



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

PLANNING PERMISSION FOR DEVELOPMENT

**NOTE: This approval should be read in conjunction with an Agreement made
under Section 106 of the Town and Country Planning Act 1990**

Application Number: 2016/62/92029/W

To: Hector Black,
Covell Matthews Architects
6, Manor Place
Edinburgh
EH3 7DD

For: WD Kingsgate Ltd

**In pursuance of its powers under the above-mentioned Act and Order the
KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning
Authority hereby permits:-**

ERECTION OF EXTENSION TO EXISTING KINGSGATE SHOPPING CENTRE
TO FORM NEW LEISURE DEVELOPMENT INCLUDING NEW CINEMA AND
RESTAURANTS, AND DEMOLITION OF EXISTING BUILDINGS ON THE SITE
INCLUDING 20-22 CROSS CHURCH STREET (PARTLY WITHIN A
CONSERVATION AREA)

At: PROPOSED DEVELOPMENT SITE COMPRISING, 20-22, CROSS CHURCH
STREET, FLEECE YARD, SUN INN YARD AND WHITE LION YARD,
HUDDERSFIELD, HD1 2TP

**In accordance with the plan(s) and applications submitted to the Council on
20-Jun-2016, subject to the condition(s) specified hereunder:-**

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 Section 91 of the Town and Country Planning Act 1990, as
amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1, BE2 and T10 of the Kirklees Unitary Development Plan.

3. Samples of all facing and roofing materials shall be inspected by and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commences. Thereafter the development shall be undertaken in accordance with the approved materials and be retained.

Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

4. 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 and such information is required in order that proper account is taken of any contamination on the site and the surrounding environment and to establish the exact situation with regard to coal mining legacy and to accord with Policy G6 of the Kirklees Unitary Development Plan and Section 11 of the National Planning Policy Framework.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 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 and such information is required in order that proper account is taken of any contamination on the site and the surrounding environment and to establish the exact situation with regard to coal mining legacy and to accord with Policy G6 of the Kirklees Unitary Development Plan and Section 11 of the National Planning Policy Framework.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. 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 agreed 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: This is a pre commencement condition and such information is required in order that proper account is taken of any contamination on the site and the surrounding environment and to establish the exact situation with regard to coal mining legacy and to accord with Policy G6 of the Kirklees Unitary Development Plan and Section 11 of the National Planning Policy Framework.

7. 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: This is a pre commencement condition and such information is required in order that proper account is taken of any contamination on the site and the surrounding environment and to establish the exact situation with regard to coal mining legacy and to accord with Policy G6 of the Kirklees Unitary Development Plan and Section 11 of the National Planning Policy Framework.

8. Notwithstanding the details and specifications submitted a scheme to incorporate green or blue roof systems including attenuation of flows and / or grey water recycling shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the building commence. Thereafter the development shall be undertaken in accordance with the approved details and the sustainable drainage features retained.

Reason: In the interest of satisfactory and sustainable drainage; to ensure that the development can be properly drained and to accord with Kirklees Unitary Development Plan Policy D2 and Chapter 10 of the National Planning Policy Framework.

9. No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the 225mm and 375mm diameter public combined sewers i.e. protected strip width of 6.0 metres, that traverse the site. If the required stand-off distance is to be achieved via diversion or closure of the sewers, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker before works to construct the foundations of the building commence. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In order to allow sufficient access for maintenance and repair work at all times and to accord with Chapter 10 of the National Planning Policy Framework.

10. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any redirection of flows linked to sewer diversion, have been submitted to and approved by the Local Planning Authority before works to construct the foundations of the building commence. Unless otherwise approved in writing by the Local Planning Authority, no part of the development shall be first brought into use until completion of the approved drainage works.

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

11. No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the live 6" water main i.e. a protected strip width of (6) 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 before works to construct the foundations of the building commence. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In order to allow sufficient access for maintenance and repair work at all times and to accord with Chapter 10 of the National Planning Policy Framework.

12 A scheme of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the building commence. The scheme shall include details of CCTV coverage and laminated glazing to all business units. Thereafter the development shall be carried out in accordance with the approved details and all crime prevention measures retained.

Reason: In the interests of crime prevention and to accord with Policy BE23 of the Kirklees Unitary Development Plan.

13. A report specifying the measures to be taken to protect the occupants of nearby noise sensitive premises at Kirkgate and Oldgate from noise from the proposed development shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the building commence. The report shall include

1. an assessment of noise emissions from the proposed development
2. details of background and predicted noise levels at the boundary of at Kirkgate and Oldgate
3. a written scheme of how the occupants of at Kirkgate and Oldgate will be protected from noise from the proposed development with noise attenuation measures as appropriate

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

Reason: In the interests of protecting the amenity of occupiers of neighbouring residential properties at Kirkgate and Oldgate and to accord with Policy EP4 of the Kirklees Unitary Development Plan.

