

**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:	2018/62/92647/W
Site Address:	former Kirklees College, New North Road, Huddersfield, HD1 5NN
Description:	Hybrid Planning Application for mixed use development - retail/office and 229 residential units (Use Classes C3/ E(a) /B1a). Full Planning permission for the partial demolition of the former Kirklees College, erection of a food retail store and alterations in connection with conversion of grade ii* listed building to offices/apartments and creation of vehicular access from Portland Street, New North Road and Trinity Street. Outline application for erection of (two) buildings (residential apartments - C3 Use) (Listed Building within a Conservation Area)
Recommending Officer:	David Wordsworth

DECISION – Hybrid (Full/Outline) Planning Permission – Approve

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.

Victor Grayson

AUTHORISED OFFICER

Date: 03/08/2022

Decision Authorisation – Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 24th February 2022

Application Number: 2018/92647

Officer Recommendation: Refuse

Refuse Planning Permission for the following reason:

1) In the absence of a phasing plan that secures the conversion of the listed buildings (Heritage buildings 1, 2 & 3 as shown on the masterplan) to an advanced stage the development fails to provide sufficient public benefits to outweigh the less than substantial harm caused by the scheme. The inability to secure the re-use of the Grade II* Listed Buildings would fail to comply with Policies LP35 of the Kirklees Local Plan as well as Paragraphs 200 and 202 and Chapters 2, 4, 7 and 16 of the National Planning Policy Framework.

2) Confirmation that officers will issue an Urgent Works Notice (UWN) as and when required to preserve un-occupied listed buildings (Buildings 1, 2 and 3 on the masterplan) under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to require works listed a) - e) in paragraph 10.34 of this report to be completed and issued on the landowner.

Committee Decision:

Delegate to the Head of Planning and Development to approve, contrary to the officers' recommendation to refuse, to include completion of the draft conditions and Section 106 agreement contained within the considered report and planning update.

Conditions for Hybrid Planning Permission

Full Planning Permission conditions

(for retail food store and conversion of listed building – see plan attached)

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 LP21 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The development hereby approved by the full planning permission shall be in accordance with the phasing plan referenced SK16047_220217_01 or any variations made during the life of the planning permission. For the avoidance of doubt, Phase 1A will be the demolition of all the buildings north and south of buildings F1, F2 and F3 as defined and shown on the demolition plan ref 00 034 Rev B as well as creating development plateaux and associated development infrastructure, including retaining walls. Phase 1B will be the construction of the retail unit. All phases of development shall be completed and carried out in accordance with the phasing plan unless otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt and to ensure that the site is developed in a phased in the interests of visual amenity and to maintain the character and appearance of the Greenhead Park, Town Centre and Springwood Conservation Areas and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

4. Prior to the commencement of demolition in any phase a Demolition Method statement shall be submitted to and approved in writing by the Local Planning Authority. Demolition of the existing buildings shall be undertaken in accordance with the demolition plan ref: 00 034 Rev B.

Reason: In the interests of amenity, to maintain the significance and appearance of the site's listed buildings, to maintain the character and appearance of the Greenhead Park, Town Centre and Springwood Conservation Areas and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

5. Prior to the commencement of any works above ground slab level of Phase 1B relating to the retail store (excluding Phase 1A) as detailed in the phasing plan approved under condition 2 (excluding soft strip-out and demolition works) at a specified building, details of the following elements

- curtain walling system
- fire escapes
- flues, louvres, doors, vents, windows and rainwater goods
- walls and roofs

to be used on that building shall be submitted to and approved in writing by the Local Planning Authority- No materials other than those approved in accordance with this condition shall be used.

Reason: In the interests of visual amenity, to maintain the significance and appearance of the site's listed buildings, to maintain the character and appearance of the Greenhead Park, Town Centre and Springwood

Conservation Areas and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

Highways

6. Prior to the occupation of any building on each phase of development as detailed in the phasing plan approved under condition 3, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority for that phase. The Travel Plan shall set out measures to discourage the use of high-emission vehicles and to encourage the use of public transport, cycling and walking, as well as the uptake of low emission fuels and technologies. The Travel Plan shall be implemented in accordance with the approved details and retained during the life of the development.

