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**Report of the Head of Planning and Development**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 21-Apr-2021**

**Subject: Planning Application 2020/93654 Change of use of plant nursery and retail to garden centre and formation of new access and car parking Fenay Bridge Nurseries, Brewery Yard, Fenay Bridge, Huddersfield, HD8 0AR**

**APPLICANT**

A Shepherd

**DATE VALID**

30-Oct-2020

**TARGET DATE**

29-Jan-2021

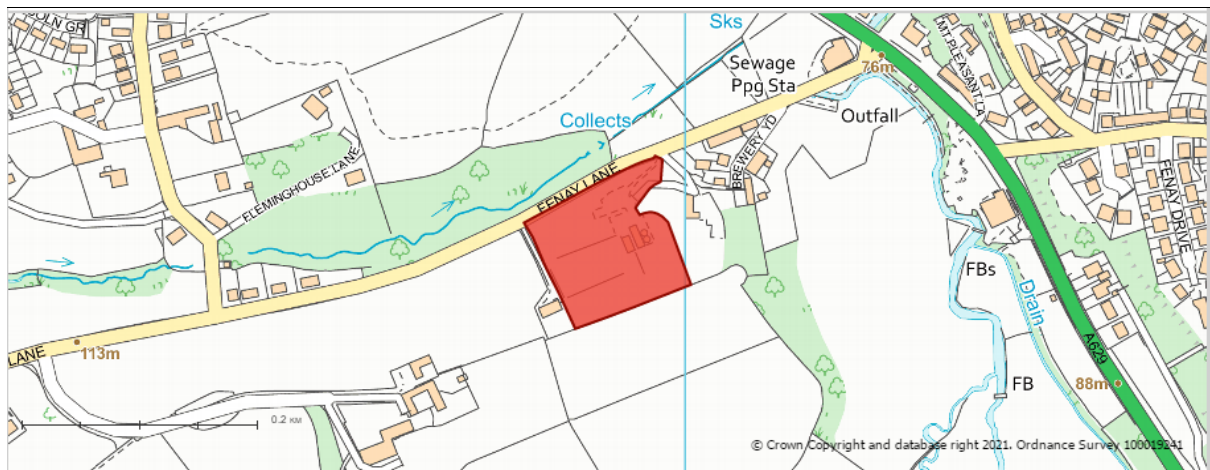
**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Almondbury**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

1.1 The application is brought to Huddersfield Sub Planning Committee in accordance with the Council's agreed scheme of delegated authority. Although the site exceeds 0.5 hectare and relates to a non-residential use, the Strategic Director for Growth and Regeneration, in consultation with the Chair of the Strategic Planning Committee, has determined that it would be more appropriate for the planning application to be decided by the relevant Area Sub-Committee rather than the Strategic Committee.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application relates to a site area of approx. 1.25ha. The site is accessed via a steep drive off Fenay Lane located in the north east part of the site. Over two thirds of the site is occupied as a vacant plant nursery and accommodates a number of poly-tunnels, open growing beds and two permanent buildings at the eastern end of the site. The remainder of the site accommodates level concreted areas.

2.2 To the east of the site, is land within the ownership of the applicant consisting of a grade II listed residential property. There are open fields to the south and west with a small cluster of residential properties beyond the south west corner of the application site. The site is stated to have been vacant since June 2017.

**3.0 PROPOSAL:**

3.1 The proposals are for the change of use of the vacant plant nursery with retail sales to a garden centre, together with the formation of a new vehicular access from Fenay Lane along the north western part of the site. From the information submitted with the application it is proposed to utilise the poly-tunnels together with the two existing permanent buildings for the display and retail sales areas.

3.2 The supporting statements accompanying this application remain the same as those submitted under previous application nos. 2018/90163 and 2014/93595 which states the proposals comprise of:

- 1,160 square yards (970 sq. m) of covered retail area in the areas indicated on drawing no. MS1,

- Sales at tills and ancillary café with toilets accommodated in one or both of the two permanent buildings, with a total floor area of approximately 260 square yards (217 sq. m).
- Retention of the open growing beds in the middle of the site
- Rationalisation of existing poly-tunnels

3.3 It is intended to close off the existing vehicular access and replace this with a new vehicular access to be formed in the north-western part of the site. Given the topography of the site, which is at a higher level than Fenay Lane, this would involve the construction of retaining walls. Existing areas of hardstanding within the site would be used for car parking. The plans submitted show 49 parking spaces located off the new access.

3.4 It is anticipated that a total of 12 employees would be required.

3.5 Hours of opening are indicated to be 10:00am to 6pm Monday to Friday and 10am to 6pm on weekends including bank holidays.

3.6 The scheme before Members is identical to that submitted under application no. 2018/90163 (which expired on the 10<sup>th</sup> April 2021) and an earlier permission approved under application no. 2014/93595. The agent states that no developer has come forward to carry out the development as previously approved. An application to discharge 'pre-commencement conditions' attached to application no. 2018/90163 has been made in order to facilitate lawful commencement of that development before the permission expires. At the time of writing all but one of these conditions had been 'discharged'.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 2021/90958 – Discharge of conditions 6 (Highway Works), 8 (Visibility Splays), 10 (Highway Retaining Structures), 12 (Construction Traffic), 13 (Surface Water) on previous permission 2018/90163 for change of use from plant nursery with retail sales to garden centre and formation of new access. The details submitted for conditions 6, 10, 12 and 13 have been approved. The details submitted for condition 8 were withdrawn during the course of the application.

2020/91155 – Outline application for residential development, includes part of the application site and the same proposed access arrangements as this application – Under consideration

2019/90953 - Certificate of lawfulness for existing use of land as plant nursery with retail sales - Granted

2018/90163 – change of use of plant nursery with retail sales to a garden centre, together with the formation of a new vehicular access from Fenay Lane – Conditional full permission by Strategic Committee April 2018

2016/93230 – Outline application for demolition of existing buildings and erection of residential developments refused and dismissed on appeal for the following reason:

Inappropriate development in the Green Belt which would have a greater impact on the openness than the existing use with no very special circumstances to justify the development.

2014/93595 – change of use of plant nursery with retail sales to a garden centre, together with the formation of a new vehicular access from Fenay Lane – Conditional full permission by Strategic Committee December 2015.

## **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 No negotiations required. The submitted details are as approved under the 2018 and 2014 applications.
- 5.2 Supplementary information has recently been submitted in support of the application. This is the same information submitted for the discharge of condition application no. 2021/90958 related to proposed highway works, highway retaining structures, construction traffic and surface water drainage arrangements.

## **6.0 PLANNING POLICY:**

- 6.1 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<sup>th</sup> February 2019).

### Kirklees Local Plan (2019):

- 6.2 LP10 – Supporting the rural economy  
LP13 – Town Centres  
LP21 – Highway safety and access  
LP22 – Parking  
LP24 – Visual Amenity  
LP28 – Drainage  
LP30 – Biodiversity  
LP34 – Protection of the water environment  
LP35 – Historic environment  
LP51 – Protection and improvement of local air quality  
LP52 – Protection and improvement of environmental quality  
LP53 – Contaminated and unstable land  
LP57 - the extension, alteration or replacement of existing buildings in the Green Belt  
LP59 – Infilling & redevelopment of brownfield sites in the Green Belt

### Supplementary Planning Guidance / Documents:

- 6.3 K.C. Highways Design Guide

### National Planning Guidance:

- 6.4 Chapter 6 – Building a strong, competitive economy  
Chapter 7 – Ensuring the vitality of town centres  
Chapter 13 – Protecting the Green Belt Land  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 – Conserving and enhancing the natural environment  
Chapter 16 – Conserving and enhancing the historic environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised by site notices, in the local press and letters posted to neighbours abutting the site. In accordance with Officer/Member Protocol, Ward Members were informed of the application/proposals. The publicity period expired on 16<sup>th</sup> December 2020. No representations were received.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

KC Highways DM: No objections

KC Environmental Health: No objections

### **8.2 Non-statutory:**

KC Biodiversity: No objections subject to conditions

West Yorkshire Designing Out Crime Officer: Support

## **9.0 MAIN ISSUES**

- Principle of development
- Impact on nearby Local Centres
- Visual and residential amenity
- Heritage issues
- Highway issues
- Biodiversity Issues
- Drainage issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

10.1 The site lies within the Green Belt on the Kirklees Local Plan. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

10.2 In accordance with Chapter 146 of the NPPF, the proposed material change of use need not be inappropriate in the Green Belt provided that the openness of the Green Belt is preserved and the use does not conflict with the purposes of including land within it.

10.3 The site, although now stated to be vacant since June 2017, was previously used as a plant nursery with wholesaling, distribution and sales to the public since the 1980's. The site and the previous operation were well established and accommodated a number of poly-tunnels, open growing beds, two permanent buildings and areas of hardstanding within the site, with mature trees, hedges, landscaping and boundary walling.

- 10.4 Application 2019/90953 for “Certificate of lawfulness for existing use of land as plant nursery with retail sales” was granted for the area to the west of the site that includes buildings associated with the former use. This part of the wider site constitutes previously developed land.
- 10.5 Whilst visible within the landscape from more long distant views, the site in its existing form is not considered to be unduly harmful to the openness of the Green Belt. The proposed material change of use represents a similar submission to those in 2018 and 2014 where the applicant stated that the use proposed will utilise the existing growing beds and retail sales areas will be accommodated within the existing buildings and poly-tunnels. Car parking to support the change of use is to be accommodated using areas of existing hardstanding within the site. As such, officers consider that the change of use proposed from plant nursery to garden centre with car parking, excluding the new access road, would not materially alter the physical character of the site in a spatial or visual capacity nor result in harm to the openness of the Green Belt in line with paragraph 146 of the NPPF.
- 10.6 Engineering operations can be considered appropriate development in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The formation of the proposed access from Fenay Lane would ‘dog leg’ up the existing vegetated embankment to meet an area of existing hard standing on the predominantly flat site above. Significant excavations and retaining structures will be required to accommodate the access, which in the opinion of officers, would have a significant impact upon the appearance of the embankment in the short term. This would constitute inappropriate development within the Green Belt due to the visual impact this would have on the embankment in the short term and the spatial impact of a roadway where one does not currently exist. In view of this, to lessen its affect over time, to help reduce the impact on the openness of the Green Belt and mitigate the stark appearance of the retaining structures, it is proposed to incorporate landscaping to either side of the proposed access as shown on drawing no. LD0007\_201 Rev B, the details of which are identical to that considered on the 2014 and 2018 applications and found to be acceptable. A detailed landscape scheme is necessary to mitigate harm to the openness of the Green Belt.
- 10.7 In order to accommodate the proposed car parking area, landscaping within the site would need to be removed and the banking between the existing areas of hardstanding would need to be regraded, with the construction of a retaining wall within the site, adjacent to the proposed car park area. These works are on land that forms a plateau and given most of the land is already roughly surfaced ground the works are concluded to preserve the openness of the Green Belt. The requirement for a detailed landscape scheme to support the development, as referred to in the previous paragraph, would help support this conclusion.
- 10.8 As the proposed access would not preserve the openness of the Green Belt it constitutes inappropriate development and is contrary to Policy in paragraph 146 of the NPPF. The NPPF is clear that inappropriate development should not be approved except in very special circumstances. Substantial weight is afforded to the harm to the Green Belt; very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. (para 144 NPPF).

10.9 There are a number of other considerations put forward in favour of the development by the applicant. These, cumulatively, are considered to constitute very special circumstances. These are similar considerations to those put forward in support of earlier applications for the same development.

