



**Town and Country Planning Act 1990**

**Town and Country Planning (General Development Procedure) Order 1995**

**OUTLINE PLANNING PERMISSION**

**NOTE: This approval should be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990**

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**Application Number: 2008/60/91394/W1**

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**To:** IAIN BATH OF SAVILLS  
GROUND FLOOR  
CITY POINT  
29 KING STREET  
LEEDS  
LS1 2HL

**For:** STRATEGIC SITES LTD & HUDDERSFIELD TECHN

**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-**

OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND MIXED USE DEVELOPMENT FOR B1 (OFFICE), C3 (RESIDENTIAL), D1 (EDUCATIONAL TECHNICAL COLLEGE), D1 (CRECHE) + A1 - A5 USES TOGETHER WITH ASSOCIATED ACCESS

**At:** WATERFRONT QUARTER, LAND ADJACENT TO, CHAPEL HILL / MANCHESTER ROAD, HUDDERSFIELD, HD1 3EH

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**In accordance with the plan(s) and applications submitted to the Council on 02-May-2008, subject to the condition(s) specified hereunder:-**

1. Approval of the details of the appearance and the landscaping of the site (hereinafter called 'the reserved matters') for each phase of the development, as specified on the phasing diagram ref 3159/PL/Z2012E shall be obtained from the Local Planning Authority in writing before the commencement of development on that phase.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of six years from the date of this permission.
4. 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.
5. The development shall only be carried out in accordance with the approved Flood Risk Assessment produced by ARUP, dated April 2008, reference number: 119046 and drawing numbers 3159-PL-Z2005B and 3159-PL-Z2004B, and shall incorporate all the proposed flood mitigation measures into the development unless otherwise agreed in writing by the Local Planning Authority.
6. Finished floor levels for buildings M and L shall be set not lower than those as shown in drawing number: 3159-PL-Z2005B, 74.00m AOD and as follows: finished floor levels for buildings A, B and C shall be set no lower than 73.350m AOD. Finished floor levels for all other buildings within the development site shall be set no lower than 74.00m AOD.
7. The lower level (basement/undercroft) areas of buildings A, B, C, and L shall be used solely for the provision of car and cycle parking. There shall be no habitable accommodation on this level.
8. The entrances to basement/undercroft car parks to buildings A, B, C, and L shall be designed so that no surface water shall accumulate within the basement/entrances. Details of the proposed schemes to ensure that the car parks are not liable to surface water accumulation shall be submitted to and approved in writing by the Local Planning Authority before development commences on the relevant phase of development for the building(s) in question as indicated on the phasing diagram 3159/PL/Z2012E. Thereafter the development shall be carried out in accordance with the details so approved before the relevant building is first brought into use and retained.
9. No development for each phase of the development, as specified on the phasing diagram ref 3159/PL/Z2012E shall be commenced until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works to limit surface water run-off and off-site works, have been submitted to and approved by the Local Planning Authority.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from each phase of the development as specified on the phasing diagram ref 3159/PL/Z2012E prior to the completion of the approved surface water drainage works to serve that phase of the development and no buildings within the relevant phase of development shall be occupied or brought into use prior to completion of the approved foul drainage works.
11. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no buildings, gates walls fences or raised ground levels shall be constructed within the strip of land to the north of the River Colne running alongside the southern boundary of the site and shown by the solid and dotted red lines on drawing PLZ2014 unless otherwise agreed in writing by the Local Planning Authority.
13. Details of the canal realignment and reinstatement as described in Section 3.2 of the flood risk assessment shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place on Phase 2c of the development as specified on the phasing diagram ref 3159/PL/Z2012E. Thereafter the development shall be carried out in accordance with the approved details.
14. Before development commences on each phase of the development, as specified on the phasing diagram ref 3159/PL/Z2012E, a landscape management plan to include long term management responsibilities and maintenance schedules for the 'public realm' landscape areas coloured light green on the phasing plan ref 3159/PL/Z2012E for that phase shall be submitted to and approved in writing by the Local Planning Authority. The future management and maintenance of the 'public realm' landscaped areas for the phase shall be thereafter carried out as approved.
15. The development hereby permitted shall be carried out in full accordance with the Enhancement and Mitigation Measures set out in the Ecological Supporting Report ref 119046-00/0-15-08 by Arup and Partners received 25<sup>th</sup> September 2008.
16. Notwithstanding the requirements of condition 15 above, no development associated with the realignment and reinstatement of the canal within Phase 2c of the development as specified on the phasing diagram ref 3159/PL/Z2012E shall commence until: a detailed hibernacula survey of the existing canal culvert for the presence of bats, including bat boxes, cracks, gaps and crevices has been undertaken and; the results of this survey together with proposed mitigation and enhancement measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter the proposed realignment and reinstatement of the canal shall be carried out in accordance with the approved report.

