



**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: 2016/62/91573/W

To: David Storrie,
Enzygo
Samuel House
5, Fox Valley Way
Sheffield
S36 2AA

For: Cellars Clough Properties Limited

**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:-**

DEMOLITION OF EXISTING REDUNDANT MILL BUILDINGS AND ERECTION
OF 55 DWELLINGS WITH ASSOCIATED PARKING AND ACCESS FROM
MANCHESTER ROAD

At: CELLARS CLOUGH MILL, MANCHESTER ROAD, MARSDEN,
HUDDERSFIELD, HD7 6LY

**In accordance with the plan(s) and applications submitted to the Council on
10-Aug-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 LP21, LP24, LP59 and LP63 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. Reclaimed natural stone from the mill building to be demolished and natural stone shall be used for the external facing materials, details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to the superstructure of the approved apartment blocks and dwellings. Thereafter the development shall be completed using the approved materials.

Reason: To ensure the development is in keeping with the visual amenity of the area and the historic character and appearance of the site, in accordance with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

4. Details of roof materials for both the approved apartment blocks and dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials and thereafter retained in accordance with the approved details.

Reason: To ensure the development is in keeping with the visual amenity of the area and the historic character and appearance of the site, in accordance with Policy LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority within the residential curtilage of any of the approved dwellings.

Reason: To preserve the openness of the green belt, so as not to prejudice the amenities neighbouring residents from overlooking and loss of privacy, to reduce the potential of increasing the risk of flooding and to accord with the requirements of Policy LP24 of the Kirklees Local Plan and guidance chapter 13 of the National Planning Policy Framework.

6. The development shall be carried out in complete accordance with the approved Flood Risk Assessment (FRA) dated April 2016, REVISED September 2017, reference E15/6518/FRA001A by Haigh Huddleston & Associates, and the following mitigation measures detailed within the FRA:

- Plots 1-19 and 39 finished ground floor levels are set no lower than 161.2m above Ordnance Datum (AOD),
- Plots 20-38 finished ground floor levels are set no lower than 160.9m above Ordnance Datum (AOD),
- Plots 40-43 finished ground floor levels are set no lower than 161.05m above Ordnance Datum (AOD),
- Plots 44-47 finished ground floor levels are set no lower than 160.9m above Ordnance Datum (AOD),
- Plots 48-51 finished ground floor levels are set no lower than 160.75m above Ordnance Datum (AOD),
- Plots 52-55 finished ground floor levels are set no lower than 160.45m above Ordnance Datum (AOD), and
- The ground floors of all the approved dwellings will only be for entrance halls and garages and not habitable rooms.

Reason: To ensure the risk of flooding is minimised for the future residents of the approved dwellings and elsewhere within the site in accordance with Policy LP27 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

7. Prior to commencing the superstructure of the approved buildings, A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following. Description and evaluation of ecological features to be created and managed as set out (either as a recommendation or requirement) in section 5.4 (mitigation measures) of the Ecological Impact Assessment dated June 2018, by QUANTS environmental

Ecological trends and constraints on site that might influence management.

Aims and objectives of management.

Appropriate management options for achieving aims and objectives.

Prescriptions for management actions.

Preparation of a work schedule (including an annual work plan capable of being rolled

forward over a five-year period).

Details of the body or organization responsible for implementation of the plan.

Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Thereafter the development shall be carried out and completed in accordance with the approved plans and full details of the approved LEMP.

Reason: To approve a scheme that provides mitigation for the ecological effects of the scheme, to ensure a net biodiversity gain is delivered and capable of being fully integrated into the development during and the post construction phase, to accord with Policies LP29, LP30 and LP32 of the Kirklees Local Plan and Section 15 of the National Planning Policy Framework.

8. No development shall take place (including ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

Risk assessment of potentially damaging construction activities.

Identification of “biodiversity protection zones”.

Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

The location and timing of sensitive works to avoid harm to biodiversity features.

The times during construction when specialist ecologists need to be present on site to oversee works.

Responsible persons and lines of communication.

The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure, as far as possible, that direct impacts to protected and priority species are avoided during construction of the scheme, in order to comply with Policy LP30 of the Kirklees Local Plan and Section 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

9. Prior to occupation, a “lighting design strategy for biodiversity” for the site and access shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a. Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To ensure that nocturnal wildlife remains able to utilise the sites and surrounding habitats and that the development safeguards the function of the Kirklees Wildlife Habitat Network in accordance with Policy LP30 of the Kirklees Local Plan and guidance within the National Planning Policy Framework. .

