

## PERMISSION TO REMOVE/VARY CONDITION

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

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THIS PERMISSION DOES NOT CONSTITUTE APPROVAL UNDER THE BUILDING REGULATIONS

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(Please see notes at end of this letter)

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

This Council hereby grants permission for

**Variation of Conditions 16 and 20 on Application Number: 20/00217/FUL and removal of drawing number 60528270-SHT-25-0002-C-0000-01**

on land at

**A629 Phase Two  
Commercial Street  
Halifax**

in accordance with the application approved by the Council on 06.03.2023

Plan Type	Reference	Version	Date Received
Location Plan	60528270-FIG-25-0000-C-0000-03		26.02.2020
Proposed Plans	FIG 4.2C - Church Street/South Parade Gen Arrangem		26.02.2020
Proposed Plans	FIG 4.2D - Church Street/South Parade Gen Arrangem		26.02.2020
Proposed Plans	FIG 4.2B - Church Street/South Parade Gen Arrangem		26.02.2020
Proposed Plans	FIG 4.2E - Eastern Gateway	5	12.05.2020
Proposed Plans	FIG 4.2F - Eastern Gateway	4	12.05.2020
Proposed Plans	FIG 4.2G		26.02.2020
Proposed Plans	FIG 4.2H - Cripplegate/BankBottom/BerryLane		26.02.2020
Proposed Plans	FIG 4.2I - Cripplegate/BankBottom/BerryLane		26.02.2020
Proposed Plans	FIG 4.2J -Charlestown Road		26.02.2020

CALDERDALE METROPOLITAN BOROUGH COUNCIL

Application No:

**22/01346/VAR**

**WARD: 16**

Proposed Plans	FIG 4.2K - Charlestown Road	26.02.2020
Proposed Plans	FIG 4.2O - Charlestown Road	26.02.2020
Proposed Plans	FIG 4.2L - Charlestown Road/A58 Gen Arrangemnt	26.02.2020
Proposed Plans	FIG 4.2M - Charlestown Road/A58 Gen Arrangemnt	26.02.2020
Proposed Plans	FIG 4.2N - Charlestown Road	26.02.2020
Proposed Plans	FIG 4.3A - Prescott Street	26.02.2020
Proposed Plans	FIG 4.3B - Comm.Street/FountainStreet/Wards End	26.02.2020
Proposed Plans	FIG 4.3C - Comm.Street/FountainStreet/Wards End	26.02.2020
Proposed Plans	FIG 4.3D - Comm.Street/FountainStreet/Wards End	26.02.2020
Proposed Plans	FIG 4.3E - BullGreen/CowGreen General Arrangement	26.02.2020
Proposed Plans	FIG 4.3F - BullGreen/CowGreen General Arrangement	26.02.2020
Proposed Plans	FIG 4.3G - BullGreen/CowGreen General Arrangement	26.02.2020
Proposed Plans	FIG 4.3H - PellonLane/CowGreen General Arrangement	26.02.2020
Proposed Plans	FIG 4.3I - PellonLane/CowGreen General Arrangement	26.02.2020
Proposed Plans	FIG 4.3L - Northgate/Crosshills General Arrangemen	26.02.2020
Proposed Plans	FIG 4.3M - Northgate/Crosshills General Arrangemen	26.02.2020
Proposed Plans	FIG 4.3N - Northgate/Crosshills General Arrangemen	26.02.2020
Proposed Plans	FIG 4.3O - Northgate/Crosshills General Arrangemen	26.02.2020
Proposed Plans	FIG 4.3J - Orange Street	26.02.2020
Proposed Plans	FIG 4.3K - Orange Street	26.02.2020
Proposed Plans	FIG 4.4A - WindingRoad/KingStreet General Arrangem	26.02.2020
Proposed Plans	FIG 4.4B - WindingRoad/KingStreet General Arrangem	26.02.2020
Proposed Plans	FIG 4.4C - WindingRoad/KingStreet General Arrangem	26.02.2020
Proposed Plans	FIG 4.4D - HortonStreet General Arrangement	26.02.2020
Proposed Plans	FIG 4.4E - HortonStreet General Arrangement	26.02.2020
Proposed Plans	FIG 4.4F - HortonStreet General Arrangement	26.02.2020
Proposed Plans	FIG 4.4G - Northern Loop	26.02.2020
Proposed Plans	FIG 4.4H - Northern Loop	26.02.2020

