

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2015/62/92343/E

Site Address: Warwick Mills, Warwick Road, Batley, WF17 6BS

Description: Part demolition and conversion of mill to form 18 residential units

Recommending Officer: Louise Bearcroft

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 27-Mar-2018

OFFICER REPORT

Site Description

The site comprises a mill building at Batley known as Warwick Mills; the building is predominately vacant except for two existing tenants; the offices of a Travel Company and storage use associated with a charity. The building is two / three storeys in scale and constructed with a stone façade and brick to the rear. To the rear of the property is a yard area accessed via an arched entranceway off Warwick Road. The site is bordered by residential properties to the north, Warwick Road to the east, Batley Foundry Ltd (iron castings) to the south and undeveloped land to the west. The site is unallocated on the Unitary Development Plan Proposals Map.

Description of Proposal

The application seeks permission for the part demolition of the mill and its conversion to create 18 residential units.

The ground floor and first floor would each provide 8no residential units comprising a mix of 1 bed and 2 bed units. On the upper floors 2 units are proposed on a spilt level. In the basement it is proposed to provide 3 leisure units, each comprising a gym, utility room and cinema. It is proposed to largely retain the existing window openings on the principal elevation with modifications on the rear elevation, and new openings. It is proposed to apply render to the rear and side elevations.

Access would be via Warwick Road. The proposal is to demolish the existing arched access way and accommodation above, to provide access to the rear of the site for off-street parking. 26 parking spaces are proposed to the rear of the site.

History of negotiations/amendments received

Officers negotiated with the applicant to:

- Submit additional information regarding the loss of the site for employment use
- Address highway objections that due to on-street parking it is not possible for a normal refuse vehicle to enter and exit the site in forward gear, and concerns that there are unacceptable visibility splays to serve the development.
- Secure a noise report
- Address drainage objections raised by Yorkshire Water who wished to see evidence of existing positive drainage to a public sewer and on-site attenuation.
- Give consideration to retaining the arch and the arched windows on the rear elevation.

- Submit information about the current tenants within the building in respect of applying Vacant Building Credit to off-set the affordable housing requirement.

Relevant Planning History

None

Representations

The application was advertised by neighbour letter, site notice and press notice expiring 11th September 2015.

One representation has been received from Batley Foundry. The main concerns raised are summarised as follows:

- Concern about congestion due to cars parking on street and deliveries / collections cannot be made.
- Concern about the impact on the local highway network even with off-street parking Concern about safety.

Ward Councillor Fadia Loonat requested an update during the course of the application, the ward member has also been informed of the officer recommendation.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- **K.C. Highway Services** – No objections
- **K.C Environmental Services** –No objections
- **K.C Ecologist** – No objections
- **K.C Flood Management** – No objections
- **Yorkshire Water** – The drainage details are not acceptable but can proceed with conditions

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and unallocated on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- D2 – Unallocated Site
- BE1 – Design principles
- BE2 – Quality of design
- BE12 – Space about buildings
- T10 – Highway Safety
- G6 – Land contamination
- B4 – Change of use of land and buildings last used for business or industry
- EP4 – Noise Sensitive Development

Kirklees Publication Draft Local Plan (PDLP):

- PLP 1 – Presumption in favour of sustainable development
- PLP 21 – Highway Safety and access
- PLP 22 – Parking
- PLP 24 – Design
- PLP 28 – Drainage
- PLP 30 – Biodiversity and geodiversity
- PLP 51 – Protection and improvement of local air quality
- PLP 53 – Contaminated and Unstable Land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 6 – Delivering a wide choice of high quality homes

- Chapter 7 – Requiring good design
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and Enhancing the Natural Environment

Assessment

Principle of development:

The site is a brownfield site located within a mixed use area between the local centres of Batley and Dewsbury. The site has no specific allocation on the Unitary Development Plan Proposals Map. Policy D2 of the Unitary Development Plan (UDP) states “planning permission for the development (including change of use) of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced the proposal would be acceptable in principle in relation to policy D2. It is also necessary to assess the loss of the site for business use, in accordance with policy B4 of the UDP as well as chapter 1 of the NPPF.

The last use of the site was as offices and business storage. The agent notes that whilst the site has historically been in use for employment purposes for a long period, the level of activity has become significantly reduced in recent times. The agent opinions this is because of the difficulties with its location, the type and layout of the buildings and the constrained nature of the access which is not suitable to modern business requirements.