10. Prior to commencing the superstructure of the approved buildings, a method statement detailing how the mitigation measures set out in the Habitat Regulations Assessment (stage 2) to be implemented, shall be submitted to and approved in writing by the Local Planning Authority. The submission shall also include details and long term maintenance of the signage. Thereafter the signage shall be erected in accordance with the approved details prior to occupation of any of the approved accommodation and retained and maintained in accordance with the approved details.
Reason: To provide mitigation measures for potential impacts to the integrity of the European protected sites (South Pennine Moors) in accordance with Natural England advice and Policy LP30 of the Kirklees Local Plan and paragraph nos. 175 and 176 of the National Planning Policy Framework

11. An Arboricultural Impact and method statement, including mitigation measures to compensate for the tree loss, from the widening of the existing access road and provision of a new 1.8m wide footpath together with all associated works as shown on drawing no. 04 Rev A entitled "PROW & PUBLIC FOOTPATHS", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved method statement and any recommendations to be implemented through the construction phase.
Reason: In the interests of visual amenity and to ensure minimal impact on the adjacent woodland and area which forms part of the Kirklees Wildlife Habitat Network, in accordance with Policies LP32 and LP33 of the Kirklees Local Plan and guidance in the National Planning Policy Framework

12. Mitigation measures, including all new landscaping and any new tree planting proposals forming part of condition no. 11 shall be carried out during the first planting, seeding or management season following the commencement of construction, or as otherwise may be agreed in writing by the Local Planning Authority. Thereafter, it shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced with like for like species unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure there is a well laid out scheme of hard and soft landscaping including healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Policies LP30, LP31, LP32 and LP33 of the Kirklees Local Plan and Section 15 of the National Planning Policy Framework.

13. Prior to commencing the superstructure of any of the approved buildings, full details including all associated technical information for the new external stair case to serve the footbridge, as shown on drawing no. SHF.1330.001.L.D.001.J shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details. The new stair case shall only be made operational on receipt of written confirmation to the Local Planning Authority that the formal diversion/routing of the existing PROW no. steps COL/181/70 has been obtained and prior to closure or removal of existing staircase.
Reason: In the interests and convenience of all those using the PROW and to ensure the stability of the surrounding area and adjacent existing retaining structures is not compromised in accordance with Policies LP23 and LP24 of the Kirklees Local Plan and guidance within the National Planning Policy

14. Prior to commencing the superstructure of any of the approved buildings, a structural survey of the stone boundary wall between the site and the canal shall be submitted to and approved by the Local Planning Authority. The contents of the survey shall include an assessment of the present structural condition of the wall and include a detailed methodology for works to repair and replace the wall as and when necessary. The works shall thereafter be carried out in accordance with the approved details, and completed prior to the occupation of the development.

Reason: To ensure the boundary wall will act as an effective to prevent flood water from entering the site in the event of a dam breach at the adjacent Sparth Reservoir. It is therefore essential to ensure that the wall is, and will remain, structurally sound and capable of acting as an effective barrier, in order to adequately mitigate residual risks of flooding from the reservoir, in accordance with Policies LP28 and LP29 of the Kirklees Local Plan and guidance within the National Planning Policy.

15. Prior to the occupation of development, a report detailing measures to ensure the retention and ongoing management and maintenance of the stone boundary wall between the site and the canal shall be submitted to and approved by the Local Planning Authority. This shall include details of regular inspections to be carried out and arrangements for undertaking necessary repairs to ensure its effectiveness for the lifetime of the development. Thereafter, the approved management and maintenance regime shall be carried out in accordance with the approved details.

Reason: To ensure the boundary wall will act as an effective to prevent flood water from entering the site in the event of a dam breach at the adjacent Sparth Reservoir. It is therefore essential to ensure that the wall is, and will remain, structurally sound and capable of acting as an effective barrier, in order to adequately mitigate residual risks of flooding from the reservoir, in accordance with Policies LP28 and LP29 of the Kirklees Local Plan and guidance within the National Planning Policy.

