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: 2024/70/91381/W

To: Joe Dempsey,
Dempsey + Gannon Architects
19A, Longlands Road
Slaithwaite
Huddersfield
HD7 5DN

For: B Good

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 2 (PLANS) OF PREVIOUS PERMISSION 2022/91789 FOR ERECTION OF FOUR INDUSTRIAL UNITS FOR E(G)(III) (LIGHT INDUSTRY) USE WITH ASSOCIATED PARKING AND TURNING FACILITIES WITH 10 STORAGE UNITS

At: LAND SOUTH OF RAILWAY LINE, SCAR LANE, MILNSBRIDGE, HUDDERSFIELD, HD3 4PN

In accordance with the plan(s) and applications submitted to the Council on 15-May-2024 [together with those plans and application(s) submitted to the Council on 23-May-2022 and incorporated into planning permission 2022/91789 granted on 14-Mar-2024 and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun prior to 14/03/2027.
Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP8, LP9, LP20, LP21, LP22, LP24, LP28, LP30, LP32, LP33, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 2, 4, 6, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Before construction work commences, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

a) An assessment of all of the noise emissions from the proposed development;

b) Details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises; and

c) A written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from the noise from the proposed development including details of all necessary noise attenuation.

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: This is a pre-commencement condition to ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. The use hereby permitted shall not be open to customers outside the hours of:

- 07:30 hours to 19:00 hours Mondays to Fridays
- 07:30 hours to 13:00 hours Saturdays
- And there shall be no deliveries to, or dispatches from the premises outside these hours or on Sundays or Bank Holidays

Reason: To ensure that the proposed use(s) 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 Chapters 12 and 15 of the National Planning Policy Framework.

5. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (5), groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (6) 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: This is a pre-commencement condition to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 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 the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework.

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework.

10. Prior to the installation of any external artificial lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:

a) The proposed hours of operation of the lighting;
b) Details of the colour of the lights to be used (to avoid any confusion with the signalling arrangements on the adjacent railway);
c) The location and specification of all of the luminaires;
d) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated;
e) The measures that will 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
f) 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.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.
Reason: To safeguard the amenities of the occupiers of nearby properties, to eliminate potential dazzling for train drivers using the adjacent railway, and to promote sustainable development in accordance with Chapters 2, 9 and 15 of the NPPF and Policies LP19 and LP24 of the Kirklees Local Plan.

11. The development shall be completed in accordance with the advice and directions (recommendations) contained within the Arboricultural Method Statement, dated 15/10/2021 (ref: 211008 MS), to be read alongside the Addendum to the Arboricultural Method Statement, received 03/09/2025. These shall be implemented and maintained throughout the construction phase of the development and retained as such thereafter.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan and advice within Chapter 15 of the National Planning Policy Framework.

12. The approved Landscape Management Plan dated March 2021 (ref: 211-LMP-RM-01 (Rev B)), shall from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and to accord with Chapter 15 of the National Planning Policy Framework and Circular 06/2005 – Biodiversity and Geological Conservation – Statutory obligation and their impact within the planning system.

13. Prior to development commencing (including any groundworks) a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The CEMP shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties and highway safety by effectively controlling:

- Noise and vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries;
- Point(s) of access for construction traffic;
- Vehicle sizes and routes, times of vehicle movements, identify the location of any HGV waiting areas and include details of the management of said areas;
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction;
- Signage;
- Any phasing of development;
- Site waste management, including details of recycling/disposing of waste resulting from 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 within the site and street sweeping;
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development; 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 local residents, and the Local Planning Authority must be included. The agreed plan shall be adhered to throughout the construction of the development and no change therefrom shall take place without the prior written consent of the Local Planning Authority.
Reason: This is a pre-commencement condition to safeguard the amenities of the occupiers of nearby properties, to ensure the highway is not obstructed and given the restricted nature of the site to ensure safe access for heavy vehicles into the site, in the interests of highway safety and to accord with Chapters 9, 12 and 15 of the National Planning Policy Framework and 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.

14. Prior to development commencing, a Stage 1 Safety Audit and Designer's Response for the proposed site access and associated alterations covering all aspects of work including those on Scar Lane, shall be submitted to, and approved in writing by, the Local Planning Authority. Before any of the hereby approved buildings are brought into use, the alterations identified within the approved Stage 1 Safety Audit and Designer's Response shall be implemented and retained thereafter.
Reason: This is a pre-commencement condition to ensure that suitable access arrangements are implemented for the development, in the interest of the safe and efficient use of the Highway, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

15. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the buildings 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 to which the dwellings relate and retained thereafter.
Reason: To deliver effective sustainable systems that will be operated, maintained and managed for the lifetime of the development that it will serve, and to ensure that surface water flows away from the adjacent railway, in accordance with Policies LP19 and LP28 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that all site drainage measures are agreed at an appropriate stage of the development process.

