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:	2017/62/94092/W
Site Address:	Brookes Mill, Armitage Road, Armitage Bridge, Huddersfield, HD4 7NR
Description:	Formation of car park extension (24 spaces) and erection of new footbridge (within a Conservation Area)
Recommending Officer:	Francis Davies

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 23-Apr-2018

Officer Report

Reference: 2017/94092

Proposal: Formation of car park extension (24 spaces) and erection of new footbridge (within a conservation area)

Location: Brookes Mill, Armitage Road, Armitage Bridge, Huddersfield, HD4 7NR

Site Description

The application site relates to Brookes Mill, a historically significant textile mill located approximately 3km south west of Huddersfield town. The site consists of a number of buildings, some of which are listed although now serve a range of uses including the Northlight gallery, café and art and dance studios. Other notable uses also include residential dwellings orientated in an eastern direction facing onto the existing carpark.

Specifically, the application relates to an area of grassed land off Bank Foot lane and the Mill race. The existing upper car park and mill complex is secured by a metal gate approximately 2m high and offers a number of vehicle parking spaces. Evening illumination of the car park is offered by amenity lighting in the style of street gas lanterns. A lower car parking area is also associated with the Mill although this is separated from the main complex by the Mill race, a short and shallow water course culverted at both the eastern and western extent.

Description of Proposal

The application seeks planning permission for the hard surfacing of an existing grassed area which covers an area of approximately 537m² to extend the upper car park. Located adjacent to the residential dwellings (east) the extension would provide a total of 23 additional parking spaces and associated landscaping.

In addition to the above the application also seeks planning permission for the erection of a footbridge which would offer a pedestrian link between the lower and upper car parks. The bridge would transverse the mill race at the most westerly point before being diverted under the mill grounds via a culvert. Owing to the nature of the proposed significant engineering's works are anticipated and as noted in the submitted impact assessment a number of protected trees would be felled as part of the proposed works.

The footbridge would be constructed from a steel frame, with timber planked walkway and sided by decorative posts spaced at 1.1m intervals with railing in-fills. The bridge would span a distance of approximately 13.7m as shown on submitted plan 4295-03-01A and have a total width of approximately 1.5m. Stairs located at each abutment world provide access to the foot bridge.

History of negotiations

Negotiations were held between the agent and planning officer requesting additional information with regard to the loss of identified protected trees and clarification on discrepancies within the plans.

Relevant Planning History

Site

91/03381 – Erection of 10 detached dwellings with garages (Refused)
97/91131 – Formation of Car Park (Conditional Full Permission)

Surrounding

95/92612 **–** Change of use from industrial units to indoor sports facilities (Refused)

96/90265 – Change of use from industrial to indoor sports facility and improvement to existing access (Conditional Full Permission)

Representations

Final publicity date Expires: 01st January 2018

One objection was received in relation to this application. A summary of the comments received is set out below:

- The proposed car park would adversely affect the setting of listed buildings and the character of Armitage Bridge conservation area.
- Vegetation which currently shields views of the existing car park would be removed
- Due to the topography of the site engineering works would be required to form level ground suitable for the proposed car park.
- The proposed car park would increase the amount of vehicular traffic along Bank Foot lane, which suffers from existing highway deficiencies, most notably lack of a pedestrian footpaths, exacerbating highway safety concerns,
- Hard-surfacing of the car park would result in run-off of potentially contaminated waters into an existing water course, thereby presenting a risk to biodiversity

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 Environmental Health – Support the application subject to conditions
- KC Ecology – Support the Application

- KC Trees – Support the application subject to works in accordance with the submitted arboricultural method statement and additional tree planning as indicated on proposed plans.
- KC Highways – Support the application subject to conditions
- Lead Local Flood Authority (LLFA) – No objection to the proposal.
- KC Conservation and Design – No objection

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 on the UDP Proposals Map and remains unallocated land on Kirklees Publication Draft Local Plan. It is noted that Brookes Mill falls within the Armitage Bridge conservation area.

