

**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: 2017/62/91047/E

Site Address: former fire station, Huddersfield Road, Scout Hill,
Dewsbury, WF13 3RN

Description: Part demolition of fire station and erection of 4no.
warehouse units and 4no. apartments

Recommending Officer: Emma Thompson

DECISION – CONDITIONAL FULL PERMISSION

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

Julia Steadman

AUTHORISED OFFICER

Date: 15-Jan-2018

Officer Report

Site Description

The application site comprises a former fire station located on the south eastern side of Huddersfield Road, Scout Hill, Dewsbury. The site includes a number of large buildings. The tall brick exercise tower is located to the rear of the site adjacent to Broad Street. There are areas of concrete hardstanding between the units and an area to the front with Huddersfield Road.

The rear boundary is a high brick wall with wire above and green palisade fencing runs to the north east boundary. A large mature tree is within this boundary at the side.

The front of the site is currently enclosed by high temporary security fencing but it is understood direct access could be gained from Huddersfield Road. Access can also be gained to the rear off Broad Street.

The site is bound by residential properties to the north east, south and west and opposite Huddersfield Road to the north. There are some more commercial activities in the vicinity of the site.

The site is approximately $\frac{3}{4}$ mile south west of Dewsbury Town Centre.

Description of Proposal

Part demolition of fire station and erection of 4no warehouse units and 4no apartments.

The application involves the part demolition of existing buildings on the site so that the large building to the east of the site is retained and other buildings removed and replaced with new development.

The scheme demolishes all buildings with the exception of the 3 storey administration building. It is intended that the applicant (G-Tuft) will occupy the largest unit where they will have a small sales/display area in the remaining ground floor unit supplying carpet and ancillary sundries (B1 and A1 uses). The warehouse element of the unit will store the carpet rolls with cutting facility (B8 use). The upper two floors of the retained building will be converted into residential apartments (C3).

History of negotiations/amendments received

Concerns regarding highway safety in addition to matters regarding mining legacy have been addressed through the submission of revised details. Discussions regarding the wording for conditions have also been carried out to reduce the number of those that are pre-commencement.

Relevant Planning History

2015/92563 - Outline approval is sought for the erection of an A1 retail unit. At this stage, the matter of access is put forward for consideration, with all other matters (appearance, landscaping, layout and scale) reserved for subsequent approval. Approved

02/91859 – Extensions and alterations to form new community rooms, garage and parking area – approved

01/91028 – Conversion of Gym/Coal Store to Community Room – approved

Representations

Final publicity date Expires: Site notice expired 16th June 2017; Neighbour notifications expired 13th June 2017

- None received

Consultation Responses

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

- KC Highways DM: No objections
- KC Environmental Health: No objections
- KC Arboricultural Officer: No objections
- KC Policy: Comments not received
- KC Biodiversity Officer: No objections
- KC Lead Local Flood Authority: Comments not required
- KC Police Architectural Liaison Officer: No objections
- The Coal Authority: No objections

Policy

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

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

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular,

where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated but close so local centre on the UDP Proposals Map and unallocated on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **T10** – Highway Safety
- **B1** – Business and new businesses
- **S1** – Town Centres/Local Centres shopping
- **S8A** – Retailing of goods from mill or factory premises
- **T19** – Parking Standards

Kirklees Publication Draft Local Plan (PDLP):

- **PLP1** – Sustainable development
- **PLP2** – Place shaping
- **PLP7** – Efficient and effective use of land and buildings
- **PLP20** – Sustainable travel
- **PLP21** – Highway safety and access
- **PLP22** – Parking
- **PLP24** – Design
- **PLP33** – Trees
- **PLP51** – Air quality
- **PLP52** - Environmental quality
- **PLP53** – Contaminated and unstable land

National Policies and Guidance:

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

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

- Chapter 1 – Building a strong, competitive economy
- Chapter 2 – Ensuring the vitality of town centres
- Chapter 7 – Requiring good design
- Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and enhancing the natural environment

Assessment

1 – Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

Paragraph 14 states that there is a presumption in favour of sustainable development. For ‘decision taking’ this paragraph goes on to state that this means where relevant policies are out-of-date, planning permission should be granted *“unless any adverse impacts ... would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”*.

