

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

STRATEGIC PLANNING COMMITTEE

24 February 2022

Planning Application 2018/92647

Item 9 – Page 19

Hybrid Planning Application for mixed use development - retail/office and 229 residential units (Use Classes C3/ E(a) /B1a). 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. Outline application for erection of (two) buildings (residential apartments - C3 Use) (Listed Building within a Conservation Area)

former Kirklees College, New North Road, Huddersfield, HD1 5NN

Updated Information

Since the publication of the agenda the applicants have updated the set of draft conditions and the related phasing plan in respect of condition 3. These are relevant along with the draft S106 should the committee resolve to grant planning permission.

These documents can be accessed through the links below:

[Draft Conditions](#)

[Phasing Plan Re Condition 3](#)

Officer Comment

The plan shows four phases to the development of the site however, members should be aware that phase 4 that relates to the alterations to convert grade II listed buildings 1, 2 and 3 into residential or office use is not a requirement within the applicants draft Section 106 Agreement and should be amended to omit reference to the conversion of the listed buildings. The applicants scheme excludes all works necessary in the conversion of the listed buildings beyond the applicants' programme of urgent works and this should be reflected within the phasing plan that would be approved if the committee resolved to grant permission.

Erection of construction facility to facilitate the construction works for the section of the TRU between Huddersfield and Westtown (Dewsbury), provision of strategic construction compound including open storage, trackworks and overhead line equipment (OLE) assembly and associated welfare facilities, construction of a retaining wall, environmental mitigation measures (noise attenuation) and provision of temporary platform for use during works

**Huddersfield Station with associated access, utilities/drainage works
Operational railway land, Hillhouses Yard, Alder Street, Huddersfield**

Updated Information

Yorkshire Water Objection

The recommendation to Committee has been updated to reflect progress in respect of the removal of Yorkshire Water's holding objection that was incurred due to the development's potential impact upon their infrastructure (combined sewer) which crosses the southern half of the Hillhouse Yard site.

The following condition has been provided by Yorkshire Water, which has been agreed with Network Rail, to enable the removal of their holding objection. The condition is as follows:

No building or other obstruction, including landscape features, shall be located over or within 5 (five) metres either side of the centre line of the public sewer (i.e., a protected strip width of 10 (ten) metres), that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: *To enable sufficient access for maintenance and repair for systems of drainage on the site which accords with LP28 of the Kirklees Local Plan and the NPPF (Para 167).*

As a consequence of the removal of the holding objection in favour of the addition of the above condition, the recommendation to Strategic Committee has been altered to the following:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development subject to agreement with the applicant of a Grampian Pre-commencement Condition detailing with the type and location of noise mitigation to be implemented at adjacent Noise Sensitive Receptors.

In the circumstances where the condition has not been agreed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured via the pre-commencement condition; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

Noise Insulation Package Condition

The noise insulation package is composed of three measures in accordance with BS5228-1:2009, these are set out in the guidance as either of the following: noise insulation (in this instance acoustic glazing and ventilation), temporary re-housing, or reasonable costs (compensation). As the mitigation applies to land outside of the control of the applicant, on-going discussions had taken place following the publication of the Strategic Committee agenda (17/02/2022) as to the 'soundness' of applying a Grampian Pre-commencement Condition for off-site noise attenuation measures. Internal legal advice has been sought by KC Officers which confirms that the approach of including such a condition is able to meet the tests set out within Paragraph 56 of the National Planning Policy Framework. The wording of the condition will be agreed with Network Rail and KC Environmental Health Officers.

Planning Condition List

The Committee Report provided a draft condition list, as set out in the table below. Following a request from Network Rail for condition wording to align with conditions recommended to the Inspector of the Transport Works Act Order (TWAO) for the Trans-Pennine Route Upgrade (TRU), negotiations between Network Rail and KC Officers has resulted in some of the draft conditions being merged. Some condition header descriptions have also been altered. Despite conditions 4, 6(b), 8, 10, 15, 16, 17, 21 and 22 being removed from the original list, the majority of their information requirements have been retained through incorporation into other conditions. However, conditions 4 and 6(b) have been removed entirely on account of the justifications provided in detail below. The table below explains the alterations to the conditions and a further finalised list has been provided:

Condition #	Heading	Retained/Removed/Merged
1.	Three years to commence development.	Retained
2.	Development to be carried out in accordance with the approved plans and documents.	Retained
3.	Restriction of Operations for Temporary 'Closed' Platform (including temporal dates and times)	Retained
4.	(a) Details of Site operation following completion of TWAO &/OR (b) Details of Site use in the event of a refusal to grant the TWAO.	Removed – Justification provided by Network Rail below.
5.	Compound Layout & Site Offices	Retained
6.	(a) Construction Traffic Management Plan CTMP) & (b) PROW Diversion/Improvement Details	Part B Removed – No PROW affected – Justification below
7.	Details of alterations to the function of the highways of Alder Street and Flint Street	Sub-heading description changed to widen the application of the condition beyond Alder Street and Flint Street – Requested by LHA
8.	Construction Operatives Travel Plan	Condition removed and incorporated into Condition 6 (CTMP)
9.	Commuter Travel Plan	Retained
10.	Details of visibility splays across Alder Street & Flint Street Junction	Condition removed and incorporated into Condition 6 (CTMP)
11.	Areas to be surfaced and drained	Retained
12.	Gates to be set back within the site to prevent obstruction to the highway network by Heavy Goods Vehicles	Retained

