

**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:	<b>2024/62/92246/W</b>
Site Address:	72, Northgate, Huddersfield, HD1 6AE
Description:	Redevelopment of existing site including demolition of existing car sales room (sui generis) and erection of new 2-storey police station (sui generis) with associated car parking, landscaping and infrastructure
Recommending Officer:	William Simcock

**DECISION – Section 106 Full Permission**

**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:** 28/01/2025

## **72 Northgate, Huddersfield Officer Report – 2024/92246**

### **Site Description**

The site is located approximately 55m to the northeast of Huddersfield town centre, just outside the main A62 ring road. The primary vehicular access into the site is located off Broadway to the west with a secondary access from Lower Fitzwilliam Street to the north via William Street, which formerly linked Lower Fitzwilliam Street and Back Union Street but has been bisected by later development and is now a stub.

The site was previously used as a car dealership but is now unused.

The existing buildings on site comprise three linked buildings facing Broadway that are faced in metal sheeting with boarded-up display windows at ground floor level, and a larger brick building in the northern part of the site.

The uses immediately adjacent to the site fronting Broadway consist of a car dealership to the south with a Chinese takeaway to the north. Fronting on to Lower Fitzwilliam Street is a building belonging to a Muslim community association and residential properties. There are also residential properties to the east along Great Northern Street.

The land within the site is largely level, but there is a step down to the east. Most of the site is secured by galvanised palisade fencing to the north and south, with temporary security fencing to the east.

### **Description of Proposal**

This is a full application for the redevelopment of the existing site including the demolition of the existing car sales room (sui generis) and the erection of a new 2-storey police station (sui generis) with associated car parking, landscaping and infrastructure.

The building would be in the form of an L-shaped structure placed near the Broadway frontage. Maximum dimensions would be 25m by 26m. It would be mainly a 2-storey structure, with a rooftop plant room located near the northeastern corner, and a partial basement. Details of internal layout will not be given in this report for security reasons.

To the south of the Broadway entrance, three visitor parking spaces are to be formed, along with a bin store, visitor cycle store, and a small building to act as a substation.

The reason for the application, as explained in the submitted Design and Access Statement, is that the existing Huddersfield Police Station is no longer fit for purpose and has become uneconomical to operate. Whilst many existing services are to be relocated to a new purpose-built station in

Dewsbury, other services, it is intended, are to be relocated to the proposed new police station, which would in effect act as a satellite to the Dewsbury station.

It is envisaged that a total of 258 employees would be based at the new site but that the number of staff on site at any given time would be approximately 98.

### **History of negotiations/amendments received**

October 2024: Supplementary Ground Investigation Report submitted.

December 2024: Road Safety Audit, Designers' Response and visibility drawing received.

The above submissions were not re-publicised since they did not result in changes to the nature, scale or visual impact of the proposal and were submitted to address concerns raised by officers.

### **Relevant Planning History**

None.

### **Representations**

The final publicity date expired 27/09/2024. Publicity was by press advertisement and site notice in addition to neighbour notification letters as the proposal is Major development. This publicity fulfils the council's obligations under the Development Management Procedure Order and Kirklees Development Management Charter.

The following is a summary of the comments received:

- Not a good location as our police station will now be further out of the town centre and the wrong side of the ring road.
- The Police should be asked to find additional premises in the centre of town which can house a police enquiry desk and a safe haven and shelter for our town centre patrols.
- The success of the blueprint plans will depend not on the fantastic new buildings being constructed but instead changing the perception of many people that our town centre is unsafe.

The three Ward Councillor comments were notified but no comments were made.

### **Consultation Responses**

The following is a brief summary of consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Highways Development Management – Acceptable subject to conditions and local highway improvements being delivered by Section 106 / Section 278.
- KC Ecology – No response.
- KC Lead Local Flood Authority – Acceptable subject to conditions.
- KC Environmental Health – Acceptable subject to conditions.
- KC Arboricultural Officer – No objection.
- KC Employment & Skills – Support.
- Health and Safety Executive – No objection.
- Yorkshire Water – Acceptable subject to condition.
- Network Rail – No response.
- The Coal Authority – No objection.

## **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

The site lies within land that is without designation within the Local Plan proposals map. It is approximately 55m from the boundary of Huddersfield Town Centre.

## **Kirklees Local Plan (LP):**

- **LP 1:** Presumption in favour of sustainable development
- **LP 2:** Place shaping
- **LP 3:** Location of new development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 9:** Supporting skilled and flexible communities and workforce
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 27:** Flood risk
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 33:** Trees
- **LP 34:** Conserving and enhancing the water environment
- **LP 51:** Protection and improvement of local air quality
- **LP 52:** Protection and improvement of environmental quality
- **LP 53:** Contaminated and unstable land

## **Supplementary Planning Documents:**

- KC Highway Design Guide SPD
- Housebuilders Design Guide SPD

- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published in December 2024 and the Planning Practice Guidance Suite (PPGS) first launched in 2014, together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

### **Assessment**

The following matters are considered in the assessment below:

- Principle of development
- Impact on visual amenity (including any heritage considerations)
- Impact on residential amenity
- Impact on highway safety
- Ecology and trees
- Drainage
- Land contamination and stability issues
- Other issues
- Representations
- Conclusion

#### 1 – Principle of development:

##### *Spatial strategy:*

Policy LP1 of the Kirklees Local Plan sets out the Local Planning Authority's approach to the presumption in favour of sustainable development, as set out in NPPF (Chapter 2), particularly paragraph 11(c). Policy LP1 states that 'when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'.

Policy LP2 requires that 'proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of

these places'. The policy's supporting text identifies the Huddersfield sub-area as accessible and the town centre as a key shopping and entertainment hub, but in need of revitalisation. The proposal, in acting as a base for an emergency service, would in principle support these aims.

The site is without designation in the Local Plan proposals map and, as such, there is a presumption in favour of the proposed development, subject to considerations of design, amenity, highway safety and environmental factors, to be analysed in detail below.

## 2 – Urban design and visual amenity:

The site in its present condition adversely affects the quality of the urban environment, because of its derelict state and because the buildings on site are not of high architectural quality.

Development on neighbouring sites does not have a strongly cohesive character, although there is a pattern of 2-storey (or equivalent) development, much of it built in local natural stone. 43-47 Lower Fitzwilliam St and the Ahmadiyya Muslim Association building are built to a high architectural standard and contribute positively to the area.

As the site occupies a prominent position on Huddersfield's inner ring road and on what can be considered as a significant gateway into the town centre, it is important that any replacement building on the site is of high quality and enhances the quality of the townscape.

The submitted Design and Access Statement explains that other options have been considered – repurposing of the existing buildings and the erection of a larger single-storey building. The option of a 2-storey building was chosen, partly for functional reasons, since it would allow a suitable amount of parking, two usable access points and a secure perimeter, and partly because it would not be close to existing residential properties.