The applicant was asked to provide details of whether the property has been marketed for continued business use to ascertain the demand for the property. It has been confirmed that no formal marketing of the property has been undertaken. However, to support the application, the applicant has commissioned ‘adams estates’, a local estate agent to carry out an inspection of the property. The estate agent notes the property has been vacant for many years, with some continuing use of storage. The space is in poor condition, with extensive structural failures and partial collapse of the roof and floors, and would require extensive refurbishment and rebuilding to bring it back into use. They opinion that demand for a building of this type in a residential location with poor access is extremely low to non-existent., and combined with the cost of refurbishing the building and commercial rent levels, would make a project unviable. They go on to say that whilst the property has not been formally marketed, they have made potentially interested parties with a requirement for this extent of accommodation aware of its availability, and there has been no interest. They do not anticipate there will be any demand, either on a leasehold or owner occupied basis for the property in the near future on a commercial basis. This is due to a combination of poor quality accommodation, the cost of refurbishment and the difficult access, which is unsuitable for large heavy goods vehicles.

Although the site is within a mixed use area, it is evident the building has constraints for modern day business activities. Furthermore, Ministerial policy urges the reuse of brownfield land to support use of unwanted employment land for needed housing that might otherwise require greenfield land.

The Council is also unable to demonstrate a five year housing supply which is a material consideration. In these circumstances, in accordance with the National Planning Policy Framework (NPPF) paragraph 49, “relevant policies for the supply of housing should not be considered up to date”. Consequently planning applications for housing are required to be determined on the basis of the guidance in NPPF paragraph 14, which has a weighed presumption in favour of development.

The NPPF states that the purpose of the planning system “is to contribute to the achievement of sustainable development” (para 6). NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. A proposal for up to eighteen residential units provides economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF, new houses will support growth and satisfy housing needs thereby contribute to the building of a strong economy. There would be a social gain through the provision of new housing at a time of general shortage. National policy also encourages the use of brownfield land for development and it is considered the proposal amounts to sustainable development. For these reasons the principle of development is considered to be acceptable.

Impact on highway safety:

Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety, as does policy PLP21 of the Publication Draft Local Plan (PDLP). Concerns have been raised in the representation received about congestion due to cars parking on street with concern that deliveries / collections cannot be made. Concern has also been raised about the impact on the local highway network and safety.

The proposal is to modify the existing access and create a parking area to the rear of the site with 26 spaces. A Transport Statement has been submitted to accompany the application undertaken by HY Consultants Ref 15299 / February 2015. The report states that the proposals could generate about the same amount of traffic at peak periods but would result in fewer heavy goods vehicle movements over the whole day.

Highway Services initially raised a number of concerns. Whilst they initially gave support in principle to the application, they requested details of swept path analysis, clarification on the widening of the access, and appropriate visibility splays. On receipt of the amended plans, they recommended refusal on the grounds that due to on-street parking it was not possible for a refuse vehicle to enter and exit the site in a forward gear. There was also concern that there would be unacceptable visibility splays to serve the development,

and following discussions with Highway Safety, there was no possibility of altering the existing on-street parking restrictions to accommodate the development.

The applicant was made aware of these concerns, and sought ways to overcome the objections raised.

With respect to sightlines, the agent submitted revised plans for consideration. Highway Services note Warwick Road is traffic calmed so vehicle speeds should be relatively low. The figures quoted by Roger Lee Planning of 2.4 x 20m to the right and 2.4 x 17.7m to the left equate to traffic speeds of around 16 to 18 mph. Their comment that an off-set distance of 2.0m could be used as per the Manual for Streets recommendation is as follows:

A minimum figure of 2 m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered.

The speed survey results in the Transport Assessment show approximately 19 mph, and Highway Services consider that the sight line would be acceptable.

With respect to refuse collection, the applicants were asked to provide swept paths to identify the largest vehicle that can enter the site without over running the footway. The maximum size vehicle that can be accommodated is 9.62 metres, and therefore the applicants will need to utilise private refuse collection. Highway Services raise no objections to this, subject to the management company arranging this at their expense.

Highway Services have now removed their objection and subject to the inclusion of appropriate conditions, consider there would be no detrimental impact on highway safety and the proposal would accord with policy T10 of the UDP and policy PLP21 of the PDLP.