16. The site shall be developed with separate systems of drainage for foul and surface water on and offsite, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. There shall be no pump stations used for the discharge of foul and surface water from the site.
Reason: To prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that all site drainage measures are agreed at an appropriate stage of the development process.

17. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of *3.5 litres per second to the combined sewer in Scar Lane* has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30-year storm event as a minimum requirement. Volumes generated by storms greater than the 1 in 30-year critical event, up to and including the critical 1 in 100-year event with an appropriate allowance for climate change can be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development, and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.
Reason: To reduce the risk of flooding to the proposed development and future users, in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that all site drainage measures are agreed at an appropriate stage of the development process.

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

- Phasing of the development and phasing of temporary drainage provision;
- Methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land (in particular the adjacent railway) is prevented.

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 prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP19, LP27 and LP28 of the Kirklees Local Plan as well as Chapters 9 and 14 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that all temporary site drainage measures are agreed at an appropriate stage of the development process.

19. Prior to the installation of any external artificial lighting, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
Reason: To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to comply with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

20. Prior to their use, samples/details of all the external facing and roofing materials to be used within the industrial and storage units hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until it is completed in accordance with the approved scheme which shall be retained thereafter.
Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of the Milnsbridge Conservation Area and adjacent heritage assets, to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

21. No site clearance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before the site is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with policy LP30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework.

22. The development shall be carried out strictly in accordance with the Ecological Design Strategy, by Whitcher Wildlife Ltd. Ecological Consultations, Report Ref: 210221/EDS/Rev 1, dated 17/09/2021, and shall be implemented in the first planting and seeding seasons following the first use of the buildings hereby approved, or on completion of the development, whichever is the sooner. All features shall be retained in that manner thereafter.
Reason: To ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

23. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of amenity and safety, including the operational needs and integrity of the adjacent railway, to comply with Policy LP19 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.
This pre-commencement condition is necessary given the need to secure appropriate arrangements prior to operations taking place on site.

24. Development shall not commence until the hereby approved 1.8m high green palisade fence is erected around the boundary of the site, in accordance with details shown within approved drawing no. 211-PL-01 Rev B 'Proposed Landscape Layout'. Once erected this shall be retained and maintained for the lifetime of the development.
Reason: In the interests of health and safety and to reduce the likelihood of trespass onto the adjacent railway line, to accord with Chapters 8, 9 and 12 of the National Planning Policy Framework and Policies LP19, LP21 and LP24 of the Kirklees Local Plan.
This pre-commencement condition is necessary given the need to secure the site prior to operations taking place on site.

25. Before first occupation, a scheme detailing the dedicated facilities that will be provided at the site 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 meet the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use thereafter.
Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

26. Prior to commencement of superstructure works, details of all hard landscaping, including the retention of the existing stone setts towards the entrance of the site shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until all hard landscaping has been implemented in accordance with the approved details.
Reason: In the interests of visual amenity and to protect and enhance the setting of the Milnsbridge Conservation Area and adjacent heritage assets, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

27. Notwithstanding the submitted information and plans, the stone boundary wall located at the site entrance shall be retained. Should the boundary wall not be able to be retained in its entirety, the wall shall be rebuilt to match the layout and materials of the existing boundary wall, utilising reclaimed stone from the existing wall where possible.
Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of the Milnsbridge Conservation Area and adjacent heritage assets, to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

28. Notwithstanding the submitted plans, prior to the installation of the hereby approved Armco barrier and acoustic fencing, details of their appearance, location and elevations shall be submitted to and approved in writing by the Local Planning Authority. The barriers/fencing shall be installed in accordance with the approved details and retained as such thereafter.

Reason: To ensure the satisfactory appearance of the development on completion and to preserve and enhance the setting and significance of the Milnsbridge Conservation Area and adjacent heritage assets, as well as in the interests of residential amenity and for the safety, operational needs and integrity of the adjacent railway, this is to accord with Policies LP19, LP24 and LP35 of the Kirklees Local Plan and Chapters 9, 12 and 16 of the National Planning Policy Framework.