17. Before development commences on Phases 4a, 4b, or 4c as specified on the phasing diagram ref 3159/PL/Z2012E the developer shall agree in writing with the Local Planning Authority the residential noise sensitive units for which written evidence will be required to demonstrate that the internal sound levels specified in 17.2 will be achieved before first occupation.

Before the first occupation of the residential units in Phases 4a, 4b or 4c evidence shall be submitted to the Local Planning Authority to demonstrate that the following internal sound levels have been achieved:

- (i) Any single  $L_{Aeq(16hr)}$  shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development;
- (ii) Any single  $L_{Aeq(8hr)}$  shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development;
- (iii) The  $L_{AF1(15min)}$  indoor shall not exceed 45 dB between 2300 and 0700hrs when readings are taken inside any bedroom in the development.

All readings are to be taken with external windows open unless a ventilation scheme, agreed with the Local Planning Authority, serves the room under investigation.

If it cannot be demonstrated that the aforementioned sound levels have been achieved in the identified units, a further scheme incorporating further measures to achieve those sound levels shall be submitted for the written approval of the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the residential occupation of the identified units commences.

18. The rating level, as defined in BS 4142 : 1997 "Method for Rating industrial noise affecting mixed residential and industrial areas" of any fixed plant or machinery on the proposed site, shall not exceed 44dB(A) between 7.00am to 11.00pm and 34 dB(A) between 11.00pm to 7.00am when measured at the external wall of any residential property or at an alternative location, as previously approved in writing by the Local Planning Authority.
19. The developer shall agree in writing with the Local Planning Authority the residential units in Phases 4a, 4b and 4c, as specified on the phasing diagram ref 3159/PL/Z2012E, which will require to be ventilated without the need to open windows and a ventilation scheme to show how habitable rooms in these residential units are to be ventilated without the need to open windows shall be submitted to and approved in writing by the Local Planning Authority before development commences on Phases 4a, 4b or 4c. Thereafter all works which form part of the approved scheme shall be completed prior to occupation of the identified residential units in phases 4a, 4b and 4c.

20. Unless otherwise agreed in writing with the Local Planning Authority, all music and/or vocals emanating from any commercial premises on this site shall be controlled so as to be inaudible in any residential accommodation within Phases 4a, 4b or 4c as specified on the phasing diagram ref 3159/PL/Z2012E or within nos. 18-44 (even) Manchester Road to the north of the site. Inaudibility being defined as
- zero increase in the  $L_{Aeq,1min}$  (music playing) over the background  $L_{A90}$  (music off) and
- zero increase in the  $L_{10,T}$  vs  $L_{90,T}$  exceedance in each 1/3rd octave band between 40Hz and 160Hz.
21. The use of any facilities that fall with Use Classes A3, A4 and A5 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) shall not begin until details of the installation and/or erection of any extract ventilation system to serve that use, including details of the methods of treatments of emissions and filters to remove odours and control noise emissions have been submitted and approved in writing by the Local Planning Authority and the works specified in the approved scheme have been installed. Such works shall thereafter be retained, operated at all times when the A3, A4 or A5 operation is in use and maintained in accordance with the manufacturers instructions unless otherwise agreed in writing by the Local Planning Authority.
22. Before development commences on each phase of the development, as specified on the phasing diagram ref 3159/PL/Z2012E a Phase II Intrusive Site Investigation Report for that phase shall be submitted to and approved in writing by the Local Planning Authority.
23. Unless otherwise agreed in writing by the Local Planning Authority where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 22 no development shall commence on that phase of the development as specified on the phasing diagram ref 3159/PL/Z2012E 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.
24. Remediation of the each phase of the development, as specified on the phasing diagram ref 3159/PL/Z2012E, shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 23 for that phase. 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 works on that phase (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, 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 relevant phase shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

25. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy for each phase of development, as specified on the phasing diagram ref 3159/PL/Z2012E; a Validation Report for that phase shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the relevant phase shall be brought into use until such time as the remediation measures for that phase have been completed 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.
26. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during development, all works on that phase of development, as specified on the phasing diagram ref 3159/PL/Z2012E, (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works on the relevant phase shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the relevant phase of development shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the development within that phase of the scheme shall be brought into use until such time as the site area of that phase, as specified on the phasing diagram ref 3159/PL/Z2012E, has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

27. Notwithstanding the requirements of condition 2 no development shall take place on an individual phase of the development as specified on the phasing diagram ref 3159/PL/Z2012E until samples of all facing and roofing materials for that particular phase have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be constructed of the approved materials.
28. The permission hereby approved authorises the provision of a maximum of 390 square metres of gross floorspace within the whole development site, to be provided within Building M, (or if otherwise agreed in writing by the Local Planning Authority within another building(s)) to be used for uses falling within Classes A1-A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification).

29. Any use falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) within the approved floorspace in Building M, (or if otherwise agreed in writing by the Local Planning Authority within another building(s)) referred to in condition 28 shall not be used for the sale of clothing, including sportswear and children's clothing, shoes, toys, fashion accessories, including handbags and luggage, watches and jewellery, perfume and toiletries, music records and CDs, DVDs, video and audio tapes, computer software and games, without the prior written consent of the Local Planning Authority.
30. No development shall commence on phase 2b of the development as specified on the phasing diagram ref 3159/PL/Z2012E until the Local Planning Authority has approved in writing a full scheme of works to provide a pedestrian bridge crossing over the Huddersfield Narrow Canal from a point to be agreed north of Building M to a point to be agreed south of Huddersfield Technical College complex. Unless otherwise agreed in writing by the Local Planning Authority the occupation of Phase 2a of the development as specified on the phasing diagram ref 3159/PL/Z2012E shall not begin until those works have been completed in accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority.
31. Before development commences on any phase of the development as specified on the phasing diagram ref 3159/PL/Z2012E details of the proposed hours between which the pedestrian link from Manchester Road through the Huddersfield Technical College to the land south of the college (as indicated on the pedestrian circulation plan 3159 PL Z2011B) will be open for unrestricted public use shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the pedestrian link shall be made available for unrestricted public use during the approved hours from the commencement of the use of the college in perpetuity, save for reasonable restrictions to permit maintenance to be carried out and for reasons of health and safety, unless amended opening hours have been first submitted to and approved in writing by the Local Planning Authority.
32. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 (*except the demolition of existing buildings, site clearance ground works and remediation work*) shall be carried out to commence phase 4 of the development as specified on the phasing diagram ref 3159/PL/Z2012E pursuant to this planning permission until arrangements for the provision of affordable housing within the development in accordance with the requirements of Policy H10 of the Council's Unitary Development Plan and the Council's Supplementary Planning Document 2 Affordable Housing in New Housing have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:-
  - a) the number and type of affordable housing units to be provided.
  - b) the layout and disposition of the units affordable housing to be provided.
  - c) the timescale for the implementation and completion of the affordable housing units;
  - d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