Impact on visual amenity:

Policies BE1 and BE2 are considerations in relation to design and layout. The proposed alterations to the building include:

- Demolition of the arched access and accommodation above to facilitate a new vehicle access
- Application of render to the new side elevations and existing rear elevation
- New glazing fitted into existing openings on front elevation, and existing openings to the rear on the three storey section, including the former loading door.
- Demolition of existing single storey structures to the rear

The greatest impact on the street scene would be the removal of the arched entrance and splitting the building into two parts. Whilst the preference would be for the façade of the building to be retained, the applicant has been unable to achieve this as the existing entrance is not wide enough or high enough to allow refuse and other service vehicles to enter the site. The plans have been revised however showing the arched windows to be retained. It is considered the proposed alterations to the building would have an acceptable impact on visual amenity and would accord with policies BE1 and BE2 of the UDP, policy PLP24 of the PDLP, and chapter 7 of the NPPF.

Impact on residential amenity (other than noise):

UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings.

The nearest properties to the site include No.1 and 3 Upper Mount Road to the north. These properties look directly onto the site, however due to the topography of the area, they are sited on a significantly higher land level than the mill building. These properties will front onto elevation Y-Y where no habitable room windows are proposed. It is considered therefore that there would be no loss of privacy to these properties.

There are also neighbouring properties directly opposite the site to the east; No.39-39e. Habitable room windows are proposed in the principal elevation of the mill building and there would be a distance of only 12 metres to these neighbouring properties. The pre-ample to policy BE12 stipulates that “In many cases where infill development is proposed, it may be reasonable to accept existing space standards within the immediate locality if this ensures that the privacy or amenity of existing residents is not detrimentally affected”. The proposed distance is less than is recommended by policy BE12. This is however not dissimilar to the relationship of neighbouring properties to each other on neighbouring streets including Cross Rink Street and Cross Mount Street. No objections have been received from residents about the proposed relationship and it is considered that there would not be an undue impact on these existing properties. The undeveloped land opposite the site has permission for the erection of a retail development (2009).

It is considered, on balance, there would not be a detrimental impact on residential amenity in accordance with policy D2 of the UDP and policy PLP24 of the PDLP.

Noise Issues

Environmental Services initially raised concerns that the proposed development may be subject to excessive noise levels from neighbouring industries, and it was recommended that the applicant provide a suitable report.

A noise assessment has been undertaken by NPVA Acoustics Ltd. The report identifies that the dominant noise sources are traffic noise along Warwick Road and light industrial noise from Batley Foundry Ltd and LGV/HGV leaving the foundry. The report recommends that the specification of glazing units and ventilation must achieve the internal noise levels for the development according to BS8233:2014 noise criterion.

Environmental Services have reviewed the noise report and agree with its findings. They advise the recommendations in the report be conditioned, in particular the glazing and ventilation conditions. Noise issues are considered to be addressed, subject to conditions. The proposal is considered to comply with the aims of policy EP4 of the UDP and chapter 11 of the NPPF.

Drainage Issues:

The application is accompanied by a Drainage Impact Assessment. The report concludes the development will reduce the overall impermeable area of the site to the rear of the building which will reduce the surface water discharging from the site and the overall impact on the public sewer. It is intended the existing drainage system on the site will be mimicked for the new development. Foul sewerage will be separated from the surface water sewer network up to the site boundary prior to discharging into the main sewer on Warwick Road. Separate consents will be sought from Yorkshire Water prior to discharging into their public sewer.

Flood Management note the submitted information states that surface water is to be discharged to the main sewer and have no further comment to make.

Yorkshire Water has raised concern about the drainage strategy, and requested that the developer provide evidence of existing positive drainage to a public sewer by means of physical investigation. They also advised that on-site attenuation, taking into account climate change, will be required. The applicant was advised of these concerns which were discussed with Yorkshire Water. Whilst Yorkshire Water objects to the scheme as shown, they are satisfied for this to be addressed by condition. Subject to conditions, drainage issues are addressed and the proposal would accord with the aims of chapter 10 of the NPPF.

Contamination

A Phase I Desk Top Study report accompanies the application dated February 2011 ref NG7620/WAR/SK. Environmental Services raise no objections with regard to land contamination but recommend the submission of a phase II contaminated land report, along with any subsequent reports and remediation strategy. Subject to the inclusion of appropriate conditions, contaminated land issues are addressed in accordance with policy G6 of the UDP and chapter 11 of the NPPF.

Ecology

UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The Council's Ecologist notes the building appears mainly to be in good order, well-sealed and unlikely to have any significant bat roost potential. There are some trees and shrubs to the rear of the site but these are unlikely to have bat roost potential and the development is unlikely to impact on this area. The remainder of the site consists of hard standing and is of no significant biodiversity interest. It is advised that a biodiversity enhancement plan is submitted as part of a condition to include details of landscaping, bat and bird boxes and details of lighting. Subject to the inclusion of a condition, ecological matters are addressed. The proposal is considered to comply with the aims of chapter 11 of the NPPF.