The proposed development is for the erection of 4 warehouse units in addition to residential accommodation. It is noted that there is a retail element to the scheme and as such should be assessed in this capacity. It is noted that a previous application 2015/92563 for the erection of a retail unit was approved and is a material consideration in the determination of this application. The site is located within the local centre of Scout Hill and as such supports the function of the centre in accordance with Policy S1 which states that town and local centres will remain the focus of shopping, commercial, cultural and social activity and priority locations for environmental improvement.

Policy S4 of the UDP is concerned with retail stores outside of defined centres. Proposals for large stores will be considered by having regard to, amongst other matters, whether suitable sites capable of meeting any identified need for new retail development are likely to be available within, and for out of centre schemes, on the edge of, established town or large local shopping centres. Although limited weight can be afforded to the local plan at this time Policy PLP13 in the emerging plan is relevant and is concerned with town centre. The policy goes on to discuss the need for sequential testing and highlights that main town centre uses should be located within defined centres.

As the site is not located within a defined town centre, it is necessary to demonstrate compliance with the sequential approach outlined in paragraphs 24 and 27 of the NPPF. The Sequential Assessment includes a search of sites within and on the edge of Dewsbury Town Centre and Ravensthorpe District Centre as shown within the Kirklees Council’s latest evidence base. The sequential assessment therefore proceeds on this basis.

The agent has argued:

“Before beginning the sequential assessment, it is important to consider the operator’s requirements to inform the site search as there are only particular

sites that would be progressed for viability and suitability/feasibility reasons. This is supported by the Supreme Court Judgement – Tesco Stores Ltd v. Dundee City Council (21st March 2012) UKSC13 which provides clarity on the policy interpretation and application of the sequential approach. The judgement ruled that the sequential test and the idea of 'suitable' sites closer to the town centre is about explaining the unsuitability of alternative sites for developer's schemes. If a site is not deemed suitable for commercial requirements of the developer in question, then it is not a suitable site for the purposes of the sequential approach. In relation to the size of alternative sites, the Judgement also establishes that, if the Applicant has demonstrated flexibility with regards to format and scale, the question to be asked is whether such sites are suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. The Judgement confirms that the Local Planning Authority should not take inappropriate business decisions on behalf of a developer and that they should bear in mind the need for realism and acknowledge that such developments are generated by the developer's assessment of the market that they seek to serve. 'Criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interests in doing so. The Judgement also confirms that it is not necessary for disaggregation of sites to form part of the sequential approach; as such only sites which accommodate the whole of the development proposed should be considered.'

Taking into account the points raised in addition to the development proposed it is understood that the amount of retail space proposed is 274 sqm and this is to operate as ancillary showroom or as trade counter space to the warehouse units. In addition the scheme also includes 190 sqm of office space. The agent has clarified that the uses cannot be disaggregated from one another and the assessment should be for the uses as a whole, with the exception of the residential element. As such the sequential assessment has been carried out based on a total floor area which includes the elements as discussed. An assessment as to vacant units was undertaken by the agent and it was concluded that Dewsbury Town Centre could not offer an alternative location. Furthermore the Ravensthorpe area was also examined for opportunities but concluded that no opportunities exist that would be suitable or available. As such the assessment submitted with the application has demonstrated that there are no sequentially preferable sites within or on the edge of the allocated centres of Dewsbury or Ravensthorpe.

Taking into account the history of the site in addition to the sequential test it is considered that the proposal is in accordance with paragraphs 24 and 27 of the NPPF and subject to other considerations the proposal is therefore in accordance with paragraph 24 of the NPPF and UDP policy S1 and S4.

2 –Impact on visual amenity:

The site is located on land without notation and it is considered that there is no distinct character within the immediate vicinity. The existing buildings on the site range in scale from single storey to three storeys in height, whilst

residential properties to the north, east and south are two storeys in scale. A row of retail units is located to the south west of the site on Huddersfield Road.

Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design.

Furthermore, Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history, and reflects the identity of local surroundings and materials.

All the buildings, with the exception of the 3 storey administration building, are proposed to be demolished. The development includes the erection of a steel portal frame building attached to the 3 storey administration block. This will be subdivided into 4 units. The front and end elevation will have a palate of patent glazing with black uPVC frames and composite cladding. The vertical cladding will be Merlin Grey colour offset with Anthracite horizontal cladding above the glazing and wrapping around the north and south west elevations. The horizontal cladding will also be broken with composite timber cladding in Teak colour. Glass canopies will overhang the entrances to each unit's display area. The rear elevation will be constructed with Microrib composite cladding panels (Merlin Grey colour) with insulated steel roller shutter doors and steel personnel doors (black colour).

The roof will be constructed with composite cladding panels with roof lights (Goosewing Grey colour) and the external wall cladding will create a parapet to conceal the shallow roof pitch.

Rainwater goods to the new warehouse will be concealed internally.

The existing 3 storey unit will retain its existing appearance of red brickwork and white rendered banding. New curtain wall glazing will be installed to the front elevation and the red cladding panels within the existing curtain wall glazing will be replaced with composite timber cladding to mimic the teak cladding of the new warehouse. The new full height glazing will attract potential customers whilst filling the display area with natural light.

All existing windows in the 3 storey unit will be treated with a light grey colour to make compatible with the new warehouse. One new grey uPVC window to each apartment 1 and 3 lounges will be installed to the North West Elevation to allow natural light fill the open space living. All windows to the ground floor and first floor that abut the new warehouse will be removed and built up with a cavity wall construction. The second floor windows looking on to the new warehouse will be replaced with smaller grey uPVC units where the warehouse roof intersects. Windows to first and second floor bedrooms

overlooking the unnamed road will have half of the glazing removed and replaced with timber cladding to reduce overlooking the neighbours.

All external personnel doors will be steel in black colour. Additional roof lights will be installed to the existing 3 storey unit to serve the 2nd floor apartments. Sun tunnels will also provide additional natural light to the 1st floor apartments.

The existing boundary walls will remain, with the exception of the access gate to the south of the site being built up and a new opening created further south west along the boundary wall. Existing fencing to the east of the site will be removed to allow access to the residential parking 6 bays. Low level hoop railing will be installed to the Huddersfield Road frontage, along with a new entrance gate into the site

Externally, there are hard surfaced tarmacadam yard areas providing parking and access arrangements.

It is considered that the scale and design of the proposed development works well. The retention and refurbishment of the existing administration block helps to ensure that visual amenity is not compromised for those occupants of Thornville Mount. The extension is focussed on the central part of the site extending to the rear towards Broad Street. This reduces the impact that the development may have on the street scene, retaining a more open aspect to the site frontage.

The new part of the development is shown to be no higher than the existing administrative block. The existing dilapidated buildings being removed and replaced with new development which will improve the outlook for residents located to the rear of the site and also contribute to improving the visual amenity of the wider area. The new development is not considered to detract from the predominantly residential character of the area. The design of the units, variations to the window features and inclusion of a varied palette of materials are all considered to contribute to be visually attractive promoting a sense of local identity in accordance with Policy BE1 and BE2 of the Kirklees UDP.

For the reasons given above the proposed development is not considered to have a detrimental impact on visual amenity or the character of the street scene, and would contribute more positively to the character of the area in accordance with Policies D2, BE1 and BE2 of the Unitary Development Plan, policy PLP24 of the PDLP, in addition to government guidance contained within chapter 7 of the NPPF.

3 – Impact on residential amenity:

The site is located adjacent to residential properties to the north, east and south, with commercial/mixed use premises to the west, within the local centre of Scout Hill. The site is redeveloped so as to provide additional accommodation within the site without compromising the residential amenity

of nearby occupants. The new extension is tucked to the side/rear of the existing administration block which is retained and as such provides screening to the more commercial activities proposed. It is not considered that this part of the development would result in loss of amenity to any nearby occupants through loss of privacy or being overbearing particularly when the conditions of the existing site are taken into account.