The height of the building would be greater than the existing takeaway building on the corner, but not markedly, and would be a 2-storey building in an area where 2-storey buildings predominate.

The building would have a flat roof, which would put it at variance with the mostly residential development to the north and east, but it would in this respect resemble the car dealership to the south. A pitched roof would increase the height of the building considerably, making it stand out more from its surroundings. The flat roof results in a more low-key appearance. The unfortunate roof-level railing is needed for safety reasons (for persons carrying out maintenance). The submitted drawings indicate that a substantial lift overrun and plant enclosure are proposed at roof level, however this would be set well back from the building's frontage, which would help limit its visual impact.

The proposed front elevation would come close to the front building line (to Broadway) established by the adjacent buildings. This is considered acceptable.

The palette of external materials would be mainly brick, in two colours, the secondary colour brick being used to face the bays on the main elevation and the more visible southern elevation. These, in addition to the windows in these two elevations and the West Yorkshire Police logo on the front elevation, would ensure that its appearance would not be too monotonous and imposing. There would at least be some verticality in the building's primary elevation. It would have been preferable for the bays to be recessed so as to add more interest to the western elevation, but the design team have ruled this out for reasons of practicality. As the proposed design amendment would involve increasing the footprint of the building which would bring it closer to the road frontage (which, it is considered, would not be desirable), it is accepted that there is no scope for improving the design further.

The bricks used in the development would need to complement the local natural stone used in many nearby buildings. The brick to be used nearby in phase 2 of the University of Huddersfield's Southgate campus may be appropriate here (this is the same brick that has been used recently at Greenhead College). A brick to match that of the adjacent Chinese takeaway would not be appropriate.

Some areas of soft landscaping would be formed, consisting of a strip along the Broadway frontage and some smaller areas near the southwestern corner, amounting in total to about 135sqm. Given the functional needs of the site in terms of parking and floorspace this is considered the best that can be achieved and would (subject to details) help to ensure that the development contributes positively to its visual environment.

In conclusion, it is considered that the development, as conditioned, would result in an improvement to the townscape and the visual amenity of the area and would, as such, support the aims of good design as set out in Local Plan policy LP24(a) and Chapter 12 of the NPPF.

### 3 – Impact on residential amenity:

#### *Potential impact upon existing residential development - noise:*

The Housebuilder's Design Guide sets out recommended minimum distances to be maintained between new and existing developments. As it is only meant to be applied to new residential development its parameters should not be applied strictly to non-residential development, but they may be considered a tentative guideline. The nearest residential properties to the proposed main building are 45 and 47 Lower Fitzwilliam Street. The rear elevation of each property is 11m from the site boundary. The distance from the site boundary to the northern wall of the proposed building would be approximately 2.5m. The total separation distance would be in excess of the 12m separation distance recommended as a minimum between a wall containing a habitable

room window and a wall containing a non-habitable room, which may also be applied in the case of blank walls. The new development, it is noted, would be set further away from the common boundary than the existing development on site.

The proposed development is of a type that is likely to generate noise not typically found in a residential area. A Noise Impact Assessment has been submitted authored by MZA Acoustics dated July 2024 Ref 1700837-RPAC-0001. It considers the site in conjunction to noise sensitive receptors (NSRs) which include mainly residential properties to the north and east of the site. As no details of fixed plant items were known at the time of writing, noise emission limits have been determined in order to ensure that there would be no adverse impact on the amenity of the nearby existing NSRs. Any fixed plant should be 5dB below the measured daytime and nighttime typical background noise level when measured 1m from the window of the nearest NSR and recommend a condition to secure compliance. Paragraph 5.2 makes reference to the deployment of police vehicles from the site and states the client has provided the following information relating to blue light policy:

“Officers are trained to use lights and sirens only when necessary. Most Emergency deployments requiring such use are undertaken when the cars are away from the police station. We cannot say that sirens will never be used when leaving the station, but it should not be a regular occurrence”.

This is in keeping with similar blue light policies and is accepted.

The report does not explicitly consider the level of noise arising from vehicle movements within the site, from engines revving or doors slamming. It is noted that Lower Fitzwilliam Street is one of the main routes into the Town Centre and connects Leeds Road with Castlegate. As such, any dwellings fronting Lower Fitzwilliam Street would be expected to already experience at least a moderate level of traffic noise even late at night, and it is reasonable to conclude that the additional traffic generated by the intended use of the site, even at unsociable hours, would not be noticeable. The parking spaces laid out along the eastern boundary would be approximately 14m from the rear walls of dwellings on Great Northern Street. The proposed fencing to this boundary would be a form of mesh fence which would not be effective at curbing noise. Whilst it is acknowledged that there would be an increase in vehicle movements at unsocial hours, the possibility of noise disturbance from vehicle movements and car doors slamming has not been flagged up as a concern either by the consultant or KC Environmental Health, and no concerns have been raised by members of the public. It is therefore considered that it would be difficult to justify a requirement for a solid fence.

It is recommended, as a precautionary condition, that noise from fixed plant and equipment be effectively controlled so that the combined rating level of noise from all such equipment shall be 5dB below the typical measured background sound level at any time.

### *Light pollution*

The effect of car headlight beams briefly shining into the windows of these properties, whilst not generally regarded as significant in the assessment of planning applications, would at least be partly mitigated by the fencing.

### *Potential impact upon existing residential development – air quality:*

In support of the application an Air Quality Assessment by RSK (Report No.: 445798-01 (00)) (dated: May 2024) has been submitted for a replacement deployment station at 72 Northgate, Huddersfield. The site is located partially within Kirklees Councils Air Quality Management Area (AQMA) 9 which encompasses Huddersfield Town Centre and was declared due to exceedances of the annual mean air quality objective for nitrogen dioxide (NO<sub>2</sub>). The frontage onto Lower Fitzwilliam Street is situated on a road of concern with high traffic volumes.

The report details the baseline characterisation of local air quality, an impact assessment of the construction phase of the development and an operational phase screening assessment.

#### (i) Construction Phase

An assessment of construction phase impacts associated with fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. The report concluded that the potential impacts of fugitive dust on local air quality was medium to low risk. In summary it goes on to say that with the use of good site practice and mitigation control measures the effects of dust and PM<sub>10</sub> would be significantly reduced. Site mitigation is listed in Appendix B.