Contributions

The development triggers a contribution towards affordable housing. The Council's Interim Affordable Housing Policy requires 20% of all units which equates to 3-4 units of the development. In this case however Vacant Building Credit applies to this proposal which can be off-set against the requirement for affordable housing.

At the time the application was submitted, and as viewed on the site visit undertaken in July 2015, the site was part occupied by offices of Eurotravel and by Ummah Welfare Trust.

The applicant confirmed that since the submission of the application in 2015 the occupancy position is as follows:

TENNANT 1

Type of Tennant: Charity

Name of Tennant: Ummah Welfare Trust

Use: Additional Storage

Relocating Issue: 1 Year Notice / They have no problem moving its free space / They would relocate to their other sites

Lease Value Amount = 0.00

TENNANT 2

Type of Tennant: Charity

Name of Tennant: Interpal

Use: Additional Storage

Relocating Issue: 1 Year Notice / They have no problem moving its free space / They would relocate to their other sites

Lease Value Amount = 0.00

Further clarification was sought on the Travel Company and the agent has confirmed they occupy 25sqm of the existing accommodation in the building.

Occupied:
Charity: 113sqm
Travel Agent: 25sqm
GIFA of Proposed Building: 1,470sqm

Based on the information provided, the on-site affordable housing contribution would be 1 unit. However, due to the practicalities of a registered provider taking 1 unit, the preference would be for an off-site financial contribution. Based on the median build cost as of June 2017 the financial contribution is £57,530.

There has been no movement on this matter since September 2017 and no offer of the required contribution has been made. The applicants have put forward an argument that as the site is leased to charities at no cost the site can be considered to be vacant as the existing tenants can be moved on at any time. However, the vacant building credit legislation does not differentiate between whether occupancy attracts a rent or not, it simply refers to whether a building is vacant.

It is now appropriate to move forward to a determination. The proposal is contrary to the Interim Affordable Housing Policy, however in the interests of supporting sustainable development it is considered in this case appropriate to include a pre-commencement condition that no development takes place until this matter is addressed. This gives the developer an opportunity to apply to discharge or remove this condition and submit supporting viability information if the requirement to provide affordable housing calls into question the viability of the scheme.

Representations

One representation has been received. In so far as the comments raised have not been addressed above:

Concern about congestion due to cars parking on street and deliveries / collections cannot be made

Response: Highway Services are satisfied with the proposed number of off-street parking spaces to serve the development. The proposal will therefore provide sufficient off-street parking for future residents.

Concern about the impact on the local highway network even with off-street parking
Concern about safety

Response: Highway Services raise no objection to the impact of the proposal on the local highway network. On receipt of amended plans they are now satisfied that the proposal can be safely accessed.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This

application has been assessed against relevant policies in the development plan and other material considerations.

The principle of development is considered to be acceptable and there would be no detrimental impact on highway safety, residential amenity or visual amenity. However, it fails to provide the required affordable housing contribution contrary to the Council's Interim Affordable Housing Policy. The applicant has been given opportunity to address this matter but no contribution has been forthcoming. In the interests of supporting sustainable development, it is considered appropriate to move forward with the imposition of a pre-commencement condition to address this prior to any development commencing on site.

Recommendation – Conditional Full Approval

Decision Authorisation - Delegated Powers

Application Number: 2015/62/92343/W

Officer Recommendation: Conditional Full Approval

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 D2, BE1, BE2, BE12, T10, G6, EP11, EP4 and B4 of the Kirklees Unitary Development Plan, Policies PLP 1, PLP21, PLP 22, PLP24, PLP28, PLP30, PLP 51 and PLP53 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

3. The dwellings shall not be occupied until the proposed car park hereby approved has been laid out surfaced, marked out into bays and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, sustainable drainage, and to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policy PLP 21 of the Kirklees Publication Draft Local Plan, and chapter 10 of the National Planning Policy Framework.

4. The maximum length of vehicle permitted to enter the proposed access is 9.62 metres. A scheme for private refuse collection to serve the development shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. Thereafter the development shall be undertaken in accordance with the approved details before any dwelling is first occupied, and the private waste collection service shall be provided in perpetuity.

Reason: In the interests of highway safety as on street parking prevents a normal size refuse vehicle to enter and exit the site in a forward gear and to accord with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP 21 of the Kirklees Publication Draft Local Plan.