- Access considerations - None

Kirklees Unitary Development Plan:

- D2 – Unallocated Land
- BE1 – Design Principles
- BE2 – Quality of Design
- BE5 – Conservation Areas
- T10 – Highway Safety
- T19 – Parking Standards
- NE9 – Protection of Mature Trees

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 – Achieving Sustainable Development
- PLP24 – Design
- PLP28 – Drainage
- PLP33 – Trees
- PLP35 – Historic Environment
- PLP48 – Community Facilities and Services
- PLP51 – Protection and improvement of local air quality
- PLP53 – Contaminated and unstable land
- PLP57 – Protection and Improvement of Local Air Quality

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.

- Paragraph 17 – Core Planning Principles
- Chapter 7 – Requiring good design
- Chapter 10 – Meeting the challenge of climate change, flooding and costal change
- Chapter 11 – Conserving and enhancing the natural environment
- Chapter 12 – Conserving and enhancing the historic environment

Assessment

The main considerations in the determination of this application include the following:

- Principle of Development
- Impact on Heritage
- Impact on Visual Amenity
- Impact on Residential Amenity
- Impact on Highway Safety
- Other Matters
- Representations

<u>Principle of Development</u>

The NPPF provides a presumption in favour of sustainable development.

Policy D2 of the UDP requires that new development on unallocated sites does not prejudice the implementation of proposals in the plan; the avoidance of over-development; the conservation of energy; highway safety; residential amenity; visual amenity; the character of the surroundings; wildlife interests; and the efficient operation of existing and planned infrastructure.

The proposals comprises the extension to an existing car park and the linking of a lower and upper car parking areas via a pedestrian footbridge within a densely developed, multi-use site. Consequently, given the above, the proposal is considered to be sustainable development and is acceptable in principle, subject to appropriately addressing other planning matters.

Impact on Heritage

The site is located in Armitage Bridge conservation area. Section 72 of the Planning (Listed buildings & Conservations Areas) Act 1990 introduces a general duty in respect of conservation areas. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In addition to the above, section 66 of the same act gives a general duty in respect of listed buildings and requires local Planning Authorities to consider if development affects a listed building or its setting.

These considerations are further reflected in Policy BE5 of the Unitary Development Plan, Policy PLP35 of the publication draft Local Plan and Chapter 12 of the NPPF. These policies again outline the principle of development and restrictions for development in conservation areas and in close proximity to listed buildings.

Bank Foot House

Bank Foot House, a grade ll listed building is located to the east of the enclosed Mill complex and to the north of the proposed car park extension area. Owing to its close proximity can reasonably be assumed to have historical ties with Brookes Mill. The north aspect of Bank Foot House is dated between 18th century and the early 19th Century, while the southern aspect of the dwelling is dated later at the mid-19th century. The dwelling is constructed from hammer dressed stone and a pitched gable roof, finished in stone slate tiles. Windows in the dwelling range from casement windows to sash windows.

Block on east side of yard at Armitage Bridge Mill (Warehouse)

The block on the east side of the yard at Armitage Bridge Mill as described by Historic England is presumably the Mill Warehouse and was among one of the first buildings on the site. Again constructed from hammer dressed stone and designed with a dual pitched roof, finished in stone slate, the building consists of 4 stories, a 13 window range on the side elevations and a 4 window range on the gable end elevations.

Tower at rear of Armitage Mill (Clock Tower)

The tower to the rear of Brookes Mill as described by Historic England is presumably the clock tower which dominated the skyline of the Mill complex. Dated to the mid-19th Century it is constructed from hammer dressed stone with Ashlar dressings and finished in a pyramidal lead

roof. A clock face is located on each elevation (4) at the top of the third tier of the tower.

Armitage Bridge conservation area

While there is no conservation area appraisal for Armitage Bridge, Appendix 1 of the UDP describes its character assessment as a

'Large but compact nineteenth century stone built mill complex, includes former mill owner's home, workers' housing and church, with mill ponds and river, open spaces and mature trees'.

In addition to the above, analysis of historic maps also suggests that the application site – historically – contained houses presumably connected with the mill and with a school. The houses were demolished sometime between 1955-65, the school later.

The proposed development includes an extension to the existing car park which would occupy an approximate area of 537m² of existing grassland in the south east of the mill complex, adjacent to Bank Foot Lane. The application states that the car park would be hard-surfaced in bituminous macadam and offer a total of 23 car parking spaces upon completion. As noted on the submitted plans elements of landscaping would be undertaken around the periphery of proposed car park consisting of new tree planting and a lawned area. Amenity lighting, similar to that in the existing car park (conservation style lamp post) would be provided.

Consequently, as a result of the proposed, the land to the east of Brookes Mill, which currently presents are undeveloped would be significantly altered, thereby harming the significance of the conservation area and the setting of noted listed buildings.

When determining applications which impact the character of conservations areas or the setting of listed buildings guidance if offered to local planning authorities in paragraph 131 of the NPPF. Paragraph 131 states that:

'*In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation…*'

Further guidance is given in paragraph 132 of the NPPF which advises that: 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation'.

With regard to this application the significance of the identified heritage assets is preserved by: the proposed landscaping around the periphery of the car park, the topography of Bank Foot Lane and adjacent Old Spring Wood which combined allow for short views of the proposed car park and the fact that the

proposed site was previously developed. Given the above mitigation the proposal is considered to present less than substantial harm to the Armitage Bridge conservation area and setting of surrounding listed buildings.

In the event that development is assessed to cause less than substantial harm paragraph 134 of the NPPF advises that Local Planning authorities should weigh any residual / unavoidable harm against any public benefit:

'*Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits…*'

In this instance of this proposal is considered to deliver economic benefits through the provision of additional car parking capacity, supporting the community and private uses of Brookes Mill. Furthermore, the provision of a footbridge is anticipated to reduce pedestrian use of Bank Foot Lane thereby improving highway safety.

Overall the scheme is considered to cause less than substantial harm to the Armitage conservation area and associated listed buildings which is outweighed by the recognised public benefits of the proposal. As such the proposal complies with guidance as set out in chapter 12 of the NPPF, Policy BE5 of the Unitary Development Plan (UDP) and Policies PLP35 and PLP48 of the publication draft Local Plan.

Impact on Visual Amenity

With regard to visual amenity the proposed car park is anticipated to be similar in appearance to the existing car parking area although smaller is size. In the instance of this extended section it is noted that landscaping features would serve to screen views, to a degree and provide a buffer to Bank Foot House. Consequently, the proposed new car park development would be read/viewed in a separate context to Bank Foot House. As such the proposal is not considered to contribute detrimental harm to the character of the Armitage Bridge Conservation area or the setting of the listed building.

With regard to the proposed foot bridge this would transverse the Mill race, linking the upper and lower carparks. As noted on the submitted application form the bridge would be constructed from steel, with a slip resistant timber walkway, galvanised steel balustrades and finished in black paint. The structure would measure approximately 13.7m in length, a total width of approximately 1.5m and be located in the eastern most point of the mill race before it is diverted under the mill grounds via a culvert.

In-terms of the impact of the proposed bridge, given its secluded position and presence of mature surrounding vegetation, views are likely to be limited. Equally, the simple and functional style of the pedestrian foot bridge would not compete with the prominence and permanence of the mill complex. As such the bridge is not anticipated to harm the visual amenity of the area.

Overall, given the above considerations the scheme is not anticipated to have a detrimental impact on the visual amenity of the area, the character of the Armitage Bridge conservation area or the surrounding listed buildings. Consequently, the application is considered to comply with Policies BE1, BE2, BE5 and D2 (Criteria vi) of the Unitary Development Plan (UDP), Policies PLP1, PLP24 and PLP35 of the publication draft Local Plan (PDLP) and guidance contained within Chapters 7, 11 and 12 of the National Planning Policy Framework (NPPF).

Impact on Residential Amenity

In respect of the car park extension, the nearest dwelling would be Bank Foot House, a large, two storey, detached, Grade ll listed dwelling. The principal concerns with regard to the impact on this dwelling would be light and noise disturbance from moving vehicles and persons using the car park.

However, as noted on submitted dwg. 4295-03-01A mitigation to the above concerns is offered in the form of landscaping. The area between the existing dwelling and proposed car park would be landscaped incorporating new tree planning. This is anticipated to offer a level of screening sufficient to reduce the impact of disturbance associated with moving vehicles. In addition, an acceptable separating distance of approximately 11.2m would exist between the gable-end (south) of the listed building and the closest parking bay.

Furthermore, it is noted that Bank Foot House is orientated at an oblique angle and as such there is no direct relationship between the proposed car park and listed building. The dwelling is set lower than the application site and is also separated by a significant retaining wall. The car park extension is anticipated to be an overspill area and as such only at capacity during planned events. Consequently planning officer are satisfied that sufficient mitigation has been provided so as to minimise the impact of the proposed on the residential amenity currently enjoyed by the occupiers of Bank Foot House.

