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:	**2022/62/91477/W**
Site Address:	Land off Lindley Moor Road, Lindley, Huddersfield, HD3 3SX
Description:	Hybrid Planning Application for the erection of an industrial unit for B2 /B8 use, with ancillary office space and associated access, parking, groundworks and landscaping in conjunction with an outline application for mixed use development use class E(b),B2 and B8, with ancillary office space and associated works
Recommending Officer:	Nick Hirst

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: 23/09/2024

Decision Authorisation: Committee Decision

Committee: Strategic Planning Committee

Date of Committee: 20/06/2024

Application Number: 2022/91477

Officer Recommendation

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

- Ecological net gain off-site contribution: £9,200.
- Travel plan monitoring: £15,000.
- Sustainable travel contribution: £10,000 towards bus stop improvement.
- Signal Timing Monitoring at Ainley Top: £24,000 (£12k x 2, at 50% and 100% occupation).
- Skills and education plan: Detailed strategy to be provided and implemented.
- Management and maintenance arrangements: Drainage (unless adopted), on-site habitat (min 30 year).

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

Committee Decision: Approve in line with officer recommendation.

Post Committee Update

Following the committee's decision to approve, in line with officers' recommendation, officers have negotiated with the applicant on the precise wording of the conditions and Section 106 agreement. These negotiations were resolved and a final Extension of Time (to the life of the application) was agreed.

The necessary Section 106 agreement was completed and dated 20/09/2024.

Conditions and Reasons

Note: Please see the Proposed Site / Block Layout ref. LMSH - MWA - ZZ - XX - DR - A – 0004 rev P4 for the delineation between the full and outline permission element boundaries.

CONDITIONS AND REASONS RELATING TO THE FULL PLANNING PERMISSION

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.

Development to be implemented in accordance with

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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. External artificial lighting shall be installed in accordance with the details provided in the External Lighting Plan by Abacus (design ref: LS4057072, 21/04/2022). The installed external artificial lighting shall be operated thereafter in accordance with the approved scheme.
Reason: To ensure the proposed development does not cause harmful light pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan.

4. Remediation of the site shall be carried out and completed in accordance with the details provided in the Gas Addendum letter dated 13/05/2022 (ref: E20/7768/JF/001) by Haigh Huddlestone and Associates. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered 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.

Prior to development commencing

5. Prior to development commencing, notwithstanding the submitted plans, details of the proposed building's finish floor levels and the external ground levels shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include sectional drawings demonstrating the relationship with properties on Alderstone Rise and Weatherhill Road. Thereafter, the development shall be completed in accordance with the approved levels details, which shall thereafter be retained.
Reason: To ensure acceptable final ground and floor levels, in the interest of visual and residential amenity and to comply with Policy LP24 of the Kirklees Local Plan.

6. Prior to development commencing, a Construction (Environmental) Management Plan (C(E)MP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- Any phasing of development;
- A timetable of all works;
- Hours of works;
- Details of construction access arrangements:
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Lighting during construction works;
- Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Means of engagement undertaken with local residents, occupants and/or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.
Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

7. Prior to development commencing (including demolition, ground works, vegetation clearance), a construction environmental management plan (CEMP: Biodiversity) shall be 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 roosting bats, 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; and
g) Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP: Biodiversity 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 Kirklees Local Plan Policy LP30.
This pre-commencement condition is necessary to ensure appropriate surveys can take place before harmful effects may be caused, and to ensure suitable mitigation may be put in place.

8. Prior to development commencing, a scheme detailing the temporary surface water drainage arrangements for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of phasing of the development and phasing of temporary drainage provision; and

- Methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses 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 ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure that appropriate mitigation measures are in place prior to works taking place that could lead to drainage issues.

9. Prior to development commencing, a survey on and off site for the full extent, size, depth, and condition of the culverted watercourse discovered on site shall be carried out. All connections are required to be identified. Following this a scheme detailing the proposed piping of the watercourse, maintaining, or closing existing connections where appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the onsite section of piped watercourse and works for the lifetime of the development. No part of the development shall be brought into use until the watercourse piping works comprising the approved scheme has been completed, and thereafter the approved maintenance and management regimes shall be adhered to in perpetuity.
Reason: To protect the water environment and prevent the risk of flooding, in accordance with Policies LP27, LP28, and LP29 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure the existing state of the culvert can be considered and appropriate protection installed as needed.

