

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2019/62/93444/E

Site Address: land at former, Batley & District Cottage Hospital,
Transvaal Terrace, Carlinghow Hill, Batley, WF17 0AA

Description: Partial demolition of existing building, alterations to
convert retained building to 20 apartments and
erection of 20 dwellings (within a Conservation Area)

Recommending Officer: Liz Chippendale

DECISION – Section 106 Full Permission – Approve

**I hereby authorise the approval of this application for the reasons set
out in the officer's report and recommendation annexed below in
respect of the above matter.**

Victor Grayson

AUTHORISED OFFICER

Date: 18-Aug-2020

Decision Authorisation – Committee Decision

Committee: Chief Executive Emergency Powers

Date of Committee: 21/05/2020

Application Number: 2019/93444

Officer 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 and to secure a S106 agreement to cover the following matters:

1. Affordable housing contribution (£5,774.00)
2. Sustainable Travel contribution (£20,020.00)
3. Contribution to a Local Area of Play (£15,454.00)
4. Implementation of the Biodiversity Management Plan
5. Management of maintenance of drainage systems
6. Phasing of the development and retention of the remaining building

In the circumstances where the S106 agreement has not been completed within 3 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 benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

Committee Decision: Approval in accordance with recommendation, S106 and conditions.

Conditions have been agreed with the applicant.

A Section 106 agreement has been completed.

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted, so as to ensure the satisfactory appearance of the development on completion, and to

accord with Policies LP21, LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The dwellings hereby approved shall be constructed from natural coursed stone, render and Rivendale Slate as specified on plan 18001-D16-A and shall be retained as such.

Reason: In the interest of visual amenity and to accord with the aims of Policy LP24 and LP35 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. No development (other than approved demolition works) shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the development shall be completed in accordance with the approved scheme and plans and retained thereafter.

Reason: To ensure that suitable access is available for the development, in accordance with Policy LP21 of the Kirklees Local Plan.

5. Prior to development being brought into use, a detailed scheme for the provision of pedestrian improvements as shown on plan number 16-1113-B with associated white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining and surface finishes. Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policy LP21 of the Kirklees Local Plan.

6. No part of the development shall be brought into use until the existing access from Carlinghow Hill has been permanently closed [and any redundant footway crossings removed and the footway reinstated] and the new access has been constructed and brought to an adoptable standard.

Reason: To avoid danger and inconvenience to highway users, in accordance with Policy LP21 of the Kirklees Local Plan.

7. Prior to construction commencing (other than approved demolition works), a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

8. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies “Guidance on the permeable surfacing of front gardens (parking areas)” published 13/05/2009 (ISBN 9781409804864) as amended or superseded, and shall thereafter be retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policy LP21 of the Kirklees Local Plan.

9. The development hereby approved shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement (ref: Bowland Tree Consultancy Ltd Project Number BTC1726). These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Kirklees Local Plan.

10. The development hereby approved shall be completed in accordance with the approved invasive Species Management Plan (ref: R-EE-4012-01). The measures shall be carried out strictly in accordance with the approved plan. If changes are made to the management regime full details shall be submitted and approved in writing by the Local Planning Authority prior to the implementation of the amended management regime.

Reason: The information demonstrates how the proposals will avoid significant ecological harm through the accidental spread of invasive non-native plant species within and outside the site, in line with the requirements of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

11. Before the development’s electrical system is installed, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space.
- One Standard Electric Vehicle Charging Point for every 10 unallocated residential parking spaces.

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

Reason: In the interest of air quality enhancement, and to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework

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

- a) The proposed hours of operation of the lighting;

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

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

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

13. Construction activities for the development shall be in accordance with parts 7.1.1 (i) hours of construction 7.2 Air Quality and 7.3 Noise and Vibration of the Construction Method Statement by Addison Planning Consultants Ltd dated 10/10/2019.

Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Chapters 2 and 15 of the National Planning Policy Framework and Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14. Prior to construction (other than demolition) full design plans including pipe and manhole schedules, drainage long sections and cross sections under the car park for the attenuation tank shall be submitted to and approved in writing by the Local Planning Authority. All design documents must be provided with accompanying MicroDrainage calculations and associated design criteria including pipe and manhole representations. Note that MADD factor should be zero unless demonstrated otherwise, given the sloping nature of the site there will likely be limited latent storage within the network. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

This is a pre-commencement condition so as to ensure that the drainage scheme is implemented at the appropriate stage of the development.

15. Prior to construction (other than demolition) a Construction Phase Surface Water Management Plan (for the management of drainage during the construction phase) shall be submitted to and approved in writing by the Lead Local Flood Authority.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord

with Policies LP24 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

This is a pre-commencement condition so as to ensure that the drainage scheme is implemented at the appropriate stage of the development.

16. Prior to construction above foundations an overland flow routing plan showing construction levels shall be submitted to and approved in writing by the Local Planning Authority. Specific details will be required to show how water will pass around properties in the northeast of drainage area 1 to the road and how exceedance flows will be retained in the carriageway and not discharge into properties to the southern extent of Drainage Area 1. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policies LP24 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

This is a pre-commencement condition so as to ensure that the drainage scheme is implemented at the appropriate stage of the development.

17. Prior to first occupation a management and maintenance plan including adoption plan for the two independent drainage areas shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policies LP24 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

This is a pre-commencement condition so as to ensure that the drainage scheme is implemented at the appropriate stage of the development.

18. Prior to the occupation of the hereby approved dwellings, a maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species. The hard landscape proposals shall be retained for the lifetime of the development.

