

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No: 2019/44/93930/W

Site Address: land at, former St Luke's Hospital, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RQ

Description: Discharge of conditions 10 (air quality), 11 (electric car charging), 17 (landscaping), 18 (birds and bats), 19, 20 (lighting scheme), 25 (surface water) and 35 (travel plan) on previous permission 2018/93098 for variation of conditions 28, 33, 34 and 35 and removal of condition 31 on previous application 2016/91337

Recommending Officer: John Ritchie

DECISION – Discharge of Conditions – Split Decision

I hereby authorise the split decision 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: 24-Aug-2020

OFFICER REPORT 2 – 2019/93930

This application relates to a planning permission for the erection of a mixed-use development including 200 dwellings at the former St Luke's Hospital site, Blackmoorfoot Road, Huddersfield. Outline planning permission (ref: 2014/93099) was issued on 1st December 2015 subject to a S106 agreement. The current application is made to discharge conditions of the amended outline planning permission 2018/93098 as follows:

10. Prior to development commencing an Air Quality Impact Assessment should be submitted to and agreed with the Local Planning Authority for that phase. The Assessment shall calculate the pollutant emissions costs from the development and use this figure to determine measures to mitigate against this impact. The mitigation measures shall be agreed by the Local Planning Authority and all works carried out prior to occupation of any building on that phase of the development.

Reason: *In the interests of amenity in respect of Air Quality and to accord with Policy LP51 of the Kirklees Local Plan and part 9 of the National Planning Policy Framework "Promoting sustainable transport".*

Assessment

This condition was discharged 1st July 2020.

11. Prior to the commencement of each phase of the development the applicant shall submit a plan detailing facilities to be provided for charging plug-in and other ultra-low emission vehicles. This plan must be agreed in writing by the Local Planning Authority before development on that phase commences, and the plan implemented before first occupation of any premises on that phase of the development.

Reason: *In the interests of achieving sustainable development and meeting the challenges of climate change, in accordance with the guidance contained in part 9 National Planning Policy Framework "Promoting sustainable transport", and accord with Policy LP51 of the Kirklees Local Plan.*

Assessment

The submitted details are insufficient and the condition is not discharged. The applicant was informed of this by letter dated 1st July 2020.

17. Details submitted in respect of landscaping pursuant to conditions 1 and 2 shall include retention of existing trees, planting of native tree and shrub species and the creation of wildflower grassland. The scheme shall also detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. 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 unless the Local Planning Authority gives its written consent to any variation.

Reason: *To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with the guidance in part 15 of the National Planning Policy Framework “Conserving and enhancing the natural environment”, and Policies LP30 and LP32 of the Kirklees Local Plan.*

Assessment

This condition was discharged on 1st July 2020.

18. Development shall not commence on the development until a scheme for the provision of bat roost and bird nesting opportunities within that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details and retained. Note: In total across the entire development provision shall be made for 8 sparrow terraces (integral to the new buildings), 10 woodcrete sterling boxes (on trees within the site), 12 swift boxes (integral to the buildings) and 10 bat tubes (Schweglar type F1 or similar – fitted integral to buildings).

Reason: *In the interests of biodiversity and to accord with the guidance in part 15 of the National Planning Policy Framework “Conserving and enhancing the natural environment”, and Policy LP30 of the Kirklees Local Plan.*

Assessment

A Bird & Bat Mitigation Strategy has been submitted which has previously been accepted by the KC Ecology Officer as part of application 2019/93928 for the discharge of the same condition on planning permission for 28 dwellings on an adjacent site. The document covers both sites and condition 18 can be discharged on this basis.

19. Prior to the commencement of development, a “site level lighting strategy for biodiversity” for the whole development site shall be submitted to and approved in writing by the local planning authority. The lighting strategy shall identify those areas/features on or adjacent to the site that are particularly sensitive for bats and where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging.

