



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/70/90823/E

To: James McDermott,
Kilmartin Plowman & Partners Ltd
Lodge House
12, Town Street
Horsforth
Leeds LS18 4RJ

For: Mr Sutcliffe

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 CONDITION 2 (PLANS) ON PREVIOUS PERMISSION 2008/94430 FOR ERECTION OF 2 STOREY OFFICE ANCILLARY TO INDUSTRIAL BUILDING WITH MEZZANINE AREA AND ASSOCIATED EXTERNAL WORKS (USE CLASS B1/B2/B8)

At: CHAIN BAR ROAD, CLECKHEATON, BD19 3QF

In accordance with the plan(s) and applications submitted to the Council on 19-Mar-2024 [together with those plans and application(s) submitted to the Council on 13-Feb-2009 and incorporated into planning permission [ref No. 2008/62/94430/E granted on 11-May-2009] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
Reason: To ensure the satisfactory appearance of the development on completion, and to accord with the aims of Policies LP21, 22, 24 of the Kirklees Local Plan.

2. No development above foundation level shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and of enhancing the biodiversity of the site, and to accord with the aims of Policies LP24 and LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

3. Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 3 shall be carried out during the first planting, seeding or management season following the commencement of development, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced with specimens of the same species and variety.

Reason: In the interests of visual amenity and of enhancing the biodiversity of the site, and to accord with the aims of Policies LP24 and LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

4. Work shall not commence above foundation level until samples of all facing materials have been submitted to or inspected on site by, and approved in writing by, the Local Planning Authority, and the development shall be constructed of the approved materials.

Reason: In the interests of visual amenity and to accord with the aims of Policy LP24(a) of the Kirklees Local Plan.

5. Before development commences a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme. The scheme should include the following information:

1. The proposed design level of maintained average horizontal illuminance for the site;
2. The predicted vertical illuminance that will be caused by lighting when measured at windows of any properties in the vicinity;
3. The proposals to minimise or eliminate glare from the lighting installation; and
4. The hours of operation of the lighting.

Reason: In the interests of preventing harm to residential amenity and the visual amenity of the area arising from light trespass and glare, and to accord with the aims of Policy LP24 of the Kirklees Local Plan.

6. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works reference 4163 D2-5 and no building shall be occupied or brought into use prior to the completion of the approved foul drainage works reference 4163 D2-5.

Reason: To ensure the satisfactory drainage of the site in accordance with the National Planning Policy Framework.

7. The areas to be used by vehicles including parking, loading and unloading areas shall be laid out with hardened and drained surface before the development is occupied/brought into use and thereafter retained as such.

Reason: To create a satisfactory layout in the interests of the safe and efficient use of the highway, and to accord with the aims of Policies LP21-22 of the Kirklees Local Plan.

8. Before development is brought into use, turning facilities for service vehicles shall be provided in accordance with details shown on drawing no. 1578-200 approved under permission 2008/94430. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

Reason: To create a satisfactory layout in the interests of the safe and efficient use of the highway, and to accord with the aims of Policies LP21-22 of the Kirklees Local Plan.

9. Within 3 months of any part of the development being brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to improve and encourage the use of sustainable transport. The measures will include as a minimum:

- the provision of “live” and other bus/train information;
- provision of METRO passes;
- car sharing facilities;
- the introduction of working practices to reduce travel demand;
- the provision of on site cycle facilities and information. The Travel Plan will include details of when measures will be introduced.

To support the promotion of the use of sustainable modes the Travel Plan will include; how the Travel Plan will be managed; targets aimed at lowering car use, particularly single occupancy trips from/to the site; a programme for monitoring the Travel Plan and its progress and how the Travel Plan and its objectives of more sustainable travel will be promoted.

The approved Travel Plan shall thereafter be retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable and low-impact methods of transport and the safe and efficient operation of the highway network, and to accord with the aims of Policies LP20 and 21 of the Kirklees Local Plan.

10. The development hereby approved shall not be brought into use until cycle storage facilities have been provided in accordance with details that have been submitted to and approved in writing by The Local Planning Authority, the approved facilities shall thereafter be retained.

Reason: To promote the use of sustainable means of transport and healthy and active lifestyles in accordance with the aims of Policies LP20 and LP47 of the Kirklees Local Plan.

NOTE: Bats. There is the potential for a bat roost to be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Construction Site Working Times – Footnote

It is recommended that noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays

Construction Sites working times – Footnote

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			20-Mar-2024
Location plan			
Existing site levels survey			
Elevations and floorplans as proposed	BRC-KPP-ZZ-DR-A-GA- 1000	D	20-Mar-2024
Site plan as proposed	BRC-KPP-ZZ-DR-A-GA- 1003		20-Mar-2024
Turning circle plan	1578-200		18-Feb-2009
Drainage details	4163-D2, D3, D4, D5.	A	30-Mar-2010

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 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 case officer did not undertake negotiations with the applicant as no amended or additional plans were considered necessary.

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.

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.

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: 19-Jun-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 2024/70/90823/E.

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

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

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

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