- Until the site becoming vacant in June 2017, the previous use/business was well established. This included wholesale and distribution and the sale of plants to the public without restrictions on opening hours. Historically the existing use also included an element of retail sales.
- The proposal would create additional employment opportunities (estimated by the applicant to be 12). This would be in accordance with the advice of NPPF paragraph 80 which seeks to secure economic growth stating that “decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”. Furthermore, this would support economic growth in a rural area through the conversion of the existing permanent buildings on site and increased employment opportunities for an existing land-based rural business, in accordance with paragraph 83 of the NPPF.
- The proposals will help improve the overall appearance of the site through rationalisation of the existing buildings, poly-tunnels and planting beds and improved landscaping.
- The existing access into the site is substandard in terms of its gradient and visibility raising concerns in relation to highway safety. The development provides an opportunity to address the existing access constraints through the formation of a new access.
- A grant of planning permission would give the Local Planning Authority the opportunity to control opening hours and the way in which the garden centre would operate, including limiting the extent of retail space and providing suitable parking facilities for staff and customers.

10.10 Taking into account the nature of the recent former use and current state of the site, the very special circumstances are demonstrated to be:

- benefits to the rural economy arising from the diversification of the previous use of the site,
- opportunity to improve the overall appearance of the site through the rationalisation of existing buildings and structures,
- vehicular access improvements, and
- the opportunity to control opening hours and the operation of the business.

10.11 Officers are of the view that the very special circumstances set out above, and previously considered sufficient to clearly outweigh the potential harm to the Green Belt, remain valid and acceptable on this application as the proposals are identical to those on the previous permission no. 2018/90163. The proposals would accord with guidance in the NPPF as well as Policy LP57(c) LP59 of the Local Plan and as such does not represent a departure from the

Local Plan. Although the Local Plan was adopted after the previous application was approved, the 'Publication Draft' versions of both LP57 and LP59 were taken into account at that time.

**Impact on nearby Local Centres:**

- 10.12 Section 7 of the NPPF advises Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Policy LP13 of the Local Plan follows the national policy set out in the NPPF and sets out a strategic framework for proposals for new main town centres uses across the district.
- 10.13 The change of use to a garden centre would result in a Class E (Commercial, Business and Service) use being formed on this site. This includes a main town centre use (previously Class A1 retail) and this site is out of centre. However, in the light of the applicant's statement at para 10.9 regarding the nature of the proposed and existing business, and given that the operations of a garden centre are location specific, it was not considered necessary to request a sequential test in this specific case. Specifically, as the ancillary retail and café/toilets are to be conditioned to the areas specified and set out above. This also takes into account the recent planning history which has previously concluded the proposed use on this site as acceptable. In addition, the policy justification for Policy LP10, para 7.31 of the Local Plan, clearly indicates that the rural economy plays an important role in the wider economy of Kirklees. This cites that the characteristics of the rural economy are diverse and "supports innumerable businesses including...garden centres and nurseries...It is therefore important to continue to support and encourage the sustainable growth of these industries to maintain and enhance the opportunities for locally supplied employment".
- 10.14 The proposals, taking into account the previous use of the site, previous planning history, assessment of adopted Local Plan Policies and national policy as set out in Section 7 of the NPPF would ensure that the vitality of nearby town centres is not compromised.

**Impact on visual and residential amenity:**

- 10.15 The creation of a new vehicular access would result in part removal of the existing landscaping and embankment along Fenay Lane. Whilst this provides some amenity value along Fenay Lane it is not of a quality to be protected by way of a preservation order.
- 10.16 In light of this and the applicant's agreement to condition replacement planting as stated above, the proposals involve little change to the external appearance of the site. The removal of hardstanding associated with the existing access and its replanting will help mitigate the work to create the new access and weight is afforded to this in considering the proposed development.



- 10.17 The site is separated from residential property to the south west and north east thereby reducing any impact on nearby occupants from the proposals.
- 10.18 The provision of a formal parking area in the north east part of the site would have no greater impact on the nearest property, beyond the south west corner of the site. In addition, conditioning the opening hours as stated on the application form would further ensure the amenity of nearby residential properties is not compromised. In such circumstances the proposal would not be harmful to residential amenity of any nearby residential properties and would be in accordance with Policy LP24 of the Local Plan.

