

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:	2023/62/91345/E
Site Address:	Dewsbury and District Hospital, Halifax Road, Dewsbury, WF13 4HS
Description:	Erection of single storey building with roof top plant area to provide outpatient theatres, treatment rooms and consultant rooms with link to Boothroyd building, including demolition and remodelling of existing ramp and associated landscaping and drainage
Recommending Officer:	Ellie Thornhill

DECISION – Full Planning Permission- Granted

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.

David Wordsworth

AUTHORISED OFFICER

Date: 19/04/24

Officer report

Site description

The application relates to land adjacent to the Boothroyd Centre, within Dewsbury and District Hospital. The site is currently used for onsite parking for staff and visitors. Access can be taken from the south onto Healds Road.

Surrounding the site is a multitude of hospital buildings, which vary in design, scale, height and form, although the majority have pitched roofs, and many buildings are more than one storey in height. Common construction materials appear to be stone, however, there are more contemporary materials used in the locality including cladding, brick and render.

Furthermore, the wider area comprises predominantly residential and educational properties.

The site is unallocated on the Kirklees Local Plan.

Description of development

The application seeks planning permission for the erection of a single storey building with roof plant area to provide outpatient theatres, treatment rooms and consultant rooms with a link to the Boothroyd building, including demolition and remodelling of existing ramp and associated landscaping and drainage.

The new building would be 6.3m in height (excluding the plant equipment) by 31m in depth by 52m in length, with an internal floor space of circa 1522 sq.m.

An external platform is proposed around the edge of the building with associated ramp and staircase. A new corridor would connect the building to the existing Boothroyd Centre.

The walls are to be faced in tall buff brick with vertically coursed fibre cement textured panels. The window frames would be UPVC in anthracite grey.

The building would provide 2 x theatres for day case operating, 4 x treatment rooms for minor operations, 9 x outpatient clinic rooms for assessment and diagnosis of patients, along with the associated recovery and support spaces necessary. Mechanical plant would be located on the roof, broadly over the two theatres.

The building would be situated upon part of an existing car park, whereby 67 spaces would be lost. However, the proposal includes the re-provision of 59 spaces within the wider hospital parking which can be used by visitors and staff. A turning space has been provided to the northwest of the building, for patient drop offs and pickups.

Staff numbers are to be unaffected by the proposal.

Relevant Planning History

At the application site:

Dewsbury District Hospital has an extensive planning history, with the most recent applications within a close proximity to the application site:

- 2024/90018 Work to TPO(s) 33a/96 – Granted.
- 2023/90047 Work to TPO(s) 33a/96 – Granted.

History of negotiations

A number of concerns have been raised throughout the course of this application in relation to the design of the building, highway safety and other material planning considerations. As such, amendments/additional have been sought.

Representations

The application has been advertised via neighbour notification letters, site notices and the press.

Final publicity expired: 4th July 2023.

As a result of the publicity, no representations have been received.

Ward Councillors

All ward councillors have been notified of this application and the amendments that have been sought to provide the compensatory parking required. As such, no final concerns have been raised.

Consultation Responses

KC Environmental Health: Officers support the information provided in respect of air quality, noise, contaminated land and the Construction Environmental Management Plan. Nonetheless, appropriately worded conditions are still required and would be attached to the decision notice.

KC Trees: The development is considered acceptable, subject to the Birch Tree (T2) being protected during construction. As such, an Arboricultural Method Statement, in accordance with British BS 5837 shall be submitted to and approved in writing by the LPA, prior to development commencing.

KC Lead Local Flood Authority: The submitted site logistics plan, allows the LLFA to remove their initial objection. As such, the drainage information has been considered acceptable.

KC Ecology: An Ecological Impact Assessment (EcIA) has been submitted with the application, which is welcomed. The survey determined that the only ecological constraint is nesting birds, for which a suitable condition can be applied to any forthcoming consent.

KC Public Health: Comments have been provided in relation to the development proposed.

KC Landscape: Full landscape proposals are required as a planning condition including hard and soft landscape details and planting plans to create a diverse and attractive landscape which should enhance the setting of the development.

KC Waste Strategy: As general wastes would be managed through established waste arrangements on site it is not envisaged that there are any access issues vehicles for collections. The proposals relating to management of waste arisings during the construction phase and subsequent management of operational waste arisings are acceptable to officers.

KC Crime Prevention: In support of the application given the details provided.

Planning Policy Background

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 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP20 – Sustainable travel
- LP21 – Highway and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP33 – Trees
- LP35 – Historic environment
- LP49 – Education and health care needs
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

Supplementary Planning Documents

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)

National Planning Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 19th December 2023, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)

Climate change

The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On 12/11/2019 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 predates 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Urban design
3. Impact on residential amenity
4. Impact on highway safety
5. Other matters
6. Representations
7. Conclusion

1. Principle of development

Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

Land allocation and health care needs development

The site is unallocated on the Kirklees Local Plan and Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below..”.

In this case, the development is for a new hospital building at Dewsbury and District Hospital. Policy LP49 of the Kirklees Local Plan outlines general principles for assessing health care needs developments. These are as follows:

Proposals for new or enhanced healthcare facilities would be permitted where:

- a. the scale and location is appropriate for the catchment;*
- b. there is a need for a new healthcare facility, particularly in relation to the spatial development strategy;*
- c. they are well related to the catchment they would serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport.*

In this case, the submission documents justify the need for this building in order to provide “*High Volume, Low Complexity (HVLC) activity for day case patients and would provide new elective capacity, in excess of 65,000 episodes per year. The additional hospital capacity to which this development would bring, would be used across West Yorkshire (it is supported by Calderdale and Huddersfield Trust) and would provide capacity across many specialities, adaptable to many surgical needs as the building would be resilient and universal in design*”.

Therefore, given that the proposal would enhance the facilities at the hospital and appears to meet known public healthcare needs, in line with Policy LP49 (a & b), the principle of development can be supported.

The considerations of LP49(c) would be assessed in detail within the highway assessment of this report.

Sustainable development and climate change

As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.

Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change.

The Design and Access statement submitted with this application sets out how the building would contribute to sustainable development. This includes the fact that the building would be constructed using off-site modular construction techniques. The environmental benefits of off-site construction are (but not limited to):

75% fewer operatives on site, reducing energy use, size of compounds etc

Up to 90% less waste generated on site

Reduction in carbon emissions of up to 50%

The document also sets out that the proposal would target and is currently on track to achieve BREEAM (Building Research Establishment Environmental Assessment Method) Excellent rating. A BREEAM assessor would be appointed to the project and would lead the BREEAM assessment.

Officers therefore welcome the applicants approach to ensuring that the proposal represents sustainable development and does not harm the climate change agenda.

2. Urban design

Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating;

'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.

The development proposed would be an extension/new building within the existing hospital grounds and would adjoin the Boothroyd Centre to the east. The scale of the building whilst significant, would sit comfortably within the existing hospital complex. The development would also be single storey in height, however, would host a sizeable plant within the roof space. Nonetheless, given the above and the fact that the building would be concealed within the hospital site, its size and scale can be supported.

In terms of architectural design, the site includes a mix of traditional buildings and buildings with limited attractiveness. Officers suggested amending the design of the building to either include a pitch roof or a smaller footprint split over two floors. However, justification has been provided within the applicants submission documents to explain why these options are not possible. This includes the need to improve patient flows, the requirement of plant equipment within the roof for the operating theatres and a number of structural considerations (i.e vibrations).

Materials of construction are principally to be buff brick with vertically coursed fibre cement textured panels (Equitone Tective TE00 and TE30). The palette of materials was chosen to reference the tone and haptic qualities of the local vernacular whilst providing low-maintenance and highly durable façade suitable for hospital needs. The use of vertical panels is not opposed and would add visual interest to the building's appearance and material pallet. Conversely, a condition requiring samples of facing materials be provided for review is proposed, to ensure suitable end products are used. Subject to this, the appearance is deemed attractive and would accurately portray the role and function of the building.

External works would include the installation of a platform around the edge of the building and a connection to the existing Boothroyd Centre. The development would result in the loss of part of the existing car park and three trees) 2 early mature Bird Cherry (*Prunus padus*) prunus and a young Horse Chestnut (*Aesculus hippocastanum*) all category C. To compensate for the loss of the existing trees, three new tress are proposed within the landscaped area around the building. The tree specifications are to be confirmed and would be captured under a detailed landscape condition, alongside requiring a management and maintenance plan for the proposed planting.