Reason: To ensure residents of the development are encouraged to use sustainable forms of transport and to mitigate the highway and air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, Chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

7. Prior to the commencement of each phase of development (excluding Phase 1A) as detailed in the phasing plan approved under condition 2, a scheme detailing the following for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the:

- Surfacing and draining of car parks;
- Method storage/collection of waste;
- Closure of existing access points onto the existing highway network;
- Street lighting, signing, surface finishes and the treatment of sight lines; and
- Stage 1 Road safety Audit

The scheme for that phase shall be completed in accordance with a programme agreed with the Local Planning Authority and thereafter the approved works shall be retained for the lifetime of the development.

Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.

This is a pre-commencement condition to create a safe and accessible estate road network at an appropriate stage of the development process.

Pollution Control

8. Groundworks (other than those required for a site investigation report) within each phase (excluding Phase 1A) shall not commence until a Phase II Intrusive Site Investigation Report for that phase has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 for a phase (excluding Phase 1A) further groundworks shall not commence within that phase until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority for that phase. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures for the phase.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

10. Remediation of the site within a phase shall be carried out and completed in accordance with the Remediation Strategy approved for that phase pursuant to condition 9. 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 groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence within that phase 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 the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy for a phase a Validation Report shall be submitted to the Local Planning Authority for that phase. No part of the site within the phase shall be brought into use until such time as the remediation measures have been completed for (that part of) the site 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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

12. Before any part of the residential element of the development hereby approved is brought into use, a revised full Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- determine the impact that the development will have on air quality (taking into consideration any cumulative impact from other local developments);
- include a calculation of the monetary damages from the development; and

- include a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages shall be reflected in money spent on the low emission mitigation measures.

The approved low emission mitigation measures shall be implemented before the development comes into use and retained thereafter.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 and 15 of the National Planning Policy Framework and Policy LP51 of the Kirklees Local Plan.

13. Before construction work, excluding Phase 1A, commences on the residential development hereby approved a further noise assessment report in relation to that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- Clearly show which habitable rooms in which apartments will not achieve satisfactory indoor sound levels with windows open and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme which shall show how these rooms will be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows;
- Demonstrate that the operational noise of any alternative ventilation system will not cause unacceptable indoor sound levels; and
- Ensure that any noise mitigation proposals do not conflict with any air quality mitigation proposals.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned residences and retained thereafter.

Reason In the interests of protecting residential amenity and to assist in achieving sustainable development, and to accord with Policies LP1 and LP52 of the Kirklees Local Plan.

14. Before the electrical system is installed at each phase of the development (excluding Phase 1A) a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles at that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces

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: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

15. Before the installation of external artificial lighting commences a lighting scheme of each phase of development (excluding Phase 1A) as detailed in the phasing plan approved under condition 2 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:

- The proposed hours of operation of the lighting;
- The location and specification of all of the luminaires;
- The proposed design level of maintained average horizontal illuminance for each of the specific areas that needs to be illuminated;
- The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity;
- The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site; and
- The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme for that phase of development

Reason: To protect highway safety, to prevent ecological harm, to safeguard the amenities of the occupiers of nearby properties and to promote sustainable development in accordance with parts 2 and 15 of the NPPF and Policies LP21 and LP30 of the Kirklees Local Plan.

16. Prior to demolition in any given phase or development commencing on each phase of development as detailed in the phasing plan approved under condition 2 a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise and vibration arising from all construction related activities (this shall also include suitable restrictions on the hours of working on the site including times of deliveries);
- Dust arising from all construction related activities; and
- Artificial lighting used in connection with all construction related activities and security of the construction site.

The approved plan for that phase shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the National Planning Policy Framework and policy LP24 of the Kirklees Local Plan.

Retail store

17. There shall be no deliveries to or dispatches from the retail premises within the development outside the hours of 07:00 and 23:00 on any day unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Drainage

18. Development of each phase of development as detailed in the phasing plan approved under condition 2 (excluding Phase 1A) shall not commence until a scheme detailing finalised foul, surface water and land drainage (including a survey of how the existing site drains, agreeing a discharge rate with the Local Planning Authority (in consultation with the Lead Local Flood Authority), attenuation design and maintenance and management plans) for the phase has been submitted to and approved in writing by the Local Planning Authority. None of the buildings within the phase shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the buildings relate and thereafter retained.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

19. Development of each phase of development as detailed in the phasing plan approved under condition 2 (excluding Phase 1 A) shall not commence until an intrusive investigation into the possible location of an enclosed watercourse is carried out up to 10 metres inside the southern boundary. If a watercourse is found this must be protected and safely included in any drainage design details

Reason: To ensure the effective disposal of surface water from the development and to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

20. Development of each phase of development as detailed in the phasing plan approved under condition 2 (excluding Phase 1A) shall not commence until a scheme restricting the rate of surface water discharge from that phase of development to the same outfalls at similar points of connection to a

maximum of 70% of the existing pre-development flow rate, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority. For each phase, the scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme for each phase shall be implemented thereafter.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

21. There shall be no discharge of foul or contaminated drainage from the site to any part of the groundwater or surface water network, whether directly or via soakaway.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

22. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework

Waste Collection

23. Prior to the commencement of each phase of development as detailed in the phasing plan approved under condition 2 (excluding phase 1A) (excluding soft strip-out and demolition works), details of storage and access for collection of wastes from the residential units hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access within the site, shall include details of management measures and measures to discourage dumping of large items and flytipping. The works and arrangements comprising the approved

details shall be implemented before first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, to maintain the significance and appearance of the site's listed buildings, to maintain the character and appearance of the New North Road / Greenhead Park Conservation Area, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

Ecology

24. Development shall be carried out in accordance with the details contained in the Bat Survey Report and dated 12th August 2020 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To prevent significant ecological harm in respect of impacts to roosting bats and to accord with Policy LP30 of the Kirklees Local Plan and the requirements of chapter 15 of the National Planning Policy Framework.

25. Prior to the commencement of each phase of development as detailed in the phasing plan approved under condition 2 excluding Phase 1A, an Ecological Design Strategy (EDS) addressing enhancement shall be submitted to and approved in writing by the Local Planning Authority for that phase. The EDS shall include the following where relevant:

- Purpose and conservation objectives for the proposed works;
- Review of site potential and constraints;
- Detailed design(s) and/or working method(s) to achieve stated objectives;
- Extent and location/area of proposed works on appropriate scale maps and plans;
- Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance;
- Details for monitoring and remedial measures; and
- 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 local ecological value and visual amenity, to achieve a net biodiversity gain, and to accord with Policies LP24, LP30, LP32 and LP33 of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

Landscaping and Trees

26. Prior to the commencement of each phase of development (excluding Phase 1A) as detailed in the phasing plan approved under condition 3), details of all hard and soft landscaping for that phase shall be submitted to and approved in writing by the Local Planning Authority. These shall include where relevant:

- Details of existing and proposed levels, and regrading;
- Species schedule and planting plans;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;
- Details (including samples, if requested), of paving and other hard surface materials; and
- Details of the on-site open space (including details of its purpose and management) and of any areas for designated, informal, incidental and/or doorstep play;

No part of the phase of development hereby approved shall be occupied until all hard and soft landscaping for that phase has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value and visual amenity, to maintain the significance of the site's listed buildings, to maintain the character and appearance of the New North Road / Greenhead Park Conservation Area, and to accord with Policies LP24, LP30, LP32, LP33, LP35, LP47 and LP63 of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework.

27. Prior to the commencement of each phase of development as detailed in the phasing plan approved under condition 2 (including ground works), an Arboricultural Method Statement Plan shall be submitted to and approved in writing by the Local Planning Authority for that phase where relevant. The statement will include a Tree Protection plan of the trees to be retained that accords with plan ref: R/2377/1C. The development of the phase shall be carried out in accordance with the document so approved.

Reason: To protect trees in the interests of visual amenity and biodiversity and to accord with Policy LP33 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of tree protection measures are agreed at an appropriate stage of the development process.

28. Prior to development commencing protective fencing in accordance with British Standard BS 5837 shall be erected around all protected trees and trees to be retained on the site.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Local Plan and advice within the National Planning Policy Framework.

29. Prior to the occupation of each phase of development as detailed in the phasing plan approved under condition 2 hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions for that phase, shall be submitted to and approved in writing by the Local Planning Authority, should any such boundary treatments be required or proposed. The development of each phase shall be implemented in accordance with the details so approved and shall be retained thereafter.

Reason: In the interests of visual amenity, crime prevention and highways safety, to maintain the significance and appearance of the site's listed buildings, to maintain the character and appearance of the New North Road / Greenhead Park Conservation Area, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, and to accord with Policies LP21, LP24, LP30 and LP35 of the Kirklees Local Plan.

