



Planning and Development Service
Economy and Infrastructure
PO Box B93, Civic Centre 3,
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Hamish Gledhill,
Acumen Designers & Architects Ltd
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HD1 1SG

Date: 02-Jul-2021
Our Ref: 2021/92009

Dear Sir,

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

Discharge of conditions 3 (preliminary risk assessment), 9 (drainage scheme), 10 (internal sound levels), 11 (ventilation scheme), 12 (flood evacuation plan), 13 (soft landscaping), 14 (construction environmental management plan), 15 (landscape and ecological management plan), 17 (bat roosting feature), 18 (electric vehicle charging), 19 (public open space), 20 (travel plan) and 21 (crime prevention) on previous permission 2018/90209 for change of use and alterations to mill to form 41 apartments (within a Conservation Area)

Union Mills, Tanyard Road, Milnsbridge, Huddersfield, HD3 4NB

Application Number: 2021/92009

I write with reference to your application to discharge the conditions for the above development as submitted on 13-May-2021.

Condition 3 (preliminary risk assessment)

Pursuant to Condition 3, a Phase 1 Environmental Assessment by Mason Clark Associates dated May 2014 (ref: 12258L) has been received.

There are several issues with the report submitted which prevent condition 3 being discharged. These issues are detailed within the consultation response from K.C. Environmental Health dated the 22/06/2021,

Condition 9 (drainage scheme)

You have submitted the following documents to discharge condition 9:

- 18879-L-DR-200-P1 Drainage Assessment
- 18879-L-DR-201-P1 Proposed Drainage General Arrangement
- 18879-L-DR-202-P1 Drainage Construction Details
- 18879-L-RG-002 - Drawing Issue Sheet
- SHE-0190-1800-1000-1800_Design_Drawing
- SHE-0190-1800-1000-1800_Hydraulic_Characteristics
- Storage Requirements 100 yr +30%

The proposed allowable discharge rate of 18 l/s and storage volume of 40m³ is acceptable. However, the use of a geocell type tank has not been justified and is not accepted at this time.

The Local Planning Authority are responsible for ensuring the ongoing and long-term management and maintenance of drainage features is secured as part of the planning process.

Geocell type tank cannot be easily inspected or maintained, and potentially could fail due to creep/failure of membrane over time with an overall low lifetime expectancy. Alternative methods of storage provisions, such as oversized pipes or concrete box type tanks, should be considered and the developer should assess these options. A maintenance regime for the surface water drainage system and details of who will be responsible for the long-term maintenance should be provided. These will require securing with a S106 agreement.

Due to these concerns, condition 9 cannot be discharged at this time.

Condition 10 (internal sound levels)

You have submitted a Background Noise Assessment authored by Clover Acoustics Ltd dated 09/09/2020 ref 4388-R1 to discharge condition 10.

The report confirms that the originally prescribed noise levels cannot be achieved. Therefore the report sets out '*a further scheme incorporating further measures to achieve those sound levels*'.

I can confirm that the submitted 'further scheme' is acceptable for the relevant purpose of condition 10 (only). However, please be aware that condition 10 has the following ongoing requirement:

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound levels have been achieved

shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Given the ongoing requirement includes the submission of further details, condition 10 cannot currently be discharged and further submissions are required at the appropriate time.

Condition 11 (ventilation scheme)

You have submitted a Background Noise Assessment authored by Clover Acoustics Ltd dated 09/09/2020 ref 4388-R1 and two technical drawings from Domus Ventilation dated 22/03/2021 ref Opp61102 to discharge condition 11.

The submitted information is not accepted and condition 11 cannot be discharged at this time. For details, please see the associated consultation response from K.C. Environmental Health dated 22/06/2021.

Condition 12 (flood evacuation plan)

You have submitted a Flood Evacuation Plan, by Mason Clark Associates and referenced '18879-L-RP-001-R0', to discharge condition 12.

I can confirm that the submitted information is acceptable.

Please be aware of the condition's ongoing requirement that *'In the event of serious flooding events the approved scheme shall be fully implemented.'*

Condition 13 (soft landscaping)

You have submitted the soft landscaping strategy ref (100)50 rev A to discharge condition 13.

A *fagus sylvatica* (European beech) is proposed immediately adjacent to a neighbouring building. Due to the proximity, it will cause issues and should be swapped with the *prunus serrulate* proposed elsewhere within the site.

As it stands, the submitted details are not acceptable and condition 13 cannot be discharged.

