

# KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

### DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	<b>2024/70/92395/W</b>
Site Address:	Former Kirklees College, New North Road, Huddersfield, HD1 5NN
Description:	Variation of condition 2 (plans and specifications) and 3 (phasing) of previous permission 2023/93058 for variation of conditions 2 (plans), 3 (phasing plan) of previous hybrid permission 2018/92647 for mixed use development - retail/office and 229 residential units (Use Classes C3/ E(a) /B1a); full planning permission for partial demolition of former Kirklees College; erection of food retail store and alterations in connection with conversion of grade ii* listed building to offices/apartments; creation of vehicular access from Portland Street, New North Road and Trinity Street; outline application for erection of (two) buildings (residential apartments - C3 Use ) (Listed Building within a Conservation Area)
Recommending Officer:	Victor Grayson

#### **DECISION – S106 Variation of Condition – Granted**

**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.**

Nicholas Hirst

***AUTHORISED OFFICER***

Date: 03-Apr-2025

**Application:** 2024/92395

**Site:** Former Kirklees College, New North Road, Huddersfield

**Proposal:** Variation of condition 2 (plans and specifications) and 3 (phasing) of previous permission 2023/93058 for variation of conditions 2 (plans), 3 (phasing plan) of previous hybrid permission 2018/92647 for mixed use development - retail/office and 229 residential units (Use Classes C3/E(a)/B1a); full planning permission for partial demolition of former Kirklees College; erection of food retail store and alterations in connection with conversion of grade ii\* listed building to offices/apartments; creation of vehicular access from Portland Street, New North Road and Trinity Street; outline application for erection of (two) buildings (residential apartments - C3 Use ) (Listed Building within a Conservation Area)

### **Site Description**

The site has been cleared of buildings except for the listed buildings at the centre of the site. Otherwise, the site is largely as described in officer reports for previous applications (such as 2023/93058). Similarly, the site's context has not significantly changed over recent years.

This application relates to the southern part of the site, where full planning permission was previously granted for the erection of a retail food store. The store is to be operated by Lidl, who are the current applicants.

### **Description of Proposal**

This is the second application to vary conditions since hybrid permission was granted in 2022 under application 2018/92647. The first variation was approved in 2024 under application 2023/93058. Further variations are sought under the current application. The amendments proposed under this application are:

- Changes to footprint shape of retail food store;
- 24sqm decrease (1,998sqm to 1,974sqm) in the size of the retail food store; and
- Reconfiguration of car park serving retail food store, and reduction of parking spaces from 127 to 93.

The proposed amendments are illustrated in:

- Proposed Site Plan (drawing 00 001 rev AC)
- Proposed Site Plan (drawing 16047-SK-210720-01 rev C)
- Proposed Site Sections (drawing 00-007 rev F)
- Phasing Plans (drawing SK\_16047\_220217\_01 rev C)
- Site Sections (drawing 7355-SMR-00-XX-DR-A-2005-S3 rev C2)
- Proposed Site Plan (drawing 7355-SMR-00-ZZ-DR-A-2003-S4 rev C2)

- Proposed Floor Plan (drawing 7355-SMR-00-GF-DR-A-2101-S4 rev C1)
- Proposed Roof Plan (drawing 7355-SMR-00-XX-DR-A-2102-S4 rev C1)
- Proposed Elevations (drawing 7355-SMR-00-ZZ-DR-A-2103-S4 rev C1)
- Proposed External Works (drawing 7355-SMR-00-ZZ-DR-A-2004-S4 rev C2)
- Landscape Details (drawing R/2377/1 rev E)
- Landscape Accessibility (drawing 00 004 rev G)
- Swept Path Analysis of Max Legal HGV (drawing 24/287/ATR/001 rev B)

The proposed amendments affect conditions 2 (plans and specifications) and 3 (phasing) of previous permission 2023/93058. These read:

*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 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.*

*3. The development hereby approved by the full planning permission shall be in accordance with the phasing plan referenced SK16047\_220217\_01 or any variations made during the life of the planning permission. For the avoidance of doubt, Phase 1A will be the demolition of all the buildings north and south of buildings F1, F2 and F3 as defined and shown on the demolition plan ref 00 034 Rev B as well as creating development plateaux and associated development infrastructure, including retaining walls. Phase 1B will be the construction of the retail unit. All phases of development shall be completed and carried out in accordance with the phasing plan unless otherwise agreed in writing by the Local Planning Authority.*

**Reason:** *For the avoidance of doubt and to ensure that the site is developed in a phased in the interests of visual amenity and to maintain the character and appearance of the Greenhead Park, Town Centre, and Springwood Conservation Areas and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.*

The applicant also requested that submissions pursuant to 10 conditions (of permission 2023/93058) be considered under this Section 73 application. However, these submissions have not been considered, and (a) separate Discharge of Condition(s) application(s) would need to be submitted.

### **Relevant Planning History**

2018/92647 – Hybrid planning application approved 03/08/2022 for mixed use development – retail/office and 229 residential units (Use Classes C3 / E(a) / B1a) – comprising:

- Full planning permission for the partial demolition of the former Kirklees College, erection of a food retail store and alterations in connection with conversion of Grade II\* listed building to offices/apartments and creation of vehicular access from Portland Street, New North Road and Trinity Street; and
- Outline permission for erection of two buildings (residential apartments – C3 Use).

2018/92687 – Listed Building Consent granted 03/08/2022 for alterations, demolition of part of the Grade II\* listed building and other curtilage listed buildings.

2022/93178 – Approvals issued 09/12/2022 pursuant to conditions 4 (Demolition Method Statement), 16 (CEMP) and 27 (Arboricultural Method Statement Plan) of the full element of the previous hybrid permission 2018/92647.

2023/93058 – Variation of conditions 2 (plans) and 3 (phasing plan) of hybrid permission 2018/92647 approved 22/02/2024. The amendments removed vehicular access from Portland Street to the northwest of the listed infirmary building and replaced this with a vehicular access on New North Road to the northeast of the car park in front of the infirmary building.

2024/90464 – Approvals issued 05/09/2024 pursuant to the Phase 1B part of the site and conditions 8 (Phase II Report), 9 (Remediation Strategy) and 11 (Validation Report) of the full element of the previous Section 73 approval 2023/93058.

2024/93009 – Advertisement consent granted 16/12/2024 for erection of illuminated signs.

2025/90321 – Discharge of Conditions application relating to conditions 14 (EVC), 15 (external lighting) and 30 (crime) of the full element of the previous Section 73 approval 2023/93058. Pending consideration.

## **Consultation**

KC Highways Development Management – It is noted that the ‘Lidl calls on public help to locate new sites’ document dated 26/04/2022 sets out that a floorspace of between 18,000sqft and 26,000sqft for new stores should have a parking provision for 100+ car parking spaces. Notwithstanding this, KC Highways Development Management (HDM) have assessed the overall provision proposed and – given the spaces are to be more accessible (being bigger than standard bays) which would improve efficiency of vehicular movements internally, and given the site is located in a fairly sustainable location on the edge of the town centre – on balance accept this reduction.

HDM therefore consider the proposal acceptable from a highways perspective. All previous associated highways conditions should remain.

Ward Members for Newsome ward were notified of the application, but did not submit comments.

The application was advertised by the council via a site notice posted on 03/10/2024, a press notice on 18/10/2024, and letters delivered to addresses close to the application site. This was in line with the council's then-applicable Statement of Community Involvement. The end date for publicity was 11/11/2024.

No representations were received from local residents or other members of the public.

### **Planning Policy and Guidance**

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).

Relevant planning policy and guidance is referred to in the committee reports for application 2018/92647. That policy and guidance landscape remains largely unchanged since that committee report was published, however further versions of the National Planning Policy Framework have been published since then (the most recent having been published on 12/12/2024, amended 07/02/2025).

Although not relevant to this Section 73 application, it is also noted that Biodiversity Net Gain has become mandatory under the Environment Act 2021, and that the council has published the Kirklees Interim Housing Position Statement to Boost Supply (2023). The council's First Homes Position Statement (2021) and Social Value Policy (2022) are also considered relevant to the wider site.

The site remains the subject of allocation MXS4, which allocates the site for mixed use development.

The Kirklees Local Plan policies of most relevance to this Section 73 application are LP21 (Highways and access), LP22 (Parking), LP24 (Design) and LP35 (Historic environment).

### **Assessment**

#### *Scope of this application*

Section 73 of the Town and Country Planning Act 1990 concerns the "Determination of applications to develop land without compliance with

conditions previously attached”, colloquially known as “varying” or “amending” conditions. Section 73 applications must also involve consideration of the conditions subject to which planning permission should be granted. Where an application under Section 73 is granted, the effect is the issue of a fresh grant of permission and the decision notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

It is important to note that when assessing Section 73 applications the previously-granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.

In this case, the applicant could develop the site in accordance with the previous permission, and this fallback is a material consideration to which significant weight must be given. The principle of mixed use development at this site has already been accepted by the council.

Alterations to planning policy and other material considerations that may have emerged since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the above paragraphs and the applicant’s ability to complete the previously-approved development.

### *Scale of change*

The scale of change proposed by the applicant is considered to be minor. The proposed changes would not result in a development that is materially and substantially different to the one which has been approved.

### *Design and conservation*

For the retail food store, the submitted drawings show a hipped “crown” roof and a canopied entrance feature supported by columns (similar to what has been erected at Lidl’s Holmfirth site, and to what has been granted planning permission at Lidl’s Oakes site). An earlier iteration of these design features was proposed via the applicant team’s email of 11/05/2021 and was considered under application 2018/92647 (as briefly noted in the committee report of 24/02/2022 at paragraph 3.6), and the decision notice for application 2018/92647 accordingly listed a “Building Elevations” drawing (ref: 7355-00-8101 rev P7). However, the decision notice for application 2018/92647 also listed drawings 2102, 2103, 007 and 2005, which all showed an earlier mono-pitched roof that was previously proposed for the Lidl store. This was an error, and the error was repeated in the decision notice for application 2023/93058. It is also noted that two of the section drawings submitted under this current Section 73 application (namely, Proposed Site Sections (drawing 00-007 rev F) and Site Sections (drawing 7355-SMR-00-XX-DR-A-2005-S3 rev C2)) also show the outline of a mono-pitched roof for the Lidl store.

For the avoidance of doubt, moving away from a mono-pitched design to a design that includes a hipped roof and a canopied entrance feature supported by columns is considered acceptable. The proposed hipped roof shape would be more reflective of the roofs of surrounding buildings (when compared with the previously-approved mono-pitched roof). The canopied entrance feature supported by columns would add visual interest, would help mark the site's entrance and could make it more legible to customers. Appropriate "reveal details" are proposed in the elevations, which would add interest to what would otherwise be long, unrelieved elevations. An appropriate dentil cornice detail is shown beneath the proposed eaves. Although there remains scope for further improvement to the design of the retail food store, the design features now proposed have proved successful at Lidl's Holmfirth site, where a relatively new retail food store has responded appropriately to its context which is dominated by older buildings.

An informative (to be included in the council's decision notice for this application) is recommended, noting that two section drawings still indicatively show the outline of a mono-pitched roof, but that such a roof form is not approved for the retail food store.

The proposed changes to the footprint shape of the retail food store would involve an increase in its width (measured east-west) and a decrease in its length (measured north-south). The attached plant enclosure would be moved from the east elevation to the north elevation. The delivery bay at the north end of the building would be moved southwards, away from the listed buildings within the wider site.

The retail food store's south elevation would be wider than that previously approved. This elevation would still be predominantly glazed, which could add interest to (and would potentially activate) the building's most prominent and frequently-seen elevation, if the glazing is not covered with vinyl graphics or otherwise obscured.