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Proposed Plans	FIG 4.4I - Southern Loop	26.02.2020
Proposed Plans	FIG 4.4J - Southern Loop	26.02.2020
Proposed Plans	FIG 4.4K - MarketStreet General Arrangement	26.02.2020
Proposed Plans	FIG 4.4L - MarketStreet General Arrangement	26.02.2020
Proposed Plans	FIG 4.5A - Eastern Gateway	26.02.2020
Proposed Plans	FIG 4.5B - Eastern Gateway	26.02.2020
Proposed Plans	FIG 4.5C - Eastern Gateway	26.02.2020
Proposed Plans	FIG 4.5G - Cripplegate/BankBottom/BerryLane	26.02.2020
Proposed Plans	FIG 4.5D - Eastern Gateway	26.02.2020
Proposed Plans	FIG 4.5E - Eastern Gateway	26.02.2020
Proposed Plans	FIG 4.5F - Cripplegate/BankBottom/BerryLane	26.02.2020
Proposed Plans	FIG 4.5H - Cripplegate/BankBottom/BerryLane	26.02.2020
Proposed Plans	FIG 4.5I - Cripplegate/BankBottom/BerryLane	26.02.2020
Proposed Plans	FIG 4.5J - Cripplegate/BankBottom/BerryLane	26.02.2020
Proposed Plans	FIG 4.5K - Cow Green	26.02.2020
Proposed Plans	FIG 4.5L - Cow Green	26.02.2020
Proposed Plans	FIG 4.5M - Bull Green Cross Sections	26.02.2020
Proposed Plans	FIG 4.5N - Car Park	26.02.2020
Proposed Plans	FIG 4.5O - Cow Green	26.02.2020
Proposed Plans	FIG 4.5P - Eastern Gateway	26.02.2020
Plan	Eastern Gateway Loading Bay	12.05.2020
Plan	Eastern Gateway Square Chapel Servicing	12.05.2020

and subject to the following conditions

1. The development to which the permission relates must be begun not later than the date on or before which the previous permission 20/00217/FUL required development to be begun.
2. 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.
3. No demolition/development shall take place/commence until a written scheme of archaeological investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

4. Before any re-surfacing works commence details and samples of the surfacing materials to be used in the development (to include traffic islands, cycle lanes, motorcycle parking, tactile paving, Eastern Gateway pavements around 31 Square Road and Alfred Street East) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved and shall be retained thereafter
5. 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.
  - c) The predicted maximum vertical illuminance that will be caused by the lighting when measured at windows of any residential properties in the vicinity.
  - d)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
6. Before installation of the Bus Shelters, details of the design and colour of the Bus Shelters to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved and the Bus Shelters shall be retained thereafter
7. Before construction commences on the public realm areas, details of the street furniture to be installed in the development (to include rubbish bins, cycle facilities, seating) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved and shall be retained thereafter.

8. Before development commences on the Eastern Gateway a Service Management Plan shall be submitted to and approved in writing by the Local Planning Authority the scheme shall include:
  - (i) How the access through the rising bollards will be managed
  - (ii) Access arrangements to the adjacent properties,The approved Service Management Plan shall be implemented in its entirety.
9. 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 60528270, and the following mitigation measures it details.

The soffit levels of the bridge at Hebble Brook Road/ Bank Bottom/Cripplegate will be maintained as the existing level. And the new piled foundations of the bridge will be located beyond the existing retaining walls on the landward side of the channel, as stated in paragraph 4.3.14.

