



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2023/70/92408/E0

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

For: Hannah Elliott, SUEZ Recycling and Recovery UK Ltd

**In pursuance of its powers under the above-mentioned Act and Order the
KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning
Authority hereby permits:-**

VARIATION OF CONDITION 20 (OPENING HOURS) OF PREVIOUS
PERMISSION 2022/90726 (VARIATION OF CONDITION 20 OF PREVIOUS
PERMISSION 99/92630 FOR ERECTION OF INTEGRATED WASTE
MANAGEMENT FACILITY COMPROMISING A TRANSFER LOADING STATION
AND A HOUSEHOLD RECYCLING WASTE RECYCLING CENTRE) TO ALLOW
FOR ADDITIONAL OPENING HOURS TO THE TRANSFER LOADING STATION

At: THORNHILL ROAD, DEWSBURY, WF12 9QR

**In accordance with the plan(s) and applications submitted to the Council on
10-Aug-2023 [together with those plans and application(s) submitted to the
Council on 16-Sep-1999 and incorporated into planning permission 99/92630
granted on 22-Feb-2000] and subject to the condition(s) specified hereunder:-**

(1) This permission relates to the erection of a Transfer Loading Station and a Household Waste Recycling Centre only. No part of the site shall be used for shredding, screening or composting of green wastes.

Reason: To safeguard the amenities of nearby residents

(2) [no condition].

(3) The development shall not be occupied/brought into use until the areas to be used by vehicles including parking, loading and unloading areas together with the access road and its junction with Thornhill Road have been surfaced, sealed and drained in accordance with details which shall have received the prior written approval of the Local Planning Authority and thereafter retained.

Reason: In the interests of the free and safe use of the highway.

(4) A scheme to prevent the deposit of mud and/or waste materials on the public highway during the construction of the development hereby permitted and during its operation shall be submitted for the prior written approval of the Local Planning Authority and the approved scheme shall be implemented as soon as construction commences.

Reason: In the interests of the free and safe use of the highway.

(5) Unless otherwise agreed in writing by the Local Planning Authority hours of work on site preparation and construction (including deliveries) shall be restricted between the hours of 07.30 and 18.00 Mondays to Fridays and 08.00 and 13.00 on Saturdays. There shall be no site preparation or construction works on Sundays or Public Holidays.

Reason: To safeguard the amenities of nearby residents.

(6) Prior to the commencement of development a scheme for protecting nearby residents and commercial properties from noise and dust arising from construction or site preparation works shall be submitted to and approved in writing by the Local Planning Authority and such works shall be carried out thereafter strictly in accordance with the approved scheme.

Reason: To safeguard the amenities of nearby residents.

(7) No development shall take place until plans, or samples where appropriate, detailing:

- a) the colour, type and texture of materials to be used for the buildings;
- b) the extent of tree planting and the species to be planted (notwithstanding the details shown on drawing P2353/01/04A);
- c) the treatment of the area hatched red on approved drawings P2353/01/01, P2353/01/03 and P2353/01/04A; and
- d) the screening and security fencing have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.

(8) A scheme to minimise the emission of noise, dust, odours and windblown materials from the site and to prevent flying insects from becoming a nuisance to adjoining occupiers shall be submitted for the written approval of the Local Planning Authority and such scheme shall be implemented as soon as the facility is brought into use.

Reason: To safeguard the amenities of nearby residents.

(9) Prior to the commencement of development, details of any audible warning devices to be used on site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents.

(10) No waste or other materials shall be burnt on site.

Reason: To safeguard the amenities of nearby residents.

(11) Unless otherwise agreed in writing by the Local Planning Authority no building or other obstruction shall be located over or within 5 metres of the diverted water mains within the site.

Reason: In order to allow sufficient access for maintenance and repair work, in the interests of the satisfactory drainage of the area.

(12) Unless otherwise agreed in writing by the Local Planning Authority no building or other obstruction shall be located over or within 6 metres of the lines of the sewers which cross the site.

Reason: In order to allow sufficient access for maintenance and repair work, in the interests of the satisfactory drainage of the area.

(13) The site shall be developed with separate systems of drainage for foul and surface water, with all clean roof and surface water being kept separate from foul water.

Reason: In the interests of the satisfactory drainage of the area.

(14) No piped discharge of surface water from the site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details which shall have received the written approval of the Local Planning Authority before development commences.

Reason: In the interests of the satisfactory drainage of the area

(15) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, in particular the River Calder, whether direct or via soakaways.

Reason: To prevent pollution of the water environment.

(16) Prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme submitted to and approved in writing by the Local Planning Authority before the development commences. Roof water shall not pass through the oil interceptor.

Reason: To prevent pollution of the water environment.

(17) Roof drainage downwater pipes shall at all times be sealed at ground level to prevent the ingress of any contaminated water/run off.

Reason: To prevent pollution of the water environment.

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

Reason: To prevent pollution of the water environment.

(19) Unless otherwise agreed in writing by the Local Planning Authority the floor level of the Transfer Loading Station and any other areas upon which waste materials are stored shall be no lower than 40.46 A.O.D.

Reason: To prevent pollution of the water environment.

(20) No activities, including the delivery and removal of waste materials and the maintenance of plant and machinery, shall take place on the site other than between the following hours:

Household Waste Recycling Centre:

Mondays to Fridays 07.30 and 18.00

Saturdays and Sundays 07.45 and 17.00

08.00 and 17.00 Bank or Public Holidays (unless holiday falls on Saturday or Sunday when normal weekend times shall apply)

Transfer Loading Station:

Mondays to Fridays 06.00 and 19.00

Saturdays 06.00 and 17.00

Sundays 08.00 and 17.00

Bank or Public Holidays 08.00 and 17.00 (unless the holiday falls on Saturday or Sunday when normal weekend times shall apply)

Reason: To safeguard the amenities of nearby residents.

(21) The existing stone wall along the site's south-western boundary shall be restored to its original condition and retained for the duration of the development hereby permitted.

Reason: In the interest of visual amenity.

(22) Before the development hereby permitted commences, details of all external floodlighting and other illumination proposed at the site including during construction shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: height of the floodlighting posts, intensity of the lights (specified in Lux Levels), spread of light including approximate spillage to the rear of floodlighting posts (in metres), any measures proposed to minimise the impact of the floodlighting or disturbance through glare (such as shrouding) and the times when such lights will be illuminated.

Reason: In the interests of visual amenity and to prevent glare to occupiers and users of nearby land.

(23) Unless otherwise agreed in writing by the Local Planning Authority the level of noise emitted from the site shall not exceed the following levels as measured at the following noise receptor locations (shown on Fig 7.1 of the Environmental Statement):

Monday to Friday

LOCATION NOISE LEVEL

N1 Mavis Street 49 dBLAeq

N2 The Gate Public House 43 dBLAeq

N3 Island View 52 dBLAeq

Weekends

LOCATION NOISE LEVEL

N1 Mavis Street 43 dBLAeq

N2 The Gate Public House 40 dBLAeq

N3 Island View 48 dBLAeq

Reason: To safeguard the amenities of nearby residents

(24) Unless otherwise agreed in writing by the Local Planning Authority the following shall apply in respect of the noise levels set out in condition 23 above. All noise levels shall refer to measurements taken at 1.2m above ground level under free field conditions and at wind speeds no greater than 3 metres per second. The reference time period for measurement (t) shall be 1 hour.

The precise measurement positions shall be:

N1 Mavis Street - on the access road at the front of No. 22 Mavis Street or at a similarly representative position in the vicinity.

N2 The Gate Public House - in the beer garden at the side of the public house to the rear of houses on Thornhill Road or at a similarly representative position in the vicinity.

N3 Island View - at a point on the access road to the north west of Nos 2, 3, 5 and 6 Island View or at a similarly representative position in the vicinity.

Reason: To safeguard the amenities of nearby residents.

(25) Prior to the commencement of development, a scheme detailing noise monitoring and recording procedures to be carried out by the applicant shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include arrangements for the provision of monitoring results to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents.

(26) All HGV traffic carrying waste materials into and out of the site shall be covered so as to prevent spillage or loss of such materials at the site or on the public highway.

Reason: To prevent the discharge of substances onto the adopted highway in the interests of highway safety.

(27) No handling, deposit, processing, storage or transfer of waste shall take place on site outside the confines of the building or areas approved for this purpose and no loose waste materials shall be deposited or stored on the adjacent open areas.

Reason: To safeguard the amenities of nearby residents.

(28) In the event of the use of the facility hereby permitted ceasing for a period in excess of 6 months, all waste materials, skips, waste receptacles, plant and machinery shall be removed from the site

Reason: So as to ensure the satisfactory appearance of the development on completion and to safeguard the amenities of nearby residents.

NOTE:

Condition 1, 3 to 19 and conditions 21 to 28 inclusive (i.e. those conditions that have not been sought for variation as part of this application) were originally imposed on approval of 2022/90726. They are reproduced on this notice to provide you with a complete record of all conditions, regardless of whether some may have already been discharged. Where the details pursuant to the above conditions in accordance with planning permissions 2022/90726 and 1999/62/92630/E0 have already been submitted for discharge and approved by the Local Planning Authority and there is no change to the details required by that condition, a further discharge of condition application pursuant to this application reference will not be necessary.

NOTE:

See link below for planning permission 1999/62/92630/E0 and 2022/90726:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=99%2f92630>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90726>

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Application form			11/08/2023
Applicants email dated 18/12/2023			18/12/2023
Location plan	Tnh-LOC-0622-01		11/08/2023
Location plan Pursuant to planning permission 2022/90726			01/03/2022
Revised planning statement Pursuant to planning permission 2022/90726			26/05/2022
Site Location Pursuant to planning permission 99/92630/E0	P2535/00/01		September 1999
General Layout Pursuant to planning permission 99/92630/E0	P2353/01/01		September 1999
TLS Plan and Section Pursuant to planning permission 99/92630/E0	P2353/01/02A		September 1999
HWRC/Composting Site Plan and Section Pursuant to planning permission 99/92630/E0	P2353/01/03		September 1999
Landscaping and Surfacing Plan Pursuant to planning permission 99/92630/E0	P2353/01/04A		September 1999
Drainage Layout Plan Pursuant to planning permission 99/92630/E0	P2353/01/05		September 1999
Architectural Plans and ElevationsPursuant to planning permission 99/92630/E0	P2353/01/06		September 1999
Environmental statement Pursuant to planning permission 99/92630/E0	Dated September 1999		September 1999
Supporting statement Pursuant to planning permission 99/92630/E0	Dated 19/08/1999		September 1999
Further information Pursuant to planning permission 99/92630/E0			26/11/1999 and 02/12/1999

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.

The applicant was given the opportunity to submit additional evidence/information to address concerns and issues raised during the course of the application. An extension of time was also sought and agreed.

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

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

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 speedier 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 an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - i) 28 days from the date of this notice where the enforcement notice has been served,
 - ii) 28 days of the date of service of the enforcement notice or,
 - iii) the specified period starting from the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/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-Mar-2024

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2023/70/92408/E0.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

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