In summary, the development would have an acceptable visual finish and would harmonise to a reasonable degree within the existing hospital site. Therefore, subject to the proposed conditions, officers are satisfied that the proposal complies with the aims and objectives of LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Impact on residential amenity

Section B of LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

In this instance, the works would be within the hospital campus and therefore would not impact upon any third party residential properties, in terms of built form.

With regard to noise disturbance, plant equipment is proposed within the roof deck of the new building. Therefore, an Environmental Noise Assessment authored by Noise.co.uk dated 13 February 2023 Ref 22418-1 has been submitted and details the below.

An environmental noise survey was conducted between 07 February 2023 and 09 February 2023 and a summary of the results is shown in table 9 (para 8.4). Modelling has been used to predict the maximum sound power level for the plant area on the roof of the proposed building and this is shown in figure 7 for daytime and figure 8 for night time. Para 12.2.2 states BREEAM requires the outcome of the BS4142 assessment to be 5dB below the prevailing background sound level and we welcome this requirement

The BS4142 assessment at para 12.4 shows the level to be 5dB below background, indicating a low impact to the nearest noise sensitive receptor as shown in figure 3. There is some uncertainty in the specification of mechanical plant and maximum target levels at the nearest noise sensitive receptors are given in para 12.4.1 and it is imperative these levels are not exceeded in order to prevent a loss of amenity. Environmental Health Officers are also unsure about the screening for the mechanical plant which would afford some further attenuation, however these uncertainties can be overcome with a recommendation for a compliance condition to ensure all fixed mechanical plant noise is 5dB below background levels. As such, the report can be accepted in line with policies LP24 and LP52 of the Kirklees Local Plan.

Alongside the above, a Construction Environmental Management Plan and a number of relevant documents have been submitted with this application.

The CEMP describes the project explaining that a modular build system would be employed, which would reduce construction times and disturbance. The

hours of operation are listed as 7:30am to 6:00pm Monday to Friday and 9:00am to 1:00pm on a Saturday. No noisy works would be undertaken on Sundays or Public Holidays, which is within Environmental Health's standard guidelines. A site manager would also be on site at all times when construction activities are being undertaken and 24-hour contact details would be posted on the site hoardings.

The plan goes on to clarify that good practices listed within the following documents would be followed: -

- Institute of Air Quality Management - "Guidance on the assessment of dust from demolition and construction" Version 1.1 2014 which provides detailed information regarding dust control measures in construction.
- British Standard Code of Practice — British Standard 5228-1: 1997 Code of Practice for Noise Control on construction and demolition sites gives advice on methods of reducing noise nuisance on construction sites.

The site would be protected by Heras fencing which would be covered in debris netting, wheel wash facilities would be available on site and wet road sweeping employed as necessary. The site manager would undertake site inspections, ensuring any remedial action to reduce dust is undertaken.

The site sits within the curtilage of the wider hospital footprint, which offers a buffer zone to the nearest residential sensitive receptors. Whilst the CEMP is largely based on health and safety protection for site employees, it does offer site-specific information to mitigate against the effects of nuisance from noise, dust and temporary construction related artificial light. The CEMP informs the LPA that Best Practicable Means (BPM) would be employed on site.

As such, KC Environmental Health accept the CEMP, subject to it being adhered to for the period of construction. The applicant has also been advised that the Council has powers under Section 60 of the Control of Pollution Act 1974 and Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light.

Having taken into account the above, officers are satisfied that the proposed development would not cause undue harm to the amenity of nearby residents, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the NPPF.

4. Highway safety

Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would 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.

Paragraph 114 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote

sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 115 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

In this instance, KC Highway DM have been formally consulted and have provided the following comments:

This application is for the erection of a single-story day treatment building on the site of an existing hospital car park with an access on to Healds Road, a 30mph two-way single carriageway residential link road of approximately 7.6m width with footways on both sides, street lighting present and Permit Holders Only parking bays opposite the site. There are No Waiting At Any Time TRO markings on the same side as the proposal site. To the east of the site entrance there are school zig-zag and keep clear markings.

The main entrance to the hospital and the car parks is located off the A638 Halifax Road and is located approximately 360m to the north of the proposal site. A638 Halifax Road is a 30mph two-way single carriageway main distributor road of approximately 10.8m width with a hatched central reserve to create right turn lanes, footways on both sides and street lighting present. There is a controlled pedestrian crossing to the east of the hospital entrance with some keep clear markings to the front of business and residential accesses. There is evidence of on street parking on both sides of the road near the hospital entrance.

