

**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:** 2017/62/90620/W

**Site Address:** Dobroyd Mills, Hepworth Road, New Mill, Holmfirth,  
HD9 1AF

**Description:** Hybrid application - Planning application for demolition of existing buildings and erection of 2no workshop and ancillary office buildings (B1c/B8 use class) comprising a floor area of 880m<sup>2</sup> including mezzanine space, parking, access details and ancillary works. Outline planning application for the erection of up to 75no dwellings (Amended Description)

**Recommending Officer:** Matthew Woodward

**DECISION – S106 Planning Permission/ Outline Planning Permission**

**I hereby authorise the approval of this Hybrid planning application for the reasons set out in the agenda of the Strategic Planning Committee dated 08/03/18 and the committee decision authorisation sheet annexed below in respect of the above matter.**

David Wordsworth

***AUTHORISED OFFICER***

**Date: 17-Dec-2018**

Decision Authorisation – Committee Decision

**Committee:** Strategic Planning Committee

**Date of Committee:** 8th March 2018

**Application Number:** 2017/90620

**Officer Recommendation:** Approve subject to conditions and S106 Agreement

**Committee Decision:** Approve subject to conditions and S106 Agreement

### **Summary of Committee Decision**

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to: ensure that the Environment Agency and LLFA are satisfied with the proposal; and to complete the list of conditions including those contained within the considered report and the update list including:

### **Outline Application**

1. Submission of reserved matters
2. Approved plans.
3. Reserved Matters.
4. Finished Floor Levels.
5. Boundary Treatments and details of materials.
6. Foul, surface and land drainage details to be submitted and agreed.
7. Overland flood routing details to be submitted and agreed.
8. Temporary flood routing details to be submitted and agreed.
9. Construction Method Statement.
10. Remove PD rights for outbuildings and rear extensions to properties.
11. Habitat enhancement.
12. Landscaping details to be provided and to be implemented and replaced if any trees die within 5 years.
13. Crime prevention.
14. Electric charging points.
15. Parking spaces prior to occupation.
16. Lighting Strategy.
17. Ecological Enhancement Strategy and woodland strategy for pond area and across site.
18. Demolition method.
19. Phasing
20. Public Open Space details to be submitted at Reserved Matters.

## **Full application**

1. 3 year time limit to implement permission.
2. Approved plans.
3. Demolition Method Statement.
4. Parking areas to be provided prior to occupation.
5. Details of uses to be submitted and agreed.
6. Landscaping details to be provided and to be implemented and replaced if any trees die within 5 years.
8. Crime prevention.
9. Electric charging points.
10. Lighting Strategy.
11. Ecological Enhancement Strategy.
12. Opening/operating hours to be agreed.
13. Boundary Treatments.
14. Details of retaining elements and design.
15. Phasing to ensure employment units provided.
16. Natural local stone to be used in elevations of employment units.
17. Servicing arrangements to be submitted and agreed.

(2) Secure a Section 106 agreement to cover the following matters:

1. Education - £271,237 comprising £138,262 to Hepworth Junior and Infant School and £132,975 to Holmfirth High School
2. Affordable Housing – to be finally calculated having regard to vacant building credit and depending on the quantum of development proposed by the reserved matters.
3. New Mill Junction Improvements - A contribution of £33,880 plus a further £33,750 ( to be confirmed at reserved matters stage) originally allocated towards Residential Metro Cards
4. £10,000 for a 'live' bus information display

Officer comments on the agreed conditions:

All conditions agreed by Strategic Planning Committee have been incorporated into the final conditions below, apart from:

### *Outline*

*5 – Boundary treatments – This would be a matter for consideration at Reserved Matters and is therefore, not specifically included below as a condition.*

*10 – Remove PD rights - This would be a matter for consideration at Reserved Matters and is therefore, not specifically included below as a condition.*

*12 – Landscaping – Landscaping forms part of the Reserved Matters and a condition is not necessary.*

*13 – Crime Prevention – The layout of the scheme (and other Reserved Matters) will be considered against crime mitigation requirements which will form part of the Reserved Matters.*

*20 – Public Open Space – This will be considered as part of the Reserved Matters.*

*Full*

*5 – Details of uses to be submitted and agreed – This is not necessary as planning permission has been granted for B1c and B8 uses.*

*15 – Phasing – Not necessary as the phasing was secured on the outline and there are no objections to the employment element being implemented first.*

## **Conditions and Reasons**

### Outline

1. Plans and particulars of the reserved matters relating to the layout, scale, appearance and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

**Reason:** No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority

2. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** Pursuant to section 92 of the Town & Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** Pursuant to section 92 of the Town & Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

4. 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, BE12 and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and guidance in the National Planning Policy Framework

5. The development hereby permitted, excluding works of demolition, shall not be commenced until a phasing plan has been submitted to and agreed in writing by the local planning authority. The phasing plan shall identify and describe the phases of construction of development including the relevant public realm/infrastructure elements. The development shall be carried out in accordance with the provisions of the approved phasing plan and/or any subsequent amendment to it that has been agreed in writing by the local planning authority.

The development may be carried out on a phased basis and applications for reserved matters may be submitted in respect of any of the phases of development within the site in any order.

**Reason:** To ensure the development is carried out in a comprehensive and controlled manner in order to accord with policies BE1 and BE2 of the Kirklees Unitary Development Plan and PLP5 of the Kirklees Publication Draft Local Plan.

6. Detailed plans and particulars of the Reserved Matters (Layout) shall include full details of the proposed floor levels of each of the dwellings, levels of the driveways and surrounding roads.

**Reason:** In order to ensure the safe movement of vehicles and pedestrians in accordance with policy T10 of the Kirklees Unitary Development Plan and in order to ensure good design standards in accordance with policies BE1 and BE2 of the Kirklees Unitary Development Plan and PLP24 of the Kirklees Publication Draft Local Plan.

7. Each phase of development, excluding works of demolition, shall not commence until a scheme detailing foul and surface water drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the buildings within each respective phase shall be occupied until such approved drainage scheme has been provided on the site to serve the development to which the buildings relate and thereafter retained.

**Reason:** To ensure that the development does not increase flood risk elsewhere, so as to accord with Paragraph 103 of the National Planning Policy Framework and Policy PLP28 of the Kirklees Publication Draft Local Plan.

Reason for pre-commencement condition: Effective drainage is fundamental to the implementation of the scheme and because much of the infrastructure would be installed at an early stage as part of the development of the site.

8. Each phase of development, excluding works of demolition, 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. 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:** To ensure that the development does not increase flood risk elsewhere, so as to accord with Paragraph 103 of the National Planning Policy Framework and Policy PLP28 of the Publication Draft Local Plan.

**Reason for pre-commencement condition:** Effective drainage is fundamental to the implementation of the scheme, and because much of the infrastructure would be installed at an early stage as part of the development of the site.

9. Each phase of development, excluding works of demolition, shall not commence until a scheme detailing surface water flow routes, which shall detail the direction surface water will flow during exceedance events and a scheme of mitigation to prevent flooding of properties/gardens, has been submitted to and approved in writing by the Local Planning Authority. None of the buildings within each respective phase shall be occupied until such approved drainage scheme has been provided on the site to serve the development to which the buildings relate and thereafter retained.

**Reason:** To ensure that the development does not increase flood risk elsewhere, so as to accord with Paragraph 103 of the National Planning Policy Framework and Policy PLP28 of the Publication Draft Local Plan.

**Reason for pre-commencement condition:** Effective drainage is fundamental to the implementation of the scheme, and because much of the infrastructure would be installed at an early stage as part of the development of the site.

10. No development shall take place until and Demolition and Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:

(i) the parking of vehicles of site operatives and visitors

- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (viii) the provision of temporary accesses for demolition and construction including their method and timescale for removal/cessation
- (ix) details of the phasing of demolition of the buildings.
- (x) ecological information including practical measures and any necessary further survey required to avoid impacts to roosting and foraging bats during demolition and construction, including but not limited to those impacts that would result in an offence under regulation 43 of the Conservation of Habitats and Species Regulations 2017

**Reason:** In the interests of the amenity of the locality and in accordance with chapter 11 of the National Planning Policy Framework.

