

Town and Country Planning Act 1990

Grant of Full Planning Permission

Applicant:	Mr D Langton - Skelton Ltd	Application Number:	23/04970/FU
Agent:	Mr Chris Jarvis - MEWP Ltd Hammerain House Hookstone Avenue Harrogate HG2 8ER	Date Accepted:	14 September 2023
		Date of Decision:	21 December 2023

Proposed Development At: 46 Knowsthorpe Way Cross Green Leeds LS9 0SW

Proposal: Partial demolition of existing workshop building; installation of combined heat and power plant

Plans and specifications that this decision is based on:

Plan Type	Plan Reference	Received
Site Location Plan/Red Line/OS Plan	2023/79/137/1	14.08.2023
Block Plan/Layout Plan	2023/79/137/2	14.08.2023
Proposed floor plan(s)	C21038/BA	14.08.2023
Block Plan/Layout Plan	2023.79.137/4A	06.09.2023
Proposed elevation(s)	C21038/BA	06.09.2023

Full planning permission granted in accordance with the approved plans and specifications and subject to the condition(s) set out below:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans and Specifications above.

For the avoidance of doubt and in the interests of proper planning.

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- 3) All external wall cladding to enclose the building at the area of partial demolition shall be constructed in materials to match those of the existing building.

In the interests of visual amenity.

- 4) No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been submitted to and approved in writing by the Local Planning Authority. The protection measures shall include but not be exclusive to the means of ensuring that access to the pipe, using an appropriate stand-off, for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. The approved measures shall be implemented thereafter.

In the interest of public health and maintaining the public water supply.

- 5) The Local Planning Authority shall be notified in writing immediately where unexpected significant contamination is encountered during any development works and operations in the affected part of the site shall cease. The affected part of the site shall be agreed with the Local Planning Authority in writing.

Where remediation of unexpected significant contamination is considered by the Local Planning Authority to be necessary, a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of development on the affected part of the site. The Remediation Strategy shall include a programme for all remediation works and for the provision of verification information.

Remediation works shall be carried out in accordance with the approved Remediation Strategy. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all necessary verification information has been approved in writing by the Local Planning Authority.

In the event that no unexpected significant contamination is encountered, written confirmation shall be submitted to the Local Planning Authority prior to occupation of the site.

It is strongly recommended that all reports are prepared and approved by a suitably qualified and competent person.

To enable the Local Planning Authority to ensure that unexpected contamination at the site will be addressed appropriately and that the development will be 'suitable for use' with respect to land contamination.

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For information:-

- 1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries, the detailed advice available on the Council's website and further discussion where appropriate to produce an acceptable development. This particular proposal was clearly in accordance with the Development Plan and so permission could be granted without any further discussion.
- 2) All reports addressing land contamination should be compiled in accordance with best practice and with the National Planning Policy Framework and policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

Prior to preparing any reports in compliance with conditions related to land contamination the applicant is also advised to refer to the latest version of the Yorkshire and Lincolnshire Pollution Advisory Group technical guidance for developers, landowners and consultants, as noted below:

- Development on Land Affected by Contamination
- Verification Requirements for Cover Systems
- Verification Requirements for Gas Protection Systems

Where C_SOIL has been placed on the planning permission, guidance on the required information to submit is available in the Verification Requirements for Cover Systems guidance.

The latest version of this guidance and additional information is available at www.leeds.gov.uk/contaminatedland

- 3) The applicant is advised that remediation of any contaminated site is required to a standard such that the site is 'suitable for its proposed use' in accordance with the National Planning Policy Framework (NPPF) and policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

Remediation may include the requirement for the importation of suitable soils and/or soil forming materials, an appropriately designed capping layer and satisfactory gas protection measures.

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In order that the council can confirm that the site has been demonstrated as suitable for use, verification information in line with the approved Remediation Strategy must be submitted to the Local Planning Authority for approval in writing. Without submission of evidence to support the discharge of conditions relating to verification eg C_VERI, C_SOIL, C_LUNX, there may arise delays to condition discharge, failure of property sale, liability issues and enforcement action including action under Part 2A of the Environmental Protection Act 1990.

As noted in the NPPF, where a site is affected by contamination issues, responsibility for securing a safe development rests with the developer and/or landowner.

- 4) An appropriate survey should be undertaken to identify any asbestos containing materials in existing structures/buildings, including fly-tipped waste or rubble from the demolition process. Asbestos containing materials must be safely removed prior to demolition and site clearance, or conversion of existing structures/buildings, to avoid causing risks to public health and the environment. Asbestos-contaminated waste must be disposed of appropriately at a licensed waste facility. The legal requirements for managing and working with asbestos are set out in the Control of Asbestos Regulations 2012.
- 5) Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. 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 permission to enter or disturb such property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from the Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities
- 6) Please ensure that the appropriate Permit is secured prior to the operation of the development hereby approved.

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The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://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, digging of 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.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the 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

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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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

In respect of housing development, the applicant's attention is drawn to part Q1 of the 2010 Building Regulations and Approved Document Q1 (Unauthorised Access) 2015. Specifically that the standards for doors and windows (including locks and other hardware) shall be sufficiently robust and capable of resisting physical attack by a burglar, so as to include euro 'anti-snap' locks or equivalent standard.

Applicants are requested to remove any site notices related to this application from outside the property to which the application relates.

Important Information about Your Planning Permission

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

This decision notice only relates to the grant of planning permission. It does not give any approval or consent which may be needed under any legislation, enactment, bye-laws, order or regulation other than the Town and Country Planning Act 1990 as amended. You may need other approvals, consents or licenses for the development eg building regulations approval.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) A variation from the approved plans following commencement of the development is likely to constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

This planning permission is granted subject to conditions. Please read the conditions carefully and make sure that you understand what is required to comply with them. It is the responsibility of the owner(s) and the person(s) implementing the development to ensure that

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the approved plans and these conditions are complied with throughout the development and beyond. Failure to comply with any of the conditions may result in enforcement action.

Conditions which require work to be carried out or details to be approved prior to commencement are very important and are called '**conditions precedent**'.

This means:

- (a) If a condition precedent is not complied with, the whole of the development might be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify this is by the submission of a new application to obtain a fresh planning permission.

A fee of £116 per request or £34 if the request relates to a householder application is payable to discharge condition(s). The request needs to identify the planning application number and the condition(s) concerned; a form is available from our website www.leeds.gov.uk/planningforms titled Approval of Details application form.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to grant permission for the proposed development subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 as amended.

If you want to appeal, you must do so within **six months** of the date of this notice, unless a valid Enforcement Notice exists for the same or substantially the same development. In this case the period for appeal is **28 days** from the date of this notice. You should use a form which you can obtain from www.gov.uk/appeal-planning-decision or by email from enquiries@planninginspectorate.gov.uk or by phoning 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to do so unless there are special circumstances which excuse the delay in giving notice of appeal.

You must send one copy of the completed form to planning.appeals@leeds.gov.uk or Appeals Administration, Planning Services, Leeds City Council, Merrion House, 110 Merrion Centre, Leeds, LS2 8BB as well as to the Planning Inspectorate at the address on the form.

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If you intend to submit an appeal that you would like examined by inquiry, you should notify the Local Planning Authority (planning.appeals@leeds.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) of your intention to appeal a minimum of 10 working days before the appeal is submitted to the Planning Inspectorate.

The notification form and further guidance is available at
www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal