

**KIRKLEES COUNCIL
INVESTMENT & REGENERATION SERVICE
REGENERATION, ENVIRONMENT & FUNDING TEAM**

**WATERFRONT QUARTER HUDDERSFIELD
OUTLINE PLANNING PERMISSION 2008/60/91394/W1**

PLANNING CONDITIONS CHECKLIST

Definitions

- 'LPA' means Local Planning Authority.
- 'Open space area' includes the creation of the new towpath, footpath and public square.
- 'Public realm areas' means the areas to be landscaped around each building within the building plots.
- 'Reserved matters' means the appearance of buildings and landscaping of the site.

Phases (in the phasing diagram ref. 3159/PL/Z2012E)

- 1 Kirklees College site
- 2a Office plot L
- 2b Office plots F, M
- 2c Open space area
- 3 Office plot E
- 4a Residential plot A
- 4b Residential plot B
- 4c Residential plot C

Applications

There are two types of application to discharge planning conditions, each with their own application form available via the Planning Portal:

- Application for approval of reserved matters following outline approval – this applies to condition nos. 1 to 3.
- Application for approval of details reserved by condition.

Where there is a planning condition, the requirement to submit information is *not* duplicated in any obligation in the Section 106 Agreement.

Schedule

No.	Description of the condition ¹	Application required?	Responsibility	Status	Comment
1	Details of reserved matters shall be submitted to and approved by the LPA before development starts on that particular phase	Yes	Developers		The outline planning permission has approved the layout, access, and scale of development. The reserved matters are the external appearance of buildings and landscaping
2	Plans for reserved matters shall be submitted to and approved by the LPA and carried out in full accordance with the approved plans	Yes	Developers		
3	Application for approval of any reserved matter is to be made to the LPA within 6 years of the date of the outline permission, i.e. by 21 December 2015	Yes	Developers		
4	Development shall start either within 2 years from final approval of reserved matters, or in the case of approval on different dates, the final approval of the last matter approved	No	Developers		
5	Development shall be in accordance with Arup's approved flood risk assessment and shall incorporate all the proposed flood mitigation measures into the development	No	Developers		
6	Finished floor levels for buildings shall be set no lower than those	No	Developers		

No.	Description of the condition ¹	Application required?	Responsibility	Status	Comment
	shown in Arup's approved drawing				
7	Uses in undercroft areas shall be restricted to car and cycle parking	No	Developers		
8	The design of undercroft areas to prevent surface water accumulation shall be submitted to and approved by the LPA	Yes	Developers		
9	Details of the means of foul and surface water drainage shall be submitted to and approved by the LPA before development starts on that particular phase	Yes	Council (partially); Developers	SSL for the Council and Kirklees College submitted details under application ref. 2012/44/91873/W. The LPA on 11 October 2012 confirmed that the strategy proposed was acceptable subject to further specific details of drainage being submitted when precise details of development in phases 3 and 4 are approved and before that development commences	<p>The Council has installed one rising main from the boundary of the residential land (plots A, B, and C) and another one from commercial development plot E, to a point close to the vehicle/pedestrian bridge over the canal. Connections to public sewers in Chapel Hill or Grey Horse Yard will be subject to final development proposals and consent from Yorkshire Water</p> <p>Developers will need to submit proposals for surface water drainage into the public sewers and the River Colne from commercial plots F, L and M (see also no. 10 below)</p>

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10	No piped discharge of surface water shall take place prior to completion of approved drainage works	No	Council (partially); Developers		Four surface water outfalls into the canal have been installed, two on the residential plots (A, B and C), one on commercial development plot E, and one on the College land
11	Surface water from parking and hardstanding areas is to pass through an interceptor prior to the public sewer. Roof drainage shall not pass through any interceptor	Yes	Council (partially); Developers	SSL submitted details of interceptors on the College land under application ref. 2012/44/91873/W. The LPA on 11 October 2012 confirmed that this is a prescriptive condition, and it had no objections to the details submitted	Any further interceptors at the Waterfront Quarter would need to be designed to comply with the requirements of the condition
12	No buildings, gates, walls, fences, or raised ground levels shall be constructed within the strip of land to the top of the bank north of the river	No	Council; Developers		The requirement is to maintain access to the watercourse for maintenance or improvements and provide for overland flood flows Under permitted development rights, the Council has installed temporary hoardings to the demolition areas with gates to provide access to the river
13	Details of the canal realignment and re-instatement in respect of	Yes	Council	MCA for the Council submitted details, and	

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	the flood risk assessment shall be submitted to and approved by the LPA before phase 2c starts			the LPA approved the discharge of the condition on 9 November 2011	
14	A landscape management plan for the public realm areas shall be submitted to and approved by the LPA. The areas shall be managed and maintained as approved	Yes	Developers		
15	Ecological enhancement and mitigation measures shall be in accordance with Arup's approved report	No	Council; Developers		The Council procured additional reports by Brooks Ecological Ltd: <ul style="list-style-type: none"> • Ecological Assessment • Bat and Freshwater Crayfish Survey • Riparian Mammal Survey of the River Colne
16	A hibernacula survey of the canal culvert shall be submitted to and approved by the LPA before development associated with realignment or reinstatement of the canal starts	Yes	Council	MCA for the Council submitted the results of surveys, and the LPA approved the discharge of the condition on 31 August 2011	Two studies were carried out by Brooks Ecological Ltd: <ul style="list-style-type: none"> • Bat Hibernation Survey (Summer) • Bat Hibernation Survey (Winter) <p>The surveys found no evidence of summer roosting of bats, and no bat activity during the winter. The bat boxes</p>

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					were removed from the culvert before works to the canal started
17	Details of internal sound levels in residential units shall be submitted to and approved by the LPA before development of phase 4 starts	Yes	Sellers International Ltd/RCD or their successors		
18	There shall be limits on noise ratings levels from fixed plant and machinery as previously approved	No	Developers; End users		
19	Details of a ventilation scheme for residential units are to be submitted to and approved by the LPA before development starts on phases 4a, 4b, 4c	Yes	Sellers International Ltd/RCD or their successors		
20	Music and vocals from commercial premises shall be controlled so as to be inaudible to residential units in phases 4a, 4b, 4c	No	End users		
21	Details of the extract ventilation system from retail uses shall be submitted to and approved by the LPA	Yes	Developers; End users		
22	Beore development starts on each phase of development, a Phase II intrusive SI report shall be submitted to and approved by the LPA	Yes	Council (partially) Developers	MCA for the Council submitted an SI report by White Young Green Environment under application ref. 2012/44/93690/W. The LPA discharged the	

No.	Description of the condition ¹	Application required?	Responsibility	Status	Comment
				condition on 8 February 2013 as far as it related to phases 2 and 3 of development	
23	Where site remediation is recommended in the Phase II intrusive SI report, no development shall start on that phase until a remediation strategy has been submitted to and approved by the LPA	Yes	Council (partially); Developers	MCA for the Council submitted a remediation strategy to the LPA under application ref. 2012/44/93690/W. The LPA confirmed on 8 February 2013 that the condition was satisfied in respect of phases 2 and 3 of development	
24	Remediation of each phase of development is to be completed according to the approved remediation strategy. If it is unable to proceed or additional contamination is found, works shall cease and only restart when revisions to the strategy have been submitted to and approved by the LPA	No/Yes	Council (partially); Developers		
25	Following completion of remediation for each phase of development, a validation report shall be submitted to and approved by the LPA, and measures shall be completed before the phase is brought into use	Yes	Council (partially); Developers		
26	If additional contamination not	No/Yes	Council (partially);		

No.	Description of the condition ¹	Application required?	Responsibility	Status	Comment
	previously identified is encountered during development, all work on that phase of development shall cease and not re-start until either a remediation strategy has been submitted to and approved by the LPA, or the LPA confirms that remediation measures are not required		Developers		
27	Samples of all facing and roofing materials shall be submitted to and approved by the LPA before work starts on that particular phase	Yes	Developers		
28	A maximum of 390 sq m in Building M is to be used for retail purposes, or subject to agreement in writing by the LPA if proposed in other building(s)	No/Yes	Developers; End users		
29	Uses within retail class A1 shall exclude clothing, jewelry, toiletries, music, video etc, unless otherwise agreed in writing by the LPA	No/Yes	Developers; End users		
30	No development shall start on phase 2b until the LPA has approved a full scheme of works to provide a pedestrian bridge over the canal, and phase 2b shall not be occupied until the approved works have been completed	Yes	Council; Developers	MCA for the Council submitted plans and other information, and the LPA confirmed on 10 October 2013 that the condition will be satisfied by shared pedestrian use of the	The Council has arranged for the additional railings to be installed during November 2013

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				vehicular bridge already constructed over the canal, subject to the installation of additional safety railings to the canal lock. The railings were installed in December 2013	
31	Before any development commences, the hours of public uses of the pedestrian link through the College shall be submitted to and approved by the LPA	Yes	Kirklees College		
32	No development of phase 4 shall commence until arrangements for affordable housing have been submitted to and approved by the LPA	Yes	Sellers International Ltd/RCD or their successors		
33	Details for 10% of energy from decentralised and renewable or low carbon sources are to be submitted to and approved by the LPA before development commences on that particular phase	Yes	Developers		
34	Construction details of retaining/burr walls affecting public/private highways shall be submitted to and approved by the LPA before work starts on that particular phase of development. Approved works	Yes	Council (partially); Developers	MCA for the Council submitted details of the canal landing stage, and the LPA approved the discharge of that part of the condition on 9 November 2011	

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	shall be completed before that phase is brought into use				
35	Development shall not start until a specification and programme of highway works has been submitted to and approved by the LPA. Before each phase is brought into use the approved works for that phase shall be completed	Yes	Council	SSL submitted an outline specification and programme for all the highway works (for the College and the Council), and the LPA approved the proposals on 15 April 2010	Highway works required for the College development were finished by the time the College opened on 2 September 2013, and works needed for the development of the Council's land were completed in December 2013
36	Details of the provision of real time bus information at the College shall be submitted to and approved by the LPA. The approved scheme shall be provided before the College is brought into use	Yes	Kirklees College		
37	Details of cycle storage and showering/changing for each phase of development shall be submitted to and approved by the LPA, and the approved provision shall be made before that phase is brought into use	Yes	Developers; End users		
38	Details of the specification of hard surfacing and draining of all areas for pedestrians and vehicles for each phase of development shall be submitted to and approved by the LPA	Yes	Developers		The Council submitted details for phase 2c as part of the S106 obligations. The final modification of Isthmus Road is shown in the

No.	Description of the condition ⁱ	Application required?	Responsibility	Status	Comment
	before development starts on that phase. The approved details are to be provided before that phase is brought into use				phasing diagram within phase 2a, so the developer of plot L will need to submit details under the planning condition
39	Details of the specification and management of parking spaces for each phase are to be submitted to and approved by the LPA before development starts on that phase. The approved parking shall be provided before that phase is brought into use	Yes	Developers; End users		

Disclaimer

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ⁱ See Decision Notice for full wording of the condition