**Reason for pre-commencement:** Construction works may have an impact on the amenity of the locality and therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site

12. Plans and particulars of the Reserved Matters (Landscaping or Layout, whichever is submitted sooner) shall include an ecological design strategy (EDS) addressing ecological mitigation and enhancement requirements identified in an up-to-date Ecological Impact. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works.
  - b) Review of site potential and constraints.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
  - d) Extent and location/area of proposed works on appropriate scale maps and plans.
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - g) Persons responsible for implementing the works.
  - h) Details of initial aftercare and long-term maintenance.
  - i) Details for monitoring and remedial measures.
  - j) Details for disposal of any wastes arising from works.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** In the interests of the biodiversity of the area and to accord with chapter 15 of the National Planning Policy Framework.

13. Plans and particulars of the Reserved Matters (Landscaping or Layout, whichever is submitted sooner) shall include a landscape and ecological

management plan (LEMP). The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed, as included in the Ecological Design Strategy which shall include the large pond areas and associated woodland and vegetation.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) 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.

The development shall be implemented in accordance with the approved details.

**Reason:** In the interests of the biodiversity of the area and to accord with chapter 15 of the National Planning Policy Framework.

14. A scheme of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of any of the dwellings hereby approved. Thereafter planning permission shall be implemented in accordance with the approved details and retained thereafter.

**Reason:** To create a safe and accessible environment where crime and disorder, including the fear of crime, do not undermine the quality of life of residents, or community cohesion, in accordance with Policy BE1(iii) of the Kirklees Unitary Development Plan and paragraph 127 of the National Planning Policy Framework.

15. Prior to occupation of any dwelling an electric vehicle recharging point shall be installed at each dwelling and details of the location shall be submitted to and approved in writing by the Local Planning Authority. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicles charging point approved shall be installed prior to the occupation of the building and thereafter be retained.

**Reason:** To accord with the guidance contained in paragraph 110 of the National Planning Policy Framework.

16. No part of the development, excluding works of demolition, shall be brought into use until an Air Quality Mitigation Scheme is submitted to and approved in writing by the Local Planning Authority. The Air Quality Management Scheme shall include the following details, along with a schedule of implementation:
- Installation 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking). Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps

- Install 1 charging points in 10% of parking spaces or if agreed with the planning authority may be phased with 5% initial provision and the remainder at an agreed trigger level.

- Produce a Travel Plan including mechanisms for discouraging high emission vehicle use and encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies.

- Upon occupation of the site Fleet Operators must provide a strategy for reducing emissions, which must be agreed with by the local authority.

The development shall thereafter be implemented in accordance with the approved scheme prior to the development being brought into use.

**Reason:** To comply with the Council's sustainability objectives set out in Kirklees Unitary Development Plan Policy T1 of the Kirklees Unitary Development Plan, in addition to the guidance of Policy T10 of the Kirklees Unitary Development Plan and paragraph 110 of the National Planning Policy Framework.

17. Notwithstanding the details shown on the approved plans, the development shall not commence (excluding works of demolition) until a scheme detailing the provision of a 2.0m wide footway to the Hepworth Road frontage of the development site, construction specification, surfacing, drainage and kerbing including the relocation of existing telegraph pole and street lighting column and associated highway works has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained throughout the lifetime of the development.

**Reason:** In order to ensure the safe movement of vehicles and pedestrians in accordance with Policy T10 of the Kirklees Unitary Development Plan and policy PLP21 of the Kirklees Publication Draft Local Plan.

18. No development shall take place, excluding works of demolition, until a scheme detailing the proposed internal adoptable estate 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, surface finishes and the treatment of sight lines, 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:** In order to ensure the safe movement of vehicles and pedestrians in accordance with Policy T10 of the Kirklees Unitary Development Plan and policy PLP21 of the Kirklees Publication Draft Local Plan

21. Development shall not commence, excluding works of demolition, until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of paragraph 178 of the National Planning Policy Framework.

Reason for pre-commencement condition: This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

22. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no 21, development shall not commence, excluding works of demolition, 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 that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of paragraph 178 of the National Planning Policy Framework.

- Reason for pre-commencement condition:** This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

23. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no22. 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:** To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of paragraph 178 of the National Planning Policy Framework.

**Reason for pre-commencement condition:** This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

24. Prior to occupation of any dwelling, a “lighting design strategy for biodiversity” for the site 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:** In the interests of the biodiversity of the area and to accord with chapter 15 of the National Planning Policy Framework

#### Full

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 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, BE12 and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and guidance in the National Planning Policy Framework.