16. Prior to the commencement of development, a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the proposed foundations, any excavation works and the siting of any construction equipment or stockpiling of materials on site and include measures to demonstrate how the structural integrity of the canal infrastructure shall be protected during the course of the construction works. Construction shall thereafter be in accordance with the approved details.

Reason: In the interests of protecting canal infrastructure and ensuring the stability of the adjacent canal embankment, in line with the requirements of paragraphs 170 and 179 of the National Planning Policy Framework and Policies LP28 and LP29 of the Kirklees Local Plan.

17. 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 the arrangements and a timescale for the provision of a scheme to reduce car dependence and encourage / improve the use of non-car modes of transport have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

(a) improvements to the surfacing and drainage of the canal towpath in the vicinity of the site.'

Reason: In order to encourage reduced dependence on the car in the interests of sustainability, by ensuring the development is accessible by a range of non-car modes of transport; and to accord with Policies LP23 and LP24 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

18. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned with evidence that it is fit for purpose) has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the approved dwellings and apartments, the development shall be completed in accordance with the approved details or at each agreed phasing of the development and thereafter retained in accordance with the approved details.

Reason: This is a pre commencement condition to ensure the provision of adequate and sustainable systems of surface water/land drainage and foul water are employed, during and after the construction phase in the interests of amenity, environmental well-being and to ensure that the site is satisfactorily drained and avoids the risk of flooding from the proposed development in accordance with Policies LP28 and LP29 of the Kirklees Local Plan and paragraph nos. 163 and 170 of the National Planning Policy Framework.

19. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water runoff pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use nor dwellings occupied until the works comprising the approved scheme have been completed in full and thereafter shall be retained in accordance with the approved details.

Reason: This is a pre commencement condition, to protect the future occupants/ users of the site, in the interests of amenity, environmental well-being and to ensure that the site is satisfactorily drained and avoids the risk of flooding from the proposed development in accordance with Policies LP28 and LP29 of the Kirklees Local Plan and paragraph nos. 163 and 170 of the National Planning Policy Framework

20. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

Thereafter the temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: This is a pre commencement condition to ensure the provision of adequate and sustainable systems of drainage are employed, during and after the construction phase in the interests of amenity, environmental well-being and to accord with Policies LP28 and LP29 of the Kirklees Local Plan and paragraph nos. 163 and 170 of the National Planning Policy Framework

21. Development shall not commence until details of an emergency draw down facility to drain the mill pond have been submitted and approved by the Local Planning Authority. Thereafter and prior to occupation of any approved dwelling/apartment the draw down facility shall be incorporated and retained at all times in accordance with the approved details.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed and to avoid the risk of flooding in the interests of amenity, environmental well-being and to accord with Policies LP28 and LP29 of the Kirklees Local Plan and paragraph nos. 163 and 170 of the National Planning Policy Framework

22. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated April 2016 REVISED September 2017, Revised June 2018, reference E15/6518/FRA001C by Haigh Huddleston & Associates.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed and to avoid the risk of flooding in the interests of amenity, environmental well-being and to accord with Policies LP28 and LP29 of the Kirklees Local Plan and paragraph nos. 163 and 170 of the National Planning Policy Framework

23. Prior to the closure of the existing site access road and junction with Manchester Road, a scheme for the:

- Improvement and protection of footpaths and path users during the construction phase,
- details of the improvements/upgrading to be carried out to Public Rights of Way (PROW) nos. COL/181/60 and COL/181/90, as shown on drawing no. 1048/04/A by Paragon Highways, and
- a phasing plan for the implementation of the approved scheme

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details pre and during the construction phase in accordance with the approved phasing plan.

Reason: In the interests of amenity of all those using the site and PROW's and to accord Policies LP24 and LP31 of the Kirklees Local Plan and guidance within the National Planning Policy Framework

24. Before any development commences, full structural assessments to include:

- A Principle Inspection and Inspection for Assessment of the access bridge to be undertaken in strict compliance with BD 63/17- Inspection of-Highway Structures,
- Appropriate Principal Inspection and Structure Assessment reports to fully describe the structural condition of the bridge over the River Colne together with a detailed structural assessment to determine its current load carrying capacity in accordance with BD 21/01- The assessment of Highway Bridges and Structures and any other relevant highway assessment codes,
- details of any essential strengthening and refurbishment works necessary to ensure that it has the required load capacity for its intended use, and
- details of proposed future inspections, assessment and maintenance regime for the access bridge.

shall be submitted to and approved in writing by the Local Planning Authority. Written confirmation shall be provided to the Local Planning Authority of the development being carried out and completed in accordance with the approved details/plans prior to commencing the superstructure of any of the approved dwellings/apartments Thereafter future inspections, assessments and maintenance of the existing bridge and any other associated private structures shall be carried out in complete accordance with the approved maintenance regime.