10. Prior to development commencing, a survey of the condition of the surrounding road network shall be submitted to, and approved in writing by, the Local Planning Authority. Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24hours from the applicant being notified by the Local planning Authority.
Reason: Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary given the need to undertake a baseline assessment prior to traffic associated with the development commencing movements.

11. Prior to development commencing, a detailed scheme for the proposed internal roads, footways and footpaths to an adoptable standard shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the program of works and phasing / timeframe for implementation, swept paths for a 11.85m refuse vehicle, new or amended Traffic Regulation Orders, sight lines, treatment of visibility splays, verges, street trees, road markings, signage, crossings, construction specifications and details, levels and sections, kerbing, drainage including construction details for all new surface water attenuation tanks / pipes / manholes located within the proposed highway footprint, surface finishes and street lighting, and independent road safety audits covering all aspects of these works. No part of the development shall be brought into use until the internal roads serving that part of the development have been completed to base-course in accordance with the approved plans and details. Thereafter the road(s)' wearing course shall be implemented in accordance with the approved timeframe.
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.
This pre-commencement condition is necessary to ensure the necessary design has been secured prior to relevant works being undertaken.

12. Prior to development commencing, a scheme (including locations and cross-sectional information together with the proposed design and construction details) for all new surface water attenuation tanks / pipes / manholes located within the proposed highway footprint of that phase shall be submitted to, and approved by, the Local Planning Authority. The development of that phase shall be undertaken in accordance with the approved details, which shall thereafter be retained.
Reason: To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure the necessary design has been secured prior to relevant works being undertaken.

13. Prior to development commencing within a given phase, a scheme (including locations and cross-sectional information together with the proposed design and construction details) for all new retaining walls / building retaining walls adjacent to the existing / proposed highways within the given phase shall be submitted to, and approved by, the Local Planning Authority. The development of that phase shall be undertaken in accordance with the approved details, which shall thereafter be retained.
Reason: To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure the necessary design has been secured prior to relevant works being undertaken.

Prior to above ground works commencing

14. Prior to above ground works commencing, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how a minimum of 3.1 habitat units and 0.8 hedgerow units are to be achieved post-development and include details of the following:

a) Description and evaluation of features to be managed and enhanced;
b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
c) Ecological trends and constraints on site that might influence management;
d) Aims and Objectives of management;
e) Appropriate management Actions for achieving Aims and Objectives;
f) An annual work programme (to cover an initial 5-year period capable of being rolled forward over a period of 30 years);
g) Details of the management body or organisation responsible for implementation of the BEMP; and
h) Ongoing monitoring programme and remedial measures.

The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years. The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP 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 BEMP. The approved BEMP will be implemented in accordance with the approved details.

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

15. Prior to above ground works commencing, a scheme detailing foul, surface water and land drainage (on-site and off-site works, sewer requisitions, agreed outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned/renewed) shall be submitted to and approved in writing by the Local Planning Authority. This shall include restricting the rate of surface water discharge from the entire site (comprising both the full and phased outline elements) to 10.5l/s, directly or indirectly to an ordinary watercourse, at a location to be agreed but within the parameters established in section 6.3 of the approved Flood Risk and Drainage Assessment. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100-year storm event, with an appropriate allowance for climate

change. The scheme shall include a detailed maintenance and management regime for surface water infrastructure, flow control devices and attenuation installations (risk assessment and method statement including itinerary and schedule of tasks and renewal where appropriate. 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 restrictions and attenuation works comprising the approved scheme have been completed. Thereafter the approved drainage scheme shall be retained and the approved maintenance and management scheme shall be implemented.
Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

16. Prior to above ground works commencing, an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre- and post-development between the development 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 be retained thereafter
Reason: To protect the water environment and prevent the risk of flooding, in accordance with Policies LP27, LP28, and LP29 of the Kirklees Local Plan.