14. An Air Quality Impact report shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the building commence. The report shall assess the impact the development will have on local air quality, calculate the pollution damage costs to determine the amount of mitigation and specify the measures to reduce the impact. Thereafter the development shall be undertaken in accordance with the approved scheme and the approved mitigation measures be undertaken before the development is first brought into use.

Reason: In the interests of mitigating against the impact of the development on air quality and to accord with West Yorkshire Low Emissions Strategy 2016-2021.

15. An Ecological Design Strategy addressing the need to compensate for the loss of possible swift nesting sites and provide biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the Ecological Design Strategy shall be implemented in accordance with the approved details and all biodiversity features shall be retained in that manner.

Reason: Insufficient information has been submitted to demonstrate that appropriate ecological mitigation to compensate for the possible loss of swift nesting sites and biodiversity enhancement measures will be included within the design and to accord with Chapter 11 of the National Planning Policy Framework.

16. A Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority before development commences. The statement shall include details of how 20-22 Cross Church Street will be supported during demolition works. Thereafter the works shall be undertaken in accordance with the approved Demolition Method Statement throughout the demolition works.

Reason: This is a pre-commencement condition and such information is required in order to ensure the listed structures are adequately supported during demolition works and to accord with chapter 12 of the National Planning Policy Framework.

17. Details of the proposed hanging sign on 20-22 Cross Church Street shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the building commence. The details shall include the method of illumination. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the impact on the heritage assets and to accord with Policy BE1 of the Kirklees Unitary Development Plan and chapter 12 of the National Planning Policy Framework.

18. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: This is a pre-commencement condition in the interests of highway safety during the construction phase and to accord with Policy T10 of the Kirklees Unitary Development Plan.

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).

NOTE: Construction Site Noise Footnote

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	PL-01		25.11.16
Existing Site Plan	PL-02		25.11.16
Existing Level 1	PL-03		25.11.16
Existing Level 3	PL-04		25.11.16
Existing Level 4	PL-05		25.11.16
Existing Level 5	PL-6		25.11.16
Demolition Plan	PL-07		25.11.16
Proposed Site Plan	PL-08	A	25.11.16
Proposed Basement Plan	PL-09		25.11.16
Proposed Mall Plan	PL-10	D	25.11.16
Proposed Cinema Plan	PL-11	C	25.11.16
Roof Plan	PL-12	B	25.11.16
Proposed West Elevation	PL-13	B	25.11.16
Proposed East and North Elevations	PL-14	B	25.11.16
Proposed Sections	PL-15	B	25.11.16
Entrance Options	PL-17		25.11.16
Sketch Section A-A	SK-02		25.11.16
Basement Floor Plan	EH-01		25.11.16
Ground Floor Plan	EH-02		25.11.16
First Floor Plan	EH-03		25.11.16
Second Floor Plan	EH-04		25.11.16

Plan Type	Reference	Version	Date Received
Attic Plan	EH-05		25.11.16
Roof Plan	EH-06		25.11.16
Front Elevation	EH-07		25.11.16
Rear Elevation	EH-08		25.11.16
Section AA	EH-09		25.11.16
Economic Statement			17.06.17
Geo-Environmental Desk Study Report	54887-87		17.06.17
Noise Assessment	2059-BWP-RP-ME-0001V1.1		17.06.17
Structural Statement	054887-87		17.06.17
Planning Statement	WDKH3001		17.06.17
Design and Access Statement			17.06.16
Design and Access Statement Addendum			26.09.16
Heritage Statement			17.06.16
Heritage Statement Addendum			26.09.16

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 Planning 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 amended plans for a reduction in height of the building, revised elevational details to secure corners to the highest cinema level to soften the building profile, the introduction of Natural Yorkshire stone, greater reflectivity to the top level cladding, a revision to the roof profile of the 'Next' extension to widen the gap between the proposed building and neighbouring residential properties, a reduction in the extent of demolition proposed to 20-22 Cross Church Street and the removal of the proposed entrance feature. A contribution was also secured towards improving Cross Church Street and making it more pedestrian friendly for shoppers and visitors.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "submitted to and approved in writing by the Local Planning Authority".**
- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**
- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**
- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**
- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**
- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Development within a Coal Mining Area

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

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk> . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 15-Mar-2017

Signed: 

Jacqui Gedman
Director of Place

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

planning.contactcentre@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Planning, Strategic Investment Service,
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR
