

12th August 2024

Ellie Thornhill, Senior Planning Officer
Development Management
Kirklees Council
Civic Centre III
Huddersfield
HD1 2TG

Dear Ellie Thornhill

Discharge of condition application regarding partial discharge of conditions 13 (a Construction Environmental Management Plan (CEMP)), 15 (Construction Environmental Management Plan Biodiversity (CEMP-Biodiversity)), 27 (Temporary Surface Water Drainage for the Construction Phase), 33 (Hard and Soft Landscaping), 34 (Tree Protection) and 39 (Sustainability Statement) (all phase 1) attached to planning permission reference 2024/70/90257/W at Piazza Centre, Princess Alexandra Walk, Huddersfield, HD1 2RS

This cover letter has been submitted as part of an application to partially discharge conditions 13 (a Construction Environmental Management Plan (CEMP)), 15 (Construction Environmental Management Plan Biodiversity (CEMP-Biodiversity)), 27 (Temporary Surface Water Drainage for the Construction Phase), 33 (Hard and Soft Landscaping), 34 (Tree Protection) and 39 (Sustainability Statement) attached to planning permission reference 2024/70/90257/W for phase 1 (Queensgate Market) of the approved development and should be read in conjunction with the following support documents:

- Sustainability Statement
- Construction Environmental Management Plan (CEMP)
- Landscape Hard and Soft General Arrangement plans – Drawing Numbers IR430301-GIL-ZZ-00-DR-L-000001; IR430301-GIL-ZZ-00-DR-L-100001 to IR430301-GIL-ZZ-00-DR-L-100006; IR430301-GIL-ZZ-00-DR-L-130001 to IR430301-GIL-ZZ-00-DR-L-130006; IR430301-GIL-ZZ-00-DR-L-400001 to IR430301-GIL-ZZ-00-DR-L-400006; and IR430301-GIL-ZZ-00-DR-L-410001.
- Landscape Detail Plans – Drawing Numbers IR430301-GIL-ZZ-00-DR-L-210001; IR430301-GIL-ZZ-00-DR-L-300001 to IR430301-GIL-ZZ-00-DR-L-300003; IR430301-GIL-ZZ-00-DR-L-310001; IR430301-GIL-ZZ-00-DR-L-310002; IR430301-GIL-ZZ-00-DR-L-310010 to IR430301-GIL-ZZ-00-DR-L-310016; IR430301-GIL-ZZ-00-DR-L-310020; IR430301-GIL-ZZ-00-DR-L-310025; IR430301-GIL-ZZ-00-DR-L-330007; IR430301-GIL-ZZ-00-DR-L-330010 to IR430301-GIL-ZZ-00-DR-L-330012; IR430301-GIL-ZZ-00-DR-L-400001 to IR430301-GIL-ZZ-00-DR-L-400006; IR430301-GIL-ZZ-00-DR-L-410001; and IR430301-GIL-ZZ-00-DR-L-450001.

Condition 13 (a Construction Environmental Management Plan (CEMP))

The wording of condition 13 reads as follows:

“13. Prior to development commencing, a Construction Environmental Management Plan (CEMP) relevant to any component part of the development (or combination of component parts) 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 and 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; and*
- *Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction. This should be provided in the form a Dust*

Pavilion Court, Green Lane, Garforth, Leeds, LS25 2AF
T 0113 2878200 E Leeds@pegasusgroup.co.uk
Offices throughout the UK.

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales
Registered Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire GL7 1RT

Expertly Done.

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE



Management Plan (with reference to the Air Quality Assessment by Ove Arup & Partners Limited (ARUP) Chapter 9 of Environmental Statement: Volume 1 Main Report and Figures (dated: 30.09.22).

A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and sensitive receptors. The agreed plan shall be adhered to throughout the construction of the development of that component part, or parts.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of works and the protection of amenity are agreed at an appropriate stage of the development process."

A Construction Environmental Management Plan (CEMP) has been submitted in support of this discharge of condition application setting out the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling noise, vibrations and dust during construction.