#### (ii) Operational Phase

A screening assessment of the emissions to air has been undertaken. This considers combustion sources and traffic generated. The report states (section 3.1) that space heating and hot water will be from an Air Source Heat Pump system. Table 5.4: Screening Criteria from EPUK-IAQM Guidance and Comparison with the Proposed Development Operational Phase, informs that the development is expected to generate 106 Annual Average Daily Traffic (AADT) Light Density Vehicle (LDV) movements. This exceeds the trigger level of 100 AADT as stated within the IAQM Guidance, Table 6.2: Indicative criteria for requiring an air quality assessment. The report states that the proposed development is not within or adjacent to an AQMA. This is incorrect as part of the development is within a designated AQMA. Section 5.2.2 considers future users of the development to air pollution. It confirms that local data demonstrates exceedances of annual mean NO<sub>2</sub> concentrations recorded in 2018 to 2022, but dismisses the exceedance relevance because the locations are not directly at the site of interest. Officers do not accept this

approach and, to comply with the aims of Local Plan policy LP51, would expect to see appropriate modelling to justify the conclusions reached.

(iii) Summary

The proposed development is located partially within Kirklees Councils Air Quality Management Area (AQMA) 9, surrounded by roads with high traffic volumes and close to a busy retail park where traffic is often queueing at road junctions. This development has been reviewed in accordance with the West Yorkshire Low Emissions Strategy (WYLES) - Technical Planning Guidance. There are also other town centre developments being undertaken close to the proposed development.

The proposed development has been reviewed in accordance with the West Yorkshire Low Emissions Strategy (WYLES) - Technical Planning Guidance. The development would be considered a medium, or, depending on traffic volumes/compositions, may meet a major development criteria.

A detailed Air Quality Impact Assessment, to include all these considerations, including the cumulative impact of other committed developments in the area, is needed. It is considered that this can be adequately addressed by a condition.

*Residential amenity – conclusion:*

It is concluded that the proposed development, if operated as proposed, would not give rise levels of noise likely to detract from residential amenity.

Impacts on air quality, whether during the construction phase or in subsequent operation once occupied, can be mitigated acceptably through the use of conditions.

It would thereby accord with the aims of Local Plan policies LP24(b), LP51 and LP52, and paragraphs 198-199 of the NPPF.

4 – Impact on highway safety:

The following transport related information has been submitted in support of the proposals:

- Transport Assessment (ref 230484-TA v2) dated August 2024;
- Transport Assessment Addendum (ref SCP/230484/TAA01 – v0.1) dated September 2024;
- Travel Plan (ref 230484-TP v2.0) dated August 2024;
- Stage 1 Road Safety Audit (ref 230484/RSA1/TH/REV2) dated November 2024;
- Stage 1 Road Safety Audit Response Report (ref 230484/RSA1/DR/Rev.1) dated December 2024; and
- Broadway Site Access drawing by SCP (ref SCP/230484/SK02 Rev. D) dated December 2024.

Access to the development is proposed via the existing site access junction (William Street) on to Lower Fitzwilliam Street to the north of the site, and Broadway to the west.

#### *William Street Access to Lower Fitzwilliam Street*

The existing junction of Lower Fitzwilliam Street / William Street that serves the site currently has restricted junction visibility, in part due to the parking bays located on either side of the junction. Therefore, visibility improvements are required at the junction to accommodate the development. There is no objection from a highway safety point of view, subject to conditions and Section 106 requirements .

A number of other highway/operational issues have been identified within the vicinity of the junction, as follows:

- The junction forms a crossroads with a road also known as William Street to the north, which also has restricted visibility due to parking with its vicinity. Crossroads are also known to often have poorer safety records than staggered junctions, due to the conflicted turning movements to/from the minor arms.
- Lower Fitzwilliam Street also includes a two-lane merge section for eastbound traffic exiting the traffic signals to the west. This merging section terminates approximately at the Lower Fitzwilliam Street / William Street junction. Therefore, there is a risk of rear end shunt type incidents occurring within the vicinity of the access.
- At peak times, queuing occurs on Lower Fitzwilliam Street from the traffic signals to the west, which may result in blocking of inbound right turning vehicles into the site.

The council's Highway Safety Team are considering improvements along Lower Fitzwilliam Street, at both the William Street and Great Northern Street junction to the east, which would include kerb buildouts to improve junction visibility and other measures aimed at improving safety at the junctions. A comprehensive scheme has not yet been produced by the council's Highway Safety Team, nor has the timescale for delivery (or the required funding) been identified. However, the Highway Safety Team have agreed that subject to funding being provided by the applicant via a Section 106 contribution, they would be able to implement an initial phase of these work at the William Street / Lower William Street. This then negates the need for the applicant to deliver their own scheme at the junction to mitigate the impact of the development. It is considered that such a contribution would be justifiable since the significant intensification of this junction would exacerbate the highway safety issues highlighted in the bullet points above.

The council's Highway Safety Team have now produced a preliminary design for these works (at the William Street junctions only), as shown on the following drawings:

- HS-HDM-BPS-V01 – William Street/Lower Fitzwilliam Street Junction Improvements – Visibility Splays
- HS-HDM-BPS-P02 – William Street/Lower Fitzwilliam Street Junction Improvements – General Arrangement

The proposed works would provide the following improvements:

- Buildouts either side of both William Street minor arms to improve junction visibility, and to prevent parking within the immediate vicinity of the junctions (consequential changes to parking TROs would be required). On the site access minor arm, visibility to the left would be increased to circa 2.4m x 59.5m measured to the nearside wheeltrack, which is commensurate with a design speed of 35mph (the speed limit is 30mph). To the right, junction visibility would be increased to circa 2.4m x 39m measured to the nearside wheeltrack, which is commensurate with 85th percentile approach speeds of 26.5mph recorded by the council's Highway Safety Team.

The buildouts would also enable the distance between the two opposing William Street minor arms to be reduced, reducing the risk associated with the cross movement of traffic. The buildouts also enable improved uncontrolled pedestrian crossings to be provided either side of the junctions.

- Yellow box markings are proposed adjacent to the William Street minor arm on the south side of Lower Fitzwilliam Street, to reduce the risk of queuing traffic blocking inbound right turners to the site.
- Subject to agreement with the council's UTMC team at the detailed design stage, the proposals would also include changes to the road markings at the traffic signals to the west, to remove the short merging section (e.g. by providing only a single ahead lane from Castlegate to Lower Fitzwilliam Street, which is all that appears necessary for capacity reasons).

Both the applicant's transport consultant and the council's Highway Safety Team have undertaken swept path analysis of the junction improvement. This confirms that large vans (up to 7.5T e.g. the Police PSU vehicles) could safely turn to/from the development site. The applicant has also provided PICADY (Priority Intersection Capacity and Delay) modelling of the improved site access junction, which confirms that it would be able to operate adequately in capacity terms.

In summary, it is concluded that subject to a Section 106 contribution being provided by the development to fund these junction improvement works, access to the development site is acceptable via Lower Fitzwilliam Street.