With regard to the proposed foot bridge the nearest residential dwelling would be nos. 4 and 5 Top Row. These dwellings, although not listed offer period architectural features and are closely associated with Brookes Mill. Constructed from natural stone, these terrace dwellings have little amenity space to the front (east) and face directly onto the existing car park. As such there would appear to be a well-established relationship between the existing activities of the car park and these dwellings.

While it is anticipated that the proposed foot-bridge will increase the amount of pedestrian activity, walking between the upper and low sections of Brookes Mill this is not anticipated to be significantly more disruptive or intrusive than the existing activities of the car park. Furthermore, it is noted that the proposed footbridge would be approximately 6.5m from the front gardens of these dwellings and as noted on the submitted drawing 4295-03-01A would be separated by a timber fence approximately 1.8m tall. The impact to the residential amenity of these dwelling is therefore considered to be acceptable.

Aside from the above it is noted that the construction of the bridge and steps at each abutment will require significant engineering works and it is advised that this will cause harm to the residential amenity of these residents. As such a note will be added to any permission requiring the works to limited to social hours.

Overall and based on the considerations outlined above the scheme is considered to be acceptable in terms of residential amenity. Consequently, the proposal is considered to comply with Policies D2 (Criteria v) of the UDP, Policy PLP1 and PLP24 of the PDLP and guidance contained within the NPPF.

Impact on Highway Safety

Overall the scheme is considered to improve highway safety, offering additional parking capacity and providing a pedestrian link between the lower and upper car parks of Brookes Mill thereby reducing pedestrian flow along Bank Foot Lane.

KC highway services have also assessed the merit of this application and have offered no objection subject to a condition requiring that the parking area be hard surfaced and drained in accordance with submitted plans. Consequently, the scheme is considered to accord with Policies T10 and T19 of the UDP and Policies PLP1 of the PDLP.

Other Matters

Trees

The trees located along the bank of the mill race benefit from preservation orders by virtue of being within the Armitage bridge conservation area. As such an arboricultural impact assessment and method were required to support the application.

The impact assessment identified that T5 and T9 require removal in order to facilitate the proposed development. While the council would ordinarily seek to preserve any mature trees in accordance with Policy NE9 of the UDP and Policy PLP33 of the PDLP, mitigation for the removal of these trees is offered in the proposed new tree planting along the periphery of the upper car park. This mitigation has been reviewed by a KC arboricultural services and is considered acceptable.

In addition to the above the arboricultural impact assessment also advised that T4, T7 and T8 require felling regardless of the proposed development. T4 is located within falling distance of adjacent building and has been assessed as not structurally sound. As such T4 should be removed to protect adjacent properties and to avoid any associated risk to life. T7 and T8 are growing out of the embankment walls and are identified as causing significant structural

harm. Consequently, these trees should be removed to prevent any further harm to features associated with the mill race.

All other trees on site including T2, T3, T5, T9 and T10 as identified in Appendix 6 of the arboricultural impact assessment will be retained and measures taken, in accordance with the submitted aboricultural method statement to avoid harm to these trees during construction. This will be conditioned as part of any permission.

Overall, the offered mitigation for the loss of a protected tree is considered to be acceptable to planning and arboricultural officers. Equally, the measures outlined in the arboricultural method statement are considered sufficient so as to avoid harm to those protected trees that shall be retained. Consequently the proposal is considered to be acceptable to Policy NE9 of the UDP, Policy PLP33 of the PDLP and guidance contained within Chapter 11 of the NPPF.

Ecology and Biodiversity

KC ecology services were consulted with regard to this application and advised in their initial consultation response that as the foot bridge was likely to affect an aquatic habitat an ecological impact assessment was required.

However, following further consultation with KC ecology services and noting that the footbridge does not propose any works within the race itself it was later advised that the likely impact to aquatic ecology was limited. Equally, the ecological value of such an aquatic habitat is anticipated to be low and as such an ecological impact assessment was not considered to be necessary upon reflection.

Overall, given the limited disruption to the mill race itself and the limited potential of the mill race to support aquatic ecosystems of value, the application is considered to be acceptable in ecological terms complying with Policies PLP30 of the publication draft Local Plan and Chapter 11 of the NPPF.