Condition 15 (Construction Environmental Management Plan Biodiversity (CEMP-Biodiversity))

The wording of condition 15 reads as follows:

"15. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) for any component part of the development (or combination thereof) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- *Risk assessment of potentially damaging construction activities that refers to the most up-to-date site specific survey information and specifically to nesting birds;*
- *Identification of "biodiversity protection zones", where appropriate;*
- *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);*
- *The location and timing of sensitive works to avoid harm to biodiversity features;*
- *The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate;*
- *Responsible persons and lines of communication; and*
- *Use of protective fences, exclusion barriers and warning signs, where appropriate.*

The approved CEMP shall be adhered to and implemented throughout the construction period of that component part, or parts in accordance with the approved details.

Reason: To protect biodiversity during construction by avoiding direct impacts to protected species, and to accord with Policy LP30 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of measures to protect biodiversity are agreed at an appropriate stage of the development process."

A Construction Environmental Management Plan (CEMP) has been submitted in support of this discharge of condition application setting out how biodiversity during construction will be protected by avoiding direct impacts to protected species.

Condition 27 (Temporary Surface Water Drainage for the Construction Phase)

The wording of condition 27 reads as follows:



“27. Development shall not commence within any component part or combination of parts (as referred to in condition 3) until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) for an agreed component part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision;*
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented; and*
- the strategy shall include a plan showing the location of the attenuation storage and supporting calculations for any component part, or combination of parts.*

Any 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 component part or parts 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 effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of temporary drainage are agreed at an appropriate stage of the development process.”

A Construction Environmental Management Plan (CEMP) has been submitted in support of this discharge of condition application setting out temporary drainage details during construction.

Condition 33 (Hard and Soft Landscaping)

The wording of condition 33 reads as follows:

“33. Prior to the commencement of development of each specified component part, or parts, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details of existing and proposed levels, and regrading;*
- Planting plans, including additional treeplanting notwithstanding what is shown in the drawings hereby approved;*
- Details of tree pit sizes and soils;*
- Species schedules;*
- Details of initial aftercare and long-term maintenance of trees including tree protection measures;*
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;*
- Details (including samples, if requested), of paving and other hard surface materials;*
- Details and specifications of street furniture including but not limited to lighting, bollards, bins, seating and cycle provision; and*
- No part of the development hereby approved shall be occupied until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.*

The approved landscaping scheme shall for that component part, or parts (as referred to in condition 3) from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of a similar size and species unless the Local Planning Authority gives its written consent to any variation.



Reason: In the interests of visual amenity, to ensure high quality spaces are provided, in the interests of creating a safer, sustainable and accessible town centre, in accordance with Policies LP24, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan and chapters 8, 12 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of landscaping are agreed at an appropriate stage of the development process."

A number of plans have been submitted as part of this discharge of condition application detailing hard and soft landscaping details.

Condition 34 (Tree Protection)

The wording of condition 34 reads as follows:

"34. Where any specified component part or parts (as referred to in condition 3) makes provision for the retention of any existing tree(s), a scheme for the protection of those retained tree(s) shall be submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented and carried out in accordance with those approved details.

Reason: To ensure the future health and stability of retained trees within the scheme in accordance with policy LP33 of the Kirklees Local Plan and chapters 8, 12 and 15 of the National Planning Policy Framework."

A number of plans have been submitted as part of this discharge of condition application detailing tree protection details.

Condition 39 (Sustainability Statement)

The wording of condition 39 reads as follows:

"39. Prior to commencement of any component part or parts (as referred to in condition 3), a Sustainability and Energy Statement, outlining how sustainability will be built into that particular component part or parts, in line with the Kirklees councils adopted Net Zero target by 2038, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, these sustainability measures will be implemented and retained in accordance with the approved details.

Reason: In order to secure a sustainable form of development in compliance with Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details relevant to sustainability and energy are agreed at an appropriate stage of the development process."

A Sustainability Statement has been submitted in support of this application detailing how sustainability will be built into the development.

We trust that the documents that accompany this application sufficiently address the requirements of partial discharging Conditions 13, 15, 27, 33, 34 and 39 (all phase 1) attached to planning permission reference 2024/70/90257/W. If you have any queries or require further information, do not hesitate to contact me.

Yours Sincerely

Matthew Sunman



Associate Planner

matthew.sunman@pegasusgroup.co.uk