Reason: This is a pre commencement condition, in the interests of safety for both the existing and future users of the existing PROW and bridge, to ensure the structural stability of the existing private structures is not unduly compromised and to accord with Policies LP21, LP27 and LP53 of the Kirklees Local Plan and guidance (including paragraph nos. 178 & 179) contained within the National Planning Policy Framework.

25. Prior to development commencing, a detailed scheme for the provision of road widening and right turn lane from Manchester Road into the site as shown on plan number 1048/101/A with associated signing and white lining shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: This is a pre commencement condition, in the interests of safety for both the existing and future users of the surrounding highway infrastructure in accordance with Policy LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

26. Prior to development commencing, a detailed scheme for the provision of road widening, 1.80m wide footway and vehicle restraint from Manchester Road to the river bridge as shown on Paragon Highways plan number 1048/101/A with associated signing and white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the LPA, all of the agreed works shall be implemented before any part of the development is first brought into use and thereafter retained in accordance with the approved details.

Reason: This is a pre commencement condition, in the interests of safety for both the existing and future users of the surrounding highway and PROW infrastructure in accordance with Policy LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

27. Before development commences, the wall, trees, hedges, vegetation signs and advertising hoardings to the Manchester Road site frontage shall be reduced to a height not exceeding 0.9m above the level of the adjoining highway and the sightlines of 2.4 x 90 m to the east and 2.4 x Tan visibility splay to the west of the junction with Manchester Road shall be cleared of all other obstructions and shall thereafter be retained free of any such obstruction.

Reason: In the interests of highway safety and to ensure adequate visibility can be achieved to leaving the site onto Manchester Road, in accordance with Policy LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

28. No development shall take place until a scheme detailing the proposed internal roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing and surface finishes, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: This is a pre-commencement condition to ensure that an appropriate scheme of works is approved in the interests of highway safety for the future occupants of the approved development and all users of the site and to accord with Policy LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework

29. 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 construction period.

Reason: This is a pre-commencement condition to ensure that an appropriate scheme is approved in the interests of highway safety before construction works commence in accordance with Policy LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

30. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all (temporary and permanent) the retaining walls and building walls supporting the adjacent existing/ new adoptable highway including any proposed modifications to the existing highway retaining wall on the A62 Manchester Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of any works comprising of the approved scheme internally within the site and thereafter retained in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure that new structures do not compromise the stability of the existing adjacent highway and approved access road, in the interest of highway and pedestrian safety and to accord with Policies LP21 and LP53 of the Kirklees Local Plan and guidance (including paragraph nos. 178 & 179) contained within the National Planning Policy Framework.

31. Prior to the occupation of the hereby approved dwellings and apartments, all areas indicated to be used for parking and turning on the approved plans shall have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s).

Reason: To ensure adequate space within the site for vehicle movements and parking, in the interest of amenity and traffic safety, to avoid an increase in surface water run-off and to comply with the aims and objectives of Policies LP21, LP22 and LP24 of the Kirklees Local Plan

32. 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

33. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no. 32, 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

34. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no. 33. 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 Remediation Strategy.

Reason: To ensure any unidentified contamination is dealt with appropriately and ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

35. 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 ensure the safe occupation and to protect the future occupants of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

36. The development shall be completed incorporating necessary measures to minimise the risk of crime and in accordance with the principles of *Secure by Design* guidance as set out in the advice from the West Yorkshire Architectural Liaison Officer, dated 12th December 2017, link below:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2016/91573&file_reference=668587

Reason: In the interests of crime prevention and to accord with guidance contained in the National Planning Policy Framework and Policy LP24 of the Kirklees Local Plan

37. The two Public Open Spaces as shown on drawing no SHF.1330.001.L.D.002.C dated Aug 2018. Rev C, entitled Landscape Masterplan shall be fully completed in accordance with the details on the masterplan and areas to be made operational, prior to occupation of any of the approved dwellings and apartments. Thereafter these areas shall be maintained and remain accessible to the public at all times.