17. Prior to above ground works commencing, details of the treatment of all surface water flows from parking areas and hardstandings through an oil interceptor (or a full petrol oil interceptor), reedbed or alternative treatment system, shall be submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstandings shall not commence until the works comprising the approved treatment scheme have been completed. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development. Roof water shall not pass through an interceptor.
Reason: To protect the water environment, in accordance with Policies LP27, LP28, and LP29 of the Kirklees Local Plan.

18. Prior to above ground works commencing, a detailed scheme for the provision of the junction and associated highway works between the proposed estate road and Lindley Moor Road, as shown on plan ref: LMSH - MWA - 01 - XX - DR - A – 0008 P12, shall be submitted to and approved in writing by, the Local Planning Authority. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, lighting, signage, white lining, surface finishes, treatment of sight lines, together with an independent Safety Audit covering all aspects of the works. No part of the development shall be occupied until all of the agreed works to the access which serves that part of the development have been completed.
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.

19. Prior to above ground works commencing, a scheme detailing the provision of a 2.0m wide footway to the entire Lindley Moor Road frontage of the development site shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the proposed construction specification, surfacing, drainage, kerbing, the relocation of existing telegraph poles and street lighting columns, and associated highway works, with an independent Safety Audit covering all relevant aspects of the work. The hereby approved development shall not be occupied until the approved scheme has been implemented.
Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.

20. Prior to above ground works commencing, notwithstanding the submitted plans, full details of the proposed soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

a) Planting plans;
b) Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment;
c) Schedules of plants noting species, planting sizes and proposed numbers/densities;
d) Details of street trees, to include tree pit details;
e) Assessment of landscaping impact on new and public sewer infrastructure;
f) Details of an implementation and maintenance programme for a minimum 5-year period; and
g) Details of phasing of soft landscaping works.

All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, phasing and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the provision and establishment of acceptable landscape scheme to ensure a good quality development.

<u>Prior to specific trigger</u>

21. Prior to the commencement of superstructure works, details of secure and covered cycle parking facilities, to accommodate a minimum of ten bicycles in accordance with the details shown on plan ref: LMSH - MWA - 01 - XX - DR -

A – 0008 ref: P12, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall then be implemented in accordance with the approved details before the development is brought into use and shall thereafter be retained.
Reason: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.

22. Prior to the commencement of superstructure works, a strategy for the relocation of the southern drystone wall 1.5m into the site, as indicatively shown on plan ref LMSH - MWA - 01 - XX - DR - A - 0008 rev P12 shall be submitted to and approved in writing by the Local Planning Authority. The relocated wall shall have a maximum height of 1.2m and be constructed in natural stone. Prior to the hereby approved building being brought into use the approved strategy shall be implemented and thereafter retained.
Reason: To enable the widening of the southern route which hosts PROW HUD/410/10, to support and promote pedestrian movements, in accordance with Policy LP21 of the Kirklees Local Plan.

23. Prior to the commencement of superstructure works, a fully costed site-specific mitigation plan detailing the proposal's low emission mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The monetary value of the damage cost calculation, as calculated in the approved Air Quality Assessment by Redmore Environmental (ref: 3552-1r1) (dated: 12/04/2024) but proportionate to the site area subject to full permission, should be reflected in the money spent on the low emission mitigation measures. The approved low emission mitigation measures shall be implemented before the development is brought into use and shall thereafter be retained.
Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with Policies LP20, LP24, and LP47 of the Kirklees Local Plan.

24. Prior to the commencement of superstructure works, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of the parking spaces hereby approved as shown on plan ref: LMSH - MWA - 01 - XX - DR - A – 0008 rev. P12; and
- Where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points (if Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, a lower number of charging points may be acceptable).

The scheme shall additionally include details of dedicated facilities to be provided for charging electric and hybrid HGVs. The use hereby approved shall not commence until the electric vehicle charging facilities have been installed in accordance with the details so approved. The electric vehicle

charging facilities shall be retained thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.
Reason: To ensure staff of and visitors to the development are enabled and encouraged to use lower-carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with Policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan and the West Yorkshire Low Emissions Strategy.

25. Prior to their use, details of all the external facing for the proposed retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.
Reason: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

26. Prior to their use, details of all the external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.
Reason: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

Prior to occupation

27. Prior to the hereby approved development being brought into use, a Verification Report by a suitably competent person in respect to the remediation measures implemented pursuant to condition 4 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.