Crime Prevention

30. Prior to any works above ground floor slab of each phase of development (excluding phase 1A) as detailed in the phasing plan approved under condition 2 (excluding soft strip-out and demolition works), details of measures to prevent and deter crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority for that phase. No part of the development phase shall be brought into use until the development phase has been implemented in accordance with the details so approved.

Reason: In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

Footnotes

Footnote - Air Quality

For anything to be considered as acceptable as part of the approved low emission mitigation measures it must be something that is to be provided in addition to what is normally provided at a development and also is not otherwise required. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as part of the costed mitigation measures.

In the absence of acceptable proposals for low emission mitigation measures of sufficient value, a Section 106 agreement may be required for the amount up to the estimated damage cost made available to the local authority to spend on air quality improvement projects within the locality.

Footnote - Land Contamination

All contamination reports shall be prepared in accordance with guidance in:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

Footnote - Noise: Competent Person

All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

Footnote - Electric Vehicle Charging Points

Please note:

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Footnote - Artificial lighting

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “Guidance Notes for the Reduction of Obtrusive Light” by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone E3.

Footnote – Construction Environmental Management Plan

Noisy construction related activities should not take place outside the hours of:

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

With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014 provides detailed information regarding dust control.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Outline Planning Permission conditions

(not relevant to full element of permission – relates to matters of access and scale only (appearance, layout and landscaping are reserved for subsequent approval) and residential area at north of site (plan attached))

1. Before any development takes place, details relating to the appearance, layout and landscaping of the development (hereinafter called the “Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the Reserved Matters so approved.

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.

This pre-commencement condition is necessary to ensure that Reserved Matters are approved at an appropriate stage of the development process.

2. Application(s) for approval of Reserved Matters 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 and Country Planning Act 1990, as amended by the Planning and 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 and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be carried out in accordance with the parameter plans and specifications schedule listed in this decision notice to a maximum of 197 dwellings 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 in the interests of highway safety and design to accord with Policies LP4, LP5, LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. No development shall take place until a scheme detailing the following have been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the:

- Surfacing and draining of car parks;
- Method storage/collection of waste; and
- Closure of existing access points onto the existing highway network
Street lighting, signing, surface finishes and the treatment of sight lines.

The scheme shall be completed in accordance with a programme agreed with the Local Planning Authority and thereafter the approved works shall be retained for the lifetime of the development.

Reason: In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.

This is a pre-commencement condition to create a safe and accessible estate road network at an appropriate stage of the development process

6. All works shall be carried out in accordance with the details contained in the Bat Survey Report and dated 12th August 2020 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To prevent significant ecological harm in respect of impacts to roosting bats and to accord with policy LP30 and the requirements of section 15 of the National Planning Policy Framework.

7. Prior to the commencement of each phase of development (excluding Phase 1A) (excluding soft strip-out and demolition works), an Ecological Design Strategy (EDS) addressing enhancement shall be submitted to and

approved in writing by the Local Planning Authority. The EDS shall include the following:

- Purpose and conservation objectives for the proposed works;
- Review of site potential and constraints;
- Detailed design(s) and/or working method(s) to achieve stated objectives;
- Extent and location/area of proposed works on appropriate scale maps and plans;
- Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance;
- Details for monitoring and remedial measures; and
- 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 local ecological value and visual amenity, to achieve a net biodiversity gain, and to accord with Policies LP24, LP30, LP32 and LP33 of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

Landscaping and Trees

8. Prior to the commencement of each phase of development (excluding Phase 1A) (excluding soft strip-out and demolition works), details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details of existing and proposed levels, and regrading;
- Species schedule and planting plans;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;
- Details (including samples, if requested), of paving and other hard surface materials; and
- Details of the on-site open space (including details of its purpose and management) and of any areas for designated, informal, incidental and/or doorstep play;

No part of the development hereby approved shall be occupied until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the

approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value and visual amenity, to maintain the significance of the site's listed buildings, to maintain the character and appearance of the New North Road / Greenhead Park Conservation Area, and to accord with Policies LP24, LP30, LP32, LP33, LP35, LP47 and LP63 of the Kirklees Local Plan, and chapters 12 and 15 of the National Planning Policy Framework.

9. Prior to the commencement of each phase of development (excluding Phase 1A but including ground works), an Arboricultural Method Statement Plan shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include a Tree Protection plan of the trees to be retained that accords with plan R/2377/1C. The development shall be carried out in accordance with the document so approved.

