Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2021/62/93432/W

To: Andrew Coldwell,
Heppenstall Architects
Allisons Buildings
135, Armitage Road
Milnsbridge
Huddersfield
HD3 4JY

For: William Brooke Benevolent Fund

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:-

CHANGE OF USE AND ALTERATIONS TO MILL BUILDING 29 TO FORM WELLNESS CENTRE (SUI GENERIS MIXED USE OF CLASS E(E) PROVISION OF HEALTH SERVICES AND F1(A) PROVISION OF EDUCATION) (LISTED BUILDING WITHIN A CONSERVATION AREA)

At: BROOKES MILL, ARMITAGE ROAD, ARMITAGE BRIDGE, HUDDERSFIELD, HD4 7NR

In accordance with the plan(s) and applications submitted to the Council on 27-Aug-2021, subject to the condition(s) specified hereunder:-

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 and to ensure the satisfactory appearance of the development on completion, to preserve the significance and setting of the listed building in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3. Notwithstanding the plans hereby approved, all works to repair the external walls and roof shall be carried out in complete accordance with the Preliminary Ecological Assessment with regard to the presence of bats.
Reason: As to ensure suitable provisions and measures are in place protect and enhance the biodiversity in the area, in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and the Biodiversity Net Gain SPD

4. Notwithstanding the plans hereby approved, At least Two Vivara Pro WoodStone Bat Boxes (or similar woodcrete made boxes) will be provided to mitigate the loss of roosting opportunities. These boxes shall be installed at c. 5 metres above the ground facing in south-westerly or south-easterly directions and retained thereafter for the lifetime of the development.
Reason: As to ensure suitable provisions and measures are in place protect and enhance the biodiversity in the area, in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and the Biodiversity Net Gain SPD**.**

5. Within six months of the date of this decision, a Biodiversity Enhancement Management Plan (BEMP) shall be submitted to and then approved in writing by the Local Planning Authority. The Biodiversity Enhancement Management Plan shall include:

- A timeline for the implementation of the works for all biodiversity enhancement and the garden area;
- Set out what habitats shall be delivered, including specific details of all habitat details and how they will be implemented; and,
- Outline how the habitats will be managed for a period of 30 years.

Works shall then be carried out in complete accordance with the approved Biodiversity Enhancement Management, directly in accordance with the timeline for the implementation of the works, and retained thereafter.
Reason: As to ensure suitable provisions and measures are in place protect and enhance the biodiversity in the area by providing a biodiversity net gain, in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and the Biodiversity Net Gain SPD.

6. 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 site
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, protect the Green Belt from artificial lighting 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.

7. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person 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 site 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. No part of the site shall be brought into use until such time as that part of the site 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.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

8. The replacement windows shall be carried out in full accordance with the details submitted on dwgs 4366 identified as quotation numbers 221616, 221617, 221618 and 221619 in relation to style, design and means of fitting. The window frames shall be timber with a white or off white finish and shall be retained thereafter.
Reason: To preserve the significance and setting of the listed building in accordance with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

9. Prior to the installation of solar panels and the heat pump units, in the event that these elements are implemented, full details of the fixing methods of the solar panels and heat pump units shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in complete accordance with the approved details and shall be retained thereafter.
Reason: To preserve the significance and setting of the listed building in accordance with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

10. Any patch repairs conducted to the external facing roof or wall shall be completed using matching stone slate for the roof and natural stone for the walls. All pointing shall be done in lime mortar and shall not strap pointed.
Reason: To preserve the significance, visual amenity, character and setting of the listed building in accordance with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

11. Works shall be carried out in complete accordance with the submitted Tree Planting Scheme (ref 13328a/SR) and retained thereafter. Any trees that die within 5 years of being planted shall be replaced with a Tree Species that is already found on the site.
Reason: To ensure adequate mitigation to the loss of trees caused by the proposed development, as to accord with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Note: Notwithstanding the plans hereby approved, when submitting the window details, officer recommend that the windows should be finished in white or off white to complement the surrounding buildings, rather than grey as specified in the application.

Note: • A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof
• 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. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
• At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.
• For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. 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.

Note: Contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance: • Land Contamination Risk Management (LCRM) • BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice • Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

Plans and Specifications Table:-

Plan Type	Reference	Version	Date Received
Location Plan	4366-02-01a	1	27/02/2023
Existing Elevations and Sections	4366-01-02	1	27/08/2021
Existing Floor Plans	4366-01-01a	1	27/08/2021
Existing Block Plan	4366-02-02	1	27/08/2021
Proposed Floor plans	4366-07-01L	4	20/04/2023
Proposed Access Plan	4366-07-02d	2	24/02/2023
Proposed Elevations	4366-07-03a	2	24/02/2023
Proposed Wall Restraint	4366-07-06d	2	24/02/2023
Proposed Wall restraint Details	4366-07-07a	2	24/02/2023
Proposed Floor Strengthening Details	4366-07-08	2	24/02/2023
Proposed External Works	366-07-10c	2	24/02/2023
Front Elevation Ground and First Floor Windows	221629	1	31/03/2023
Window Section	-	1	31/03/2023
Stair Windows	221628	1	31/03/2023
Back Elevation Windows	221627	1	31/03/2023
Front Elevation Second, Third and Fourth Floor Windows	221626	1	31/03/2023
Justification Statement	4366 07	2	24/02/2023
Structural Report	366 07	2	24/02/2023
Ecological Impact Assessment	AE22.172	2	03/02/2023
Preliminary Ecological Appraisal	AE21.105	2	12/04/2022
Tree Planting Scheme	13328a/SR	1	01/09/2021
Arboricultural Impact Assessment	13328/SR	1	01/09/2021
Heritage Statement	-	1	27/08/2021

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 has, 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. The applicant and local authority have worked with the agent to discuss matters relation to heritage, and biodiversity. Revisions have been made to the scheme based upon the applicant finding a tenant as well as additional information being submitted as per officer's request. The Authority have also worked closely with the agent to agree the trigger points of the conditions to be imposed. Additional information has also been received to address technical details of the works.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".**

- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**

- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**

- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**

- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**

- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- **Economic prosperity – workforces that are digitally-literate enables business to thrive.**
- **Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.**
- **New services – digital delivery can lower costs and provide innovative public and health services more conveniently.**

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority 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 an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:**

  i) 28 days of the date of service of the enforcement notice, or
  ii) within the specified period, starting on the date of this notice,

  whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**
- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**
- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/appeal-planning-decision. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**
- **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.**

Please note, only the applicant possesses the right of appeal.

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.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 21-Apr-2023

Signed:

David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2021/62/93432/W .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: **dc.admin@kirklees.gov.uk**

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