29. Within eight months of the date of this permission, the 35 trees to be planted as shown on hereby approved drawing no. 211-PL-01 Rev A, received 02/09/2025, should be planted in accordance with BS8545. Within two months of the replacement trees being planted, written and/or photographic evidence shall be provided to the Local Planning Authority to demonstrate that the required replacement trees have been planted in accordance with the conditions of this decision notice. Any replacement trees which are damaged, die, removed, uprooted or destroyed within five years of planting, shall be replaced by a new tree(s) of the same species, size and at the same place, to the satisfaction of the Local Planning Authority.
Reason: To safeguard future tree cover and amenity, and to ensure that the planting is carried out in accordance with good Arboricultural practice, in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group*

NOTE: All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants http://www.association-of-noise-consultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

NOTE: Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary fencing for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary;

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees – Pines (Pinus), Hawthorn (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat “Zebrina”.

Not Acceptable:

Acer (Acer pseudoplantanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea).

NOTE: Noisy construction related activities shall not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays
- With no noisy activities on Sundays or Public Holidays

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: 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 Notes for the Reduction of Obtrusive Light" by the Institution of Lighting Professionals: 2011 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 an Environmental Zone E3.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: 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.
- 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 in relation to Approved Document S.

NOTE: For the avoidance of doubt, this permission is issued subject to the planning obligations of the previous Section 106 agreement (dated 12/03/2024, ref: 2022/91789).

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Proposed Landscape Layout	211-PL-01	B	03/09/2025
Proposed Landscape Phasing	211-PL-02	A	03/09/2025
Proposed Phasing	211-PL-03	A	18/02/2025
Addendum to Arboricultural Method Statement – Supporting Information	211008 MS	-	03/09/2025
Landscape Management Plan – Supporting Information	211-LMP-RM-01	B	03/09/2025
Received via originally approved full planning application: 2022/91789			
Location Plan	-	-	24/05/2022
Site & Location Plans	211-PA-01	-	24/05/2022
Unit 1	1101-DAG-A-05_001	B	28/04/2023
Unit 2	1101-DAG-A-05_002	B	28/04/2023
C1-C10 (Typical Storage Unit)	1101-DAG0-A-05_003	B	28/04/2023
Unit 5	1101-DAG-A-05_005	B	28/04/2023
Unit 6	1101-DAF-A-05_006	B	28/04/2023
Site Sections as Proposed	1101-DAG-DR-A-05-0010	B	28/04/2023
Site Plan	1101-DAG-SK-A-0200	B	28/04/2023
Lower Level			28/04/2023
Intermediate Level			28/04/2023
Upper Level	1101-DAG-SK-A-0302	C	28/04/2023
Proposed Phasing	211-PL03	A	28/04/2023
Swept Path Analysis	4a	-	24/05/2022
Drainage GA	LM22250-DYSE-XX-ZZ-DR-C-1001	P01	25/11/2022
Luminaire Layout and Illuminance Calculation Drawing	LSC10356/1	-	24/05/2022
Tree Constraints Plan at: Scar Lane, Milnsbridge	-	-	24/05/2022
Micro Drainage Report – Supporting Information	-	-	01/03/2023
Tree Survey – Supporting Information	90112c	-	24/05/2022
Transport Statement – Supporting Information	21126	1	24/05/2022
Planning Statement and Heritage Impact Assessment – Supporting Information	-	-	24/05/2022
Design + Access – Supporting Information	-	-	24/05/2022
Arboricultural Method Statement – Supporting Information	211008 MS	-	24/05/2022
Invasive Non-Native Species Protocol – Supporting Information	210221/Invasive.	-	24/05/2022
Ecological Design Strategy (EDS) – Supporting Information	210221/EDS/Rev1.	-	24/05/2022
Ecological Impact Assessment – Supporting Information	180856/EcIA.	-	24/05/2022
Urbino LED (Lighting) – Supporting Information	-	-	24/05/2022

Urbini LED (Lighting) – Supporting Information	-	-	24/05/2022
KH15EQ (Lighting) – Supporting Information	-	-	24/05/2022
Climate Change Statement – Supporting Information	-	-	03/05/2023

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. Amendments have been sought in respect of the submission of a revised Landscape Management Plan and Landscape Phasing plan. An addendum to the Arboricultural Method Statement has also been provided.

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.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

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 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: 28 days of the date of service of the enforcement notice, or within 6 months of 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 6 months of the date of this notice.**
- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at 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: 23-Sep-2025

Signed:



David Shepherd
Executive Director for Place

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 2024/70/91381/W.

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