Reason: To protect trees in the interests of visual amenity and biodiversity and to accord with Policy LP33 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that details of tree protection measures are agreed at an appropriate stage of the development process.

10. Prior to the occupation of any part of the development hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, shall be submitted to and approved in writing by the Local Planning Authority, should any such boundary treatments be required or proposed. The development shall be implemented in accordance with the details so approved and shall be retained thereafter.

Reason: In the interests of visual amenity, crime prevention and highways safety, to maintain the significance and appearance of the site's listed buildings, to maintain the character and appearance of the New North Road / Greenhead Park Conservation Area, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, and to accord with Policies LP21, LP24, LP30 and LP35 of the Kirklees Local Plan.

Crime Prevention

11. Prior to the commencement of each phase of development (excluding phase 1A) development details of measures to prevent and deter crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the development has been implemented in accordance with the details so approved.

Reason: In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

Drainage

12. Development shall not commence until a scheme detailing finalised foul, surface water and land drainage (including a survey of how the existing site drains, agreeing a discharge rate with the Lead Local Flood Authority and the Local Planning Authority, attenuation design and maintenance and management plans) has been submitted to and approved in writing by the Local Planning Authority. None of the buildings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the buildings relate and thereafter retained.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

13. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to the same outfalls at similar points of connection to a maximum of 70% of the existing pre-development flow rate, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

14. There shall be no discharge of foul or contaminated drainage from the site to any part of the groundwater or surface water network, whether directly or via soakaway.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

15. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

Pollution Control

16. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

17. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to outline condition 16 further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

18. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to outline condition 17. 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 groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. 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 the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

19. 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. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site 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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

20. Before the development is brought into use a revised full Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- determine the impact that the development will have on air quality (taking into consideration any cumulative impact from other local developments);
- include a calculation of the monetary damages from the development; and
- include a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages shall be reflected in money spent on the low emission mitigation measures

The approved low emission mitigation measures shall be implemented before the development comes into use and retained thereafter.

Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 and 15 of the National Planning Policy Framework and Policy LP51 of the Kirklees Local Plan.

21. Before construction work commences at any residential part of the development a further noise assessment report in relation to that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- Clearly show which habitable rooms in which apartments will not achieve satisfactory indoor sound levels with windows open and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme which shall show how these rooms will be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows;
- Demonstrate that the operational noise of any alternative ventilation system will not cause unacceptable indoor sound levels; and
- Ensure that any noise mitigation proposals do not conflict with any air quality mitigation proposals.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned residences and retained thereafter.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with chapter 15 of the National Planning Policy Framework and Policy LP24 of the Kirklees Local Plan.

22. Before the electrical system is installed at each phase of the development a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles at that phase shall be submitted to and approved in writing by the Local Planning Authority. The

scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces

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: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and chapters 2, 9 and 15 of the National Planning Policy Framework.

23. Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:

- The proposed hours of operation of the lighting;
- The location and specification of all of the luminaires;
- The proposed design level of maintained average horizontal illuminance for each of the specific areas that needs to be illuminated;
- The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity;
- The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site; and
- The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with chapters 2 and 15 of the National Planning Policy Framework and Policy LP24 of the Kirklees Local Plan.

24. Prior to the commencement of each phase of development (excluding Phase 1A) as detailed in the phasing plan approved under condition 2 or development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to

minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise and vibration arising from all construction related activities. This shall also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities.
- Artificial lighting used in connection with all construction related activities and security of the construction site.

The agreed plan shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with chapter 15 of the National Planning Policy Framework and Policy LP24 the Kirklees Local Plan.

Waste Collection

25. Prior to the commencement of development (excluding soft strip-out and demolition works), details of storage and access for collection of wastes from the residential units hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access within the site, shall include details of management measures and measures to discourage dumping of large items and flytipping. The works and arrangements comprising the approved details shall be implemented before first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, to maintain the significance and appearance of the site's listed buildings, to maintain the character and appearance of the New North Road / Greenhead Park Conservation Area, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

Footnotes

Footnote - Air Quality

For anything to be considered as acceptable as part of the approved low emission mitigation measures it must be something that is to be provided in addition to what is normally provided at a development and also is not otherwise required. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as part of the costed mitigation measures.

In the absence of acceptable proposals for low emission mitigation measures of sufficient value, a section 106 agreement may be required for the amount up to the estimated damage cost made available to the local authority to spend on air quality improvement projects within the locality.

