

PLANNING PERMISSION

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

THIS PERMISSION DOES NOT CONSTITUTE APPROVAL UNDER THE BUILDING REGULATIONS

(Please see notes at end of this letter)

To
Calderdale Metropolitan Borough Council
c/o AECOM Limited
5th Floor
1 New York Street
Manchester
M1 4HD

This Council hereby grants approval for

Amendment of the road alignment along Church Street and red line boundary of planning permission 20/00217/FUL and that the application is accompanied by an environmental statement.

on land at

**A629 Phase Two
Commercial Street
Halifax
Calderdale**

in accordance with the following plans approved by the Council on 21.11.2022

Plan Type	Reference	Version	Date Received
Site Plan	SK-0001		26.08.2022
Location Plan	SK-0003		26.08.2022
Permitted and Proposed Site Plan	SK-0002		26.08.2022
Site Plan	SK-0004	P1	21.10.2021

and subject to the following conditions under Section 91 of the Act

The development to which this permission relates must be begun not later than the expiration of THREE YEARS beginning with the date on which this permission is granted

and subject to the additional conditions specified below:

1. The development shall be carried out in complete accordance with the approved plans, unless the variation from approved plans is required by any other condition of this permission.
2. Before any artificial lighting is installed a scheme to adequately control details of and any glare and stray light produced by artificial lighting at the proposed development should be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Light Pollution" (dated 2005) for zone E3 and the Bat Conservation Trust (BCT) "Recommendations to Help Minimise the Impact of Artificial Lighting (dated 2014) for the Eastern Corridor zone . The artificial lighting should be installed in accordance with the scheme so approved and retained thereafter.
The scheme should include the following information:-
 - a)The proposed type of luminaires to be installed showing for each unit, the location, height, orientation, light source type and power.
 - b) The proposed level of maintained illuminance, measured horizontally at ground level. Including the maintenance factor .
 - b)The predicted maximum vertical illuminance that will be caused by the lighting when measured at windows of any residential properties in the vicinity.
 - c)The proposals to minimise or eliminate glare from the use of the lighting installation when viewed from windows of properties in the vicinity.
 - e)The proposed hours of operation of the lighting.Furthermore there shall be submitted upon completion of the development, a statement of a suitably qualified contractor, that any lighting installation to which this condition applies is fully compliant with the ILE guidance.
3. The development permitted by the planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by AECOM, dated February 2020, "A629 Phase 2 Halifax Town Centre, Environmental Statement Volume II, Appendix 9A: Flood Risk Assessment", Project No 6052827. The mitigation measures shall be fully implemented prior to the scheme coming into use
4. No drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.

5. The development should not begin until a Surface Water Management Plan during construction has been submitted to and approved in writing by the Local Planning Authority. This should detail how the applicant will ensure the site does not cause pollution or an increased flood risk during the works.
6. A survey of existing site drainage, including any culverts/watercourses that may cross the site, showing connectivity and condition, shall be carried out prior to commencement on site, and the findings submitted to the Local Authority for comment
7. No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones" (To include the Hebble Brook and adjacent areas)
 - c) Practical measures to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Details of ecological surveys that need to be conducted prior to commencement of construction activities.The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
8. Prior to the commencement of any excavation works, an invasive species management plan shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of invasive non-native plant species on site. The measures shall be carried out strictly in accordance with the approved scheme.
9. The construction phase work as detailed in the application shall at all times be carried out with regard to the mitigation/ enhancement measures set out in Table 3-2 (air pollution) and Table 3-3 (noise and vibration) of Volume II of the A629 Phase 2 Halifax Town Centre Environmental Statement submitted with the planning application. The monitoring requirements set out in Tables 3-2 and 3-3 shall be included in the final Construction Environmental management Plan (CEMP) and the inspection logs covering noise and emissions to air shall be kept and made available to Calderdale Council on request.

The reasons for the Councils conditions are as below:

1. The development shall be carried out in complete accordance with the approved plans, unless the variation from approved plans is required by any other condition of this permission.
2. For the avoidance of doubt and in the interests of the amenities of neighbouring properties, biodiversity and pollution prevention and to ensure compliance with BE7 of the Replacement Calderdale Unitary Development Plan.
3. To reduce the risk of flooding from blockages to the existing bridge and to ensure the additional structure of the bridge will not impact or impede the hydraulic characteristics of the channel having regard to Policy EP20 of Calderdale Unitary Development Plan.
4. To ensure proper drainage of the site and to ensure compliance with EP22 of the Replacement Calderdale Unitary Development Plan.
5. To protect watersources during construction and to ensure compliance with Policy EP12 of the Replacement Calderdale Unitary Development Plan.
6. To ensure proper drainage of the site and to ensure compliance with EP14 of the Replacement Calderdale Unitary Development Plan.
7. In the interests of conservation and to protect the ecological species, and in order to ensure compliance with NE16 of the Replacement Calderdale Unitary Development Plan.
8. To ensure that the site is properly cleared of Invasive species.
9. In the interests of local amenity.

Informative(s)

1. The Local Planning Authority has endeavoured to work with the applicant/agent in relation to this application, to secure a development that positively contributes to the economic, social and environmental well being of Calderdale in accordance with the National Planning Policy Framework.
2. The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Condition(s) 5,6,7 & 8 of this permission requires matters to be approved before development starts; however, in this instance the conditions are justified because The details required under conditions 5,6,8 are fundamental to the acceptability of the subsequent building works. and the details required under conditions 7 are necessary to ensure that public safety and/or amenity are protected during the subsequent building works.
3. The applicant's attention is drawn to the consultation responses from: INSERT NAME HERE which can be viewed on our website at www.calderdale.gov.uk. Click on the search button in the Search and Comment on Planning Applications box and then enter the relevant

application number. Consultation responses can be found when you click on the Comments tab.

Please be aware that you will have to submit an application to have the details required by condition, approved. The fee is £34 for a Householder application and £116 for a Non-householder. There is no charge for discharging conditions on Listed Building Consents, TPO's or Conservation Area Consents

Please note the charges will be applied per application irrespective of how many conditions the application is for. If there are 20 conditions and you only apply for 1 -10 then the appropriate fee will apply and when you apply for conditions 11 -20 you will be charged again.

Please also note that the process can take up to 8 weeks.

DATED: 21 November 2022

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For and on behalf of
Director of Regeneration and Strategy

TOWN AND COUNTRY PLANNING ACT 1990

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 for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.

If this is a decision to refuse planning permission for a **householder application**, If you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a **minor commercial application**, If you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice.

If this is **not a refusal of planning permission for a householder or minor commercial application** if you want to appeal then you must do so within six months of the date of this notice.

However, if an Enforcement notice has been served for the same or substantially the same land and development as in your application the time limit is:

28 days from the date of the Local Planning Authority's decision if the Enforcement Notice was served before the decision was made yet not longer than 2 years before the application was made or

28 days from the date the Enforcement Notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 12 weeks – where this relates to a householder application, or unless this extends the appeal period beyond 6 months, for the other applications).

You should use forms which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0117 372 6372) or online at www.planningportal.gov.uk/pcs. A copy of the completed appeal form should be sent to, Calderdale MBC Planning Services, C/O The Town Hall, Crossley Street, Halifax, HX1 1UJ.

The Secretary of State can allow a longer period for giving notice of an appeal, but 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 permission without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

The Planning Inspectorates online appeals service which you can use to make your appeal can be found through the Appeals area of the Planning Portal – see www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

Purchase Notice

If either the Local Planning Authority or the Secretary of State for Communities and Local Government 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 can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. 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.