28. Prior to the hereby approved development being brought into use, a Crime Mitigation strategy shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, before the development is brought into use, the agreed mitigation measures shall be installed and thereafter retained.
Reason: In the interest of crime prevention and mitigation, so as to comply with Policy LP24 of the Kirklees Local Plan

29. Prior to the hereby approved development being brought into use, all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by Environmental Noise Solutions Ltd dated 06/03/2024 ref: NIA/10150/22/10264/v3/Lindley Moor Road shall be completed and thereafter retained.
Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan

30. Prior to the hereby approved development being brought into use, notwithstanding the submitted information, details of the proposed roof

mounted solar panels shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the appearance, location, and technical specifications of the proposed solar panels. Thereafter the solar panels shall be installed prior to the occupation of the building and thereafter so retained.
Reason: In the interest of promoting renewable / low carbon sources of energy, in accordance with Policies LP24 and LP26 of the Kirklees Local Plan

31. Prior to the hereby approved development being brought into use, a detailed scheme for the improvement of existing signalised junction at Lindley Moor Road / Crosland Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to upgrade the existing signal facility to incorporate additional pedestrian phases to and from the site frontage, full sections, construction specifications, drainage works, street lighting, white lining, signing, surface finishes and treatment of junction together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.
Reason: To promote and ensure the safety of pedestrian movements to and around the site, in accordance with policy LP21 of the Kirklees Local Plan.

32. Prior to the hereby approved development being brought into use, a detailed travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include measures to improve and encourage the use of sustainable transport. It shall explain how the travel plan will be managed, including responsible parties; targets aimed at lowering car use (particularly single occupancy trips) from/to the site; a program for monitoring the travel plan's progress and how the travel plan and its objective of more sustainable travel will be promoted, along with a timescale for the operation of the travel plan. The approved travel plan and its measures shall be implemented prior to occupation and thereafter be retained in accordance with the agreed timescales.
Reason: In the interests of enabling and encouraging the use of active and sustainable transport modes, to mitigate the air quality impacts of the development and to accord with Policies LP20, LP21, LP22, 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.

33. Prior to the hereby approved development being brought into use, a waste storage and collection strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall confirm the location and layout of the dedicated waste storage area(s), whether a separate collection point is proposed and its location, along with any proposed screening. The development shall be implemented in accordance with the approved scheme and shall thereafter be retained.
Reason: In the interest of visual amenity, residential amenity, and highway effectiveness, to comply with Policies LP21 and LP24 of the Kirklees Local Plan.

Ongoing requirements

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A or H of Part 7 of Schedule 2 to that Order shall be carried out on the south elevation of Unit P, as shown on plan ref: LMSH - MWA - P - XX - DR - A – 0006 rev P5 without the prior written consent of the Local Planning Authority.
Reason: In the interest of protecting the amenity of nearby residents, in accordance with Policy LP24 of the Kirklees Local Plan.

35. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan.

CONDITIONS RELATING TO THE OUTLINE PLANNING PERMISSION

36. Prior to the submission of any application for the approval of Reserved Matters, a plan showing the phases of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved phasing plan. For the purposes of this permission, all references to a “phase” or “phase of development” shall be interpreted as being a reference to a phase as defined on the phasing plan to be submitted pursuant to this condition.
Reason: To define the scope of this permission, to provide clarity in relation to the progression of development across the site, and to secure coherent design across the site.

37. Prior to the commencement of development (including ground works) of any phase of the development hereby approved, details of appearance, means of access, landscaping, layout and scale (hereinafter called the “Reserved Matters”) of that phase shall be submitted to and approved in writing by the Local Planning Authority.
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 sufficient detail is provided and agreed at an appropriate stage of the development process.

38. All applications for the approval of Reserved Matters for the development hereby approved 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.

39. Implementation of the first phase of the development hereby approved shall commence either before the expiration of two years from the final approval of Reserved Matters or in the case of approvals of 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.

40. Prior to the occupation of any phase, all on and off-site highway works pursuant to conditions 11, 12, 13, 18, 19, and 31 and drainage works pursuant to condition 9 shall be competed as approved under the full planning permission.
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.