**Heritage issues:**

- 10.19 In considering whether to grant planning permission for development which affects the setting a listed building, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Taking this into account there is a Grade II listed building, north east of the site. This is an 18<sup>th</sup> Century longhouse farmhouse. The physical works to accommodate the access would not be in close proximity to this listed building to the extent that its setting would remain relatively unaltered. Whilst it is recognised the wider site would alter in terms of its operations, this would remain similar in terms of its longstanding function. It is considered there would be no harm to the significance of this heritage asset, from either the change of use or the operational development proposed in accordance with paragraphs 193 and 194 of the NPPF and Policy LP35 of the Local Plan.

**Biodiversity issues:**

- 10.20 Policy LP30 of the Local Plan confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. As relevant to this site, it confirms that development proposals will be required result in no significance loss or harm to biodiversity as well as providing biodiversity net gain. The application has been referred to and assessed by the KC Biodiversity Officer. Affording weight to a Preliminary Ecological Assessment (PEA) accompanying application no. 2020/91155 it is not anticipated that there will be significant ecological impacts as a result of the proposals on this site, with the inclusion of appropriate mitigation measures as recommended within the PEA. Subject to a pre-commencement condition requiring the submission of an Ecological Design Strategy addressing biodiversity mitigation and net gain and a footnote regarding works outside bird breeding season, the development would be in accordance with Policy LP30 and Chapter 15 of the NPPF.

**Highway issues:**

- 10.21 Policy LP21 states that “proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. Proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network. Proposals shall also consider any impacts on the Strategic Road Network”.

- 10.22 The proposed highway works submitted in support of the development are identical to those submitted and considered under the 2018 application, which include closing off the existing steep drive and to provide a new access and drive into the site in the north-west part of the site, to be served from Fenay Lane. The new access is shown to measure around 12 metres where it joins Fenay Lane, decreasing to no less than 4.75 metres internally within the site. At the time of the previous application Highway Officers requested further information in the form of vehicle swept paths along the proposed drive to assess the suitability of the access to accommodate HGV and other vehicle turning manoeuvres. In addition, given the proposed development would include an ancillary café and retail areas which are likely to intensify the use of the site and vehicular movements to and from the site, the provision of on-site parking was demonstrated on an indicative car park layout. Drawing no. 03 demonstrates in part where parking provision could be accommodated on site. The formal details of car parking to serve the proposed use would need to be provided prior to the use becoming operational and can be secured by condition. This would be both in the interests of highway safety and in the interests of preserving the openness of the Green Belt.
- 10.23 It is accepted, as previously, that the parking provision relative to the ancillary café and retail areas can be accommodated along the north eastern and western part of the site. Some of that area already consists of reasonably level, concreted areas as well as disturbed gravel surfaced open plant beds. This would require some engineering works to cut/infill to level the area. KC Highways DM officers have re-examined the proposals and raise no objections subject to conditions.
- 10.24 The applicants have submitted supplementary information in support of the access arrangements. This includes a scheme detailing the layout, construction and specification of the highway works at the site access road and the site access junction with Fenay Lane, including the footway along the site frontage. These details have been assessed by Highways and found to be acceptable. Furthermore, as previously required by pre-commencement condition under application no. 2018/90163 details of the design and construction detail of all temporary and permanent highway retaining structures within the site and off-site (retaining wall at Fenay Lane) have been submitted and found acceptable 'in principle' by the Highway Structures team.
- 10.25 The activity associated with the construction of the access drive and other works within the site has the possibility to impact on the surrounding road network. The applicants have submitted details of a Construction Traffic Management Plan reference 890N dated 25th March 2021 by Paragon Highways. This has been previously assessed as acceptable by Highways as part of the discharge of conditions for application no. 2018/90163. Provided the development was undertaken in accordance with the Construction Management Plan it would mitigate any adverse impact on highway safety.
- 10.26 Taking the above into account, the recent planning history where permission of identical proposals has been granted, it is concluded, on balance, that the residual cumulative impact on highway safety would not be 'severe'. This is subject to the closing off the existing access and the provision of parking spaces before the ancillary retail and café areas are brought into use, as stated above, the development being undertaken in accordance with the construction

management plan, details of all retaining structures, details plans and arrangements for the access road. To conclude, subject to this the development would be in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and advice in the NPPF.