13.	Construction Environmental Management Plan (CEMP)	Retained
14.	Implement agreed Dust Mitigation Scheme	Retained
15.	Implement agreed Noise Mitigation Measures	Removed – Subject to agreement of Noise Insulation Package Condition
16.	Post Installation Noise Survey/Insulation Scheme Details	Removed – Subject to agreement of Noise Insulation Package Condition
17.	Details of Habitable Room Window Ventilation at Noise Receptors	Removed – Subject to agreement of Noise Insulation Package Condition
18.	Adherence to Background Noise Levels for Fixed Plant & Equipment	Retained
19.	Acoustic Barrier Details	Retained
20.	Submission of a Phase 2 Intrusive Site Investigation Report (Contaminated Land)	Retained, conditions 21 and 22 incorporated into condition 20.
21.	Submission of a Remediation Strategy (Contaminated Land)	Removed and incorporated into condition 20.
22.	Implementation of the Remediation Strategy (Contaminated Land)	Removed and incorporated into condition 20.
23.	Submission of Validation Report (Contaminated Land)	Retained and an 'unexpected contamination' condition is added beneath this condition.
24.	Landscape and Ecological Management Plan (LEMP)	Retained
25.	Nesting Bird Protection/Tree & Hedgerow Removal	Retained
26.	Biodiversity Enhancement and Management Plan (BEMP)	Heading re-worded – 'Biodiversity Net Gain' condition as the management plan aspects are covered in the LEMP condition above.

27.	Archaeological Written Scheme of Investigation & Watching Brief	Retained
28.	Detail of measures to Protect Listed Coal Chutes	Retained
29.	Detailed Drainage Design Scheme including Capacity Calculations	Retained
30.	Overland Flow Routing	Retained
31.	Construction Phase Surface Water Flood Risk and Pollution Prevention Plan	Retained
32.	Yorkshire Water Easement Condition	Retained – This condition was included in anticipation of Yorkshire Water removing their objection to the proposed development.
33.	Coal Mining Stability and Mine Gas	Split from Contaminated Land conditions
34.	Coal Mining Signed Statement	Split from Contaminated Land conditions

Condition 4 – Justification for Deletion - The site is classed as “operational railway land” it is subject to the permitted development privileges possessed by Network Rail under the General Permitted Development (England) Order 2015 (as amended). Whilst it is currently anticipated that the site will be used in the future for rail-related activities, other than the stabling of trains displaced by the works at Huddersfield and the likely use as a maintenance facility for the TRU in the long term, Network Rail are not in a position to indicate the longer-term future use of the site. Condition 4 would seek to approve works that are permitted development and thus Network Rail cannot support the inclusion of Condition 4 and sought its deletion. However, Network Rail have assured the Council that planning permission would be sought for any development proposal which is outside the scope of their permitted development rights.

Condition 6 Part B - Deletion Justification – There are no Public Rights of Way on the site therefore the need for this condition wording is simply in error.

The final list of conditions would therefore be amended to the following:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Construction and Operational Details for Temporary ‘Closed’ Platform (including temporal dates and times)
4. Compound Layout & Site Offices
5. Construction Traffic Management Plan (CTMP)
6. Details of alterations to the function of adjacent public highways

7. Commuter Travel Plan
8. Areas to be surfaced and drained
9. Gates to be set back within the site to prevent obstruction to the highway network by Heavy Goods Vehicles
10. Construction Environmental Management Plan (CEMP)
11. Implement agreed Dust Mitigation Scheme
12. Noise Insulation Package (Wording To be agreed)
13. Adherence to Background Noise Levels for Fixed Plant & Equipment
14. Acoustic Barrier Details
15. Submission of a Phase 2 Intrusive Site Investigation Report and Remediation Strategy alongside the Implementation of the Remediation Strategy (Contaminated Land)
16. Submission of Validation Report (Contaminated Land)
17. Unexpected Contaminated Land
18. Landscape and Ecological Management Plan (LEMP)
19. Nesting Bird Protection/Tree & Hedgerow Removal
20. Biodiversity Net Gain (BNG)
21. Archaeological Written Scheme of Investigation & Watching Brief
22. Detail of measures to Protect Listed Coal Chutes
23. Detailed Drainage Design Scheme including Capacity Calculations
24. Overland Flow Routing
25. Construction Phase Surface Water Flood Risk and Pollution Prevention Plan
26. Yorkshire Water Easement/Diversion Condition
27. Coal Mining Stability and Mine Gas (Coal Risk)
28. Coal Mining Signed Statement (Coal Risk)

The above conditions continue to allow KC Planning Officers to make a positive recommendation to Committee.

The above amendments to the recommendation and conditions should be read in conjunction with the Committee Report for 2021/94337 dated 17/02/2022.

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