3. No development shall take place until and Demolition and Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (viii) the provision of temporary accesses for demolition and construction including their method and timescale for removal/cessation
- (ix) details of the phasing of demolition of the buildings.
- (x) ecological information including practical measures and any necessary further survey required to avoid impacts to roosting and foraging bats during demolition and construction, including but not limited to those impacts that would result in an offence under regulation 43 of the Conservation of Habitats and Species Regulations 2017

**Reason:** In the interests of the amenity of the locality and in accordance with chapter 11 of the National Planning Policy Framework.

**Reason for pre-commencement:** Construction works may have an impact on the amenity of the locality and therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site

4. Development shall not commence, excluding works of demolition, until a scheme detailing landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. 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 unless the Local Planning Authority gives its written consent to any variation.

**Reason:** To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with Policies BE1, B2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and the National Planning Policy Framework.

5. A scheme of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of any of the buildings hereby approved. Thereafter planning permission shall be implemented in accordance with the approved details.

**Reason:** To create a safe and accessible environment where crime and disorder, including the fear of crime, do not undermine the quality of life of residents, or community cohesion, in accordance with Policy BE1(iii) of the Kirklees Unitary Development Plan and paragraph 127 of the National Planning Policy Framework.

6. Prior to occupation of any building an electric vehicle recharging points shall be installed at 10% of the provided spaces in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The electric vehicles charging point approved shall be installed prior to the occupation of any building and thereafter be retained.

**Reason:** To comply with the Council's sustainability objectives set out in Kirklees Unitary Development Plan Policy T1 of the Kirklees Unitary Development Plan, in addition to the guidance of Policy T10 of the Kirklees Unitary Development Plan and paragraph 110 of the National Planning Policy Framework.

7. Prior to occupation of any building, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- 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

- 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:** In the interests of the biodiversity of the area and to accord with chapter 15 of the National Planning Policy Framework

9. Prior to the commencement of development, excluding works of demolition, an ecological design strategy (EDS) addressing ecological mitigation and enhancement requirements identified in an up-to-date Ecological Impact shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** In the interests of the biodiversity of the area and to accord with chapter 15 of the National Planning Policy Framework

10. Prior to the occupation of any unit, detailed of proposed opening hours of that respective unit shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the use shall operate in accordance with the approved hours of operation.

**Reason:** In order to protect the nearest residential properties from excess noise, in accordance with Policy EP4 of the Kirklees Unitary Development Plan and Policies PLP24 and PLP52 of the Kirklees Publication Draft Local Plan.

11. Development shall not commence, excluding works of demolition, until a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented in accordance with the approved details prior to the occupation of any building.

**Reason:** In accordance with policies BE1, BE2 and BE11 of the Kirklees Unitary Development Plan and policy PLP24 of the Kirklees Publication Draft Local Plan.

12. Before any building is occupied temporary turning facilities shall be provided in accordance with the details shown on drawing no 11604601c attached to Via Solutions technical note 4. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use until such time that permanent turning facilities are provided within the second phase of the development (residential site).

**Reason:** In order to ensure the safe movement of vehicles and pedestrians in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

13. Prior to any works to construct the approved access full details of retaining elements and structures within the site shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details and retained thereafter.

**Reason:** In accordance with policies BE1, BE2 and BE11 of the Kirklees Unitary Development Plan and policy PLP24 of the Kirklees Publication Draft Local Plan.

14. The buildings hereby approved shall be faced in regular coursed natural stone as depicted by plan no's 2022A and 2021A. A sample of the stone to be used shall be left on site for inspection and approved in writing by the Local Planning Authority before works to construct the superstructure of any of the buildings commences. Full details of the remaining materials to be used in each building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

**Reason:** To ensure that the natural stone used is in keeping with the character and appearance of the surrounding area given that the stone is not sourced locally and variations in colour can occur when it is quarried. This is to accord with Policies BE1, BE2 and BE11 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

15. Notwithstanding the details shown on the approved plans, the development shall not commence (excluding works of demolition) until a scheme detailing the provision of a 2.0m wide footway to the Hepworth Road frontage of the development site, construction specification, surfacing, drainage and kerbing including the relocation of existing telegraph pole and street lighting column and associated highway works has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained throughout the lifetime of the development.

**Reason:** In order to ensure the safe movement of vehicles and pedestrians in accordance with Policy T10 of the Kirklees Unitary Development Plan.