Development to be implemented in accordance with

41. The development hereby approved shall be implemented in complete accordance with the plans and specifications schedule listed in this decision notice, and in complete accordance with the plans and particulars of the Reserved Matters referred to in outline condition 37, except as may be specified in the conditions attached to this permission or attached to future approvals of Reserved Matters, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

42. Site remediation shall be carried out and completed in accordance with the details provided in the Gas Addendum letter dated 13/05/2022 (ref: E20/7768/JF/001) by Haigh Huddlestone and Associates. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered 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.

Details to be provided at Reserved Matters stage

43. Plans and particulars relating to the Reserved Matters of layout, appearance, scale and/or landscape for each phase shall, notwithstanding the submitted information, be supported by a Noise Impact Assessment. The

document shall include the proposed days and hours of operation for the proposed unit(s). Prior to any unit of any phase being brought into use, any identified noise mitigation measures within the approved report shall be implemented and thereafter retained.
Reason: To ensure that due regard is given to the potential impacts of the Reserved Matters in relation to noise, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

44. Plans and particulars relating to the Reserved Matters of layout, appearance, scale and/or landscape for each phase shall, notwithstanding the submitted information, be supported by a Heritage Impact Assessment. The subsequent Heritage Impact Assessment(s) shall consider the Reserved Matters' potential impact(s) upon the heritage assets identified in section 3 of the Heritage Impact Assessment submitted to support the outline application, as well as the 'significant ridgeline' of Castle Hill, as identified by the Local Planning Authority's Castle Hill Settings Study.
Reason: To ensure that due regard is given to the potential impacts of the Reserved Matters upon heritage assets, in accordance with Policy LP35 of the Kirklees Local Plan.

45. Plans and particulars relating to the Reserved Matters of layout, scale, appearance and/or landscaping for each phase shall, notwithstanding the submitted information, be supported by an updated Climate Change Statement. The statement shall detail the proposed climate change adaptation and mitigation measures for that phase of the development. Thereafter the development shall be implemented in accordance with the approved details.
Reason: To ensure due regard and appropriate assessment is given to the development's potential impact in relation to climate change, and to how climate change may affect the development, in accordance with Policy LP24 of the Kirklees Local Plan.

46. Plans and particulars relating to the Reserved Matters of layout for each phase, shall include details of secure and covered cycle parking facilities to serve the respective phase. The cycle parking shall then be implemented in accordance with the approved details before the phase of development is brought into use and shall thereafter be retained.
Reason: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.

47. Plans and particulars relating to the Reserved Matters of layout and/or landscaping, for each phase shall, notwithstanding the submitted information, include a waste storage and collection strategy. The strategy shall confirm the location and layout of the phase's dedicated waste storage area(s), whether a separate collection point is proposed and its location, along with any proposed screening. Thereafter the development shall be implemented in accordance with the approved scheme which shall thereafter be retained.
Reason: In the interest of visual amenity, residential amenity, and highway effectiveness, to comply with Policies LP21 and LP24 of the Kirklees Local Plan.

Details to be provided prior to development commencing (for each phase)

48. Prior to the development of a phase commencing, a Construction (Environmental) Management Plan (C(E)MP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- Any phasing of development;
- A timetable of all works;
- Hours of works;
- Details of construction access arrangements:
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Lighting during construction works;
- Temporary drainage arrangements, including details of the disposal of surface water from the development including methods to manage silt;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Means of engagement undertaken with local residents, occupants and/or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to

highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

49. Prior to the development of a phase commencing, a Biodiversity Enhancement and Management Plan (BEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate that the phase under consideration contributes towards the site wide minimum of 10.7 habitat units and 2.65 hedgerow units to be achieved post-development, pro-rata as appropriate using the proportionate site area of the given phase. The BEMP shall include details of the following:

a) Description and evaluation of features to be managed and enhanced;
b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
c) Ecological trends and constraints on site that might influence management;
d) Aims and Objectives of management;
e) Appropriate management Actions for achieving Aims and Objectives;
f) An annual work programme (to cover an initial 5-year period capable of being rolled forward over a period of 30 years);
g) Details of the management body or organisation responsible for implementation of the BEMP; and
h) Ongoing monitoring programme and remedial measures.