33. Approval of the details to demonstrate that 10% of the energy requirements for buildings within each phase of the development, as specified on the phasing diagram ref 3159/PL/Z2012E, will be obtained from decentralised and renewable or low-carbon sources shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development on that phase unless otherwise agreed in writing by the Local Planning Authority that this is not feasible or viable.
34. Unless otherwise agreed in writing with the Local Planning Authority, no development shall take place on any phase of the development as specified on the phasing diagram ref 3159/PL/Z2012E until a scheme detailing the construction specification, full structural calculations and methodology of any retaining/burr walls that may be required as a result of that phase that have a direct and/or indirect effect on public/private maintained highways or alterations to existing such structures has been submitted to and approved in writing by the Local Planning Authority. Before each phase of the development is brought into use, as specified on the phasing diagram ref 3159/PL/Z2012E, the agreed works for that phase shall be completed in accordance with the approved details and phasing and maintained thereafter, unless otherwise agreed in writing with the Local Planning Authority.
35. Unless otherwise agreed in writing with the Local Planning Authority, the development authorised by this permission shall not begin until a programme of works (including the appropriate Safety Audits) detailing arrangements, specification, timing and phasing of the proposed site access works; highway works; public transport facilities and any associated works within the green boundary line on drawing reference no 3908-20 prepared by Sandersons Associates relating specifically to:
- Manchester Road / Residential Site Access (blocks A, B and C)
  - Manchester Road / 'Huddersfield Technical College' Site Access
  - Chapel Hill / Queensgate junction
  - Chapel Hill / Isthmus Road (north of building L)
  - Chapel Hill / Building F Site Access and;
  - Works along Chapel Hill incorporating the Colne Road and Milford Street Junctions and;
  - Pedestrian crossing/route improvement works at;
    - Queensgate / Chapel Hill Junction
    - Manchester Road / Outcote Bank junction
    - Outcote Bank; between it's junction with Castlegate and Manchester Road with specific reference to footway width improvements
    - Manchester Road / Queensgate Junction
    - St. Thomas Road / Chapel Hill junction
    - Chapel Hill / Colne Road junction



and appropriate highways works to enhance pedestrian accessibility to include informative/directional signage and lighting within the purple line boundary line on drawing reference no 3908-20 prepared by Sanderson's Associates which will include links to and from the site from:

- Huddersfield Train Station
- Huddersfield Bus Station
- Longroyd Bridge/Manchester Road/St. Thomas Road/Longroyd Lane/Longroyd Bridge junctions
- Market Street; High Street; and Ramsden Street

has been submitted to and approved in writing by the Local Planning Authority. Before each phase of the development is brought into use, as specified on the agreed phasing diagram ref 3159/PL/Z2012E, the site access works and associated highways works for that phase shall be completed in accordance with the approved details and phasing and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

36. Within 6 months of the commencement of phase 1 of the development, as specified on the phasing diagram ref 3159/PL/Z2012E, details of the specification and location of two real time bus information displays for use within the foyer of the college building shall be submitted to and approved by the Local Planning Authority. The two real time bus information displays shall be provided in accordance with the approved scheme before the college is first brought into use and shall thereafter remain operational, unless otherwise agreed in writing by the Local Planning Authority.
37. Details of the arrangements and specification for the provision and management of cycle storage and showering/changing facilities for each phase of the development, as specified on the phasing diagram ref 3159/PL/Z2012E, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development on that phase. The details so approved shall be provided before the associated phase of the development is brought into use and shall thereafter be retained throughout the lifetime of the development.
38. Details of the arrangements and specification for the provision of the hard surfacing and draining of all areas to be used by vehicles and pedestrians for each phase of the development, as specified on the phasing diagram ref 3159/PL/Z2012E shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development on that phase. The approved details of hardsurfacing for each phase of the development shall be provided before that phase of development, as specified on the phasing diagram ref 3159/PL/Z2012E, is brought into use and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

39. Approval of the details of the arrangements and specification for the provision and management of parking spaces for each phase of the development, as specified on the phasing diagram ref 3159/PL/Z2012E shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development on that phase. Unless otherwise agreed in writing by the Local Planning Authority the scheme shall provide:

- office spaces at 1 space per 113m<sup>2</sup> of gross floor area;
- residential spaces at 1.21 spaces per unit;
- 10 spaces for the Huddersfield Technical College (in addition to the off-site spaces secured by Section 106 Agreement);
- 74 spaces in the Public Square.