The administration block is to accommodate commercial use at ground floor level which is not considered to result in any loss of amenity to the residents opposite – the rear of which face onto the site. The upper floors are to be converted to residential accommodation and distances fall short of those normally required under policy BE12 for habitable accommodation to other habitable rooms. The existing relationship between the apartments proposed and existing dwellings has to be taken into account in the assessment of the proposed development which is to remain unchanged. Officers consider it relevant to afford weight to the existing relationship and whilst the accommodation proposed is residential it is not considered that the use will result in any significant loss of privacy to the occupants opposite. Furthermore there have been representations received in respect of the development proposals. The proposed development is therefore considered acceptable.

Noise:

The application has been assessed by Environmental Health to ensure that the commercial activities on the site do not result in a loss of amenity to any nearby occupant. As a consequence of their assessment conditions are considered necessary to restrict hours of operation of the non-residential parts in line with the hours specified on the application form. It is considered that operation beyond these times may lead to a loss of amenity to nearby occupants.

The noise mitigation measures detailed in the report submitted have been assessed and it is concluded that the measure should be implemented and retained to ensure adequate amenity can be achieved in the apartments. Condition regarding ventilation is considered necessary to ensure that adequate ventilation and thermal comfort can be achieved.

Officers consider that the proposals would have no undue impact upon residential amenity, in accordance with Policies D2, BE1, BE2, EP4 and BE12 of the Unitary Development Plan, policy PLP24 of the PDLF, and chapter 11 of the NPPF.

4 – Impact on highway safety:

This application seeks approval to the part demolition of the fire station and erection of 4no. Warehouse units and 4 apartments at former fire station, Huddersfield Road, Scout Hill, Dewsbury. Huddersfield Road is a classified road the A644 which give direct access to the existing fire station buildings. The site has an access to the adopted highway network to the rear of the building via Broad Street.

Further to the highways consultation response dated 16th June. The applicants have provided revised plan number GTDE - MWA - XX - XX - DR - A - 0009 rev H which shows:

- 1, internal turning provided for a 16.5 metre articulated vehicle
- 2, the parking spaces to the proposed apartments have been widened to improve access
- 3, sightlines from the proposed access shown on the plans
- 4, redundant footway crossings reinstated as footway
- 5, a proposal for a scheme detailing measures to manage parking on Huddersfield Road along the development frontage.

Following receipt of the above revised plans, it is considered that the proposed development will not result in any detriment to matters of highway safety or to other road users in accordance with Policy T10 of the Kirklees UDP, as well as policy PLP21 of the PDLP.

5. Representations:

None received

Other:

Sustainable transport

Sustainable transport Paragraph 35 of the national Planning Policy guidance states that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to...incorporate facilities for charging plug-in and other ultra-low emission vehicles." As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in relation to the provision of facilities for charging plug-in electric vehicles.

Air Quality

Part of the proposed development is within an Air Quality Management Area. The applicant has submitted an Air Quality Assessment by Redmore Environmental dated 26 April 2017 (Ref: 1600r 1). The report has been assessed. The methodology for assessment is considered to be satisfactory and the proposals outlined conclusions that the development does not introduce receptors into an area of poor air quality are accepted. They have recommended satisfactory mitigation for the construction and operational phases that of Dust mitigation measure, creation of a Low Emission Travel Plan and the inclusion of ULEV charging points.

Conditions for facilities for charging electric vehicles and a Low Emission Travel Plan are considered to be necessary

Coal Authority

The site is located within a High Risk Area as defined by the Coal Authority. The Coal Authority records indicate that there are three recorded mine entries within the application site.

Following the submission of further information the Coal Authority is satisfied that the remedial measures proposed by the applicant following initial intrusive site investigation works set out in the letter report from Michael Dean of Haigh Huddleston & Associates (24 November 2017) are appropriate to address the coal mining legacy issues present on the application site.

Should planning permission be granted for the proposed development, a condition should therefore require the installation of the replacement mine shaft caps as set out in the letter report, prior to the commencement of new build development. The condition should also require, prior to the first use of the new development, the submission of a validation report to confirm that the shafts have been capped to an appropriate standard to ensure the safety and stability of the new development.

Contaminated Land

The submitted amended Phase 1 Contaminated Land Report did not adequately address the site for the proposed future residential use and was therefore considered unacceptable. The applicant has now submitted a Phase 1 Desk Top Geoenvironmental Report by Haigh Huddleston & Associates dated August 2017 (ref: E17/6874/R001) and a further report dated September 2017 (ref: E17/6874/R001A).

The report identifies that the site has been previously used as a colliery including mine shafts and also a garage. It identifies the potential of unrecorded shallow mine workings and concludes that there is a medium risk. The report recommends progressing to a Phase 2 intrusive targeted investigation including soil sampling and ground gas monitoring. It is considered that this is a satisfactory Phase 1 report and agree with its conclusions and recommendations. Contaminated land conditions are therefore necessary.

Landscaping, trees and ecology

UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The site contains limited ecological value, however development proposals should demonstrate how ecological impacts will be mitigated and ecological enhancement provided. The Arboricultural and Landscape officer raise no objections. There is minimal information to assess and landscape proposals are required to ensure hard and soft landscape details and planting are incorporated to create a diverse and attractive landscape. As such a condition is imposed to further address the objectives of paragraph 109 and 118 of the National Planning Policy Framework.

There are no other matters considered relevant to the determination of this application.

Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

RECOMMENDATION

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2017/91047

Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1, BE2, and T10 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP24 of the Kirklees Publication Draft Local Plan, as well as the aims of the National Planning Policy Framework.

3. Before development commences, the sightlines of 2.4m x 70 metres shall be cleared of all obstructions to visibility exceeding 1 m in height and these shall be retained free of any such obstruction.

Reason: This is a pre-commencement condition to ensure the site can be made safe and accessible and in the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan, as well as Policy PLP21 of the Kirklees Publication Draft Local Plan.

4. Prior to the development being brought into use, turning facilities shall be provided in accordance with the details shown on drawing no GTDE - MWA - XX - XX - DR - A -0009 rev H . 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.

Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan as well as Policy PLP21 of the Kirklees Publication Draft Local Plan.

5. Prior to occupation of the development hereby approved, the proposed car park shall be laid out surfaced, marked out into bays and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies D2 and T10 of the Kirklees Unitary

Development Plan, as well as Policy PLP21 of the Kirklees Publication Draft Local Plan.

6. The development hereby approved shall not be occupied until a scheme detailing measures to manage parking on Huddersfield Road between Stoney Bank Street and Thornville Mount and all associated works, together with appropriate Safety Audits has been submitted to and approved in writing by the Local Planning Authority. No part of the scheme shall be brought into use until the approved scheme has been implemented.

Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan as well as the aims of Policy PLP21 of the Kirklees Publication Draft Local Plan.

7. No part of the development shall be brought into use until the existing access from Huddersfield Road and Broad Lane has been permanently closed [and any redundant footway crossings removed and the footway reinstated] and the new access has been constructed and brought into use in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority within 6 months of legal commencement on site.

Reason: To avoid danger and inconvenience to highway users, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan, as well as the aims of Policy PLP21 of the Kirklees Publication Draft Local Plan.

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

Reason: This is a pre-commencement condition to ensure the site can be made safe and accessible and in the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan, as well as the aims of Policy PLP21 of the Kirklees Publication Draft Local Plan.

9. Before development commences on the superstructure of any building hereby approved, details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: So as to ensure that the site can be made safe and accessible and in the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan as well as Policy PLP21 of the Kirklees Publication Draft Local Plan.

10. Prior to development commencing, a detailed scheme for the provision of a right turn lane from Huddersfield Road into the site with associated signing and white lining shall be submitted to and approved in writing by the LPA. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the LPA, all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: This is a pre-commencement condition to ensure the site can be made safe and accessible and in the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan.