The BEMP will be reviewed and updated every 5 years and implemented for a minimum of 30 years. The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP 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 BEMP. The approved BEMP will be implemented in accordance with the approved details.

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

50. Prior to the development of a phase commencing, a scheme detailing the temporary surface water drainage arrangements for the construction phase (after soil and vegetation strip) of that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of phasing of the development and phasing of temporary drainage provision; and
- Methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses 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 ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure that appropriate mitigation measures are in place prior to works taking place that could lead to drainage issues.

51. Prior to development commencing for each phase, a scheme detailing foul, surface water and land drainage, (on-site and off-site works, sewer requisitions, agreed outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned/renewed) pursuant to that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall include restricting the rate of surface water discharge from the entire site (comprising both the full and phased outline elements) to 10.5l/s, directly or indirectly to an ordinary watercourse, at a location to be agreed but within the parameters established in section 6.3 of the approved Flood Risk and Drainage Assessment. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100-year storm event, with an appropriate allowance for climate change. The scheme shall include a detailed maintenance and management regime for surface water infrastructure, flow control devices and attenuation installations (risk assessment and method statement including itinerary and schedule of tasks and renewal where appropriate. 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 restrictions and attenuation works comprising the approved scheme have been completed. Thereafter the approved drainage scheme shall be retained and the approved maintenance and management scheme shall be implemented.
Reason: In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

52. Prior to above ground works commencing for each phase, details of the treatment of all surface water flows from parking areas and hardstandings through an oil interceptor (or a full petrol oil interceptor), reedbed or alternative treatment system, for that phase shall be submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstandings shall not commence until the works comprising the approved treatment scheme have been completed. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development. Roof water shall not pass through an interceptor.
Reason: To protect the water environment, in accordance with Policies LP27, LP28, and LP29 of the Kirklees Local Plan.

53. Prior to development commencing for each phase, an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre- and post-development between the development and the surrounding area, in both directions, for that phase 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 works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter
Reason: To protect the water environment and prevent the risk of flooding, in accordance with Policies LP27, LP28, and LP29 of the Kirklees Local Plan.

54. Prior to development commencing of the first phase, a survey of the condition of the surrounding road network shall be submitted to, and approved in writing by, the Local Planning Authority. Within one month of the final phase's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24hours from the applicant being notified by the Local planning Authority.
Reason: Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan.
This pre-commencement condition is necessary given the need to undertake a baseline assessment prior to traffic associated with the development commencing movements.

<u>Details to be provided prior to specified time</u>

55. Prior to above ground works commencing, notwithstanding the submitted plans, a scheme detailing the provision of a 2.0m wide footway to the entire Crosland Road frontage of the development site shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the proposed construction specification, surfacing, drainage, kerbing, the relocation of existing telegraph poles and street lighting columns, and associated highway works, with an independent Safety Audit covering all relevant aspects of the work. The hereby approved development shall not be occupied until the approved scheme has been implemented.
Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan.

56. Prior to the commencement of superstructure works for each phase, a fully costed phase-specific mitigation plan detailing the proposal's low

emission mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The monetary value of the damage cost calculation, as calculated in the approved Air Quality Assessment by Redmore Environmental (ref: 3552-1r1) (dated: 12/04/2024) proportionate site area of the phase, should be reflected in the money spent on the low emission mitigation measures. The approved low emission mitigation measures shall be implemented before the development is brought into use and shall thereafter be retained.
Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with Policies LP20, LP24, and LP47 of the Kirklees Local Plan.

57. Prior to the installation of external lighting to serve any phase, a lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

a) The proposed hours of operation of the lighting;
b) The location and specification of all of the luminaires;
c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated;
d) 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
e) 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 ensure the proposed development does not cause harmful light pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan.

<u>Details to be provided prior to occupation (for each phase)</u>

58. Prior to the occupation of each phase, a detailed travel plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include measures to improve and encourage the use of sustainable transport. It shall explain how the travel plan will be managed, including responsible parties; targets aimed at lowering car use (particularly single occupancy trips) from/to the site; a program for monitoring the travel plan's progress and how the travel plan and its objective of more sustainable travel will be promoted, along with a timescale for the operation of the travel plan. The approved travel plan and its measures shall be implemented prior to occupation of the phase and thereafter be retained in accordance with the agreed timescales.
Reason: In the interests of enabling and encouraging the use of active and sustainable transport modes, to mitigate the air quality impacts of the development and to accord with Policies LP20, LP21, LP22, 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.

