the wind turbine approved pursuant to planning permission 2010/90687 and shall be sited in the same location. In the event the wind turbine ceases to operate for a continuous period of six months, a scheme for the decommissioning and removal of the wind turbine and any other ancillary equipment shall be submitted to and approved in writing by the Local Planning Authority within three months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within three months of the date of its approval by the Local Planning Authority.
Reason: To ensure appropriate restoration of this Green Belt site and to protect the visual amenity and openness of the Green Belt and to accord with the National Planning Policy Framework.

14. Before the development hereby approved is brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the control measures that shall be taken to ensure that excessive noise does not arise from any deliveries/dispatches and the actions that shall be taken to observe the required control measures. The approved Noise Management Plan shall be implemented before the use hereby approved commences, reviewed annually and retained thereafter.
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 the National Planning Policy Framework

15. Prior to demolition of the existing buildings, 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 shall be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise and vibration arising from all construction related activities. This shall also include suitable restrictions on the hours of working on the site including times of deliveries;
- Dust arising from all construction related activities, which shall include measures to monitor and record the emissions of dust during construction; and
- 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 residents and the Local Planning 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 Policy LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

16. Before the installation of any external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- The proposed hours of operation of the lighting:
- The location of all the luminaires:
- The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated:
- The measures that shall be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site; and
- The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

No external artificial lighting shall be used unless the lighting has been installed and operated in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Policy LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

17. The use hereby permitted shall not be outside the hours of:

- 0600hrs to 2200hrs Monday to Saturday.

and there shall be no deliveries to, or dispatches from the premises outside the hours of:

- 0800hrs to 1800hrs Monday to Saturday.

No deliveries shall take place on Sundays or Bank Holidays.
Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework

18. Following demolition of the existing buildings, clearance of the site as referred to in condition 3 above, a Phase II Intrusive Site Investigation Report addendum (prepared post-demolition and post-clearance, and detailing investigation carried out at those parts of the site that were previously inaccessible and/or obstructed by buildings and/or scrap) shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

19. Where site remediation is recommended in the approved Phase II Intrusive Site Investigation Report/s and the addendum pursuant to condition 18 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

20. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to conditions 19. 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 Reports 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 two 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 unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

21. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification 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 (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework

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 the National Planning Policy Framework.

23. Before the development is brought into use, details of an acoustic barrier (as recommended in the Noise Impact Assessment authored by SRL dated 10/07/2023 ref: 81009-SRL-RPYA01- P2) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A plan showing the location of the barrier;
- The minimum height of the barrier relative to the adjacent ground level; and
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

The development hereby approved shall not be brought into use until the construction of the approved acoustic barrier has been completed and the barrier shall be retained thereafter.
Reason: To protect the amenity of nearby noise-sensitive receptors from noise or disturbance from noise generated by the development hereby approved, and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

24. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including an agreed greenfield run off discharge rate indirectly or directly to watercourse, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation pond construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision has 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 pond, 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: To ensure the effective disposal of foul and surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and 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.

25. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (buildings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.
Reason: To ensure the effective disposal of foul and surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and 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.

26. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Detail any phasing of the development and any phasing of temporary drainage provision;
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- Include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.
Reason: To ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policy LP27 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

27. Development shall not commence until a scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil/petrol interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor.
Reason: To avoid contamination and to ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and 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.

28. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
Reason: To ensure that the site is properly drained and in order to prevent overloading so as to avoid an increase in flood risk and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

29. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer (i.e. a protected strip width of 6 metres) that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, evidence shall be submitted to the Local Planning Authority confirming that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.
Reason: In the interest of public health and maintaining the public sewer network and in order to prevent overloading so as to avoid an increase in flood risk and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and 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.

30. 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 and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4 (four) litres per second. Furthermore, unless otherwise approved in writing by the Local Planning Authority, 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 interest of public health and in order to prevent overloading so as to avoid an increase in flood risk and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and 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.

31. Prior to the commencement of development (including ground works), a written scheme of archaeological investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include:

- A statement of significance and research objectives;
- A programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
- A programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure buried heritage assets are appropriately recorded and protected and to accord with Policy LP35 of the Kirklees Local Plan and the National Planning Policy Framework.
This pre-commencement condition is necessary as intrusive works on site have the potential to damage or disturb buried heritage assets.