Footnote - Land Contamination

All contamination reports shall be prepared in accordance with guidance in:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

Footnote - Noise: Competent Person

All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

Footnote - Electric Vehicle Charging Points

Please note:

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Footnote - Artificial lighting

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “Guidance Notes for the Reduction of Obtrusive Light” by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone E3.

Footnote – Construction Environmental Management Plan

Noisy construction related activities should not take place outside the hours of:

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

With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014 provides detailed information regarding dust control.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Summary of Committee Decision

The application was first presented to the Strategic Planning Committee on 24th February 2021 with a recommendation to grant planning permission. Committee resolved to follow the recommendation to grant consent and subject to the following:

- I. a review and redesign of the food retail store
- II. the imposition of a condition to require natural stone on all elevations of the food store building,

Following the committee resolution, the applicants worked with officers of the council to review the design of the retail food-store on the southern part of the site. The applicants advised that whilst the proposed scheme had not changed in terms of quantum and uses, the conversion of the listed buildings (buildings 1, 2 and 3 on the Masterplan) would not be secured within the Section 106 phasing plan. Therefore, works to the heritage buildings controlled by the granting of planning permission would be limited to the

programme of urgent works to the heritage buildings. The draft Section 106 was unable to be completed and the application was returned to Strategic Planning Committee (recommended for refusal) on 18th November 2021. The Committee did not support the refusal of planning permission given the prominence of the site into Huddersfield Town Centre and its gateway location close to the ring road. The committee resolved to defer the application to allow officers to negotiate further with the applicants in respect of:

- i) securing works to the Grade II* listed buildings to make them weatherproof and watertight, in order to ensure that they are preserved, at an early stage of development.
- ii) achieving certainty in respect of the restoration and conversion of the listed buildings in the future.

The applicants' held meetings with officers and having discussed the requirements of the committee resolution of 18th November 2021, then proposed the following amendments to the phasing of the development.

Part 1 involved:

- securing a site compound around the whole of the Listed Buildings
- boarding up windows to prevent access,
- ensuring their ventilation and
- clear the downpipes and gutters of Building 1

Part 2 involved:

- making the roof of Buildings 1, 2 and 3 weathertight and waterproof through temporary repairs and works to
- clear the downpipes and gutters of Building 2 and Building 3 of debris and vegetation.

Stage 1 Urgent Repair Works was not to exceed the sum of £100,000.00
Stage 2 Urgent Repair Works was not to exceed the sum of £301,000.00.

The applicant confirmed that the completion of the programme (stages 1 and 2) of Urgent Works to the listed buildings will be brought forward from 18 months to within 9 months from date of approval of both stages of urgent works is reflected within the Section 106 Agreement.

Whilst the applicants' amendments to the phasing of the development were welcomed, in the planning officer's opinion they did not go far enough. The public benefits of the development had not been clearly demonstrated sufficient to address the requirements of NPPF Paragraph 202 or Local Plan Policy LP35.

The application was returned to Strategic Planning Committee on 24th February 2022. The committee were updated with the applicants' amendments to the phasing of the development. The committee were also advised to be mindful of the statutory duty of sections 16(2) and 66(1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The officers' recommendation of refusal was consistent with that of 18th November 2021. The committee resolved to Delegate to the Head of Planning and Development to approve, contrary to the officers' recommendation to refuse, to include completion of the draft conditions and Section 106 agreement contained within the considered report and planning update.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows: For: Councillors: Bellamy, Greaves, Pattison, A Pinnock, Sokhal and S Hall (6 votes). Against: (0 votes).

Post committee Summary

Since the Strategic Committee decision of 24th February 2022, officers have finalised the list of conditions with the applicants, based upon the list appended within the committee report. The applicants sought minor changes to the draft Section 106 that was appended to the committee report. These changes were discussed with the Chair of the Committee to ascertain if there was a requirement to refer to the committee. These matters related to the following:

- Removal of the stage of written approval of the scheme for Urgent Works which were instead written into the Section 106 Agreement and officers received a copy of the enabling and urgent works contract from the applicant.
- Timing of the viability re-appraisal (overage) to be at land sale of phase 3 (residential) rather than prior to occupancy of the final 20% of units within on the site, should the development realise an increased profit.
- Retail operator (Lidl) to be excluded from breaches in the Section 106 agreement (the Section 106 related to urgent works to the listed buildings) and therefore the retailer could not reasonably be responsible for failure to undertake urgent works to the listed buildings.