The council's Highway Safety Team have produced a budget cost estimate for these works of £57,000 (Index linked). It is noted that this includes a circa 6.5% cost saving, which is proposed due to the potential savings in design, consultation, supervision and road safety audit costs, as the works may form the initial phase of wider road safety improvement scheme (e.g. that may

include the similar works at the Great Northern Street junction to the east, should council funding become available in time).

### *Broadway site access*

The existing car showroom site current benefits from a number of accesses onto Broadway to the west of the site. However, these accesses are not suitable to accommodate the development. As such, a number of alterations are proposed as follows:

- Widening of the southern access, to provide a 6m wide access road with 6m kerb radii. Dropped pedestrian crossings with tactile paving are proposed at the access, and adequate junction visibility has been demonstrated (2.4x43m). Swept path analysis has also be provided, to confirm that large vans (up to 7.5T e.g. the Police PSU vehicles) could safely turn to/from the development site, taking into consideration the presence of the existing parking bay opposite the access.
- The existing northern access is to be closed and the footway reinstated. To ensure a suitable footway surface is available following the site access changes, the applicant has agreed to resurface the footway along the full length of the site frontage as part of the site access works.
- Due to the location of the proposed pedestrian route along the north side of the proposed building, an existing pay and display parking meter is likely to require relocation as part of the works. There is also a utility box located within the improved southern access bellmouth that may need to be relocated or protected (subject to agreement with the council's Section 278 Team and the utility company).
- As waste collection is proposed from Broadway, a new section of dropped kerb is proposed to enable the transfer of bins between the footway and carriageway (see further comments below).
- As part of the Stage 1 Road Safety Audit that has been undertaken for these site access works, it has been identified (Problem 2) that new pedestrian guard railing should be provided at the northern end of Broadway, adjacent to the back of the footway running along Lower Fitzwilliam Street, to protect pedestrians from the sudden gradient change and direct them to the existing connection to the Broadway footway.

The proposed site access works are shown indicatively on drawing SCP/230484/SK02 Rev D. These works have been subject to a Stage 1 Road Safety Audit, which has not identified any significant issues that cannot be readily addressed. Therefore, the proposed site access arrangements on Broadway are considered acceptable in principle. These would need to be secured by planning condition and delivered by the applicant via a Section 278 agreement with the Highway Authority.

### *Waste Collection*

For security and operational reasons, waste collection is proposed on-street, via a bin store accessed from Broadway. This proposal has been discussed with the council's Waste Strategy Team, who have agreed that this approach is acceptable in principle. This is subject to suitable waste collection arrangements being put in place, which minimise dwell times and ensure that no bins are presented on the footway, which would be hazardous to pedestrians. This should be achievable by providing a keycode lock (or similar) for the bin store, which would mean it is accessible to the collection crew but protected from unauthorised access. As mentioned above, dropped kerbs are proposed on Broadway, to allow bins to be transferred from the footway to the collection vehicle waiting in the carriageway. A planning condition is required to confirm the details of the waste collection arrangements, and to ensure that no operational issues arise.

### *Pedestrian/Cycle Access*

Pedestrian access for visitors and staff would be provided from Broadway. This would include a pedestrian route that links to the pedestrian entrance and to the parking area to the rear (via inset security gates).

Cycle access would also be available via Broadway, with cyclists being required to travel on the carriageway to access the proposed cycle parking. This is considered to be adequate given the relatively light traffic levels on Broadway and associated with the development.

Pedestrian and cycle access for staff would also be possible via the William Street access. However, this is not considered to be the most suitable route, and it is recommended that staff are required (or at least encouraged) to utilise the Broadway access when accessing the site on foot or by cycle. This measure can be identified in the development's Travel Plan (to be secured by condition) and in the site's health and safety and operating procedures. The Travel Plan should clearly promote the better cycle routes to/from the site that are available via Broadway, which include the links to the good quality cycling facilities that are available along the Leeds Road corridor.

During consultation with Highways and Transport Policy colleagues, it has been identified that the existing traffic signals at Southgate immediately west of the site do not include toucan crossing facilities on the Southgate arm (only puffin facilities are available) to link the site to the shared cycle/footway on the west side of the junction, and the other toucan crossings that are provided on other arms of the junction. Therefore, given that this would be the main crossing point between the site and Huddersfield Town Centre (including the railway station), it is considered necessary for the development to improve this crossing facility.

The council's Transport Policy has provided further context for the required improvement, as follows:

“It is noted that as part of Kirklees Council's emerging Huddersfield Movement & Accessibility Framework (MAF), the

Southgate/Castlegate/Lower Fitzwilliam Street junction has been identified as one of the ring road gateways into the town centre that would benefit from significant improvements, to ensure that it provides a positive first impression of Huddersfield and has high quality, seamless and coherent connectivity to onwards pedestrian and cycle routes. In particular, there is an identified need to improve cycling connectivity to the site though the provision of cycling facilities from Broadway and Lower Fitzwilliam Street, and a toucan crossing on Southgate (as it only currently caters for pedestrians), where cyclists would then be able to join existing cycle lanes on Viaduct Street before reaching St John's Road for onward north/south journeys, where new segregated cycling tracks are due to be installed as part of the Huddersfield Rail Station Connections scheme (Transforming Cities Fund)".

The applicant has been requested to provide a financial contribution of £40,000 (index-linked), which would need to be secured via a Section 106 agreement, to enable the delivery of the toucan crossing improvement. This has been agreed in principle by the applicant. This cost has been based on a preliminary design produced by the council's Highway Safety Team, as shown on drawing HS-HDM-BPS-P01. The scheme also includes a short section of cycle track between the crossing and Broadway, to ensure there is a suitable connection to the crossing to/from Broadway and connects to the site.

Independent to this request, the same issue (Problem 1) has been raised by the Stage 1 Road Safety Audit (RSA) Team in the RSA for the Broadway Site Access works. Therefore, given that the applicant has agreed to fund this improvement via the above Section 106 contribution, this improvement does not need to be delivered separately as part of the Section 278 site access works, and this Stage 1 RSA Problem has been closed out.

### *Parking*

The supporting Transport Assessment and subsequent addendum report includes a detailed assessment of the likely parking accumulation at the site, with key points of note as follows:

- The following operational vehicles would be stationed at the site: 13 patrol vehicles, 8 Neighbourhood Policing Team (NPT) vehicles, 3 Police Support Unit (PSU) vans and 3 Public Protection Unit (PPU) plain cars. This totals 24 cars and 3 vans.
- Due to the 24-hour operation of the site, the operational vehicles would be off-site for patrols and other functions for the majority of the time and it is therefore highly unlikely that they would all be located on site at the same time. Based on reasonable operational assumptions, it has been predicted that there would be a maximum of 9 operational vehicles parked on site at any one time.
- Parking accumulation assessments have been undertaken, which take into account anticipated staff rotas, the estimated mode split for staff travel, and taking into account the above operational vehicle parking requirements. This includes sensitivity testing that assumes that on

occasions all staff may travel to work as a car driver/passenger, to assess the work case parking demand. This has identified that the peak parking accumulation is estimated to range between 74 and 89 vehicles, which is inclusive of operational parking.