11. The non-residential parts of the development shall not be used outside the hours of 07:00 to 20:00 Mondays to Saturdays and 10:00 – 18:00 Sunday & public holidays.

Reason: In the interest of residential amenity and to accord with Policies D2 and EP4 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework

12. Before the development is brought into use, the noise mitigation measures detailed in the Acoustics Report by Paul Horsley Acoustics Ltd dated 7 August 2017 (Ref J2590-R1) shall be implemented. These noise mitigation measures shall then be retained thereafter.

Reason: In the interest of residential amenity and to accord with Policies D2 and EP4 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework

13. The rating level of noise (as defined in BS4142:2014) from any plant or equipment installed outside the building shall not exceed the background noise levels at any noise sensitive property.

Reason: In the interest of residential amenity and to accord with Policies D2 and EP4 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework

14. Before the residential part of the development is brought into use a ventilation scheme for the residential apartments shall be submitted to, and approved in writing by the Local Planning Authority. The ventilation scheme shall provide a detailed specification for the ventilation for the residential apartments that is sufficient to provide adequate ventilation and thermal comfort without the need to open windows and also does not reduce the level of noise mitigation provided to the residential apartments. The approved ventilation scheme shall be installed prior to the residential apartments being brought into use and retained thereafter.

Reason: In the interest of residential amenity and to accord with Policies D2 and EP4 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework

15. Before the development is brought into use a Low Emission Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved plan shall be implemented and retained thereafter.

Reason: To comply with the Council's sustainability objectives set out in Policy T1 of the Kirklees Unitary Development Plan, in addition to the guidance in Policy T10 of the Kirklees Unitary Development Plan and Chapter 4 of the National Planning Policy Framework.

16. Before building works commence, a scheme detailing the facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with guidance in the National Planning Policy Framework.

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

Reason: To ensure that the site can be made safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with Policy G6 of the Kirklees Unitary Development Plan, as well as the aims of chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that investigatory works are carried out and any required mitigation measures are incorporated into the development at the appropriate stage.

18. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (17) development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with Policy G6 of the Kirklees Unitary Development Plan, as well as the aims of chapter 11 of the National Planning Policy Framework. 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. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (18). 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 with Policy G6 of the Kirklees Unitary Development Plan, as well as the aims of chapter 11 of the National Planning Policy Framework.

20. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

Reason: To identify and remove unacceptable risks to human health and the environment and to accord with Policy G6 of the Kirklees Unitary Development Plan as well as the aims of chapter 11 of the National Planning Policy Framework.

21. Development shall not commence until an Ecological Design Strategy to include mitigation and enhancement measures (including trees, bat and bird boxes) has been submitted to and approved in writing by the Local Planning Authority. The findings and recommendations shall be implemented and thereafter retained.

Reason: In the interests of the biodiversity of the area and to accord with chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that adequate mitigation and enhancement measures are incorporated into the development at the appropriate stage of the development.

NOTE:

Crime prevention design advice

Residential apartments

- Individual apartment entrance doors, as well as communal entrances and accessible windows

should meet with the physical security requirements of 'Secured by Design'.

(*See below)

- Provision needed for secure mail delivery for apartment block residents.
- Car parking area and accessible outside areas to be covered by adequate ambient lighting, to lower the risk of car crime, and crime affecting residents' personal safety, during hours of darkness.

*For full details of 'Secured by Design' door and window specifications, the applicants can refer to
http://www.securedbydesign.com/wp-content/uploads/2016/03/Secured_by_Design_Homes_2016_V1.pdf

In respect of easily accessible doors and windows, meeting with 'Secured by Design' guidance is also requisite for compliance with Building Regulations Approved Document Q (Security-Dwellings)

Warehouses

- Continuously monitored CCTV should be provided and include coverage of all external building elevations, and all car parking spaces / publicly accessible areas within the site.

The CCTV system should be capable of recording and capturing images that are suitable for court identification purposes.

- Physical security specifications of items including external doors, accessible windows and intruder alarm systems should also meet with the requirements of *Secured by Design*, details of which can be found via the following link:

[http://www.securedbydesign.com/professionals/pdfs/SBD Commercial 2015 V2.pdf](http://www.securedbydesign.com/professionals/pdfs/SBD_Commercial_2015_V2.pdf)

NOTE:

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

NOTE:

Electric Vehicle Charge Points

One electric vehicle charging should normally be provided for each residential unit with dedicated parking space.

One electric vehicle charging point should normally be provided for every ten unallocated residential parking spaces (including hotels).

at non-residential developments, one electric vehicle charging point should normally be provided for every 10 parking spaces. This may be initially be reduced to 1 charging point for every 20 parking spaces with the remainder provided at an agreed trigger point

The cable and circuitry ratings for the charging points shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps

NOTE:

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed site layout	3/K16/6002/21 Rev C		1st December 2017
Proposed 3D Image 2	GTDE - MWA - XX - XX - DR - A – 0016 Rev F		1st December 2017
Proposed 3D Image 1	GTDE - MWA - XX - XX - DR - A – 0015 Rev F		1st December 2017
Proposed south east and south west elevations	GTDE - MWA - XX - XX - DR - A – 0014 Rev F		21st November 2017
Proposed north east and north west elevations	GTDE - MWA - XX - XX - DR - A – 0013 Rev F		21st November 2017
Proposed second floor plans	GTDE - MWA - XX - SF - DR - A – 0012 Rev F		21st November 2017
Proposed first floor plans	GTDE - MWA - XX - SF - DR - A – 0011 Rev F		21st November 2017
Proposed ground floor plans	GTDE - MWA - XX - SF - DR - A – 0010 Rev F		21st November 2017
Proposed site layout	MWA - XX - XX - DR - A - 0009 REV J		21st November 2017
Proposed realistic visuals	MWA - XX - XX - DR - A - 0019 REV C		21st November 2017
Location Plan	MWA-XX-XX-DR-A-0001 Rev B		28th March 2017
Existing site Plan	MWA - XX - XX - DR - A - 0002 REV B		28th March 2017
Existing ground floor plan	MWA - XX - XX - DR - A - 0003 REV B		28th March 2017
Existing first and second floor plan	MWA - XX - XX - DR - A - 0004 REV B		28th March 2017
Existing north west and	MWA - XX - XX -		28th March 2017

Plan Type	Reference	Version	Date Received
north east elevations	DR - A - 0005 REV B		
Existing south east and south west elevations	MWA - XX - XX - DR - A - 0006 REV B		28th March 2017
Existing 3D image 1	MWA - XX - XX - DR - A - 0007 REV B		28th March 2017
Existing 3D image 2	MWA - XX - XX - DR - A - 0008 REV B		28th March 2017
Existing and proposed street scene	MWA - XX - XX - DR - A - 0017 REV B		28th March 2017
Existing and proposed street scene	MWA - XX - XX - DR - A - 0018 REV B		28th March 2017
Further site investigation	Haigh Huddleston & Associates		1st December 2017
Design and Access			21st November 2017
Further site investigation (Borehole Report)	Haigh Huddleston & Associates		26th November 2017
Further site investigation (Mine shaft)	Haigh Huddleston & Associates		15th November 2017
Transport Assessment	Paragon Highways		1st September 2017
Phase I Updated	Haigh Huddleston & Associates		4th September 2017
Acoustic Report	pha		7th August 2017
Addendum to Acoustic report	pha		7th August 2017
Sequential Test	dpp		22nd June 2017
Mineshaft Survey			9th June 2017
Supporting Statement	Enzygo		19th April 2017
Air quality assessment	Redmore Environmental		27th April 2017
Tree Survey	James Royston		29th March 2017
Bat roost potential	Brooks Ecological		28th March 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 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 agent submitted further information during the course of the application to address concerns raised during the process and also agreed to the conditions set out in this decision notice.

Report Dated: 15th January 2018