### Drainage

- 10.27 With regards to drainage issues, the LLFA previously raised no objections to the scheme in principle. It was recommended that a condition be imposed for the drainage of vehicular areas. This is necessary to assess the quality of any surface water discharge and to determine whether attenuation is required; including use of an oil/petrol interceptor.
- 10.28 Following the imposition of a condition on the 2018 permission, the applicants have prepared and submitted detailed arrangements for drainage of vehicular areas. This has now been included as supplementary information in support of the current application. This includes details of the hierarchy of discharge, the proposed discharge point, the proposed discharge rate of 3 l/s for the car parking area via flow control and 6 l/s for the access road (free flowing) and details of a proposed oil interceptor. These arrangements have been reviewed by the LLFA and found to be acceptable.
- 10.29 Subject to the imposition of a condition requiring drainage of vehicular areas to be undertaken in accordance with the submitted plans and specifications, it is considered the site can be adequately developed in accordance with the guidance in the NPPF and Local Plan Policies LP28 and LP34.

### Representations

- 10.30 None received

### Other

- 10.31 *Climate Change* - On 12<sup>th</sup> November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.32 The site re-uses, in part, previously developed land. Biodiversity mitigation and net gain in addition to the introduction of vehicle charge points (set out below) further supports sustainable transport methods both contribute to the climate change agenda.

10.33 *Sustainable Transport* - In order to mitigate impact on air quality and in accordance with the West Yorkshire Low Emissions, Policies LP24 and LP51 of the Local Plan development proposals such as this should aim to include sustainable transport methods. In an application of this nature it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore recommended.

## **11.0 CONCLUSION**

11.1 The NPPF has 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.

11.2 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.

11.3 Whilst the proposals constitute inappropriate development in the Green Belt, Officers consider that very special circumstances have been demonstrated which clearly outweighs the harm to the Green Belt by reason of inappropriateness and any other harm.

11.4 The conditions imposed on the 2018 permission are still considered necessary, relevant and appropriate for this application and would include restricting the ancillary café and retail areas to the areas identified on drawing no. MS1. There would be no harmful impact on the setting of the adjacent listed building, residential or visual amenity and highway safety.

11.5 In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**

1. Development to commence within 3 years of permission
2. Development to be undertaken in accordance with submitted plans/specifications
3. Restriction on the hours of operation/use to 10:00-18:00 on any day of the week
4. Restriction on the use of the site to 'garden centre' and for no other purpose (including any other purpose within Class E of the Town and Country Planning (Use Classes) Order 1987
5. To restrict the ancillary retail sales areas/including café/toilets to the areas edged green on drawing no. MS1.
6. Scheme of highway works at site access road and the site access junction with Fenay Lane, including the footway along the site frontage (with reference to drawing no. 890/03) and all associated highway works to be undertaken in accordance with the submitted details

7. Details of formal car park layout, service areas and waste storage within to be submitted and approved before the use is first commenced
8. Visibility splays of 2.4 m x 43 m in both directions along Fenay Lane to be provided before the use is first commenced
9. The existing access to be permanently closed and the new access to be constructed in accordance with approved details before the use is first commenced
10. All temporary and permanent highway retaining structures within the site and off-site (retaining wall at Fenay Lane) to be undertaken in accordance with the submitted plans and specifications prior to the use being made operational and retained thereafter
11. Permeable surfacing of the approved vehicle parking areas
12. Development to be undertaken in accordance with the submitted Construction Management Plan
13. The treatment of all surface water flows from parking areas and hard standings to be undertaken in accordance with the submitted plans and specifications before use of hard surfaces/parking areas commence
14. Details of a landscaping scheme, including phasing, to be submitted before the use is commenced
15. Approved landscaping scheme to be carried in accordance with approved timescales & maintained for a period of five years from the completion of planting works.
16. Provision of electric vehicle charging points.
18. Submission of Ecological Design Strategy addressing mitigation and enhancement.

**Background Papers:**

Application and history files.

Website link to be inserted here:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93654>

Certificate of Ownership – Notice served on The Shepherd Foundation