The approved parking spaces for each phase of the development shall be provided before that phase of development, as specified on the phasing diagram ref 3159/PL/Z2012E, is brought into use and retained thereafter in accordance with these standards.

NOTE The requirement to provide affordable housing on this site is detailed in condition 32, which relates to the approved proposals to construct 309 dwellings within Phase 4 of the development as set out on the phasing plan ref 3159/PL/Z2012E. In the event that Phase 4 of the development is not commenced then condition 32 will not be applicable. If a subsequent separate full planning application is submitted to develop the land forming phase 4 of the development which includes a residential element under Use Class C3 as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended) this will be subject of a separate assessment against the Council's prevailing affordable housing policy

NOTE It is recommended that there be no electricity junction boxes, fuse boxes, mains connectors, sockets or other electrical equipment below flood level. The applicant should also consider the removal or covering of all low level openings, such as air bricks, and other flood resistant construction techniques (mass concrete floors etc.) in order to minimise potential damage to the property.

NOTE The River Colne is main river at this point and therefore the Water Resources Act 1991 and the Yorkshire Land Drainage Byelaws 1980 will both apply. These state that there shall be no development in, over, under or within 8 metres of the bank top, or the landward toe of a flood defence, without our prior written consent. If such development is proposed, then an application with full details must be submitted for consent. This also includes any bridges that may be proposed as part of the development.

NOTE Any new outfall to a watercourse should be constructed so that it causes no interference to the flow or erosion of the bed and banks.

NOTE Any new outfall to a designated main river will require the prior formal consent of the Agency under the terms of the Water Resources Act 1991.

NOTE The owner of property adjacent to a watercourse is usually deemed to be the riparian owner and, as such, has both riparian rights and responsibilities with regard to the watercourse within their ownership. The responsibility for general maintenance and repair of the watercourse and its banks rests with the riparian owner. For more information on Rights and Responsibilities of a riverside owner, you can visit our website at: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) and follow the links to 'Flood' then 'Living on the Edge'.

NOTE There are alternatives to conventional storage for the control of surface water run-off that we favour, where ground conditions are suitable. Sustainable Urban Drainage (SUD)s tackle surface water run-off problems at source using features such as green roofs, soakaways, permeable pavements, grassed swales, infiltration trenches, ponds and wetlands to attenuate flood peak flows, produce water quality improvements and environmental enhancements. We seek to promote the use of SUDs techniques to this site when it is developed and we will expect any potential developer of the site to submit detailed investigations such that the use of SUD's has been fully explored.

NOTE “The applicant/developer is advised to contact British Waterways directly in order to ensure that any necessary consents are obtained and that the works comply with British Waterways’ “Code of Practice for Works affecting British Waterways”.”

NOTE The Local Planning Authority has determined this planning application on the basis of the information submitted. However, the responsibility for the safe development and occupancy of the site rests with the developer and it could be that there is contamination within the site that has not been revealed by the investigations to date. If further contamination is suspected or revealed with the development of the site, you are advised to contact the Pollution and Noise Control team, Environmental Services, West Riding House, 9 Manchester Road, Huddersfield HD1 3HH, telephone 01484 226881, or email [environmental.health@kirklees.gov.uk](mailto:environmental.health@kirklees.gov.uk).

