



Town and Country Planning Act 1990

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

**PLANNING PERMISSION AND OUTLINE 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: 2017/62/90620/W

To: Nick Willock,
Robert Halstead Chartered Surveyor
Office G of H
2nd floor, Bridge Mills
Huddersfield Road
Holmfirth
HD9 3TW

For: Z Hinchliffe & Sons Ltd

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

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 880M² INCLUDING MEZZANINE SPACE, PARKING,
ACCESS DETAILS AND ANCILLARY WORKS. OUTLINE PLANNING
APPLICATION FOR THE ERECTION OF UP TO 75NO DWELLINGS
(AMENDED DESCRIPTION)

At: DOBROYD MILLS, HEPWORTH ROAD, NEW MILL, HOLMFIRTH, HD9 1AF

**In accordance with the plan(s) and applications submitted to the Council on
24-Feb-2017, subject to the condition(s) specified hereunder:-**

Conditions for Outline Planning Permission

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 Policy 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 Policy 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

11. 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:

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.

12. 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.

13. 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.

14. 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.

15. 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 Policies T1 and T10 of the Kirklees Unitary Development Plan, and paragraph 110 of the National Planning Policy Framework.

16. 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.

17. 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

18. 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.

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 no 19. 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 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

Conditions for Full Planning Permission

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 and 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 Policies T1 and 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
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

Plan Type	Reference	Version	Date Received
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.

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 Tel No: (01484) 221550 for more information.

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

Details Reserved by Condition

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

Development within a Coal Mining Area

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

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

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://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: 18-Dec-2018

Signed:



**Karl Battersby
Strategic Director Economy and Infrastructure**

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2017/62/90620/W .

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93, Civic Centre III
Off Market Street, Huddersfield
HD1 2JR