The attached plant enclosure would be moved from the east elevation to the north elevation of the retail food store, but would remain close to its previously-approved location. Although this would mean more of the forecourt of the adjacent listed buildings would be lined with a plant enclosure (and not a stone wall of the retail food store), this change would not be problematic if the plant enclosure is appropriately detailed. Such details would need to be submitted pursuant to condition 29 of the full element of the hybrid permission 2018/92647.

The delivery bay at the north end of the retail food store would be moved southwards, away from the listed buildings within the wider site. This raises no design concerns, and would enable the provision of additional greenery along the boundary between the wider site's retail parcel and northern parcel.

The submitted covering letter of 06/08/2024 states that the retail food store would be "located marginally further south within the overall site", however

this move would be barely noticeable when compared with the previously-approved layout.

The use of carefully-chosen materials remains essential at this site. Under permission 2018/92647, drawing annotations referred to natural stone for the retail food store's elevations, and the committee report referred to blue slates for the crown roof. In the current proposals, a "stone face finish" is annotated for the elevations – this is considered acceptable, subject to full details and samples being submitted and approved at conditions stage. For the roof, "blue tiles" are annotated in the current proposals – this is unlikely to be as appropriate as natural slate, however further consideration of roofing materials would be necessary at conditions stage. Of note, a "slate tiled roof" was annotated on drawing P201 rev G submitted under application 2021/94029 for Lidl's Oakes site.

The proposed reconfiguration of the car park, and the proposed reduction of parking spaces, would not have significant design and visual amenity implications. Compared with what was previously approved, a similar amount of hard surfacing and soft landscaping would be provided.

The implications of the proposed changes in relation to the significance of heritage assets must be considered. Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant, in that they impose a duty upon the council (as Local Planning Authority) to have regard to the desirability of preserving listed buildings (or their setting or features of special architectural or historic interest) and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

There are listed buildings immediately to the north of the proposed retail food store (these are the former Huddersfield Infirmary building and the statue of Edward VII), and several other listed buildings surrounding the wider site. The proposed retail food store would not be within a conservation area, however parts of the wider site are within the Greenhead Park / New North Road Conservation Area, and the proposed retail food store site would be surrounded by three conservation areas: Greenhead Park / New North Road, Huddersfield Town Centre and Springwood.

Having regard to what contributes to the significance of these designated heritage assets (as described in previous application submissions and previous officer commentaries) and the descriptions of them (by Historic England and in the glossary of the since-superseded Unitary Development Plan), given the minor changes proposed under this current Section 73 application, it is considered that no new impacts (and no greater or lesser level of harm) would result.

#### *Parking and other highways issues*

Changes to the car park of the retail food store (including a reduction in the number of parking spaces) were shown on the submitted site plan but were

not described in the covering letter of 06/08/2024. These changes were queried with the applicant's agent, who responded on 26/11/2024 and confirmed:

*"In regards to numbers they have changed from the following:*

*Existing*

*STANDARD SPACES 113  
PARENT CHILD SPACES 8  
DISABLED SPACES 6  
GRAND TOTAL 127*

*Proposed*

*EVC SPACES 2  
LIDL ACCESSIBLE SPACES 6  
LIDL MAINTENANCE BAY 2  
LIDL STANDARD SPACES 74  
PARENT&TODDLER SPACES 9  
GRAND TOTAL 93*

*The southern part of the parking layout has been amended to incorporate more parent-child and in order to move the accessible spaces in line with the new store footprint.*

*Two EVC spaces have also been introduced in the northern part of the car park, and the substation area has also been slightly enlarged.*

*The pedestrian crossings have also been amended to suit the amended layout operations".*

In addition, on 26/11/2024 the applicant's agent submitted swept path analysis drawing, illustrating movements of an HGV within the reconfigured car park.

Local Plan policies LP21 and LP22 are relevant to these changes, as is Chapter 9 of the NPPF, and the council's Highway Design Guide SPD.

KC Highways Development Management (HDM) have reviewed the proposed changes to the car park. Although Lidl's own guidance states that stores of this size should provide over 100 car parking spaces, on balance HDM accept the proposed reduction in on-site car parking, given the proposed spaces would be more accessible (being bigger than standard bays) which would improve the efficiency of vehicular movements internally, and given that the site is located in a fairly sustainable location on the edge of the town centre.

The applicant's swept path analysis drawing demonstrates that a 16.5m long articulated vehicle would be able to access the retail food store's delivery bay via the proposed reconfigured car park.

Given the above assessment, the proposed changes are considered acceptable in highway terms.

#### *Other planning matters*

The proposed 24sqm decrease (1,998sqm to 1,974sqm) in the size of the retail food store is not considered significant, and raises no concerns in relation to the land use, retail and town centre policies of the Local Plan.

The variation sought relates mainly to site layout, and does not affect the principle of development (which has already been accepted through the approval of the hybrid planning permission).

The proposed changes, together with those previously approved under application 2023/93058, would not result in cumulative impacts that would be of concern in planning terms, or that would unacceptably change the scale and nature of the originally-approved development beyond the scope of what can be considered under Section 73.

This application does not affect the ongoing enforcement matter related to the wider site's listed buildings, nor does that matter prevent the determination of the current application.

#### *Section 106 agreement*

There are no changes proposed that would necessitate amendments (via a Deed of Variation) to the Section 106 agreement (dated 27/07/2022) associated with permission 2018/92647. Although a Proposed Site Plan was included (as Plan 3) in that agreement, it was included primarily to identify the extent of the "Northern Parcel" and the "Retail Parcel" within the wider site, and was not intended to fix the layout within the southern part of the site. Plan 3 therefore does not need to be updated in connection with the current application.