Reason: To ensure the provision of public open space is provided to serve the development and public, in the interests of amenity and well being for the future occupants of the site and members of the public, in accordance with Policy LP63 of the Kirklees Local Plan and guidance within the National Planning Policy Framework

38. No development shall take place until a full comprehensive detailed landscape planting plan and hard landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

Layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species and planting specification.

Detailed design(s) and/or working method(s) to achieve stated objectives.

Details of the type and location of play equipment, seating and litter bins to be situated within the play area(s); and

Details of the surface treatment of the play area, including the location and type of safety surfaces to be installed;

The development shall thereafter be carried out in complete accordance with the approved details/timescales, before the approved development is brought into use and thereafter retained in accordance with these details. Any planting seeding works forming part of the soft landscaping shall be carried out during the first planting, seeding or management season following the commencement of superstructure of the approved buildings or within an approved phasing plan and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced with like for like species.

Reason: This is a pre commencement condition to provide appropriate new open space within the site for future users of the approved development and public, in the interest of a healthy lifestyle and visual amenity and to accord with Policy LP63 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework.

39. A comprehensive schedule of landscape management and maintenance shall be submitted to and approved in writing by the Local Planning Authority before the superstructure of any approved building commences. The scheme shall include the method of site improvement for:

- removal of weed species,
- ground preparation and details of new tree and shrub planting, seeding and maintenance,
- management of the habitats created for biodiversity interest, and
- a timescale and arrangements for the implementation of the management and maintenance plan

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.

Reason: In the interest of visual amenity and to enhance ecological interest within the site, in accordance with the guidance contained within the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan

40. Prior to commencing the superstructure of the approved dwellings and apartments a detailed Travel Plan which considers;

- mechanisms for discouraging the use of high-emission vehicles,
 - encouraging modal shifts towards public transport, cycling and walking,
 - uptake of low emission fuels and technologies and
 - air quality mitigation measures as a result of the increased emissions
- shall be submitted to and approved in writing by the Local Planning Authority. The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would need to be approved and implemented.

Reason: To promote and comply with the West Yorkshire Low Emissions Strategy (WYLES), Council's sustainability objectives and to be compliant with the guidance set out in the National Planning Policy Framework and Policies LP21 and LP51 of the Kirklees Local Plan.

41. Prior to commencing the superstructure of the approved apartments, details of rapid chargers for every 10 unallocated spaces for the apartments shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be completed in accordance with the approved details and also one electric vehicle charging point shall be installed for each dwelling and apartment with dedicated parking space. The cable and circuitry ratings for the dwellings and apartments with allocated spaces shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps.

Reason: To accord with the guidance contained in sections 9 and 15 of the National Planning Policy Framework, West Yorkshire Low Emissions Strategy and to encourage low carbon forms of transport in accordance Policies LP21 and LP51 of the Kirklees Local Plan

NOTE: Condition no. 8 above (CEMP), is to avoid and prevent offences under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

NOTE: The development will require regrading/engineering operations to be undertaken. Where a site could be affected by land stability issues you are reminded that it is the responsibility of the developer/landowner for securing a safe development.

NOTE: Public footpath numbers Col/181/90 and Col/181/60, which crosses/abuts the site, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent obtained through the appropriate channels outside the remit of Planning .

The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

NOTE: Adoption under Section 38 of the Highways Act:

It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 01484 221000 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

NOTE: 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 for further advice on this matter.

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.

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:

Floodline Warnings Direct

We support the suggestion in the FRA that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

Discharging to watercourse

Where a new surface water drainage connection to a main river is proposed, pre-approval from the Environment Agency must be sought. New connections must be discharged at greenfield runoff rate. The acceptable greenfield runoff rate is normally 5 litre/second/hectare, but you should consult with the Lead Local Flood Authority for variances in their district. If it is an existing brownfield site then 30% reduction in discharge will be required if the site is bigger than 1ha.

Environmental Permitting Regulations

It is proposed that a bund will be built behind the existing wall along the River Colne. This activity will require an Environmental Permit from us prior to the work taking place. Please refer to our letter dated 9 January 2018 (to the LPA) for further information regarding the need for a permit. As part of the permit application the applicant will have to demonstrate that the embankment is structurally sound enough to support the new bund and land raising behind it.