32. Prior to the installation of the electrical system of the development hereby approved, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include for:

- Sixteen Standard Electric Vehicle Charging points for use for dedicated staff spaces;
- Twenty-six Electric Vehicle Charging Points to the dedicated executive/visitor car park spaces;
- Eight Electric Vehicle Charging Points to the dedicated disabled/assessable car parking spaces; and
- Power output details for each electric vehicle charging point.

The development hereby approved shall not be brought into use until the charging points are installed and operational. The charging points installed shall be retained thereafter.
Reason: To ensure employees/staff using the site are encouraged to use low-carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

33. Prior to the hereby approved building being brought into use, solar panels shall be installed in accordance with drawing ref: P1948-NOV-XX-00-DR-E-6901 revision P01 and made operational, and shall thereafter be retained in accordance with these details.
Reason: In the interests of climate change and to assist in achieving sustainability objectives by delivering an energy efficient building incorporating low and zero carbon technologies in accordance with Policies LP1 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

34. Prior to the commencement of the development hereby approved (including ground works), a survey of the existing condition of the highway (the extent of highway to be surveyed to be agreed with the Local Planning Authority in advance) shall be carried out jointly with the Local Highway Authority and submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and road markings. Upon completion of the development hereby approved (or at any earlier stage to be agreed with the Local Planning Authority in advance) a post-construction survey of the agreed extent of highway shall be carried out, and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to the development and prior to the occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. Should any highways defects (affecting highway safety) attributable to the construction traffic of the development hereby approved be identified during the construction period, remediation of these shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety, and to ensure the effective maintenance of the highway and to accord with Policy LP21 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure highways surrounding the site are appropriately surveyed prior to works commencing, and to ensure responsibility for remedial works can be fairly assigned with reference to evidence.

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

- 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;
- Signing and traffic management arrangements during construction works;
- 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;
- 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 CTMP so approved throughout the period of construction and no change there from 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.

36. Prior to the first occupation of the development hereby approved, an Operational Management Plan (OMP) shall be submitted to and approved in writing by the Local Planning Authority. The OMP shall include as a minimum:

- The development shift patterns and maximum staff numbers for each shift type;
- Details of management and operational practices relating to parking, drop-off and servicing, to ensure that all of these activities take place on-site, within the designated areas; and
- Details of management and operational practices relating to security gates and other control measures, both during the working day and out of working hours.

The development shall be operated strictly in accordance with the OMP so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.
Reason: In the interests of highway safety and mitigating the impacts of the development, to ensure the effective operation of the local highway and transport network, in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

37. Prior to occupation of the development hereby approved, the following works shall be fully delivered:

- The proposed site access arrangements, as shown indicatively on the approved plan ref: 151716-001 rev C;
- The proposed improvements at Grange Moor Roundabout and its approaches, as shown indicatively on the approved plan ref: 151716-007 rev E; and
- The proposed speed limit alterations, as shown as shown indicatively on the approved plan ref. 151716-009 rev A.

Reason: In the interests of highway safety and amenity, and to achieve a satisfactory layout in accordance with Policies LP20, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

38. Prior to the first occupation of the development hereby approved, all areas shown on the approved plans to be used by vehicles and pedestrians, including roads, footways/paths, cycle tracks, loading, servicing and parking areas shall be laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the highway, and shall thereafter be retained and maintained for the lifetime of the development.
Reason: In the interests of highway safety and amenity, and to achieve a satisfactory layout in accordance with Policies LP20, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

39. The cycle parking and electric vehicle charging facilities shown on drawing P2753-ACU-XX-DR-A-101-04 shall completed and be available for use prior to occupation of the development hereby approved, and shall thereafter be retained and maintained for the lifetime of the development.
Reason: In the interests of encouraging the use of sustainable transport modes, and to accord with policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan.

40. Prior to the commencement of development hereby approved, a scheme (including details of locations, cross sectional information), and the proposed design and construction details) of all new retaining walls/building retaining walls adjacent to the proposed adoptable/existing highway, together with any proposed modifications to existing highway retaining walls, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the proposed development and thereafter retained.
Reason: In the interests of highway safety and amenity, and to achieve a satisfactory layout in accordance with Policies LP20, LP21 and LP24 of the Kirklees Local Plan and the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that the design of any proposed or affected highway retaining features are agreed at an appropriate stage of the development process.

41. Prior to the occupation of the development hereby approved, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include proposals for enabling and encouraging the use of active and sustainable modes of transport, monitoring, review and timings for delivery. The approved Travel Plan and measures shall be implemented prior to occupation or in accordance with agreed timescales as otherwise agreed with the Local Planning Authority.
Reason: In the interests of enabling and encouraging the use of active and sustainable transport modes, to mitigate the air quality impacts of the development and to accord with Policies LP20, LP21, LP22, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

NOTE - Contaminated Land:
All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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 - Scope of Conditions:
The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre- commencement condition.

NOTE - Construction Environmental Management Plan:
No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays. For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document "Guidance on the assessment of dust from demolition and construction" Version 2.2 2024.

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 - Artificial Lighting:
The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the "Guidance Note 01/21 for the Reduction of Obtrusive Light" by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

NOTE - Yorkshire Water:
Please refer to Yorkshire Water full consultation response (dated 31/03/2023) and advisory notes for the applicant/developer
https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2023/90668&file_reference=983299

NOTE - Archaeological Advisory Service:
Please refer to Archaeological Advisory Service notes/guidance on obtaining further details and how to carry out an archaeological watching brief prior to development commencing.

NOTE - Electric Vehicle Charging Points:
The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE - Designing Out Crime:
Please refer to the West Yorkshire Police Designing Out Crime Officer advice dated 31/03/2023, to ensure appropriate security measures are incorporated into the development.

NOTE - Waste Management Requirements:
Please refer to the KC Waste Strategy officers advice dated 16/03/2023, to create an environment that functions safely and efficiently for waste management.

NOTE - Northern Gas Network:
Please refer to Northern Gas Network comments dated 21/03/2023, advising that there may be apparatus in the area that may be at risk during construction works and for the developer/applicant to contact Northern Gas Network directly to discuss prior to development commencing.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	P2753-ACU-XX-DR-A-LOC-P01		01/03/2023
Existing topographical survey	8450/1		01/03/2023
Existing site sections	P2753-ACU-XX-DR-A-001-P01		01/03/2023
Mechanical & electrical services existing site plan	P1948-NOV-XX-XX-DR-E-9601 -P01		01/03/2023
Part proposed block layout	P2753-ACU-XX-DR-A-101-04		28/05/2024
Proposed master plan	P2753-ACU-XX-DR-A-102-04		28/05/2024
Proposed site sections	2753-ACU-XX-DR-A-220-03		28/05/2024
Proposed lower ground floor plan	P2753-ACU-B1-DR-A-110-03		30/05/2024
Proposed ground floor plan	P2753-ACU-00-DR-A-111-03		30/05/2024
Proposed first floor plan	P2753-ACU-02-DR-A-113-02		30/05/2024

Plan Type	Reference	Version	Date Received
Proposed second floor plan	P2753-ACU-02-DR-A-113-P02		30/05/2024
Proposed roof plan	P2753-ACU-03-DR-A-114-02		30/05/2024
Proposed elevations	P2753-ACU-XX-DR-A-201-04		30/05/2024
Proposed substation elevations	P2753-ACU-XX-DR-A-202-03		30/05/2024
Proposed electrical solar photovoltaic appraisal	P1948 -Nove-XX-00-DR-E-6901 Rev P01		01/03/2023
Electrical services site plan external lighting strategy layout	P1948-NOV-XX-EX-DR-E-9601 Rev P01		01/03/2023
Proposed roof plant layout	P1948-NOV-XX-RF-DR-M-5001 Rev P01		01/03/2023
Proposed substations layout	P1948-NOV-XX-XX-DR-E-9602 Rev P01		01/03/2023
Proposed External Utility Services Layout	P1948-NOV-XX-00-DR-ME-960 Rev P01		01/03/2023
Proposed boundary treatment plan	P2753-ACU-XX-DR-A-103-05		17/07/2024
Proposed Landscape layout ‘Detailed Planting’	ZLA- 1386-L-201 Rev E		22/07/2024
Proposed landscape strategy/layout	ZLA-1386-L-200 Rev E		22/07/2024
Proposed highway boundary details	151716-018		25/07/2024
Proposed highway boundary details (roundabout)	151716-017 Rev A		25/07/2024
Stage 1 Road Safety Audit (Version 2.0)	by Accorns Projects Ltd, dated 02/07/24		22/07/2024
Stage 1 Road Safety Audit Designers Response (Doc 7 Issue 3)	by Sanderson Associates, dated 22/07/24		22/07/2024
Revised Proposed Junction Improvements	151716-007E		22/07/2024
Swept Path Analysis Roundabout	151716-014A		31/05/2024
Vehicle Swept Paths	151716-013B		31/05/2024
Proposed Works Junction Visibility	151716-012A		31/05/2024
Speed Limit Changes	151716-009A		31/05/2024
Proposed site access highway works	151716-001C		31/05/2024

Plan Type	Reference	Version	Date Received
Revised Transport Assessment Addendum (2)-	151716-003-01		30/05/2024
Revised - Noise Impact Assessment	81009-SRL-RP-YA-01-P4		23/05/2024
Revised Ground Gas Risk Assessment,	Job no.C3224/22/E/4914 dated 16/04/2024		16/04/2024
Phase 2 Report	Job no.C3224/22/E/4914, dated 20/02/2024		29/02/2024
Planning Statement	Job 2753		13/11/2023
Amphibians survey & report	19649c.JF-dated 27/07/2024		09/11/2023
Otter & Water Vole Report Issue	19649f/JF		05/10/2023
Bat Emergence Report Issue	19649e/JF		15/09/2023
Waste Management Statement			06/04/2023
Environmental Impact Assessment Screening Opinion	HG/JC/2753		20/03/2023
Climate Change Statement			08/03/2023
Solar PV Desk Top MCS Appraisal GP Rev 1	P1948		01/03/2023
CoalAuthorityCON29M(Commercial)	61003672488001		01/03/2023
Wind and Solar Desk Top Summary	P1948		01/03/2023
Existing Utility Services Desk Top Appraisal and Report	P1948, report no.1, dated 12/01/2023		01/03/2023
Arboricultural Implications Assessment	19649-B/AJB		07/03/2023
Tree Constraints Plan	Appendix 5		01/03/2023
Arboricultural Report	19649-A/AJB		07/03/2023
Phase One Desk Study	C3224/22/E/4914, dated 16/01/2022		07/03/2023
Landscape and visual appraisal	Parts 1 to 6		01/03/2023
Biodiversity Accounting Assessment Revised Issue	19649b/AD, dated 15/02/2023		07/03/2023
Revised Ecological Impact Assessment	19649a/AD, dated 25/01/2023		07/03/2023
Flood Risk Assessment	Dated January 2023		01/03/2023
Drainage Strategy	P3849-DR-01 Rev 1		01/03/2023
Air Quality Screening & Dust Risk Assessment	Rev P2, published 27/01/2023		01/03/2023

Plan Type	Reference	Version	Date Received
Design and Access statement	P2753-ACU-XX-RP-T-001-P01		01/03/2023
Existing site visualisation	P2753-ACU-XX-VZ-A-101-P01		01/03/2023
Proposed site visualisation	P2753-ACU-XX-VZ-A-102-P01		01/03/2023
Planning Statement P2753-ACU-XX-RP-T-002-P01	P2753-ACU-XX-RP-T-002-P01		01/03/2023

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 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. During the life of the application the case officer undertook negotiations with the applicant to secure further information and drawings relating to a number of matters and securing further amended plans and technical information including for off-site highway works and other planning matters. The council proactively engaged with the applicant in order to ensure relevant planning matters were addressed.

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.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".**

- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**

- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**

- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**

- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**

- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Development within a Coal Mining Area

The proposed development lies within 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.

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

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

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

Appeals to the Secretary of State

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

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

  whichever period expires earlier.

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

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

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/appeal-planning-decision. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**

- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**

- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**

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

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

Purchase Notices

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

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

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

Dated: **04-Oct-2024**

Signed:



David Shepherd
Executive Director for Place

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:

http://www.kirklees.gov.uk/business/planning/planning.asp

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

dc.admin@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