The mitigation measures shall be fully implemented prior to the scheme coming into use.
10. The development shall be carried out in accordance with the details shown on the submitted Drainage Strategy Report prepared by Aecom (Report 60528270 dated August 2018).
11. No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the water main i.e. a protected strip width of 6 (six) metres, that enters the site . If the required stand -off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker
12. The development shall not 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
13. Prior to commencement of works a construction method statement outlining the proposed method of construction including; details of excavations/piling/buildings and earthworks, and risk assessment in relation to the railway and construction traffic shall be submitted to and approved in writing by the local Planning Authority. All works shall be carried out in accordance with the approved details.
14. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports

15. No vibro-compaction machinery shall be used in vicinity of Network Rail infrastructure, unless details of the use of such machinery and a method statement has been submitted to and approved in writing by the Local Planning Authority the works shall only be carried out in accordance with the approved method statement
16. Ecological mitigation and enhancement shall be delivered in the form of bat roosting and bird nesting features and locally native scrub planting as shown in Figure 10.2 Bat Survey and Ecological Mitigation and Enhancement Areas dated 15 May 2020 in accordance with the timescale specified therein.
17. Prior to the public realm works commencing on Cow Green and / or Eastern Gateway a scheme of landscaping incorporating:
  - (i) Details of any public art and wayfinding features
  - (ii) Details of hard and soft landscaping treatments to facilitate any servicing arrangements for the buildings surrounding the Eastern Gateway, as necessary
  - (iii) Details of locally native and / or nectar-rich species has been submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented in accordance with the approved timescale and thereafter retained.
18. 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.
19. 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.
20. 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.

21. The original Railway Station pedestrian access gate piers on Church Street shall be protected from damage during development and thereafter be retained in situ.

The reasons for the Council's decision to grant an approval for the development subject to the above conditions are:

1. Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990
2. For the avoidance of doubt as to what is permitted and to ensure a more satisfactory development of the site and compliance with the policies of the Replacement Calderdale Unitary Development Plan.
3. To ensure that any archaeological remains are recorded or are preserved in accordance with an agreed scheme and to ensure compliance with Policy BE24; of the Replacement Calderdale Unitary Development Plan.
4. To ensure a satisfactory appearance in the interests of visual amenity and to ensure compliance with BE1 of the Replacement Calderdale Unitary Development Plan.
5. For the avoidance of doubt and in the interests of the amenities of neighbouring properties and pollution prevention and to ensure compliance with BE7 of the Replacement Calderdale Unitary Development Plan.
6. In the interests of amenity and to ensure compliance with Policies BE1 of the Replacement Calderdale Unitary Development Plan.
7. In the interests of amenity and to ensure compliance with Policies BE1 of the Replacement Calderdale Unitary Development Plan.
8. In the interests of highway safety and to achieve a satisfactory layout and to ensure compliance with BE1 of the Replacement Calderdale Unitary Development Plan.
9. 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
10. To ensure proper drainage of the site and to ensure compliance with EP22 of the Replacement Calderdale Unitary Development Plan.
11. In order to allow sufficient access for maintenance and repair work at all times
12. To ensure proper drainage of the site and to ensure compliance with EP22 of the Replacement Calderdale Unitary Development Plan
13. To ensure the safety, operational needs and integrity of the railway are maintained

14. To ensure the safety, operational needs and integrity of the railway are maintained
15. To ensure the safety, operational needs and integrity of the railway are maintained
16. In the interests of conservation and to protect the ecological species and in order to ensure compliance with NE17 of the Replacement Calderdale Unitary Development Plan
17. In the interests of amenity and to help achieve a satisfactory standard of landscaping.
18. 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
19. To ensure that the site is properly cleaned
20. In the interests of local amenity.
21. In the interests of character and visual amenity of the area and to ensure compliance with BE18 of the Replacement Calderdale Unitary Development Plan and paragraph 197 of the NPPF.

**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.**

DATED: 6 March 2023

.....  
Richard Seaman  
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: 0303 4445000) or online at [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes). 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](http://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.