NOTE Japanese knotweed is a non-native invasive weed. There is extensive contamination of Japanese knotweed within and adjacent to the site, as detailed in the Ecological Supporting Report ref 119046-00/0-15-08 by Arup and Partners received 25<sup>th</sup> September 2008. It is recommended that as part of the ‘landscape’ reserved matters applications for those phases of the development in which there is, or suspected to be, Japanese knotweed a scheme of treatment be formulated as part of the reserved matters submission which would provide an options package in relation to containment, control and/or eradication.

NOTE To protect existing residents around the site and to protect future residents of the site from noise it may be necessary to restrict hours of operation and delivery/despatch of goods from the A3, A4, A5, at the full application stage.

NOTE The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required at least 10 working days before development commences from the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification.

At this stage, agreement should be reached in relation to the; estimated development start and finish dates, existing highway condition (extents to be agreed) and responsibilities for any required remedial works and; mitigation measures to prevent anything associated with the development being deposited on the highway.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE Any public footpath which cross/about the site shall not, at any time, prior to, during or after building works, be unofficially obstructed or closed without prior written consent of the Local Highway Authority.

**The reason in each case for imposing the numbered conditions above are:-**

1. No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
2. No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
- 3/4. Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
5. In the interests of flood control and to accord with advice in PPS25.
6. To reduce the risk of flooding to the development as recommended by the Flood Risk Assessment and to accord with advice in PPS25.
7. To reduce the risk of flood damage to property and possessions in accordance with advice in PPS25.
8. To reduce the risk of flooding to the property as recommended by the flood risk assessment and advice in PPS25.
9. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to ensure that adequate provision is made for the disposal of foul sewage in the interests of pollution control with advice in PPS25 and PPS23.
10. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal with advice in PPS23 and PPS25
11. In the interest of satisfactory drainage and to avoid pollution with advice in PPS25.

12. To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows with advice in PPS25.
13. Any significant variations in the normal water level of the canal could pose a risk of flooding to adjacent buildings and/or external areas, in particular Phase 2c to the south of the canal. It is therefore necessary to control the proposed water levels to prevent the increased risk of flooding with advice in PPS25
14. To ensure that all landscaped areas are managed and maintained in the interests of visual amenity, the safety of users of these areas and the ecology of the river and canal side environments and to accord with Policies BE1 and BE2 of the Unitary Development Plan with advice in PPS9 (Biodiversity).
15. In order that the development is undertaken to ensure that its potential impact on species and habitats within and adjacent to the site are avoided, where practicable, or that appropriate mitigation measures are in place. This is in accordance with advice in PPS9 ( Biodiversity).
16. In order that the presence or otherwise of bats is established before the existing canal culvert is disturbed to ensure that there is no harm to this protected species or its habitat and in order to comply with advice in PPS9 (Biodiversity) and the accompanying Circular 06/2005.
17. To ensure that future residents are not adversely affected by road traffic noise and to accord with Policy EP4 of the Unitary Development Plan, with advice in PPG 24.
18. To ensure that residents within the application site or at any location within the vicinity of the site as identified by the Local Planning Authority are not adversely affected from noise by the operation of fixed plant or machinery and to accord with Policy EP4 of the Unitary Development Plan and advice in PPG24.
19. To ensure that the occupiers of the apartments have an acceptable level of residential amenity and are not adversely affected by noise from the need to open windows and to accord with Policy EP4 of the Unitary Development Plan and advice in PPG24.
20. To ensure that existing or future residents are not adversely affected by noise and to accord with Policy EP4 of the Unitary Development Plan and advice in PPG24.
21. To protect the amenities of existing and future residential occupiers from odour nuisance and to accord with advice in PPS23 – Planning and Pollution Control.
- 22-26. To ensure that any unacceptable risks to human health, buildings and other property and the natural environment from the contaminated condition of land are identified, considered and addressed in order to comply with Policy G6 of the Unitary Development Plan and advice in PPS23 – Planning and Pollution Control.
27. In the interests of visual amenity, in order to preserve the setting of nearby Listed Buildings and to comply with Policies BE1 and BE2 of the Unitary Development Plan and advice in PPS1 and PPG15.