Reason: *To avoid indirect impacts to bats, so as to accord with the requirements of the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Chapter 11 of the National Planning Policy Framework.*

Assessment

The submitted details have been reviewed by the KC Biodiversity Officer who advises that they are adequate to discharge the condition.

20. Prior to occupation of each development phase, a “phase level lighting design” for that phase shall be submitted to and approved in writing by the local planning authority. The lighting design for each phase will show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the bats using their territory or having access to their breeding sites and resting places.

The lighting design will adhere to the “site level lighting strategy for biodiversity” agreed by the local planning authority, as specified in Condition 19. Hereafter, all external lighting shall be installed in accordance with the specifications and locations set out in the lighting design for that phase, and these shall be maintained thereafter in accordance with the lighting design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To avoid indirect impacts to bats, so as to accord with the requirements of the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Chapter 11 of the National Planning Policy Framework.

Assessment

The KC Biodiversity Officer advises that the finalised lighting design plan has not been submitted therefore the condition cannot be discharged at this point.

25. Development shall not commence on each phase of development until a scheme, detailing temporary surface water drainage provision for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority for that phase. The scheme shall include methods of preventing silt, debris and contaminants entering existing drainage systems and how flooding of adjacent land is prevented. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the satisfactory drainage of the site and to accord with the guidance contained in part 14 of the National Planning Policy Framework “Meeting the challenge of climate change, flooding and coastal change” and Policy LP28 of the Kirklees Local Plan.

Assessment

This condition was discharged on 1st July 2020.

35. No part of the residential development shall be brought into use until a Full Travel Plan for the site, produced in accordance with the approved Framework Travel Plan dated 13/03/15, has been submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall include: Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets; The provision of Travel Plan Co-ordinator including roles, responsibilities and annual monitoring; the provision of travel Information; Implementation and review timescale; and enforcement, sanctions and corrective/review mechanisms. The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

Reason: To comply with the Council's sustainability objective Policy LP20 of the Kirklees Local Plan.

Assessment

The Highways Officer has reviewed the submitted details and comments as follows:

The submitted Framework Travel Plan is considered acceptable to enable condition 35 to be discharged. It should be noted that due to the applicant not providing any Travel Plan monitoring fees and any sustainable travel measure funding, the Council can only offer limited advice and input with the Travel Plan coordinator for this site moving forward in the future.

Notwithstanding the comments of the Highways Officer the S106 Agreement issued with the outline planning permission 2014/93099 included a requirement for the payment of £15,000 each for travel plan monitoring contributions the residential and retail elements. This requirement does not appear to have been removed as part of the varied agreement issued as part of planning permission 2018/93098.

Decision Text

This letter should be read in conjunction with this Authority's letter to you dated 1st July 2020, reference 2019/93930.

Condition 18 (Bird & Bat Mitigation Strategy)

You have submitted the following:

- Bird & Bat Mitigation Strategy Rev 2 dated November 2019 by BWB

This is acceptable for the purposes of condition 18 which requires the approved measures to be completed and retained.

Conditions 19 (Site Level Lighting Strategy)

You have submitted the following:

- Lighting Strategy & Specification
- Lighting Assessment report reference LDP2217 rev P1 S2 dated 28th August 2018 by BWB.

These details are sufficient to discharge condition 19.

Condition 20 (Lighting Strategy and Design)

In the absence of finalised lighting plans condition 20 cannot be discharged.

Condition 35 (Travel Plan)

You have submitted the following:

- Full Travel Plan by BWB ref SLH-BWB-GEN-XX-RP-TR-0005_Full Travel Plan S2 rev P1 dated 28th October 2019.

This is acceptable for the purposes of condition 35. Monitoring fees are required to be paid to the Council in accordance with the varied S106 legal agreement concluded on 8th August 2019.

Further to this Authority's letter dated 1st July 2020 I respectfully remind you that condition 11 (Electric Vehicle Charging points) remains to be discharged.

6th August 2020