Online guidance can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

NOTE: This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Colne, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now [excluded](#) or [exempt](#). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

It can take up to two months to determine the application from being duly made. Every effort will be made to process it as quickly as possible, but you are reminded that works should not commence until the permit is granted

NOTE: The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust"

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance may involve access to land outside your ownership.

NOTE: 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan (revised red & blue line)	61.T.1 (B)		11/10/18
Block Plan (general arrangement part of site)	SHF.1330.001.L.D.001.J		31/01/18
Proposed site sections	61 A 5		23/11/17
Proposed landscaping layout	SHF.1330.001.L.D.002.C - Rev C		12/10/18
Grouped plans & elevations (plots 40-43 and 48-51 Floor Plans and Sections)	61 A 3		06/0718
Proposed floor plans plots 2nd & 3rd floor plans - Plots 44-47 and 52-55 S	61 A 4.2		06/0718
Grouped plans & elevations (Floor Plans and Sections Plots 44-47 and 52-55)	61 A 3 2		06/0718
Proposed floor plans plots (Revised 2nd & 3rd floor plans - Plots 40-43 and 48-51)	61 A 4		06/0718
Proposed elevations (Plots 40-43 and 48-51)	61 A 6		06/07/18
Proposed revised house elevations front and rear	61 A 16		06/07/18
Proposed Revised apartments floor plans floors 1-4	61 A 7		06/07/18
Proposed rear elevations to apartments	61 A 11		06/07/18
Proposed site sections Cross Section between houses and apartments and Vol and Footprint calcs	61 A 14		06/07/18
Proposed revised elevations Plots 44-47 and 52-55	61 A 6 2		06/0718
Proposed elevations plot 39	61 A 13		
Proposed floor plans plot 39	61 A 12		28/11/7

Plan Type	Reference	Version	Date Received
Apartments proposed Front Elevation	61 A 10		28/11/7
Proposed apartments 5th floor and upper roof plan	61 A 9		28/11/7
Proposed apartments Ground Floor Plan	61 A 8		28/11/7
Supporting Planning Statement			13/05/16
Structural report/appraisal	By Spire associates dated February 2014		13/01/16
Addendum to Supporting Planning Statement	SHF.1330.001. P.R.003		04/12/17
Sequential/exceptions report	SHF. 1330.PL002		04/12/17
Supporting Statement	E16/6518/ r01 Dated Nov 2017 by Haigh, Huddleston & Associates		04/12/17
Additional plan (flood risk & site levels)	6518 -04		07/03/18
Additional plan (flood risk & site levels)	6518 -01		07/03/18
Revised FRA	E15/6518/FRA001C dated: April 2016 REVISED September 2017 Revised June 2018		27/07/18
Indicative future surface water proposals	6518-05-1000th		10/08/18
Stage 1 RSA designers response			14/09/18
Speed survey from Huddersfield			14/09/18
Speed survey from Marsden			14/09/18
Prelim Design	Drawing no. 101 Rev A by Paragon Highways		11/10/18
PROWS & Public footpaths	Drawing no. 04 rev A		11/10/18
Refuse & vehicle tracking	03 Rev A by Paragon Highways		11/10/18
Long & cross sections	102 Rev A by Paragon Highways		11/10/18
Revised planning statement			11/10/18
Internal site tracking	01 by Paragon Highways dated Oct 2018		11/10/18
Internal site tracking	01 by Paragon Highways dated Oct 2018		11/10/18

Plan Type	Reference	Version	Date Received
Stage 2 Habitats Regulations Assessment	Iteration number: 2		13/03/19
Arboricultural Survey- Access Road	SHF.1330.001.AR.R.001 Dated Sept 2018		05/10/18
Arboricultural Impact assessment report no. 240	Dated 26th July 2016		11/08/26
Ecological Impact Assessment including Update Bat Survey	Dated June 2018 Ref no. 708c by Quants environmental		10/08/18
Phase 1 Desk Study	Ref: CCP 3225		13/05/16
Highway Transport Statement	Ref:1048/Sept 2015		13/05/16

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 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. Significant negotiations were carried out during the course of the application to achieve a scheme which would promote a number of sustainable objectives both internally and externally within the site which resulted in a number of revised documents and plans. The above conditions have been shared and agreed by the applicant.

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.

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://www.gov.uk/planning-inspectorate>. 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: 19-Jun-2019

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

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