Drainage

The proposed hard surfacing to form the car park extension is anticipated to result in greater run-off of surface water. As such the Lead local Flood Authority (LLFA) was consulted regarding this application.

Comments from LLFA identified that the proposed car park area utilises a permeable paving system, offering a reduced connectivity to the associated watercourse. Equally, the proposed landscaping surrounding the car park would also serve to prevent excessive run-off from the car park area. However, notwithstanding the above, a condition will be applied to any permission requiring that the proposed car park extension be surfaced in accordance with the Guidance on Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)'.

With regard to the footbridge, this is shown to be located outside the bank full capacity and as such is not anticipated to impact on existing flows through the mill race. Consequently, the proposed pedestrian bridge does not present any concerns relating to flood risk. Notwithstanding the above, a note will be added to any permission advising that it is the landowners responsibility to ensure the integrity and banks of the watercourse are not damaged during construction.

Overall, the proposal is considered to comply with Policy PLP28 of the publication draft Local Plan and guidance contained within chapter 10 of the NPPF.

Contamination

Analysis of historic maps suggests that a school and houses, presumably associated with Brookes Mill were located on the site of the proposed development. The identified dwellings were demolished sometime between 1955 – 1965 while demolition of the school occurred later.

Given the above it is advised that the development site (car park) may be contaminated due to its previous history. As such it is considered appropriate and reasonable to request via condition that an appropriate contamination assessment be conducted prior to the commencement of works on the car park extension.

This is to ensure that the proposed development complies with Policy PLP53 of the publication draft Local Plan and guidance contained within Chapter 11 of the NPPF.

Air Quality

The application is assessed as having a limited potential to increase levels of local air pollution and as such is regarded as a minor development when assessed against the West Yorkshire Low Emission Strategy Planning Guidance.

However, notwithstanding the above, to assist in the protection and improvement of local air quality it is advised that one electric vehicle charging point shall be installed in 10% of parking spaces. Consequently, a condition requiring the installation of 2 electric charging points will be conditioned as part of any permission.

This is to ensure that the proposed development accords with guidance as set out in Policies PLP24 and PLP51 of the publication draft Local Plan and guidance contained within the National Planning Policy Framework.

<u>Representations</u>

One public representation was received in relation to this application. The points raised in the objection are individually considered below:

- The proposal would have a negative impact on the character of the conservation area and setting of listed building

Response: As set out in the preceding report the considered car park extension and installation of a footbridge, owing to factors of location, screening/landscaping and established use is not anticipated to cause harm to the setting of a listed building or the character of the conservation area. Alternatively, the proposal is considered to help secure the long-term, viable use of Brookes Mill, the custodians of the referred to listed buildings, therefore by ensuring their preservation for future generations. The less than substantial harm to the conservation area and setting of listed buildings is considered to be outweighed by the public benefits of the proposal – referred to earlier in this report.

- Engineering works to create a level car park surface.

Response: The application does not refer to any engineering works in order to create a level surface for the proposed car park. As such, works of this nature have not been granted planning permission under this application. Notwithstanding the above it is noted that the existing, upper car park at Brookes Mill is sloping, following the prevailing topography. As such it is not anticipated that it is the intention of the applicant to achieve said level car parking surface, but rather follow the existing topography as per the existing car parking area.

- Highway Safety concerns including increased volumes of vehicle traffic using the existing access on Bank Foot Lane, substandard foot-way along Bank Foot Lane and overall increase in vehicle traffic

Response: KC Highway services were consulted regarding this scheme and offered no objection. In addition Planning officers have assessed the highway concerns outlined above and believe the scheme, which offers a pedestrian foot bridge, separate from Bank Foot Lane would serve to improve highway safety concerns relating to pedestrian safety. Furthermore, it is not anticipated that the provision of additional parking itself would contribute to a rise in vehicle traffic entering and existing this site.

- An accident in January 2013 resultant from adverse weather conditions (snow and ice) allowed for a car, relating to an occupier of Top Row Cottages sliding into the boundary fence of Bank Foot Lane House.

Response: The above incident is noted but is not afforded significant weight as a material planning consideration. As noted in the submitted plans a buffer zone of landscaped ground exists between Bank Foot House and the extended car park. As such appropriate boundary delineation exists as to offer some protection from a repeat of such an event.