The proposals are to build a single-story day treatment unit over an existing car park with the loss of 67 car parking spaces with an additional loss of 52 spaces during construction.

The Kirklees Highway Safety Team have provided the following comments regarding parking and obstruction issues related to the hospital and based on their record of complaints and concerns received,

. . . the loss of any off-street parking here would be at the detriment of the adopted highway as drivers already park and block access on some residential roads at off Staincliffe Road, it would add to the parking congestion lower down Healds Road which is full at school opening and closing times causing access issues up and down the road here.

As such, objections were initially raised by Highway Officers as the loss of on site parking for an existing oversubscribed hospital would result in highway safety and parking concerns contrary to Policies LP21 and LP22 of the Kirklees Local Plan.

Therefore, parking surveys have been undertaken in order to demonstrate if there is sufficient parking space available within the overall hospital site to allow for the losses caused by the proposal.

The car park and on-site on-street parking surveys were carried out over two days (Monday 27th November 2023 and Tuesday 28th November 2023) although only three sites had Monday data submitted and so this assessment used only the full site data from the Tuesday. It is noted that the car parks from the application site were excluded from the submitted data, but investigation of the site indicates that it contained 67 parking spaces, currently marked as 44 staff places and 28 visitor spaces or up to 72 when “informal” parking is included.

The surveys indicated that the existing car parking comprised of 323 visitor parking spaces, 52 blue badge parking spaces and 523 staff parking spaces. These figures exclude any on-street parking within the site and any “informal” parking spaces.

It was noted that from the results of the surveys that the majority of the car parks were at 100% capacity for part of the day and it is assumed that where the car parks were at or above 100% capacity, “informal” parking took place.

The internal on-street surveys showed that there were very limited spaces available but, in most cases, the on-street parking was oversubscribed, and “informal” parking occurred where parking restrictions were in place.

Given the above information, Highways DM consider the existing car parks within the hospital site to not be able to adequately absorb the displaced parking lost with the development proposals and so officers would expect this parking demand to be transferred to the surrounding adopted highway network. As this currently experiences severe parking and obstruction issues caused mostly by the hospital parking, Kirklees Highway Safety team, would not support any development that would encourage additional on street parking in this location.

Therefore, additional information has been submitted to overcome the objection raised in relation to the increase of on-site car parking within the hospital site and a drop-off point for the proposed building and existing Boothroyd Centre.

In relation to car parking, the compensatory spaces (plan unreferenced) indicates that 59 new spaces can be delivered (34 public spaces and 25 for staff), with a new footway between car park 19 and Woodkirk House, although it appears that a small number of additional spaces could be created throughout the wider site.

Taking the above into account, the development would only result in the loss of approximately 8 formal spaces (which could be reduced further with the additional spaces identified above). Therefore, Highway Officers have concluded that the loss of 8 spaces can be managed and mitigated for within

the site wide hospital travel plan and that this loss would not constitute a severe impact on highway safety within the area surrounding the hospital site.

In regards to the drop off and pick up point, a turning head design has been submitted, which also relocates the cycle parking closer to the main entrance, removing the need for a linking footway, whilst allowing the drop-off to be approximately 5.7m. The drawing shows a swept path analysis allowing a car to turn safely within the site, however this has necessitated the removal of three standard parking spaces and one accessibility space. The drop-off and turning area as represented on the drawing is acceptable.

In summary, taking into account the additional parking spaces, the re-routed footpath and the amended drop off point, Highways DM on balance, support the application, due to the slight shortfall of spaces. This is subject to conditions regarding the additional spaces, footway and drop off point being provided before the building is first brought into use and that all construction arrangements would be carried out in accordance with drawing No A-1170 Rev P2 Site Logistics Plan. As such, the development is considered to comply with local and national policy in relation to highway safety and parking.

5. Other matters

Drainage

The NPPF sets out the responsibilities of Local Planning Authorities determining planning applications, including securing appropriate drainage, flood risk assessments taking climate change into account, and the application of the sequential approach. Policies LP27 and LP28 of the Local Plan detail considerations for flood risk and drainage respectively.

The site is within Flood Zone 1 and there are no watercourses within or in proximity to the site. There are therefore no fluvial flooding concerns for this development.