59. Prior to the occupation of each phase, a Verification Report by a suitably competent person in respect to the remediation measures implemented pursuant to condition 42 for the phase 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.

60. Prior to any phase being brought into use, a Crime Mitigation strategy shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, before the respective phase is brought into use, the agreed mitigation measures shall be installed and thereafter retained.
Reason: In the interest of crime prevention and mitigation, so as to comply with Policy LP24 of the Kirklees Local Plan.

61. Prior to the hereby approved E(b) restaurant being brought into use, details of the proposed kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours;
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours;
- Details showing the proposed location of all the major components of the extract system;
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations; and
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Prior to the hereby approved E(b) restaurant being brought into use the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.
Reason: To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan.

<u>Ongoing requirements</u>

62. The hereby approved E(b) use class unit hereby shall be used as a restaurant only, and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of preserving the viability and vitality of nearby main town centres, in light of the specific assessment undertaken to justify the proposed use, in accordance with Policy LP13 of the Kirklees Local Plan.

63. No more than 10% of the gross floorspace of any B8 use, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), operating within the site shall be used for the sale and display of goods.
Reason: In the interests of preserving the viability and vitality of nearby main town centres, in light of the specific assessment undertaken to justify the proposed use, in accordance with Policy LP13 of the Kirklees Local Plan.

64. The maximum total floor space hereby approved, per use class pursuant to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), is as follows:

- B2: 2,654sqm
- B8: 8,551sqm
- E(b): 908sqm

Reason: To define the scope of this permission, in accordance with the assessment undertaken with regard to town centre, amenity, and highways impacts, to comply with Policies LP13, LP21, LP24, and LP52 of the Kirklees Local Plan.

65. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class V of Part 3 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: To define the scope of this permission, in accordance with the assessment undertaken with regard to town centre, amenity, and highways impacts, to comply with Policies LP13, LP21, LP24, and LP52 of the Kirklees Local Plan.
harmful light pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

66. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan.

Note: LPA concerns regarding indicative design of unit F

The submission includes an outline element which is supported by *indicative* plans. Notwithstanding the hereby approved development, and without

prejudice to any future detailed assessment at Reserved Matters stage, the following concerns regarding the *indicative* design of unit F (as indicatively shown on plan ref: LMSH - MWA - ZZ - XX - DR - A – 0004 Rev P4) are noted:

- The unit's proximity to Crosland Road and existing dwellings to the south on Haigh Way and Haigh Road is deemed harmful to visual amenity and the historic environment. It is considered, at the separation distances shown, the unit may be unduly prominent and visually dominant, particularly at the presumed height.
- The inclusion of a potentially up to 4m high acoustic fence, to mitigate potential harm from unit F.

The above concerns must be considered and addressed in any subsequent reserved matters permission. For the avoidance of doubt, the absence of specific concerns regarding other units should not be misconstrued as acceptance of their design.

Note: Public Rights of Way

Public Right of Way HUD/410/10 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The council's PROW unit may be contacted by:

- telephone - 01484 221000
- email - publicrightsofway@kirklees.gov.uk

Note: It is the responsibility of the developer and landowner to secure a safe development.

Note: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Note: Drainage survey work (pursuant to condition 9)

It is advised that, following undertaking the necessary survey but prior to submitting the scheme of works for approval, discussions on the proposal be held with the Lead Local Flood Authority (LLFA). The LLFA may be contacted at: floodmanagement@kirklees.gov.uk

Note: Contaminated land (pursuant to conditions 4, 27, 42 and 59)

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- 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

Note: The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information.

Note: Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

Note: Air Quality Impact Assessment (pursuant to conditions 23 and 56)

For low emission mitigation measures to be considered as acceptable, measures must be proposed above what is normally provided at a development. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as part of the costed mitigation measures. For further information refer to the West Yorkshire Low Emission Group Document Air Quality and Emissions - Technical Planning Guidance which is part of the West Yorkshire Low Emissions Strategy 2016-2021.

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.

Note: Discharge of Conditions

This permission is subject to conditions requiring the submission of further and/or amended information prior to commencement of development or at other points during the development process. To assist in the prompt discharge of conditions, you may wish to submit separate Discharge of Conditions applications for each of those conditions that require submissions. This may be particularly advisable where your submissions are likely to require extensive consultation, consideration of complex technical matters, and/or negotiation. Alternatively, grouping submissions relevant to a specific topic, or interrelated topics (for example, pursuant to highways-related conditions) under a single application, and/or grouping submissions pursuant to pre-commencement, pre-superstructure and pre-occupation conditions, may assist prompt discharge. For further advice on conditions-stage submissions, please contact the case officer.

Note: Highways General Informative

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the highway works.

This process will involve entering into Section 38 / 278 agreements of the Highways Act 1980 or other appropriate agreements to enable delivery of the highway works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85).

Interference with the highway without the required permission(s) is an offence that could lead to prosecution.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	LMSH-MWA-01-XX-DR-A-0001	Rev. P2	11/05/2022
Proposed Site Sections	LMSH-MWA-01-XX-DR-A-0002	Rev. P7	29/02/2024
Proposed Site / Block Layout	LMSH-MWA-ZZ-XX-DR-A-0004	Rev. P4	29/02/2024
Proposed Floor Plans	LMSH-MWA-P-XX-DR-A-0005	Rev. P4	20/09/2024
Proposed Elevations	LMSH-MWA-P-XX-DR-A-0006	Rev. P5	29/02/2024
Proposed Site Sections	LMSH-MWA-01-XX-DR-A-0007	Rev. P4	29/02/2024
Proposed Site / Block Layout	LMSH-MWA-01-XX-DR-A-0008	Rev. P12	29/02/2024
Proposed Site Sections	LMSH-MWA-01-XX-DR-A-0010	Rev. P7	29/02/2024
Existing Site Levels	SHLM MWA 01 XX DR A 0011	Rev. P2	11/05/2022
Proposed Site / Block Layout	LMSH - MWA - ZZ - XX - DR - A – 0004	Rev. P4	29/02/2024
Plan General	Lindley Moor - New Shed String Design Report		27/09/2023
Plan General	LS4057072		11/05/2022
Proposed Landscaping Layout	DR-4823-01	Rev. G	10/04/2024
Design and Access Statement	LMSH-MWA-01-XX-RP-A-0004_S2	Rev. P1	11/05/2022
Planning Policy Statement			04/07/2022
Sequential & Impact Assessment	By ID Planning, dated September 2022		23/12/2022
Air Quality Assessment	3552-1r1		12/04/2024

Plan Type	Reference	Version	Date Received
Odour Assessment	3552-3r1		12/04/2024
Noise Assessment	NIA/10150/22/10264/v3		08/03/2024
Climate Change Statement			07/08/2023
EIA Screening/Scoping Opinion	SP13620		06/03/2023
Drainage / Foul Sewerage Assessment	Flood Risk and Drainage Assessment	Rev. 1.6	08/03/2024
Conservation/Heritage Assessment	Heritage Impact Assessment - Land at Lindley Moor		11/05/2022
Report on an Archaeological Evaluation	OSA Report No. OSA20EV08 (Revised)		11/05/2022
Site Contamination Assessment	E20/7768/JF/001 / applicant response email dated 18/05/2023		30/05/2023
Site Contamination Assessment	E20/7768/JF/001 / applicant response email dated 13/05/2022		21/04/2023
Site Contamination Assessment	Phase 2 Geo-environmental Report		11/05/2022
Site Contamination Assessment	Phase 1 Geo-environmental Report		11/05/2022
Transport Assessment	Transport Assessment Addendum No1		22/12/2023
Transport Assessment	Travel Plan Framework		11/05/2022
Transport Assessment	Technical Note / 2061E		17/05/2024
Ecological / Biodiversity Statement (EcIA)	ER-4823-02.3		10/04/2024
Ecological / Biodiversity Statement (PEA)	ER-4823-01A	Rev. A	11/05/2022

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: 20/09/2024.