16. No development shall take place, excluding works of demolition, until a scheme detailing the proposed internal adoptable estate 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, surface finishes and the treatment of sight lines, 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:** In order to ensure the safe movement of vehicles and pedestrians in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

17. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated 13 February 2017, reference REP01 Rev 03, by Dudleys Consulting Engineers Ltd, and the following mitigation measures detailed within the FRA:
- Finished floor levels are set no lower than 184.5m above Ordnance Datum (AOD).
  - The proposed buildings will only be used for less vulnerable purposes (as defined in the FRA).

Prior to the commencement of any buildings works, details shall be submitted for the approval of the Local Planning Authority that clearly identifies the true line of the culverted Jackson Bridge Dike, classified as a main river. It shall subsequently be demonstrated that a sufficient easement from the channel or that the proposed development is structurally sound so as not to undermine the structural integrity of the culvert by increasing loading on the culvert chamber. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the development does not increase flood risk elsewhere, so as to accord with Paragraph 103 of the National Planning Policy Framework and Policy PLP28 of the Publication Draft Local Plan.

18. Development shall not commence (excluding demolition) until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of paragraph 178 of the National Planning Policy Framework.

**Reason for pre-commencement condition:** This is a pre-commencement condition to ensure that appropriate investigations are carried out before

development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

19. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no 18, development shall not commence (excluding works of demolition) 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 that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of paragraph 178 of the National Planning Policy Framework.

**Reason for pre-commencement condition:** This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

20. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no19. 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:** To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of paragraph 178 of the National Planning Policy Framework.

**Reason for pre-commencement condition:** This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

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

- 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

- 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:** In the interests of the biodiversity of the area and to accord with chapter 15 of the National Planning Policy Framework.

22. No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

**Reason:** To ensure that there are adequate parking facilities to serve the development in accordance with policy T10 of the Kirklees Unitary Development Plan and policy PLP21 of the Kirklees Publication Draft Local Plan.

23. Prior to the occupation of any unit details of bin storage areas and collection points shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented in full prior to the occupation of any unit and retained thereafter.

**Reason:** To ensure that there are adequate parking facilities to serve the development in accordance with policy T10 of the Kirklees Unitary Development Plan and policy PLP21 of the Kirklees Publication Draft Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Site Plan	2009-2000		16/06/2017
Proposed Site Plan	2009-2020	C	05/03/2018
Concept Masterplan	2009-2009	D	06/03/2018
Concept Phasing Plan	2009-2007	B	06/03/2018
Proposed Demolition Plan	2009-2008	A	06/03/2018
Indicative Site Sections	2009-2009	A	16/06/2017
Topographical Plan	2009-2011		16/06/2017

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Hybrid Application Plan	2009-2015	A	06/03/2018
Employment Zone Site Plan	2009-2020	B	06/03/2018
Unit 1 Proposed Plans and Elevations	2009-2022A		22/02/2018
Unit 2 and 3 Proposed Plans and Elevations	2009-2021A		22/02/2018
Ecological Design Strategy	R-3301-01		14/03/2018
Technical Note 5:Highways	16046		05/03/2018
Design and Access Statement		B	21/02/2018
Addendum Flood Risk Assessment	REP01	3	21/02/2018
Qualitative Assessment of Pedestrian Routes			18/12/2017
Drainage Sketch			17/10/2017
Design Note (Drainage) by Dudley's			12/09/2017
Green Belt Calculations			16/06/2017
'Main Town Centre' Uses Sequential Assessment			16/06/2017
Transport Assessment	16046		24/02/2017
Coal Mining Risk Assessment	B21058/CM		24/02/2017
Structural Assessment	15271		24/02/2017
Bat Emergence Survey	R-2513-02		24/02/2017
Arboricultural Report	12736/AJB		24/02/2017
Phase 1:Coal Mining Assessment Report	16-202		24/02/2017
Mill Pond Assessment	15271		24/02/2017
Flood Risk and Drainage Appraisal	15271	2	24/02/2017
Preliminary Ecological Appraisal	R-2513-01		24/02/2017
Application Form			24/02/2017

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 additional consultation with the application and amendments to the scheme were negotiated which included alterations to the layout, additional ecological

and highways information and the submission of additional plans detailing the appearance of the proposed employment units.

**Report Dated:**

17/12/2018