5. Prior to first occupation of any dwelling electric vehicle charging points shall be installed in 10% of the unallocated parking spaces. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle charging points so provided shall be retained.

Reason: In the interests of promoting modes of transport with ultra-low emissions and to accord with the sustainability principles of the National Planning Policy Framework.

6. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to protect future occupiers of the development as further intrusive investigation is recommended in the Preliminary Risk Assessment NG7620/WAR/SK and to accord with policy G6 of the Kirklees Unitary Development Plan, Policy PLP 53 of the Kirklees Publication Draft Local Plan and chapter 11 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 development shall not commence until a Remediation Strategy 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 protect future occupiers of the development as further intrusive investigation is recommended in the Preliminary Risk Assessment NG7620/WAR/SK and to accord with policy G6 of the Kirklees Unitary Development Plan, Policy PLP 53 of the Kirklees Publication Draft Local Plan and chapter 11 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 works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the Local Planning Authority, 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 protect future occupiers of the development and to accord with policy G6 of the Kirklees Unitary Development Plan, Policy PLP 53 of the Kirklees Publication Draft Local Plan and chapter 11 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 shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for

the whole site have been completed 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.

Reason: To protect future occupiers of the development and to accord with policy G6 of the Kirklees Unitary Development Plan, Policy PLP 53 of the Kirklees Publication Draft Local Plan and chapter 11 of the National Planning Policy Framework.

10. The development hereby approved shall be carried out in complete accordance with the Noise Report Ref 250YP by Nova Acoustics Ltd. The recommendations for glazing units and ventilation detailed in Section 7 shall be implemented in accordance with the details in the report before first occupation of the dwellings.

Reason: To protect future occupants of the development from noise disturbance and to accord with policies EP4 and D2 of the Kirklees Unitary Development Plan.

11. Details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works shall be submitted to and approved by the Local Planning Authority before any dwelling is first occupied. Thereafter the development shall be undertaken in accordance with the approved details before any dwelling is first occupied. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and to accord with chapter 10 of the National Planning Policy Framework.

12. A biodiversity and mitigation plan shall be submitted to and approved by the Local Planning Authority before any dwelling is first occupied. The plan shall include details of landscaping, bat and bird boxes and external lighting. Thereafter the development shall be undertaken in accordance with the approved details before any dwelling is first occupied and the biodiversity features retained thereafter.

Reason: In the interests of promoting biodiversity interest within and beyond the site and in accordance with chapter 11 of the National Planning Policy Framework.

13. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, the arrangements shall cover the following matters:-

- a) the number and type of affordable housing units to be provided.
- b) the layout and disposition of the units affordable housing to be provided.
- c) the timescale for the implementation and completion of the affordable housing units;

d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

Reason: This is a pre-commencement condition to ensure the provision of affordable housing in accordance with the requirements of Policy H10 of the Kirklees Unitary Development Plan and the Council's Interim Affordable Housing Policy.

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: In respect of condition 12 the biodiversity and mitigation plan shall include the following details:

- **Landscaping:** native species planting of tree and shrub species to enhance and develop habitat networks.
- **Bat boxes:** the erection of 2 bat boxes, in the form of Schweglar type 1FQ bat boxes or similar installed integral to the new dwellings within the site.
- **Bird boxes:** the erection of 1 sparrow terrace and 1 multi-chamber swift box.
- **Lighting:** details of artificial lighting including car park lighting. Note that there should be no light spillage into tree habitats and corridors or, areas with bat roost potential including installed bat boxes.

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) with regard to 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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			27.07.15
Site Plan as Proposed	14-256-10A		25.02.18
Proposed Basement & Ground Floor Plan	14-256-11A		25.02.18
First & Second Floor & Roof Plans as Proposed	14-256-12A		25.02.18
Proposed Elevations	14-256-14A		04.10.16
Swept Paths for 9.6m refuse vehicle			17.03.17
Sightlines	Figure 1 & 2		04.10.16
Planning Statement			05.08.15
Design and Access			27.05.15

Plan Type	Reference	Version	Date Received
Statement			
Transport Assessment	15299/February 2015		27.07.15
Phase I Desk Top Study	NG7620/WAR/SK		27.07.15
Drainage Impact Assessment Report			27.07.15
Noise Assessment	250YP		27.07.15

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer undertook negotiations with the applicant to secure additional information regarding the loss of the site for employment use and the current uses within the building, to secure a noise report, to address highway safety and drainage concerns, and to retain the arched windows to the rear of the building. The issue of affordable housing is addressed via condition.

Report Dated: 22nd March 2018