In this instance, the attenuated surface water would be discharged into the combined sewer within the site. KC LLFA however have reminded the applicant that the use of a proprietary Flow Control Device (e.g. HydroBrake) should be used instead of the proposed 100mm diameter pipe laid at a slack gradient to restrict the off-site discharge rate. The Flow Control Device should be rated at 12.4 l/s as stated in the Drainage Statement in Table 5.3.

As such, officers are satisfied that an acceptable drainage connection can be made in light of the above policy and guidance.

Air quality

An Air Quality Assessment has been submitted in support of the application. The assessment details the impact that the development would have on existing air quality, due to fugitive dust emissions during construction and road

traffic emissions associated with vehicle movements to and from the site during operation. This has been assessed by K.C. Environmental Health.

Construction phase

For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) document "Guidance on the Assessment of Dust Demolition and Construction 2016". This involved a risk assessment to identify all potential sources of dust during the construction phase and the risk of impact at all sensitive receptor locations within 350m of the site boundary. From this the significance of dust effects arising from the construction phase was determined. The report concludes that the residual impacts from all dust generating activities is predicted to be not significant in accordance with the IAQM guidance. The report provides dust mitigation measures based on the IAQM guidance, which have been adapted for the development and these are summarised in Table 17 pages 26 & 27 of the report.

Operational phase

A screening assessment was undertaken in accordance with the IAQM Guidance - Land-Use Planning & Development Control: Planning for Air Quality, 2017. This was to determine the impact of the development on local air quality due to vehicle movements. The screening assessment used monitored data provided by Kirklees Council, Defra background pollutant concentrations and traffic information provided by Scott White and Hookins, the Transport Consultants for the project. The report concludes that pollutant concentrations are predicted to be below the relevant Air Quality Objective (AQO) due to the low number of anticipated vehicle trips associated with the proposed development.

KC Environmental Health agree with the findings of this report.

Notwithstanding the above, all developments are expected to provide Electric Vehicle Charging Points (EVCPs). A total of 59 parking spaces are to be created as part of this development and therefore new EVCP's are required. This can be secured via condition.

The information submitted alongside the application is considered sufficient, subject to condition, to demonstrate that the proposal complies with the aims and objectives of Policies LP24, LP51 and LP52 of the Kirklees Local Plan in relation to air quality.

Contamination

The application is supported by a Combined Phase 1 and 2 report authored by KGS (ref: 9202-001-R-01 revision 2) and a letter titled 'Coal Fragments in Made Ground at Dewsbury Hospital' authored by Key GeoSolutions Ltd dated 4th April 2024 (ref: 9202-001-L-001). The information submitted has been considered acceptable, however, officers have requested the submission of a

remediation strategy and other land contamination conditions be attached to the decision notice.

Crime prevention

The proposed building would be publicly accessible, with potentially high volumes of movement. A&E departments are accepted to be vulnerable to anti-social behaviour. Policy LP24(e) requires proposals ensure that the risk of crime is minimised by enhanced security and well-designed security features, amongst other considerations. The applicant has undertaken continued discussions with the local Designing Out Crime Officers (DOCO) and district Counter Terrorism Security Advisor (CTSA) throughout the preapplication and application processes.

The DOCO and CTSA consider the proposal to be well designed and considered. Adequate site security features have been demonstrated, through the layout of rooms, use of CCTV, access control, lighting and external glazing. The applicant intends to achieve BREEAM (Building Research Establishment Environmental Assessment Method).

Therefore, the proposals represent good design that adequately mitigates the risk of crime from the site. The proposal is therefore considered to comply with the aims of LP24(e).

Ecology

Development has the potential to cause harm to ecology within any site and in the wider area. Policy LP30 of the KLP states that the Council would seek to enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.

In this instance, an Ecological Impact Assessment (EcIA) has been submitted with the application, which is welcomed. The survey determined that the only ecological constraint is nesting birds. Therefore, the proposal has been considered as having a negligible impact on biodiversity and therefore a condition for nesting birds along with ecological enhancements would be placed on the decision notice. This would ensure that a net gain to ecology is provided at the application site, in accordance with the aforementioned policy and guidance.

6. Representations

As a result of the publicity, no representations have been received.

7. Conclusion

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.

The application site is unallocated land where development is not restricted, subject to consideration of material planning considerations. The proposal seeks to extend the existing hospital complex but providing a new unit for day treatments. This development would benefit the local public health and the impacts have been considered to be within acceptable levels.