Clause 5.4 of that Section 106 agreement states that:

*"In the event that an application is made pursuant to Section 73 of the 1990 Act for an amendment to the Planning Permission and planning permission is granted in respect of that application then references to "Planning Permission" in this Deed shall be deemed to also refer to the new planning permission granted pursuant to section 73 of the 1990 Act and this Deed shall apply to and remain in full force in respect of both the Planning Permission and that new planning permission without the need for a further agreement to be entered into pursuant to Section 106 of the 1990 Act..."*

Given this wording, the development to be approved under this current Section 73 application would be subject to the obligations set out in the Section 106 agreement dated 27/07/2022.

## *Conditions*

The conditions of the previous Section 73 approval 2023/93058 included updates including (for example) the deletion of condition 1 (specifying a three-year time limit) of the full planning permission element of 2018/92647, which did not need to be re-applied, as development had commenced.

The conditions listed below are as per the conditions of that previous Section 73 approval (2023/93058), but with an amendment to condition 3 (as the applicant has requested under this current Section 73 application), and amendments to other conditions to reflect approvals pursuant to various conditions to date. Corrections have been made and clarification has been added to conditions and informatives, where appropriate.

Although condition 2 is referred to in the development description, the wording of that condition would not change with the approval of this Section 73 application. However, the plans and specifications schedule referred to in that condition would be updated.

A draft list of conditions was shared with the applicant's agent on 20/03/2025. On 25/03/2025 the agent confirmed that these conditions were agreed.

## *Conclusion*

The application site is a highly prominent brownfield site allocated for mixed use development within the Kirklees Local Plan under allocation MXS4. The principle of mixed use development at this site has previously been accepted through the approval of the hybrid planning permission in 2022.

This application only relates to the consideration of the variation of conditions 2 and 3 as indicated. Subject to conditions and the previously-completed Section 106 agreement, the proposed development (as varied) is considered acceptable.

The NPPF 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. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation:** Approve subject to conditions and the previously-completed Section 106 agreement.

**Application Number** 2024/92395  
**Decision Authorisation:** Delegated Powers  
**Officer Recommendation:** Approve

**Conditions and reasons:**

**Full Planning Permission conditions**

(for retail food store and conversion of listed building)

1. [condition deleted]

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 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The development hereby approved by the full planning permission shall be implemented in accordance with the phasing plan ref: SK\_16047\_220217\_01 rev C or any variations approved in the writing by the Local Planning Authority during the life of the planning permission. For the avoidance of doubt, Phase 1A will be the demolition of all the buildings north and south of buildings F1, F2 and F3 as defined and shown on the demolition plan ref: 00 034 Rev B as well as creating development plateaux and associated development infrastructure, including retaining walls. Phase 1B will be the construction of the retail unit. All phases of development shall be completed and carried out in accordance with the phasing plan unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** For the avoidance of doubt, to ensure that the site is developed in a phased manner, in the interests of visual amenity and to maintain the character and appearance of the Greenhead Park / New North Road, Huddersfield Town Centre, and Springwood Conservation Areas and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

4. Demolition of the existing buildings shall be undertaken in strict accordance with the details approved on 09/12/2022 under application ref: 2022/93178.

**Reason:** In the interests of amenity, to maintain the significance and appearance of the site's listed buildings, to maintain the character and appearance of the Greenhead Park / New North Road, Huddersfield Town Centre and Springwood Conservation Areas and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

5. Prior to the commencement of any works above ground slab level of Phase 1B relating to the retail store (excluding Phase 1A) as detailed in the phasing plan approved under condition 3 (excluding soft strip-out and demolition works) at a specified building, details of the following elements to be used on

that building shall be submitted to and approved in writing by the Local Planning Authority:

- Curtain walling system;
- Fire escapes;
- Flues, louvres, doors, vents, windows, and rainwater goods; and
- Walls and roofs

No materials other than those approved in accordance with this condition shall be used.

**Reason:** In the interests of visual amenity, to maintain the significance and appearance of the site's listed buildings, to maintain the character and appearance of the Greenhead Park / New North Road, Huddersfield Town Centre, and Springwood Conservation Areas and to accord with Policies LP24 and LP35 of the Kirklees Local Plan.

6. Prior to the occupation of any building on each phase of development as detailed in the phasing plan approved under condition 3, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority for that phase. The Travel Plan shall set out measures to discourage the use of high-emission vehicles and to encourage the use of public transport, cycling and walking, as well as the uptake of low emission fuels and technologies. The Travel Plan shall be implemented in accordance with the approved details and retained during the life of the development.

**Reason:** To ensure residents, visitors to and staff of the development are encouraged to use sustainable forms of transport and to mitigate the highway and air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, Chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

7. Prior to the commencement of each phase of development (excluding Phase 1A) as detailed in the phasing plan approved under condition 3, a scheme detailing the following for that phase shall be submitted to and approved in writing by the Local Planning Authority:

- Surfacing and draining of car parks;
- Method storage/collection of waste;
- Closure of existing access points onto the existing highway network;
- Street lighting, signing, surface finishes and the treatment of sight lines; and
- Stage 1 Road safety Audit.

The scheme for that phase shall be completed in accordance with a programme agreed with the Local Planning Authority and thereafter the approved works shall be retained for the lifetime of the development.

**Reason:** In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure a safe and accessible estate road network is agreed at an appropriate stage of the development process.

8. Groundworks (other than those required for a site investigation report) within each phase of development (excluding Phase 1A, and excluding Phase 1B for which an approval has been issued on 05/09/2024 under application 2024/90464) shall not commence until a Phase II Intrusive Site Investigation Report for that phase 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.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 for a phase of development (excluding Phase 1A, and excluding Phase 1B for which an approval has been issued on 05/09/2024 under application 2024/90464) further groundworks shall not commence within that phase until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority for that phase. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures for the phase.

**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.

10. Remediation of the site within a phase of development shall be carried out and completed in accordance with the Remediation Strategy approved for that phase pursuant to condition 9. In the event that 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 two working days. Works shall not recommence within that phase 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.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy for a phase of development a Validation Report shall be submitted to the Local Planning Authority for that phase. No part of the site within the phase 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 Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation 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.

12. Before any part of the residential element of the development hereby approved is brought into use, a revised 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);
- Include a calculation of the monetary damages from the development; and
- Include a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages shall be reflected in money spent on the low emission mitigation measures.

The approved low emission mitigation measures shall be implemented before the development comes into use and retained thereafter.

**Reason:** For promoting sustainable development and transport and conserving the natural environment in accordance with parts 2, 9 and 15 of the National Planning Policy Framework and Policy LP51 of the Kirklees Local Plan.

13. Before construction work commences on the residential development hereby approved a further noise assessment report in relation to that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- Clearly show which habitable rooms in which apartments will not achieve satisfactory indoor sound levels with windows open and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme which shall show how these rooms will be provided with sufficient ventilation to help control thermal comfort and avoid overheating during hot weather without the need to open windows;
- Demonstrate that the operational noise of any alternative ventilation system will not cause unacceptable indoor sound levels; and
- Ensure that any noise mitigation proposals do not conflict with any air quality mitigation proposals.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned residences and retained thereafter.

**Reason:** In the interests of protecting residential amenity and to assist in achieving sustainable development, and to accord with Policies LP1 and LP52 of the Kirklees Local Plan.

14. Before the electrical system is installed at each phase of development (excluding Phase 1A) as detailed in the phasing plan approved under condition 3, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles at that phase shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

**Reason:** In the interest of supporting and encouraging low emission vehicles, 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 and Chapters 2, 9 and 15 of the National Planning Policy Framework.

15. Before the installation of external artificial lighting commences a lighting scheme of each phase of development (excluding Phase 1A) as detailed in the phasing plan approved under condition 3 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:

- The proposed hours of operation of the lighting;
- The location and specification of all of the luminaires;
- The proposed design level of maintained average horizontal illuminance for each of the specific areas that needs to be illuminated;
- The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity;
- The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site; and
- The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme for that phase of development.

**Reason:** To protect highway safety, to prevent ecological harm, to safeguard the amenities of the occupiers of nearby properties and to promote sustainable development in accordance with parts 2 and 15 of the National Planning Policy Framework and Policies LP21 and LP30 of the Kirklees Local Plan.

16. All works including demolition, ground works and construction works shall be undertaken in strict accordance with the construction environmental management details approved on 09/12/2022 under application ref: 2022/93178.

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the National Planning Policy Framework and Policy LP24 of the Kirklees Local Plan.

17. There shall be no deliveries to or dispatches from the retail premises within the development outside the hours of 07:00 and 23:00 on any day unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

18. Development of each phase of development as detailed in the phasing plan approved under condition 3 (excluding Phase 1A) shall not commence until a scheme detailing finalised foul, surface water and land drainage (including a survey of how the existing site drains, agreeing a discharge rate with the Local Planning Authority (in consultation with the Lead Local Flood Authority), attenuation design and maintenance and management plans) for the phase has been submitted to and approved in writing by the Local Planning Authority. None of the buildings within the phase 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 to which the buildings relate and thereafter retained.

**Reason:** To ensure the effective disposal of surface 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 drainage are agreed at an appropriate stage of the development process.

19. Development of each phase of development as detailed in the phasing plan approved under condition 3 (excluding Phase 1A) shall not commence until an intrusive investigation into the possible location of an enclosed watercourse is carried out up to 10 metres inside the southern boundary. If a watercourse is found this must be protected and safely included in any drainage design details.

**Reason:** To ensure the effective disposal of surface water from the development and 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 existing drainage are submitted at an appropriate stage of the development process.

20. Development of each phase of development as detailed in the phasing plan approved under condition 3 (excluding Phase 1A) shall not commence until a scheme restricting the rate of surface water discharge from that phase of development to the same outfalls at similar points of connection to a maximum of 70% of the existing predevelopment flow rate, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30-year storm event as a minimum requirement. Flows between

the critical 1 in 30 or critical 1 in 100-year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority. For each phase, the scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation work comprising the approved scheme have been completed. The approved maintenance and management scheme for each phase shall be implemented thereafter.

**Reason:** To ensure the effective disposal of surface 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 drainage are agreed at an appropriate stage of the development process.

21. There shall be no discharge of foul or contaminated drainage from the site to any part of the groundwater or surface water network, whether directly or via soakaway.

**Reason:** To ensure the effective disposal of surface 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 drainage are agreed at an appropriate stage of the development process.

22. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor.

**Reason:** To ensure the effective disposal of surface 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.

23. Prior to the commencement of each phase of development as detailed in the phasing plan approved under condition 3 (excluding phase 1A and excluding soft strip-out and demolition works), details of storage and access for collection of wastes from the residential units hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access within the site, shall include details of management measures and measures to discourage dumping of large items and fly tipping. The works and arrangements comprising the approved details shall be implemented before first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, to maintain the significance and appearance of the site's listed buildings, to maintain the character and appearance of the Greenhead Park / New North Road, Huddersfield Town

Centre and Springwood Conservation Areas, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

24. Development shall be carried out in accordance with the details contained in the Bat Survey Report and dated 12/08/2020 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

**Reason:** To prevent significant ecological harm in respect of impacts to roosting bats and to accord with Policy LP30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework.

25. Prior to the commencement of each phase of development as detailed in the phasing plan approved under condition 3 excluding Phase 1A, an Ecological Design Strategy (EDS) addressing enhancement shall be submitted to and approved in writing by the Local Planning Authority for that phase. The EDS shall include the following where relevant:

- Purpose and conservation objectives for the proposed works;
- Review of site potential and constraints;
- Detailed design(s) and/or working method(s) to achieve stated objectives;
- Extent and location/area of proposed works on appropriate scale maps and plans;
- Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance;
- Details for monitoring and remedial measures; and
- Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** In the interests of local ecological value and visual amenity, to achieve a net biodiversity gain, and to accord with Policies LP24, LP30, LP32 and LP33 of the Kirklees Local Plan, and Chapters 12 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

26. Prior to the commencement of each phase of development (excluding Phase 1A) as detailed in the phasing plan approved under condition 3, details of all hard and soft landscaping for that phase shall be submitted to and approved in writing by the Local Planning Authority. These shall include where relevant:

- Details of existing and proposed levels, and regrading;
- Species schedule and planting plans;

- Details of initial aftercare and long-term maintenance;
- 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; and
- Details of the on-site open space (including details of its purpose and management) and of any areas for designated, informal, incidental and/or doorstep play;

No part of the phase of development hereby approved shall be occupied until all hard and soft landscaping for that phase has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring, and remedial arrangements.