28. To ensure that the uses falling within Classes A1-A5 remains an ancillary function to the development approved on the site, that it does not harm the vitality and viability of Huddersfield Town Centre and to accord with advice in PPS6 – Planning for Town Centres.
29. The sale of goods listed underpins comparison shopping within established town centres and the maintenance of this range of retailing is critical to Huddersfield's continued vitality and viability. This would accord with advice in PPS6 – Planning for Town Centres.
30. To ensure that: a convenient and safe pedestrian link is formed across the canal within an appropriate timescale in the interests of pedestrian safety; there is permeability through the site which is in accordance with the masterplan for the scheme; the bridge does not conflict with the users of the canal and to comply with Policies T16 and R18 of the Unitary Development Plan.
31. To maximise the convenience of pedestrian links between the town centre and the Waterfront Quarter and permeability through the site in the interests of pedestrian safety and sustainable development and to accord with advice in PPG13 and PPS1.
32. To ensure that affordable housing is provided to meet the needs arising from the local area and to accord with Policy H10 of the Unitary Development Plan and advice in PPS3 – Housing.
33. To reduce greenhouse gas emissions, improve energy efficiency and maximise the efficient use of power sources to comply with Policy ENV5 of the Yorkshire and Humber Regional Spatial Strategy.
34. In the interests of highway safety and to ensure that appropriate safeguards are in place to prevent any ground movements that could cause damage to buildings and structures and to accord with advice in PPG13 and PPG14 and Policy T10 of the Unitary Development Plan.
35. To ensure a suitable access and layout and links to and from the site are provided in an appropriate timescale in the interests of highway and pedestrian safety, to Policy T10 of the Unitary Development Plan and advice in PPG13.
36. In order to provide accessible information on bus times to encourage the use of public transport links between the college, the town centre and other locations in the interests of sustainability and advice in PPG13 and PPS1.
37. To comply with the Council's sustainability objectives and advice in PPS1 and PPG13.
38. To limit surface water run-off from hard surfaces in the interests of highway safety and to promote sustainable drainage within the new development and to accord with advice in PPS25 Development and Flood Risk.
39. To ensure a suitable access and layout in the interests of highway safety and efficiency, to accord with Policies T10 and T19 of the Unitary Development Plan and advice in PPG13.

**The decision to grant planning permission has been taken having regard to the policies and proposals in the Kirklees Unitary Development Plan set out below:**

**Kirklees Unitary Development Plan Policies:**

B4 – redevelopment of industrial sites

TC17 – Huddersfield Narrow Canal and Riverside

D2 – sites without notation

H10 – affordable housing

H18 – public open space

T10 – highway and accessibility considerations in new development

T16 – provision of safe, convenient and pleasant pedestrian routes

T17 – needs of cyclists

BE1/BE2 – design

EP4 – noise

BE12 – space around buildings

S1 – town and local centres

TC32 – new development outside the ring road incorporating pedestrian links connecting with the town centre.

**National Policies and Guidance:**

PPS1 – Sustainable communities

PPS3 – Housing

PPG4 – Industry and Commercial

PPS6 – Town Centres

PPS9 – Biodiversity

PPG13 – Transport

PPG15 – The Historic Environment

PPS23 – Pollution Control

PPG 24 – Noise

PPS25 – Flood Control

**The Regional Spatial Strategy for Yorkshire and the Humber Policies:**

YH2 and 4 focusing sustainable development in towns and cities.

H1, H2, H4 and H5 - provision of new housing including provision for affordable housing to meet the needs of the local community.

T1, T2, T3 - reducing travel demand, setting maximum parking standards and improving public transport.

ENV3, ENV9, ENV1, ENV5, and ENV11 Environmental Policies which seek to protect water quality and the historic environment, reduce flood risk and greenhouse gas emissions and encourage walking and cycling routes.

