



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

PLANNING PERMISSION FOR DEVELOPMENT

**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: 2022/62/91477/W

To: D5 Planning
Suite 1
Wellington House
Lincoln Street
Huddersfield
HD1 6RX

For: 2SH DEVELOPMENTS

**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:-**

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

At: LAND OFF LINDLEY MOOR ROAD, LINDLEY, HUDDERSFIELD, HD3 3SX

**In accordance with the plan(s) and applications submitted to the Council on
09-May-2022, subject to the condition(s) specified hereunder:-**

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 Huddleston 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 24 hours 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.

Prior to specific trigger

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 completed 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 Huddleston 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 24 hours 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.

Details to be provided prior to specified time

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.

Details to be provided prior to occupation (for each phase)

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.

Ongoing requirements

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
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

Plan Type	Reference	Version	Date Received
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.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

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.

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.

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

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, excavations for 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.

If any 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

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority 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:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on 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 the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- 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/appeal-planning-decision>. 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.

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: 25-Sep-2024

Signed:



David Shepherd
Executive Director for Place

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

dc.admin@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL