



Town and Country Planning Act 1990

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

OUTLINE PLANNING PERMISSION

**NOTE: This approval should be read in conjunction with an Agreement made under
Section 106 of the Town and Country Planning Act 1990**

Application Number: 2018/60/91787/E

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

For: Paramount Retail Group Holdings Limited, c/o Agent

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

Outline application for demolition of existing buildings and structures and erection
of residential development

At: Greenside Mill, Savile Road, Skelmanthorpe, Huddersfield, HD8 9EE

**In accordance with the plan(s) and applications submitted to the Council on 01-
Jun-2018, subject to the condition(s) specified hereunder:-**

1. Approval of the details of the layout, scale, appearance and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

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

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

4. 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.

5. Development (above ground level) shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the local planning authority.

Reason. To ensure the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan, and Policy PLP 53 of the Kirklees Publication Draft Local Plan

6. Development (above ground level) 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 site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan, and Policy PLP 53 of the Kirklees Publication Draft Local Plan

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 development(above ground level) 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 site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan, and Policy PLP 53 of the Kirklees Publication Draft Local Plan

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason. To ensure the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan, and Policy PLP 53 of the Kirklees Publication Draft Local Plan

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

Reason. To ensure the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan, and Policy PLP 53 of the Kirklees Publication Draft Local Plan

10. 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 on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works 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 agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site 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 ensure the site is fit to receive the new development in accordance with Policy G6 of the Kirklees Unitary Development Plan, and Policy PLP 53 of the Kirklees Publication Draft Local Plan.

11. Notwithstanding the submitted information, the supporting ecological information shall be updated, which will include survey to determine the presence or likely absence of roosting bats. The supporting information shall be in line with national guidance, and as such shall comprise an Ecological Impact Assessment proportional to the ecological importance of the site and the scale of the proposals.

Reason: to ensure a reserved matters application is decided based on accurate and up-to-date ecological evidence in line with government circular 06/2005

12. Plans and particulars of the Reserved Matters (Landscaping/layout etc.) shall include an ecological design strategy (EDS) addressing mitigation for the expected loss of habitat for amphibians and nesting birds, and providing enhancements to improve green infrastructure (including details of a sensitive lighting scheme) and provide bat roost opportunities. The EDS shall be based on the most up-to-date site specific ecological survey information, and shall include the following.

- a. Purpose and conservation objectives for the proposed works.
- b. Review of site potential and constraints.
- c. Detailed design(s) and/or working method(s) to achieve stated objectives.
- d. Extent and location/area of proposed works on appropriate scale maps and plans.
- e. Type and source of materials to be used where appropriate, e.g. native species of local provenance and make and model of habitat boxes.
- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g. Persons responsible for implementing the works.

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

Reason: to provide a scheme design capable of providing a biodiversity net gain in accordance with policy PLP 30.

13. Plans and particulars of the Reserved Matters (Landscaping/layout etc.) shall include a landscape and ecological management plan (LEMP) defining long-term management and maintenance of the habitats and features created as part of the EDS (condition X). The content of the LEMP shall include the following.

- a. Description of features to be managed, as included in the Ecological Design Strategy.
- b. Prescriptions for management actions
- c. reparation of work schedule(including annual work plan capable of being rolled forward in perpetuity.
- d. Details of the body or organisation responsible for implementation of the plan.
The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: to ensure a biodiversity net gain is provided in the long term, in accordance with policy PLP 30.

14. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a. Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information and specifically to nesting birds, badgers and invasive plant species.

b. Identification of “biodiversity protection zones”, where appropriate.

c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d. The location and timing of sensitive works to avoid harm to biodiversity features.

e. The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate.

f. Responsible persons and lines of communication.

g. Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason. To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Policy PLP30 of the Kirklees publication Draft Local Plan.

15. No demolition or development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological and architectural recording. This recording should be carried out by an appropriately and qualified person or organisation, in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Local Planning Authority.

Reason. To accord with the guidance contained in part 16 of the National Planning Policy Framework “Conserving and enhancing the historic environment”.

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: .In the interest of satisfactory and sustainable drainage, and to accords with the guidance contained in Part 14 of the National Planning Policy Framework “Meeting the challenge of climate change, flooding and coastal change”.)

17. Development(above ground level) shall not commence until a scheme detailing foul, surface water and land drainage(including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/ diverted / abandoned, and percolation tests where appropriate) has been submitted to and approved in writing by the Local Planning

Authority. None of the dwellings hereby approved shall be occupied until such approved drainage scheme has been provided to serve the development, or each agreed phasing of the development to which the dwellings relate, and it thereafter retained

Reason: In the interest of satisfactory and sustainable drainage, and to accords with the guidance contained in Part 14 of the National Planning Policy Framework “Meeting the challenge of climate change, flooding and coastal change”).

18. Development (above ground level) shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, on drainage infrastructure and the surface water run-off pre and post development, between the site and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use, until the works comprising the approved scheme have been completed, and such approved scheme shall thereafter be retained

Reason: In the interest of satisfactory and sustainable drainage, and to accords with the guidance contained in Part 14 of the National Planning Policy Framework “Meeting the challenge of climate change, flooding and coastal change”).

19. Development (above ground level) shall not commence until a scheme detailing temporary surface water drainage, for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority: The scheme shall detail:-

- phasing of the development and the temporary drainage provision;
- include methods of preventing silt, debris and contaminants entering existing drainage systems and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority

Reason: In the interest of satisfactory and sustainable drainage, and to accords with the guidance contained in Part 14 of the National Planning Policy Framework “Meeting the challenge of climate change, flooding and coastal change”).

20. Prior to development (above ground level) commencing a scheme detailing the provision of electrical charging points for low emission vehicles (these details to include numbers and locations) shall be submitted for the written approval of the local planning authority. The agreed scheme shall be implemented in accordance with an agreed phasing plan and thereafter shall be retained.

Reason: To accord with the guidance contained in part 9 of the National Planning Policy Framework “Promoting sustainable transport”.

21. As part of any agreed reserved matters layout, it shall be demonstrated that the internal noise levels identified within PHA Noise Report J2507 have been achieved for each dwelling and also an appropriate acoustic barrier have been provided. These approved measures shall be maintained for the lifetime of the development.

Reason. In the interests of the residential amenities of future residents, in accordance with Policy EP4 of the Kirklees Unitary Development Plan and PLP52 of the Kirklees Publication Draft Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			4/6/18
Propose block/layout plan(indicative only)			4/6/18
Planning Statement			4/6/18
Breakdown of floor areas for existing building)			4/6/18
Design and Access Statement			4/6/18
Transport Assessment	9191/001/01		4/6/18
Flood Risk Assessment	GS-2964294		4/6/18
Phase 1 Contaminated Land Survey	GS-2888917		4/6/18
Coal Mining Report			4/6/18
Noise Assessment	J2507		12/8//18
Preliminary Ecological Appraisal	R2586-01		4/6/18
Bat Emergence Survey	R2586-02		4/6/18

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. .

Development within a Coal Mining Area

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

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

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

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

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

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

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

Details Reserved by Condition

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

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 31-Jan-2019

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2018/60/91787/E .

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

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

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

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