**Reason:** In the interests of local ecological value and visual amenity, to maintain the significance of the site's listed buildings, to maintain the character and appearance of the Greenhead Park / New North Road, Huddersfield Town Centre and Springwood Conservation Areas, and to accord with Policies LP24, LP30, LP32, LP33, LP35, LP47 and LP63 of the Kirklees Local Plan, and Chapters 12 and 15 of the National Planning Policy Framework.

27. Prior to the commencement of each phase of development as detailed in the phasing plan approved under condition 3 (including ground works), an Arboricultural Method Statement Plan shall be submitted to and approved in writing by the Local Planning Authority for that phase where relevant. The statement will include a Tree Protection Plan of the trees to be retained that accords with plan ref: R/2377/1C. The development of the phase shall be carried out in accordance with the document so approved.

**Reason:** To protect trees in the interests of visual amenity and biodiversity and to accord with Policy LP33 of the Kirklees Local Plan.

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

28. Prior to development commencing protective fencing in accordance with British Standard BS 5837 shall be erected around all protected trees and trees to be retained on the site.

**Reason:** So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

29. Prior to the occupation of each phase of development as detailed in the phasing plan approved under condition 3 hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions for that phase, shall be submitted to and approved in writing by the Local Planning Authority, should any such boundary treatments be required or proposed. The development of each phase shall be

implemented in accordance with the details so approved and shall be retained thereafter.

**Reason:** In the interests of visual amenity, crime prevention and highways safety, to maintain the significance and appearance of the site's listed buildings, to maintain the character and appearance of the Greenhead Park / New North Road, Huddersfield Town Centre and Springwood Conservation Areas, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, and to accord with Policies LP21, LP24, LP30 and LP35 of the Kirklees Local Plan.

30. Prior to any works above ground floor slab of each phase of development (excluding Phase 1A) as detailed in the phasing plan approved under condition 3 (excluding soft strip-out and demolition works), details of measures to prevent and deter crime and antisocial behaviour shall be submitted to and approved in writing by the Local Planning Authority for that phase. No part of the development phase shall be brought into use until the development phase has been implemented in accordance with the details so approved.

**Reason:** In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure, and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

31. Notwithstanding the submitted drawings, the vehicle parking layout in areas to the east of buildings 1, 2 and 3 shall be laid out and completed in accordance with details shown on Proposed Site Plan 00 001 Rev AB prior to the occupation of these buildings.

**Reason:** In the interests of visual amenity and protection of the setting of heritage assets in accordance with Policy LP35 of the Kirklees Local Plan.

### **Outline Planning Permission conditions**

(not relevant to full element of permission – relates to matters of access and scale only (appearance, layout and landscaping are reserved for subsequent approval) and residential area at north of site)

1. Before any development takes place, details relating to the appearance, layout and landscaping of the development (hereinafter called the “Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the Reserved Matters so approved.

**Reason:** No details of the matters referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.

This pre-commencement condition is necessary to ensure that Reserved Matters are approved at an appropriate stage of the development process.

2. Application(s) for approval of Reserved Matters shall be made to the Local Planning Authority before 03/08/2025.

**Reason:** Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun either before the expiration of two years from the final approval of Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be carried out in accordance with the parameter plans and specifications schedule listed in this decision notice to a maximum of 197 dwellings 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 in the interests of highway safety and design to accord with Policies LP4, LP5, LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. No development shall take place until a scheme detailing the following has been submitted to and approved in writing by the Local Planning Authority:

- Surfacing and draining of car parks;
- Method storage/collection of waste; and
- Method of closure of existing access points onto the existing highway network, and making good all existing redundant accesses, street lighting, signing, surface finishes and the treatment of sight lines.

The scheme shall be completed in accordance with a programme agreed with the Local Planning Authority and thereafter the approved works shall be retained for the lifetime of the development.

**Reason:** In the interests of highway safety, and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan, as well as Chapter 9 of the National Planning Policy Framework.

This pre-commencement condition is necessary to create a safe and accessible estate road network at an appropriate stage of the development process.

6. All works shall be carried out in accordance with the details contained in the Bat Survey Report and dated 12/08/2020 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

**Reason:** To prevent significant ecological harm in respect of impacts to roosting bats and to accord with Policy LP30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework.

7. Prior to the commencement of each phase of development (excluding Phase 1A and soft strip-out and demolition works) as detailed in the phasing plan approved under condition 3 (of the full element of this hybrid permission), an Ecological Design Strategy (EDS) addressing enhancement shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- Purpose and conservation objectives for the proposed works;
- Review of site potential and constraints;
- Detailed design(s) and/or working method(s) to achieve stated objectives;
- Extent and location/area of proposed works on appropriate scale maps and plans;
- Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance;
- Details for monitoring and remedial measures; and
- Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** In the interests of local ecological value and visual amenity, to achieve a net biodiversity gain, and to accord with Policies LP24, LP30, LP32 and LP33 of the Kirklees Local Plan, and Chapters 12 and 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

8. Prior to the commencement of each phase of development (excluding Phase 1A) (excluding soft strip-out and demolition works) as detailed in the phasing plan approved under condition 3 (of the full element of this hybrid permission), 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;
- Species schedule and planting plans;
- Details of initial aftercare and long-term maintenance;
- 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; and
- Details of the on-site open space (including details of its purpose and management) and of any areas for designated, informal, incidental and/or doorstep play.

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. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long term maintenance, monitoring, and remedial arrangements.