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**The reasons for granting planning permission can be summarised as follows:**

The proposed scheme would result in the regeneration of a large area of underused land close to the town centre and provide a sustainable location for the relocation of Kirklees College (Huddersfield Centre) and new opportunities for office development and living close to the heart of the town. These benefits have been considered taking into account the scale of the development and the changes this would have on the established townscape of this part of Huddersfield, including the setting of nearby listed buildings and views from the Huddersfield Town Centre Conservation Area, to introduce the 'Waterfront Quarter' as a destination in its own right. The development is considered to preserve the appearance of the conservation area and the setting of listed buildings. In addition the impact of the development on the amenities of nearby residents has to be assessed and can be suitably mitigated through the implementation of the development with suitable conditions.

Access proposals, through the Transport Assessment and the Interim Travel Plans, have been assessed and the development will not cause detriment to highway or pedestrian safety. In addition pedestrian links with the town centre and through the site will be improved and the implementation of the measures in Travel Plans will lessen the reliance on the use of private cars.

The proposed development would provide opportunities to enhance the natural environment and ecology of the area, in particular the river and canal.

**There are no other material considerations which outweigh these findings.**

This decision is based on the following plan(s):-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Design & Access Statement	03.04.08 by DLG Architects		2 May 2008
Traffic Documents	Transport Assessment 3908/EA/SAM/04/001 Addendum to Transport Assessment 3908/JM/06/03  Travel Plan Documents 3908/EA/SAM/JGM/07/04 and 3908/EA/SAM/JGM/08/04		2 May 2008  2 September 2008  January 2009
Location Plans	3159 PL Z2001 and 1:2500		2 May 2008
Existing Site Plan	3159 PL Z2002		2 May 2008
Site location plan as proposed	3159 PL Z2003	D	26 September 2008
Site layout plan at level 71.00	3159 PL Z2004	B	12 September 2008
Site layout plan at level 74.00	3159 PL Z2005	B	12 September 2008



<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site layout plan at level 77.00	3159 PL Z2006	B	12 September 2008
Site layout plan at level 80.00	3159 PL Z2007	B	12 September 2008
Site layout plan at level 83.00	3159 PL Z2008	B	12 September 2008
Site layout plan at level 86.00	3159 PL Z2009	B	12 September 2008
Site layout plan at roof level	3159 PL Z2010	B	12 September 2008
Pedestrian Circulation Diagram	3159 PL Z2011	B	12 September 2008
Phasing Diagram	3159 PL Z2012	E	2 December 2008
River Access	3159 PL Z2014		19 January 2009
Planning Statement	Iain Bath Knight Frank	Apr 08	2 May 2008
PPG15 Statement	Roger Wools & Associates	02 Apr 2008	2 May 2008
Level 2 Flood Risk Assessment	Arup 119046		2 May 2008
Baseline Drainage Report	Arup119046	Apr 2008	2 May 2008
Preliminary Ecological Appraisal	Arup 119046	March 2008	2 May 2008
Ecological Supporting Report	Arup 119046 0-15-08	Sept 2008	25 September 2008
Sustainability Report	Arup 119046	April 2008	2 May 2008
Environmental Noise Assessment	Arup AAc/119046-80/R01	April 2008	2 May 2008
Air Quality Assessment	Arup 119046-02	May 2008	May 2008
Geo-Environmental Desk Study	Arup 119046	Feb 2008	2 May 2008
Landscape Strategy	Camlin Lonsdale 430/03	March 2008	2 May 2008
Kirklees College Scale and Massing Document	Broadway Malyan		12 September 2008

### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

### **Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-225609 who can advise further on this matter.

Dated: 21-Dec-2009

Signed:



**Jonathan Barrett**  
Head of Service

## **Application Plans**

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

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

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

If a paper copy of the decided plan is required please email [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk) or telephone 01484 221631 with the application number.

There may be a charge for this service.

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Address to which all communications should be sent:

Planning Service, PO Box B93, Civic Centre, Off Market Street, Huddersfield, HD1 2JR

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