In light of the above, it is anticipated that the proposed parking provision for cars/vans would be adequate to accommodate peak demand. However, should it be identified following occupation that the development is creating additional on-street parking demand (which is not anticipated), it is expected that measures to address this would be incorporated into the site Travel Plan, as part of the Annual Action Plan (See below regarding Travel Plan comments). Measures to ensure that there is no abuse of the three visitor parking spaces should also be incorporated in the Travel Plan.

16 secure and covered cycle parking spaces are proposed for staff, together with four short stay cycle parking spaces for visitors, which is acceptable. The five dedicated staff motorcycle parking spaces are also considered to be adequate and are welcomed.

The provision of a suitable number of EV (electric vehicle) charging points can be secured by planning condition (note that KC Environmental Health have already recommended their standard condition for this purpose).

### *Travel Plan*

A Draft Travel Plan has been provided in support of the proposals. Whilst the document addresses some of the key issues, it is lacking in some areas, and the proposed measures are generally limited to the dissemination of travel information to staff. Therefore, the Travel Plan will need to be developed further, and this can be secured by planning condition. Some of the key issues that will need to be addressed in the amended version are as follows:

- More detail of the monitoring procedures and agreement of Action Plans with the council (via the Highways Development Management team) is required. At present the report suggests that monitoring reports will only be issued on request to the council, which is not acceptable. Submissions would be a mandatory requirement for a minimum of five years following occupation.
- The current report is tailored more to a planning submission document, rather than being a working document that is for the benefit of the development and its users. Therefore, the final Travel Plan should be amended to make it a more accessible and useful document for the intended audience (e.g. reference to planning policy information is not necessary or helpful). It should also include a detailed audit of the site's accessibility, identifying useful information for staff and visitors. This should include a copy of the information leaflets that is to be provided to staff.
- Further measures that go beyond the provision of travel information should be incorporated. This should include measures to encourage the use of public transport, which may include free taster tickets, or

more flexibility over start/finish times (where this is operationally feasible) to suit public transport timetables.

- The applicant is encouraged to join the West Yorkshire Travel Plan Network (assuming they are not already a member). Membership is freely available, and opens up access to discounted public transport tickets and other benefit. Membership does come with some obligations to undertake staff surveys etc. but this should not be an onerous requirement, given the need to monitor the Travel Plan as part of the planning process in any case.

The council requires developments to contribute to the council's costs of monitoring the implementation of the Travel Plan, with an annual monitoring fee required for five years. For a development of this scale (classed as a small-scale major development), the monitoring fee would be £2,000 per annum for five years, which equates to a total monitoring fee contribution of £10,000.

### *Construction Access*

A Construction Management Plan (CMP) is required for the development and should be secured by planning condition. It is noted that the expectation is that construction access will need to be via Broadway, rather than via Lower Fitzwilliam Street, for safety and operational reasons.

Highway condition surveys (pre- and post-construction) and remediation is also required, and are to be secured via a recommended planning condition, with the scope of the surveys needing to be agreed in advance with the Local Planning Authority (via the Highways Development Management team).

### *Conditions*

The recommended conditions relevant to highways matters are:

- Construction management plan
- Highway condition survey pre- and post-development
- Travel Plan
- Waste management
- Parking spaces to be laid out and retained
- Off-site highway works

### *Recommended Section 106 Requirements*

Section 106 requirements relevant to highways matters are:

- £10,000 Travel Plan Monitoring Contribution
- £57,000 William Street / Lower Williams Street Junction Improvement Contribution
- £40,000 Southgate Toucan Crossing Upgrade Contribution

## 5 – Ecology and trees

### *Ecology*

Under the Environment Act 2021, most new development must deliver a measured 10% net gain in biodiversity. One exception to this is where the development does not impact a priority habitat and impacts less than 25 square metres of onsite habitat, or 5 metres of linear habitats such as hedgerows. The Environmental Impact Assessment (EIA) by Thomson Environmental Consultants finds that the amount of vegetation on site does not meet either of the minimum thresholds set out above. It follows that mandatory 10% Biodiversity Net Gain is not required.

All development should, under Local Plan policy LP30, enhance the biodiversity of the site, in compensating for any losses and delivering net enhancements on site.

The submitted EIA finds there is a small amount of modified grassland within the surveyed area, which is judged to be of negligible importance, and is in any case outside the development site, forming a highway verge. The site overwhelmingly comprises buildings and hard surfaces.

The EIA identifies trees that have habitat value but states that this is not to be a concern subject to an Arboricultural Method Statement being submitted.

Bat emergence surveys found no evidence of bats roosting on site.

The report contains a list of mitigation measures to be followed during construction.

Enhancement of the site could be achieved through the use of appropriate native species in the landscaping of the site and / or the installation of habitat boxes. The EIA recommends the installation of four bird boxes and two bat boxes. This could be the subject of a prescriptive condition. The EIA does not provide a full planting schedule but recommends that planting should favour native species of local provenance. It is recommended that a full landscaping scheme, including species mix details, be conditioned.

There are no protected trees on site. The Arboricultural Impact Assessment finds four trees located close together on the eastern boundary, three of them outside the site. It deems these to be “category C” trees (low value) or “category U” (cannot be retained long-term owing to poor condition). Their removal would have negligible impact upon the amenity of the surrounding area. One tree is indicated on the site plan as being for removal; the others are to be retained. No new build or new hard-surfacing is required in the vicinity of the trees so the retained trees are unlikely to be affected by the development. Notwithstanding the recommendations in the EIA, it is recommended that a condition requiring a tree method statement need not be imposed and that Local Plan policy LP33 would be complied with.

Given the very low existing habitat value of the site, it is considered that the proposed measures (subject to a detailed landscaping scheme) would ensure the delivery of at least a modest biodiversity net gain within the site and would therefore be compatible with the aims of Local Plan policy LP30.

## 6 – Drainage:

The site is not registered as being at risk of flooding in either the Environment Agency's mapping or the Kirklees Strategic Flood Risk Assessment.

An indicative surface and foul water layout for the development is shown on the proposed drainage strategy (reference: 6BKD2-BWB-OS-XX-D-C-0500) which is included as Appendix 8. It is proposed that surface water runoff would be captured via channel drains, kerb drains and rainwater pipes, before being conveyed via pipes into below ground geo-cellular storage tanks. Surface water runoff would then be discharged via a gravity pipe to the combined sewer located within the site. This would be at a rate limited to 44.9l/s via a vortex flow control. A bypass separator is proposed to treat flows collected from within the car park prior to discharge into the geo-cellular storage.