Condition 14 (construction environmental management plan)

The submitted Construction Environmental Management Plan (CEMP) provides general recommendations for safe working practices with regard to the biodiversity on the site, but

it is not considered to meet all of the requirements of condition 14. The following amendments/clarifications are required:

- A bat mitigation strategy was produced for the original application which set out the requirement for specific timing of works in relation to replacement windows to prevent impacts to roosting bats. These requirements should be clearly referenced and included within the CEMP, including the need for an EPS licence and an ECoW at various stages of the development. In addition, although the CEMP recommends “Night working should be avoided, and any artificial lighting should be directed away from the adjacent river”, this does not give enough security to ensure bat roosts on the site will not be impacted by on-site lighting during the construction stage.
- The CEMP includes a requirement of protective fencing along the River Colne but does not include reference to the size or extent of the “biodiversity protection zone” to be implemented. Further clarification is required.
- A number of different methods are recommended which could be implemented to treat the Japanese Knotweed on site but no indication of the method to be utilised has been provided or how this would be implemented within the work schedule on the site. Further clarification is required.

Due to the above outstanding issues, condition 14 cannot be discharged.

Condition 15 (landscape and ecological management plan)

You have provided the Landscape and Ecological Management Plan, ref 13809f/FS, and soft landscaping plan, ref (100)50 rev A, to discharge condition 15. These documents fail to adequately respond to one another, and numerous amendments are required to address officers’ concerns. For further detail on the identified issues please see the (separate) consultation responses from K.C. Ecology and K.C. Landscape, each dated 30/06/2020.

For the avoidance of doubt, condition 15 is not discharged.

Condition 17 (bat roosting feature)

You have provided a Landscape and Ecological Management Plan, ref 13809f/FS (section 6.2 and appendixes 3 and 4 are relevant to this condition), to discharge condition 17.

The proposed bat boxes are acceptable. However, the condition requires ‘*details of the bat roosting feature outlined in paragraph 4.1.7 of the Bat Mitigation Strategy*’. This included

the provision of a bat loft / roof void, which is not reference or detailed within the submitted document. In the absence of this information condition 17 cannot be discharged.

If you are no longer proposing the bat loft / roof void a S73 (Variation of Condition) application will be required. Officers make no comment on the likely outcome of such an application.

Condition 18 (electric vehicle charging)

The plan ref (100)50 rev A shows the location of 11 Electric Vehicle Charging Points (EVCP). The provision of 11 EVCP and their given locations are accepted.

However, no details are provided on the specification of the proposed EVCP units. This is required to discharge the condition. The following are the current required standards for EVCP units:

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) supply is, however, 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 sockets would 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.

Condition 19 (public open space)

Based on the approved provision of 41 apartments, to comply with Policy LP63 and condition 19 the following Public Open Space contributions are required:

- a total provision of 3,749.22sqm of on-site Public Open Space,
- in lieu an off-site contribution of £70,908.69 (including admin fee) or,
- an appropriate mixture of the above on-site and off-site contributions

Plan ref (100)50 rev A shows two areas, of 75sqm and 110sqm, as ‘Natural / Unnatural’ (presumed to mean semi-natural) public open space. The areas shown are accepted in

principle, and would reduce the required off-site contribution to £69,101. However, the submitted details fail to address the following additional criteria of condition 19:

- b) the timescale for the implementation and completion of the works to provide the public open space;*
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.*
- d) maintenance of the public open space in perpetuity.*

Further to these outstanding issues, the provision of the on-site Public Open Space, with management and maintenance agreements, and the off-site contribution of £69,101, must be secured via a S106 agreement. No draft agreement, or commitment to drafting an agreement, has been provided as part of this Discharge of Condition application.

In the absence of a completed S106, or other adequate details, condition 19 cannot be discharged.

Condition 20 (travel plan)

You have submitted a Travel Plan, ref 1389 by Paragon Highways, to discharge condition 20.

I can confirm that the submitted details are acceptable for the purpose of condition 20. However, be aware that condition 20 has the following ongoing requirement to be adhered to:

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

Condition 21 (crime prevention)

You have submitted the following documents to discharge condition 21:

- 2466_ACU(100)51 Proposed External Lighting
- Cycle Store Con 21 2466_ACU(100)52 Proposed Mail Boxes & Secured Entrance Doors

The use of bollard lighting is not supported. Bollard lighting provides inadequate illumination for crime mitigation purposes and, as they push light upwards, conflict with



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ecological considerations. Please also see the advice and commentary from the Council's Designing Out Crime officer, dated 30/06/2021.

For the avoidance of doubt, condition 21 is not discharged.

Yours faithfully,

Nicholas Hirst,
Senior Planning Officer