These matters did not amount to significant changes and under the discretion of the chair were agreed in line with the committee's resolution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date of issue
Masterplan & Site Wide			
Proposed site masterplan	00-001	Rev Y	21/09/2020

Plan Type	Reference	Version	Date of issue
Proposed site masterplan - parking & servicing	00-002	Rev L	30/07/2020
Site sections as existing	00-003	Rev L	19/07/2018
Landscape accessibility	00-004	Rev E	31/07/2020
Landscape Plan (sheet 2)	00-006	Rev E	31/09/2020
Landscape details - Food store (Phase 1b)	R/2377/1C	Rev C	
Site sections as proposed	00-007	Rev D	
Phase 3 (Outline Application site) parameter plan	00-011		Feb 2021
Phase 3 (Outline Application site) parameter plan (Building 5 Heights)	00-012	Rev A	Feb 2021
Site location Plan-planning sub (Hybrid split)	00-032	Rev A	24/07/2020
Buildings to be demolished- Plan 2	00-034	Rev B	24/07/2020
Proposed Site Plan	SK-210720-01	Rev A	
Phasing Plans	SK16047_220217_01		
Buildings 1, 2 & 3			
Bldg 1 Basement GA plans - proposed	20-100	Rev B	24/07/2020
Bldg 1 Basement GA plans - proposed	20-101	Rev B	24/07/2020
Bldg1 1st GA plans - proposed	20-102	Rev B	24/07/2020
Bldg1 2 nd GA plans - proposed	20-103	Rev B	24/07/2020
Bldg1 roof plans - proposed	20-103	Rev B	24/07/2020
Bldg1 East elevation- proposed	20-120	Rev A	24/07/2020
Bldg1 North & South elevations- proposed	20-121	Rev A	24/07/2020
Bldg1 West elevations- proposed	20-122	Rev A	24/07/2020
Bldg 2 Basement GA plans - proposed	20-200	Rev C	24/07/2020
Bldg 2 Ground Floor GA plans - proposed	20-201	Rev C	24/07/2020
Bldg 2 1st Floor GA plans - proposed	20-202	Rev C	24/07/2020
Bldg 2 2 nd Floor GA plans - proposed	20-203	-	06/07/2018
Bldg South elevation	20-220	Rev C	24/07/2020

Plan Type	Reference	Version	Date of issue
proposed			
Bldg North elevation proposed	20-221	-	06/07/2018
Bldg 2 & 3 West elevation proposals	20-222	-	06/07/2018
Phase 01 and 02 boundary sections	20-230	-	06/07/2018
Bldg 3 Ground Floor GA plans - proposed	20-300	Rev C	24/07/2020
Bldg 3 1st Floor GA plans - proposed	20-301	Rev C	24/07/2020
Bldg 3 South elevation proposed	20-320	Rev C	24/07/2020
Bldg 3 North elevation proposed	20-321	Rev B	24/07/2020
Buildings 4, 5 & 6			
Bldg 4 1st GA plans & Elevations - proposed	20-509	Rev A	24/07/2020
Bldg 5 Level 00 GA plan	20-510	-	16/07/2018
Bldg 5 Levels 01-03 GA plan	20-511	-	16/07/2018
Bldg 5 Levels 04 GA plan	20-512	-	16/07/2018
Bldg 5 Elevations sheet 01	20-520	-	16/07/2018
Bldg 5 Elevations sheet 02	20-521	-	16/07/2018
Bldg 6 - Retail Store			
Other plans			
Site Location Plan	2001	Rev P2	29/07/2020
Existing Site Plan	2002	Rev P2	29/07/2020
Proposed Site Plan	2003	Rev P4	29/07/2020
Proposed External Works	2004	Rev P3	29/07/2020
Site Sections	2005	Rev P2	29/07/2020
Proposed Floor Plan	2101	Rev P2	29/07/2020
Proposed Roof Plan	2102	Rev P2	29/07/2020
Proposed Elevations	2103	Rev P4	29/07/2020
Building Elevations	7355-00-8101	Rev P7	29/07/2020
Proposed Masterplan	7355-00-8022		
Landscape details- Food store (Phase 1b)	R/2377/1	Rev C	

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.

Report Dated:

03/08/2022