The western geo-cellular storage is proposed to have an area of 86sqm, a depth of 1m and an indicative volume of 82cubic metres. The eastern geo-cellular storage is proposed to have an area of 75sqm, a depth of 1m and an indicative volume of 71cubic metres. In the unlikely situation that an exceedance event occurs, it is anticipated that any flood water would pool within the car park area before flowing back into the system when there is sufficient capacity.

Both the Lead Local Flood Authority (LLFA) and Yorkshire Water were consulted.

Yorkshire Water note the presence of a 4-inch diameter cast iron public water main crossing the site, according to company records. They have no objection to the proposals provided that buildings leave a stand-off distance of 3m either side of the water main, and that if this is to be achieved by diversion, evidence must be supplied to the local planning authority that this has been done with Yorkshire Water's approval. They also recommend a condition securing an interceptor to prevent oil, petrol and other pollutants being washed into the public drainage network, which is considered reasonable given the large number of vehicles using the site.

Yorkshire Water's recommended condition regarding the drainage scheme (requiring evidence that the drainage hierarchy has been followed, with maximum run-off rates) is not considered appropriate as this is within the remit of the council acting as LLFA.

The LLFA recommend that until the SUDS features are adopted by Yorkshire Water, a management company should be appointed. Requirements for ongoing maintenance of the drainage network should form part of the

Operation and Maintenance manual for the site and should be undertaken by the site management. Any specialist or proprietary products that are specified at detailed design should have a manufacturer specific maintenance regime which should be included within the document. However, this would not need to be covered by a Section 106 agreement since the site would remain in the ownership of a single entity.

The LLFA recommend approval subject to two standard conditions: an assessment of the effects of 1 in 100 year storm events and temporary drainage during construction.

Subject to the above conditions the development would ensure that the site is drained in a safe and sustainable manner and would not give rise to flood risk, thereby according with the aims of Local Plan policies LP27 and LP28.

#### 7 – Land contamination and stability issues:

Paragraph 196-198 of the NPPF state that planning policies and decisions should prevent new development from contributing to, or being put at risk from, land instability and that a site is suitable for its proposed use.

The site is deemed to be contaminated owing to its former uses. A supplemental Ground Investigation Report was submitted in October 2024.

A Phase 1 Desk Study authored by RSK Geosciences, dated January 2024 (ref: 350564 R01 (00)) has been submitted, as has a Phase 2 Geo-environmental Site Investigation report authored by RSK Geosciences, dated June 2024 (ref: 350564 – R03 (00)).

KC Environmental Health have reviewed the Phase 1 report and accept the document. The report describes localised fly tipping (25L drums of cleaning chemicals) identified during the site walkover and highlights potential pollutant linkages associated with mine gases and vehicle repair activities from the former workshop, both on- and off-site. It is important to note that the former vehicle workshop was not accessed by RSK, and the presence of any fuel storage tanks remains unclear. The report continues to recommend an intrusive investigation, including the drilling of up to three boreholes to assess ground conditions, ground gas monitoring (up to four visits), and soil sampling with chemical analysis.

The number of gas monitoring wells falls short of the minimum required by good practice guidance. Therefore, additional information is required. Secondly, the proposed building footprint is mainly in the area the vehicle repair workshop, where RSK have identified additional investigation work will be necessary. This is because of access issues and the possible presence of a buried underground tank. It is unclear whether this work has been undertaken since the report has been authored.

KC Environmental Health have recommended a condition to secure a Phase 2 addendum to address all the above points, with the standard follow-up

conditions requiring a remediation strategy and verification report where applicable.

The site lies within an area deemed “high risk” for coal mining legacy. The Coal Authority (as the Mining Remediation Authority were previously known) have noted the submitted Intrusive Coal Mining Risk Assessment (dated July 2024) from RSK Environment Ltd, and are satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated. The Coal Authority do not object to the development.

In conclusion, there are no outstanding concerns relating to land contamination or instability that cannot be addressed by means of a condition.

## 8 – Other matters:

### *Climate change*

On 12/11/2019, the council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The council has also published Climate Change Guidance for Planning Applications.

A Climate Change Statement has been submitted by the applicant, detailing various measures. It is also noted that the proposed development would need to comply with the latest Building Regulations, and that the proposals involve the re-use of a previously-developed (brownfield) site.

### *Employment and skills training*

Local Plan policy LP9 states that wherever possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district with the aim of increasing wage levels and to support growth in the overall proportion of the districts' residents in education or training; however, the council will normally only seek to secure an agreed training or apprenticeship programme in the case of industrial or business development of more than 3,500sqm floorspace. The proposed does not fall within these use categories and would deliver only around 1,500sqm of floorspace. In this instance, it is considered that seeking to secure such provisions would not be proportionate.

### *Crime and security*

The application is made on behalf of the West Yorkshire Police, and security (including counter-terrorism) considerations have been factored into the design. No conditions relating to anti-crime measures are therefore considered necessary.

### *Minerals*

The site lies within a minerals safeguarding area (surface coal resource with sandstone and/or clay and shale). Given the small size of the site, the impossibility of meeting the requisite stand-off distances to residential properties, and likely difficulties with vehicular access, it is unlikely that commercial mineral extraction would be either commercially viable or appropriate in planning terms. In this instance, the designation is not considered to be a constraint.

### *Health and Safety issues*

Part of the site lies within the “outer” zone with respect to a hazardous installation (Transco Huddersfield Holder Station, Leeds Road). The Health and Safety Executive have been notified of the application and do not advise against the granting of planning permission.

### *Section 106 Agreement*

The following matters are covered by the completed Section 106 Agreement which was completed on 28/01/2025:

- William Street / Lower Fitzwilliam Street junction improvement: £57,000 (Indexed Linked, and payment required prior to commencement).
- Southgate Toucan Crossing Upgrade: £40,000 (Index Linked, and payment required prior to commencement).
- Travel plan monitoring costs: £10,000.

### *Conditions*

On 28/01/2025 the applicant confirmed that the conditions were agreed.

### 9 – Representations:

Two representations were made. Comments are summarised below with issues raised and officer responses:

- Not a good location as our police station will now be further out of the town centre and the wrong side of the ring road.

**Response:** It is considered that it would not be possible to justify a refusal on this basis. The size of the building and the layout of the site have been determined by functional considerations and it is unlikely that there are any sites available within the Town Centre meeting these requirements.

- The Police should be asked to find additional premises in the centre of town which can house a police enquiry desk and a safe haven and shelter for our town centre patrols. The success of the blueprint plans will depend not on the fantastic new buildings being constructed but instead changing the perception of many people that our town centre is unsafe.

**Response:** It is possible that an enquiry desk might help to mitigate the fear of crime in the Town Centre. This however will depend upon funding and other operational issues, which are not within the control of the planning system. The concerns are therefore duly noted but are not deemed material to the outcome of this application.