**Reason:** In the interests of local ecological value and visual amenity, to maintain the significance of the site's listed buildings, to maintain the character and appearance of the Greenhead Park / New North Road Conservation Area, and to accord with Policies LP24, LP30, LP32, LP33, LP35, LP47 and LP63 of the Kirklees Local Plan, and Chapters 12 and 15 of the National Planning Policy Framework.

9. Prior to the commencement of each phase of development (excluding Phase 1A but including ground works) as detailed in the phasing plan approved under condition 3 (of the full element of this hybrid permission), an Arboricultural Method Statement Plan shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include a Tree Protection plan of the trees to be retained that accords with plan R/2377/1C. The development shall be carried out in accordance with the document so approved.

**Reason:** To protect trees in the interests of visual amenity and biodiversity and to accord with Policy LP33 of the Kirklees Local Plan.

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

10. Prior to the occupation of any part of the development hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, shall be submitted to and approved in writing by the Local Planning Authority, should any such boundary treatments be required or proposed. The development shall be implemented in accordance with the details so approved and shall be retained thereafter.

**Reason:** In the interests of visual amenity, crime prevention and highways safety, to maintain the significance and appearance of the site's listed buildings, to maintain the character and appearance of the Greenhead Park / New North Road Conservation Area, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, and to accord with Policies LP21, LP24, LP30 and LP35 of the Kirklees Local Plan.

11. Prior to the commencement of each phase of development (excluding Phase 1A) as detailed in the phasing plan approved under condition 3 (of the full element of this hybrid permission), development details of measures to prevent and deter crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the development has been implemented in accordance with the details so approved.

**Reason:** In the interests of minimising the risk of crime and anti-social behaviour and creating a safer, more secure, and sustainable neighbourhood, and to accord with Policies LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

12. Development shall not commence until a scheme detailing finalised foul, surface water and land drainage (including a survey of how the existing site drains, agreeing a discharge rate with the Lead Local Flood Authority and the

Local Planning Authority, attenuation design and maintenance and management plans) has been submitted to and approved in writing by the Local Planning Authority. None of the buildings 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 to which the buildings relate and thereafter retained.

**Reason:** To ensure the effective disposal of surface 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 drainage are agreed at an appropriate stage of the development process.

13. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to the same outfalls at similar points of connection to a maximum of 70% of the existing pre-development flow rate, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

**Reason:** To ensure the effective disposal of surface 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 drainage are agreed at an appropriate stage of the development process.

14. There shall be no discharge of foul or contaminated drainage from the site to any part of the groundwater or surface water network, whether directly or via soakaway.

**Reason:** To ensure the effective disposal of surface 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 drainage are agreed at an appropriate stage of the development process.

15. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor.

**Reason:** To ensure the effective disposal of surface 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 drainage are agreed at an appropriate stage of the development process.

16. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report 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.

17. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to outline condition 16 further groundworks shall not commence until a Remediation Strategy 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.

18. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to outline condition 17. In the event that 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 two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

19. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report 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 Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation 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.

20. Before the development is brought into use a revised 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);
- Include a calculation of the monetary damages from the development; and
- Include a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages shall be reflected in money spent on the low emission mitigation measures

The approved low emission mitigation measures shall be implemented before the development comes into use and shall be retained thereafter.

**Reason:** For promoting sustainable development and transport and conserving the natural environment in accordance with Chapters 2, 9 and 15 of the National Planning Policy Framework and Policy LP51 of the Kirklees Local Plan.

21. Before construction work commences at any residential part of the development a further noise assessment report in relation to that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- Clearly show which habitable rooms in which apartments will not achieve satisfactory indoor sound levels with windows open and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme which shall show how these rooms will be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows;
- Demonstrate that the operational noise of any alternative ventilation system and will not cause unacceptable indoor sound levels; and
- Ensure that any noise mitigation proposals do not conflict with any air quality mitigation proposals.

All works which form part of the approved scheme shall be completed prior to occupation of the aforementioned residences and retained thereafter.

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP24 of the Kirklees Local Plan.

22. Before the electrical system is installed at each phase of the development as detailed in the phasing plan approved under condition 3 (of the full element of this hybrid permission), a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles at that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings
- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-residential parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

**Reason:** In the interest of supporting and encouraging low emission vehicles, 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 and Chapters 2, 9 and 15 of the National Planning Policy Framework.

23. Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:

- The proposed hours of operation of the lighting;
- The location and specification of all of the luminaires;
- The proposed design level of maintained average horizontal illuminance for each of the specific areas that needs to be illuminated;
- The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity;
- The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site; and
- The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

**Reason:** To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Chapters 2 and 15 of the National Planning Policy Framework and Policy LP24 of the Kirklees Local Plan.

24. Prior to the commencement of each phase of development (excluding Phase 1A) as detailed in the phasing plan approved under condition 3 (of the full element of this hybrid permission) or 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 and vibration arising from all construction related activities. This shall also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities.

- Artificial lighting used in connection with all construction related activities and security of the construction site.

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 Chapter 15 of the National Planning Policy Framework and Policy LP24 the Kirklees Local Plan.

25. Prior to the commencement of development (excluding soft strip-out and demolition works), details of storage and access for collection of wastes from the residential units hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access within the site, shall include details of management measures and measures to discourage dumping of large items and fly tipping. The works and arrangements comprising the approved details shall be implemented before first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, to maintain the significance and appearance of the site's listed buildings, to maintain the character and appearance of the Greenhead Park / New North Road Conservation Area, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

#### **Footnote – Retail Food Store Roof**

Two of the section drawings submitted under this application and listed below (namely, Proposed Site Sections (drawing 00-007 rev F) and Site Sections (drawing 7355-SMR-00-XX-DR-A-2005-S3 rev C2)) indicatively show the outline of a mono-pitched roof for the retail food store. For the avoidance of doubt, no such roof form is hereby approved, and the roof form shown in other drawings (namely the Proposed Roof Plan (drawing 7355-SMR-00-XX-DR-A-2102-S4 rev C1) and the Proposed Elevations (drawing 7355-SMR-00-ZZ-DR-A-2103-S4 rev C1)) shall be implemented.

#### **Footnote – Air Quality**

For anything to be considered as acceptable as part of the approved low emission mitigation measures it must be something that is to be provided in addition to what is normally provided at a development and also is not otherwise required. For example, the costs of providing footpaths and standard electric vehicle charging points would not be accepted as part of the costed mitigation measures.

In the absence of acceptable proposals for low emission mitigation measures of sufficient value, a Section 106 agreement may be required for the amount up to the estimated damage cost made available to the local authority to spend on air quality improvement projects within the locality.

#### **Footnote – Land Contamination**

All contamination reports shall be prepared in accordance with guidance in:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

### **Footnote – Noise: Competent Person**

All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

### **Footnote – Electric Vehicle Charging Points**

Please note:

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

### **Footnote – Artificial Lighting**

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it

should be installed and maintained in accordance with the “Guidance Notes for the Reduction of Obtrusive Light” by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone E3.

### **Footnote – Construction Environmental Management Plan**

Noisy construction related activities should not take place outside the hours of:

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

With no noisy activities on Sundays or Public Holidays

Institute of Air Quality Management document “Guidance on the assessment of dust from demolition and construction” Version 1.1 2014 provides detailed information regarding dust control.

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 the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke, and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:

<b>Plan type/title</b>	<b>Reference</b>	<b>Version</b>	<b>Date of issue/receipt</b>
<b>Masterplan and Site Wide</b>			
Landscape Accessibility	00 004	Rev G	27/08/2024
Proposed Site Sections	00 007	Rev F	27/08/2024
Phase 3 (Outline Application site) parameter plan	00-011	Rev A	17/10/2023
Phase 3 (Outline Application site) parameter plan (Building 5 Heights)	00-012	Rev B	17/10/2023
Site location Plan-planning sub (Hybrid split)	00-032	Rev B	17/10/2023
Buildings to be demolished - Plan 2	00-034	Rev B	24/07/2020
Proposed Site Plan	16047-SK-210720-01	Rev C	27/08/2024
Proposed Site Plan	00 001	Rev AC	27/08/2024
Phasing Plans	SK_16047_220217_01	Rev C	27/08/2024
<b>Buildings 1, 2 and 3</b>			

<b>Plan type/title</b>	<b>Reference</b>	<b>Version</b>	<b>Date of issue/receipt</b>
Bldg 1 Basement GA plans - proposed	20-100	Rev B	24/07/2020
Bldg 1 Basement GA plans - proposed	20-101	Rev B	24/07/2020
Bldg 1 1st GA plans - proposed	20-102	Rev B	24/07/2020
Bldg 1 2nd GA plans - proposed	20-103	Rev B	24/07/2020
Bldg 1 roof plans - proposed	20-103	Rev B	24/07/2020
Bldg 1 East elevation - proposed	20-120	Rev A	24/07/2020
Bldg 1 North and South elevations - proposed	20-121	Rev A	24/07/2020
Bldg 1 West elevations - proposed	20-122	Rev A	24/07/2020
Bldg 2 Basement GA plans - proposed	20-200	Rev C	24/07/2020
Bldg 2 Ground Floor GA plans - proposed	20-201	Rev C	24/07/2020
Bldg 2 1st Floor GA plans - proposed	20-202	Rev C	24/07/2020
Bldg 2 2nd Floor GA plans - proposed	20-203	-	06/07/2018
Bldg 2 - South Elevation Proposals	20-220	Rev C	24/07/2020
Bldg 2 - North Elevation Proposals	20-221	-	06/07/2018
Bldg 2 and 3 West elevation proposals	20-222	-	06/07/2018
Phase 01 and 02 boundary sections	20-230	-	06/07/2018
Bldg 3 Ground Floor GA plans - proposed	20-300	Rev C	24/07/2020
Bldg 3 1st Floor GA plans - proposed	20-301	Rev C	24/07/2020
Bldg 3 South elevation proposed	20-320	Rev C	24/07/2020
Bldg 3 North elevation proposed	20-321	Rev B	24/07/2020
Landscape Plan Sheet 2	00 006	Rev E	17/10/2023
<b>Buildings 4 and 5</b>			
Bldg 4 1st GA plans and elevations - proposed	20-509	Rev A	24/07/2020
Bldg 5 Level 00 GA plan	20-510	-	16/07/2018
Bldg 5 Levels 01-03 GA plan	20-511	-	16/07/2018

<b>Plan type/title</b>	<b>Reference</b>	<b>Version</b>	<b>Date of issue/receipt</b>
Bldg 5 Level 04 GA plan	20-512	-	16/07/2018
Bldg 5 Elevations sheet 01	20-520	-	16/07/2018
Bldg 5 Elevations sheet 02	20-521	-	16/07/2018
<b>Building 6 - Retail Food Store</b>			
Site Location Plan	00 032	Rev B	17/10/2023
Proposed Site Plan	7355-SMR-00-ZZ-DR-A-2003-S4	Rev C2	27/08/2024
Swept Path Analysis of Max Legal HGV	24/287/ATR/001	Rev B	26/11/2024
Proposed External Works	7355-SMR-00-ZZ-DR-A-2004-S4	Rev C2	27/08/2024
Site Sections	7355-SMR-00-XX-DR-A-2005-S3	Rev C2	27/08/2024
Proposed Floor Plan	7355-SMR-00-GF-DR-A-2101-S4	Rev C1	27/08/2024
Proposed Roof Plan	7355-SMR-00-XX-DR-A-2102-S4	Rev C1	27/08/2024
Proposed Elevations	7355-SMR-00-ZZ-DR-A-2103-S4	Rev C1	27/08/2024
Landscape Details	R/2377/1	Rev E	27/08/2024

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

**Report Dated:** 02/04/2025