- The application does not detail suitable drainage or attenuation provision

Response: KC Highway services and The Local Lead Flood Authority have been consulted regarding this scheme and have offered no objection with regard to drainage or surfacing material of the car park extension.

Notwithstanding this a prescriptive condition will be attached to any permission requiring the car park to be surfaced, marked out into bays and drained in accordance with national guidance on permeable surfacing. This will serve to reduce the run off associated with hardsurfacing a 'greenfield' site. With regard to the proposed pedestrian foot bridge, this would be located outside the bank full capacity and would therefore not impact on existing flows.

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: 2017/94092

Officer Recommendation: Approve

Conditions and Reasons

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

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, BE5 D2 and T10 of the Kirklees Unitary Development Plan, Policies PLP1, PLP24, PLP33, PLP35, PLP48, PLP51 and PLP53 of the publication draft Local Plan and guidance contained within Chapters 7, 10, 11 and 12 of the National Planning Policy Framework.

3. The car park hereby approved shall not be brought into use until all areas indicated to be used for parking on the approved block plan 4295-01-02 have been marked out and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for access and parking thereafter.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, to avoid obstruction of the public right of way and to mitigate flood risk and to accord with Kirklees Unitary Development Plan PoliciesT10 and T19 Policies PLP28 of the Kirklees Publication Draft Local Plan and guidance in the National Planning Policy Framework.

4. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference JCA 13940-B/AJB, hereby approved. These shall be implemented and maintained throughout the construction phase and retained thereafter.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Kirklees Unitary Development Plan, Policy PLP33 of the publication draft Local Plan and guidance contained within Chapter 11 of the National Planning Policy Framework.

5. A minimum of two electric vehicle recharging points shall be made available within the hereby approved car park before it is first brought into use. 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 vehicle charging points so installed shall thereafter be retained.
Reason: To accord with the guidance contained in PLP51 of the Kirklees Publication Draft Local Plan, Chapters 4 and 11 of the National Planning Policy Framework and guidance contained within the West Yorkshire Low Emissions Strategy.

6. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works relating to the hereby approved car park (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.
Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, the car park area shall not be brought into use until such time as the car parking area hereby approved has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy PLP53 of the publication draft Local Plan, Policy G6 of the Unitary Development Plan and Chapter 11 of the National Planning Policy Framework.

7. Prior to the car park extension first being brought into use a scheme detailing soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on the site, together with a schedule of landscape maintenance, shall be submitted to and approved in writing by the Local Planning Authority . The scheme shall the following:

- Where relevant, removal of weed species,
- ground preparation and details of new tree and shrub planting and maintenance, and
- timescales and arrangements for its implementation.

The development shall then be undertaken in accordance with the approved scheme. 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 landscape in the interests of visual and residential amenity and the significance of designated heritage assets and to accord with Policies BE1, BE2 and BE5 of the Unitary Development Plan, Policies PLP1, PLP35 and PLP24 of the publication draft Local Plan.

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

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and **Transportation** Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Note regarding nesting birds:
Vegetation and tree clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

Note regarding waterways:
Any construction within the boundary of the identified watercourse will need to ensure that no risk is posed to the integrity and banks of the watercourse. Failure to do so could risk collapse of the identified watercourse and result in a breach of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Planning Application: General Arrangement Drawing	4295-03-01B	-	14th February 2018
Arboricultural Report	13940/AJB	-	14th February 2018
Arboricultural Method Statement	13940-B/AJB	-	14th February 2018

Plan Type	Reference	Version	Date Received
Arboricultural Impact Assessment	13940-A/AJB	-	14th February 2018
Block Plan	4295-01-02	-	30th November 2017
Location Plan	4295-01-01	-	30th November 2017
Heritage Statement	November 2017	-	30th November 2017
Planning Statement	November 2017	-	30th November 2017
Planning Application: Site as Existing	4295-03-02	-	30th November 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 application proposed the felling of a protected tree to accommodate development. As this was not identified in the original submission, or an arboricultural impact assessment or an arboricultural method statement submitted in support of the application, this was requested to allow for a full assessment of the proposal. In addition to the above, correspondence was held between the agent and planning officer to clarify the length of the proposed pedestrian foot bridge. Once this additional information had been received the application was assessed and determined.

Report Dated: 17/04/2018