#### 10 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

The proposal would bring benefits to the community by allowing the police to function more effectively. Increased local employment and the regeneration of a plot of unsightly derelict land would also bring wider benefits through assisting the regeneration of the area and helping to sustain local businesses. It is considered that, as conditioned, the proposed development would enhance the townscape. Safe access to the highway network can be secured (subject to improvements to be secured by means of a Section 106 Agreement). Subject to condition, all potential amenity or environmental impacts can be prevented or mitigated.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the reserved matters applied for would result in a scheme that would constitute sustainable development and is therefore recommended for approval.

**Recommendation – GRANT FULL PERMISSION (subject to conditions and a Section 106 agreement)**

**Decision Authorisation:** Delegated Powers

**Application Number:** 2024/92246

**Officer Recommendation:** Grant full permission (subject to conditions and a Section 106 agreement)

### **Conditions and Reasons**

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.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP21, 22, 24, 30, 33, 52 and 53 of the Kirklees Local Plan.

3. Details and specifications of all external materials shall be submitted to and approved in writing by the Local Planning Authority before work on the superstructure of the new building commences and the development shall be implemented using the approved materials. Samples of the facing bricks to be used on the new building shall be presented or left on site for inspection by officers of the Local Planning Authority prior to superstructure works commencing.

**Reason:** To ensure that the proposed development contributes to the aim of achieving well-designed and beautiful places and buildings, and to accord with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Prior to any part of the new development being brought into use, the areas shown to be used for the parking and turning of vehicles within the site, shall be surfaced and drained and shall thereafter be retained and kept free of all obstructions to their use for the parking and turning of vehicles.

**Reason:** To achieve a satisfactory layout in the interests of highway safety, and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

5. Before any part of the development is first brought into use, details of the facilities to be provided for the safe and secure storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter for the lifetime of the development.

**Reason:** In the interests of promoting the use of means of transport with a low environmental impact, to promote active and healthy lifestyles, and to accord with the aims of Policies LP24(d) and LP47 of the Kirklees Local Plan.

6. A set of elevational drawings showing the detailed design of the bin store and substation, including specifications of materials and finishes, shall be submitted to and approved in writing by the Local Planning Authority before the erection of these two structures commences and the bin store and substation shall be erected in accordance with the approved details.

**Reason:** To ensure that the proposed development contributes to the aim of achieving well-designed and beautiful places and buildings, and to accord with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. No building or other obstruction including landscape features shall be located over or within 3m either side of the centre line of the public sewer (i.e. a protected strip width of 6m), that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

**Reason:** In order to allow sufficient access for maintenance and repair work at all times, to prevent flood risk and ensure the safe and sustainable drainage of the site, and to accord with the aims of Policies LP27 and 28 of the Kirklees Local Plan.

8. Surface water run-off from hardstanding, including car parking areas, shall pass through an oil, petrol and grit interceptor/separator of adequate design (details of which shall have been submitted to and approved by the Local Planning Authority before any part of the development is brought into use), prior to any discharge to an existing or prospectively adoptable sewer. The interceptor/separator shall thereafter be retained and maintained in accordance with the manufacturer's instruction.

**Reason:** To prevent pollution of the aquatic environment in accordance with the aims of Policy LP34 of the Kirklees Local Plan.

9. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 (plus an allowance for climate change) rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations and phasing of drainage provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the

development or each agreed phasing of the development and retained thereafter.

**Reason:** To ensure the safe and sustainable drainage of the site and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This information is required pre-commencement to ensure that suitable drainage arrangements laid out in the early stages of development.

10. The development shall not commence until 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 (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

DR10 Construction Phase Surface Water Flood Risk and Pollution prevention plan.

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

- (i) phasing of the development and phasing of temporary drainage provision.
- (ii) include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- (iii) the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100%.

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:** To ensure the safe and sustainable drainage of the site and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This information is required pre-commencement to ensure that suitable drainage arrangements laid out in the early stages of development.

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

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

The approved low emission mitigation measures shall be implemented within 3 months of any part of the development becoming operational & retained thereafter.

**Reason:** In the interests of promoting sustainable development and transport and conserving the natural environment in accordance with Parts 2, 9 and 15 of the NPPF and LP20, LP24, LP47 of the Local Plan.

12. 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 typical measured 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 and Chapters 12 and 15 of the National Planning Policy Framework.

13. No groundworks (except those required for a site investigation report) shall commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This information is required pre-commencement to ensure that pollutants are not released into the environment during groundworks and that contamination, if present, can be safely mitigated.

14. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (13) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This information is required pre-commencement to ensure that pollutants are not released into the environment during groundworks and that contamination can be safely mitigated.

15. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (14). If remediation is unable to proceed in accordance with the approved

Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 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.

16. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

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

17. Before any part of the development is first brought into use, a scheme outlining the specific facilities for charging electric vehicles and other ultra-low emission vehicles for each dedicated parking space at the premises must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use thereafter.

**Reason:** In the interest of supporting the use of low-emission means of transport, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

18. Before development (other than demolition or site clearance) commences, details of any proposed air-source heat pump or solar array to be installed as part of the development, or alternatively reasons why these are not deemed to be appropriate or practical for the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved microgeneration measures, if applicable, and the further carbon reduction measures set out in Part 3, Q1, of the submitted Climate Change Statement, shall be implemented before any part of the development is first brought into use and thereafter retained as such.

**Reason:** To ensure that the proposed development contributes to the Council's target of achieving 'net zero' carbon emissions by 2038 and thereby reducing the causes of climate change, and to accord with the aims of Policy LP26 of the Kirklees Local Plan and Principle 18 of the Kirklees Housebuilders Design Guide SPD.

19. The development shall be undertaken in full accordance with the mitigation measures set out in part 7 of the Ecological Impact Assessment reference MOR001-013-006/001/002.

**Reason:** To ensure that harm to biodiversity is prevented or minimised during the development process and to accord with the aims of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

20. The habitat boxes specified in part 8 of the Ecological Impact Assessment reference MOR001-013-006/001/002 and accompanying Species Enhancement Statement shall be installed as detailed before any part of the development is first brought into use, and thereafter retained.

**Reason:** In the interests of enhancing the ecological value of the site and visual amenity and to accord with Policies LP24 and LP30 of the Kirklees Local Plan, and Chapters 12 and 15 of the National Planning Policy Framework.

21. Full details of all hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority before work on the superstructure of the proposed building commences. This shall include species mix and shall demonstrate that opportunities have been taken to enhance the biodiversity of the site. Any tree, hedge or shrub dying or becoming diseased within five years of its substantial completion shall be replaced by another of the same species and variety.

**Reason:** In the interests of enhancing the ecological value of the site and visual amenity and to accord with Policies LP24 and LP30 of the Kirklees Local Plan, and Chapters 12 and 15 of the National Planning Policy Framework.

22. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction
- Artificial lighting used in connection with all construction related activities and security of the construction site.

- A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included.

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

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan.

This information is required pre-commencement to ensure that amenity and the local environment are protected at all stages of the implementation of the development.

23. Prior to commencement of the development (including ground works), a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include, as a minimum, details of:

- Hours of works;
- Details of construction access arrangements;
- Construction vehicle sizes and routes (with swept path analysis testing if necessary);
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Details of parking for construction workers (including vans);
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- 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 arrangements; and
- Site manager and liaison officer contact details, including details of their remit and responsibilities.

The development shall be carried out strictly in accordance with the CMP 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, and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the highway network and to avoid increased risks to highway safety are devised and agreed at an appropriate stage of the development process.

24. Prior to commencement of the development (including ground works), a survey of the existing condition of the highway (the extent of highway to be surveyed to be agreed with the Local Planning Authority in advance) shall be submitted to and approved in writing by the Local Planning Authority. The survey shall include all highway features, including carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signage and road markings. Upon completion of the development hereby approved a post-construction

survey of the agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works and timescale for implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out in accordance with the agreed timescales. Should any highways defects (affecting highway safety) attributable to the construction traffic or activities of the development hereby approved be identified during the construction period, remediation of these highway defects shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety, to ensure the effective maintenance of the Highway, and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that the highway condition survey is undertaken at an appropriate stage of the development process, in advance of any construction works commencing that may affect the condition of the highway.

25. Prior to the first occupation of any part of the development hereby approved, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include proposals for enabling and encouraging the use of active and sustainable modes of transport, monitoring, review and timings for delivery. The approved Travel Plan and measures shall be implemented prior to occupation or in accordance with the agreed timescales, or as otherwise agreed with the Local Planning Authority.

**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, the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

26. Prior to occupation of the development, details of the arrangements and facilities for the storage and collection of waste from the development, shall be submitted to and approved in writing by the Local Planning Authority. The arrangements and facilities so approved shall be implemented in accordance with the approved details for the lifetime of the development.

**Reason:** To ensure satisfactory arrangements are implemented in relation to waste, in the interests of highway safety, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

27. No part of the development shall be brought into use until the off-site highway works on Broadway, as shown indicatively on drawing SCP/230484/SK02 Rev. D have been fully constructed and made operational. The works shall include:

- Improvements to the site access, including pedestrian crossing provision;
- Footway resurfacing along the full extent of the site frontage;
- Closure of the redundant access(es);

- Kerbing and carriageway works, including dropped kerbs to facilitate refuse collection; and
- Other associated works, including alterations to utility apparatus and street furniture.

**Reason:** To ensure that any impacts upon the free and safe use of the highway arising from the development are mitigated, in accordance with the aims of Policies LP20 and LP21 of the Kirklees Local Plan.

#### **NOTE – Temporary drainage works**

It is expected that the maximum off-site discharge rate should not exceed 2.5 litres per second per ha.

#### **NOTE – Construction Environmental Management Plan**

No construction related noise should be audible beyond the site boundary outside the hours of:

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

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document *“Guidance on the assessment of dust from demolition and construction”* Version 2.2 2024.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of

#### **NOTE – Electric vehicle charging points**

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

#### **NOTE – Works within the highway**

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. 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 such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form			09/08/2024
Site Location plan	6BKD2-BBA-30	P03	09/08/2024
Existing Site Plan	6BKD2-BBA-30	P05	09/08/2024
Proposed Site Plan	6BKD2-BBA-30	P10	09/08/2024
Demolition Site Plan	6BKD2-BBA-30	P02	09/08/2024
Lower ground & Ground Floor general arrangement	6BKD2-BBA-31	P08	09/08/2024
First & Second Floor Roof general arrangement	6BKD2-BBA-31	P09	09/08/2024
Existing general arrangement Plans	6BKD2-BBA-31	P01	09/08/2024
Existing general arrangement Elevations	6BKD2-BBA-31	P01	09/08/2024
Existing general arrangement Elevations	6BKD2-BBA-31	P01	09/08/2024
General arrangement Elevations	6BKD2-BBA-32	P07	09/08/2024
Streetscene Elevations	6BKD2-BBA-32	P02	09/08/2024
Detailed Elevations	6BKD2-BBA-32	P02	09/08/2024
General arrangement Sections	6BKD2-BBA-33	P04	09/08/2024
Site Sections 1	6BKD2-BBA-33	P01	09/08/2024
Site Sections 2	6BKD2-BBA-33	P01	09/08/2024
Planning Statement (including Statement of Community Involvement)			09/08/2024
Transport Assessment	230484-TA	V2	09/08/2024
Transport Assessment Addendum	SCP/230484/TAA01	V0.1	09/08/2024
Travel Plan	230484-TP	V2.0	09/08/2024
Stage 1 Road Safety Audit	230484/RSA1/TH	2	09/08/2024
Stage 1 Road Safety Audit response report	230484/RSA1/DR	1	17/12/2024
Broadway Site Access Drawing by SCP	SCP/230484/SK02	D	20/12/2024
Boundary Treatments	6BKDZ-BBA-30-22-	P03	20/12/2024

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Plan	D-L-1006		
Flood Risk Assessment & Drainage Strategy	6BKD2-BWB-ZZ-XX-T-W-0001_FRA		09/08/2024
Sustainable Drainage Statement	6BKD2-BWB-ZZ-XX-T-C-0001_SDS		09/08/2024
Preliminary Ecological Appraisal	MOR001-013-006/001/001		20/08/2024
Ecological Impact Assessment	MOR001-013-006/001/002		13/09/2024
Species Enhancement Statement	MOR001-013-006/002/001		20/12/2024
Bat Emergence Survey Report	MOR001-013-004/001/002		13/09/2024
Tree Survey Report	MOR001-013		09/08/2024
Arboricultural Impact Assessment	MOR001-013		09/08/2024
Arboricultural Method Statement	MOR001-013		09/08/2024
Phase 1 Geotechnical Report	350564-R01 (00)		06/09/2024
Phase 2 Site Investigation	350564-R03 (00)		09/08/2024
Supplemental Ground Investigation Report	WYP-BWB-EGT-XX-RP-LE-0001-GIR	P1	24/10/2024
Coal Mining Risk Assessment	350564-R04 (00)		09/08/2024
Air Quality Assessment	445798-01 (00)		09/08/2024
Acoustic Report	1700837-RPAC-0001	1	09/08/2024
Climate Change Statement	230012 – WYP		09/08/2024
Site Waste Management Plan	6BDK2		09/08/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer requested several amendments during the application process in the interests of visual and residential amenity and highway safety, which informed the final decision.

**Report Dated:** 17/01/2025