Reason: In the interests of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, and to comply with the aims and objectives of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

19. Groundworks (other than demolition) shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To identify and remove unacceptable risks to human health and the environment from coal mining features, hazards and land contamination in accordance Policy LP 53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This is a pre-commencement condition as remediation could affect the method of construction of the dwellings.

20. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 19. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy

Reason: To identify and remove unacceptable risks to human health and the environment from coal mining features, hazards and land contamination in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

21. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site 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 submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that unacceptable risks to human health and the environment from a coal mining features and hazards and land contamination have been appropriately remediated in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

22. The development hereby approved shall be completed in accordance with the approved boundary treatments (plan ref: 18001-D16-A) and completed before the dwellings are first brought into use and shall be retained as such.

Reason: In the interest of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015(as amended) (or any Order revoking or re-enacting that Order (with or without modification) no

buildings or extensions other than those expressly authorised by this permission shall be erected within the curtilage of plots 12 to 18.

Reason: In the interest of visual amenity and to avoid any harm to the openness of the green belt in accordance with Policies LP24 and LP57 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

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. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. 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: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) supply is, however, more likely to be futureproof. Please also note:

- Standard charging points for single residential properties that meet the requirements specified in the latest version of "*Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)*" by the Office for Low Emission Vehicles will be acceptable (charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable).
- For the apartments, if Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the "Guidance Notes for the Reduction of Obtrusive Light"* by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone E3.

Plan Type	Reference	Version	Date Received
Proposed site plan – Green Space	18001-K01-A	-	18/02/2020
Road Safety Audit Response	16-1112	-	11/02/2020
Proposed residential scheme Stage 1 road safety audit January 2020 by Optima	19123	-	11/02/2020
Proposed site plan	18001-D03	D	11/02/2020
Site layout tracking	16-1112 003	-	11/02/2020
Proposed site access improvement	16-113 002	B	13/01/2020
Weetwood Flood Risk and Drainage Assessment January 2020	4605/FRDA/Final/v1.2/2020-01-16		16/01/2020
Tree Protection Scheme by Bowland Tree Consultancy December 2019	BTC1726		20/12/2019
Viability Appraisal December 2019 by Elemes Development Consultancy	-	-	09/12/2019
Financial Viability Appendix 1 No. 2 33 units December 2019	-	-	09/12/2019
Financial Viability Assessment Appendix 1 No 2 40 units	-	-	09/12/2019
Feasibility Cost Plan NR1 Rev 1 3 rd December 2019	-	-	09/12/2019

Tree Impact Assessment by Bowland Tree Consultancy October 2019	BTC1726	-	05/11/2019
Brooks Ecological Bat Activity Survey October 2019	R-3959-03	-	22/10/2019
Residential Development Design and Access Statement	-	-	22/10/2019
Brooks Ecological Preliminary Ecological Appraisal Report	R-3951-01	-	22/10/2019
Brooks Ecological Appraisal Report	R-3952-05	-	22/10/2019
ENS Limited Noise Impact Assessment	NIA/8683/19/8641/v1/Carlinghow Hill	-	22/10/2019
Transport Statement	16-1112 V2	2	22/10/2019
House Type Key	18001-D07	A	22/10/2019
Existing Site Plan	18001-D02	A	22/10/2019
Landscape details shrub bed no's S1 -S17	R/2289/2	-	22/10/2019
Landscape Masterplan	R/2289/1A	-	22/10/2019
Visualisations	18001	-	22/10/2019
Site Elevations	18001-D04	A	22/10/2019
Electric Charging points and bin stores	18001-D17	A	22/10/2019
Materials and boundary treatments	18001-D16	A	22/10/2019
Structural Condition Report Appendix 1	-	-	22/10/2019
Krypton Structure Visual structural condition report 18 th April 2019	-	-	22/10/2019

Construction Method Statement	-	-	22/10/2019
Affordable Housing Statement	APC00112	-	22/10/2019
Arboricultural constraints appraisal March 2019	-	-	22/10/2019
House type 2 elevations – semi detached	18001-D11	A	22/10/2019
House type 4 elevations - Detached	18001-D15	A	22/10/2019
House type 1 - Detached	18001-D09	A	22/10/2019
House type 3 elevations - Terraced	18001-D13	A	22/10/2019
House type 1 – floor plans	18001-D08	A	22/10/2019
House type 4 – floor plans	18001-D14	A	22/10/2019
House type 2 – floor plans	18001-D10	A	22/10/2019
House type 3 – floor plans	18001-D12	A	22/10/2019
Existing and proposed hospital elevations	18001-D06	A	22/10/2019
Existing and proposed hospital floor plans	18001-D05	A	22/10/2019
Location Plan	18001-D01	A	22/10/2019
Geo-environmental report	19-36193	-	22/10/2019
Coal Mining Risk Assessment May 2019	C316	-	22/10/2019
Brooks Ecological Biodiversity Management Plan	R-3952-06	-	22/10/2019

Brooks Ecological Reptile Survey	R-3952-04	-	22/10/2019
Bat Emergence Survey	R-3952-02	-	22/10/2019
Statement of Community Involvement 15 th October 2019	-	-	22/10/2019
Planning Statement 16 th October 2019	-	-	22/10/2019
Geo-Environmental Appraisal June 2019	C316	-	22/10/2019
Geo-Environmental Appraisal Appendix A Drawings	-	-	22/10/2019
Groundsure Environmental permits, incidents and registers	-	-	22/10/2019
Groundsure county Series	-	-	22/10/2019
Built Heritage Statement October 2019	-	-	22/10/2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Through the course of the application, additional information was requested and received in relation to landscaping, boundary treatments, highways and drainage.

Report Dated:

17/08/2020