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 and is therefore recommended for approval, subject to conditions.

Recommendation: Approve.

Decision Authorisation - Delegated Powers

Application Number: 2023/91345

Officer Recommendation: Approve

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 and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Prior to their use, details of all external facing materials, to include buff brick with vertically textured panels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

4. Notwithstanding the submitted plans, prior to works associated with the provision of hard and/or soft landscaping commencing, a landscaping strategy shall be submitted to, and approved in writing by, the Local Planning Authority. This should include:

- Details of materials to be used for all hard surfaced areas including linking paths, vehicle and other circulation areas;
- Planting plans; plant schedules noting species, plant sizes and proposed numbers/densities; and an implementation, management, and maintenance programme; and
- A Landscape Management Plan including details of initial aftercare and long-term maintenance for minimum of five years. 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 written consent to any variation. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the Local Planning Authority.

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

5. Prior to development commencing, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted to, and approved in writing by the Local Planning Authority. The method statement shall include details on how the construction work would be undertaken with minimal damage of the Birch tree (T2) identified in Tree Constraints Survey and Arboricultural Impact Assessment dated 28/03/2023 and its roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan. This is a pre-commencement condition, given the need for adequate consideration of mitigation measures (against harm to trees) prior to works commencing on site.

6. Before the development is first brought into use, the additional/compensatory car parking spaces and pedestrian footpath to be provided (unreferenced plan by the NHS Trust) shall be completed in accordance with the details shown on the approved plans and retained thereafter.

Reason: To maximise the efficiency of parking for staff and visitors to the site, in the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

7. Before the development is first brought into use, turning facilities at the proposed drop-off point shall be provided in accordance with drawing 0700 rev P04 hereby approved. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction for the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

8. The construction arrangements shall be carried out in complete accordance with drawing A-1170 Rev P2 Site Logistics Plan, hereby approved, throughout the period of construction.

Reason: Due to the nature of the site and local road network, so as to ensure adequate arrangements are approved which allow heavy vehicles to safely access the site, in the interest of the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition, given the need to ensure safe access to the site and on-site arrangements, prior to construction traffic attending the site.

9. Development shall be carried out in strict accordance with the Construction Environmental Management Plan, reference 180598 hereby approved for the full period of construction.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

10. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

Detail phasing of the development and phasing of temporary drainage provision.

Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in

2-year storm. It should be assumed that once the site has been stripped that the percentage run-off would be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA.

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 effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure adequate temporary drainage is agreed and implemented before works commence.

11. Before the building is first brought into use, the drainage strategy as detailed in the hereby approved documents 10060-D4S-XX-XX-DR-C-1000 (Sheet 1) P5 (dated 21/09/2023), 10060-D4S-XX-XX-DR-C-1010 (Sheet 2) P5 (dated 21/09/2023) and 10060-D4S-XX-XX-DR-C-1020 (Sheet 3) P2 (dated 21/09/2023) shall be implemented and made operational. Thereafter the drainage system shall be retained in accordance with approved scheme.

Reason: ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing, in accordance with Policy LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

12. Before the building is first brought into use, a management and maintenance scheme for the drainage strategy hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The drainage system shall thereafter be operated in accordance with the approved management and maintenance scheme.

Reason: To deliver effective sustainable drainage systems that would be operated, maintained and managed for the lifetime of the development that it would serve, in accordance with Policy LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

13. Prior to the hereby approved development being brought into use, a scheme detailing the dedicated facilities that would 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:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of non-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 supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

14. No site clearance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before the site is cleared and provided written confirmation that no birds would be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with policy LP 30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework.

15. Prior to the commencement of superstructure works, a plan detailing the positioning, location and specification of a bat box (Schwegler 3FE Bat Box or similar) and one Swift nesting box shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented before the building is first brought into use and retained thereafter.

Reason: To provide an enhancement to biodiversity in line with policy LP 30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework.

16. Where site remediation is recommended in the Combined Phase 1 and 2 report authored by KGS (ref: 9202-001-R-01 revision 2), the Gas Monitoring Summary Report authored by Key GeoSolutions Ltd, dated August 2023 (ref: 9202-002-R-01-0), and the Response to Comments Raised by Kirklees Environmental Health authored by Key GeoSolutions Ltd, dated October 2023 (ref: 9202-003-R-01-0), further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

17. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (16). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the approved Preliminary Risk Assessment or the approved Phase II Intrusive Site Investigation Report is identified or encountered on site, 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. 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

18. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures 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 the aims of Chapter 15 of the National Planning Policy Framework.

19. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment is at least 5dB below the background sound level at any time. 'Rating level' and 'background sound level' are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they would be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: Monday to Friday: 0730 – 1830 Saturday: 0800 – 1300

With no working Sundays or Public Holidays In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

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) is however 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 would be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would 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.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Combustible materials (coal)	9202-001-L-001	-	04/04/2024
Additional/compensatory car parking plan	Unreferenced by the NHS Trust	-	27/03/2024
Pick up and drop off point	304130-SWH-ZZ-XX-DR-C-0700 P04	-	27/03/2024
Site location plan	180598 DGL 01 XX DR A 1100	P3	26/03/2024
Car parking surveys	Various documents	-	11/12/2023
Proposed drainage diversion works	10060-D4S-XX-ZZ-DR-C-2200	P1	25/09/2023
Proposed drainage diversion works (sheet 2)	10060-D4S-XX-ZZ-DR-C-2010	P1	25/09/2023
Typical external details (sheet 1)	10060-D4S-XX-XX-DR-C-5000	P1	25/09/2023
Proposed drainage diversion works	10060-D4S-XX-ZZ-DR-C-2000	P2	25/09/2023
Typical drainage details	10060-D4S-XX-XX-DR-C-4000	P1	25/09/2023
Typical drainage details (sheet 3)	10060-D4S-XX-XX-DR-C-4002	P1	25/09/2023
Typical drainage details (sheet 2)	10060-D4S-XX-XX-DR-C-4001	P1	25/09/2023
Proposed drainage layout (sheet 3)	10060-D4S-XX-XX-DR-C-1020	P2	25/09/2023

Proposed manhole schedule	10060-D4S-XX-XX-DR-C-1200	P5	25/09/2023
Proposed drainage layout (sheet 2)	10060-D4S-XX-XX-DR-C-1010	P5	25/09/2023
Surface water long sections	10060-D4S-XX-XX-DR-C-1500	P2	25/09/2023
Proposed drainage layout (sheet 1)	10060-D4S-XX-XX-DR-C-1000	P5	25/09/2023
Exceedance flow plan	10060-D4S-XX-XX-DR-C-3000	P1	14/09/2023
Proposed drainage diversion	10060-D4S-XX-ZZ-SK-C-1000	P1	14/09/2023
Glazing specification	180598 DGL 01 XX DR A 600	P2	04/08/2023
Site logistics plan	180598 DGL 01 00 DR A 1170	P2	09/05/2023
Fire strategy plan	180598 DGL 01 ZZ DR A 3000	P2	09/05/2023
Proposed landscaping plan	180598 DGL 01 XX DR A 1400	P3	09/05/2023
Proposed elevations	180598 DGL 01 XX DR A 2100	P4	09/05/2023
Proposed sections	180598 DGL 01 XX DR A 2300	P1	09/05/2023
Demolition plan	180598 DGL 01 XX DR A 1176	-	09/05/2023
Existing topographical survey GRP overlay	180598 DGL 01 XX DR A 1156	-	09/05/2023
Ground floor plan	180598 DGL 01 00 DR A 2001	P1	09/05/2023
Roof plan	180598 DGL 01 RF DR A 2020	P2	09/05/2023
Existing topographical survey	180598 DGL 01 XX DR A 1155	-	09/05/2023
Existing site plan	180598 DGL 01 00 DR A 1150	P1	09/05/2023
Proposed site plan	180598 DGL 01 00 DR A 1160	P4	09/05/2023
Combined phase 1 and phase 2 ground investigation	9202-001-R-01-2	2	26/10/2023
Service penetration detail	GEO104074.07b	-	26/10/2023
Pipe penetration detail	GEO104074.07a	-	26/10/2023
External corner detail	GEO104074.06b	-	26/10/2023
Internal corner detail	GEO104074.06a	-	26/10/2023
Concrete column detail	GEO104074.05	-	26/10/2023
Perimeter detail part 4	GEO104074.03d	-	26/10/2023

Perimeter detail part 3	GEO104074.03c		26/10/2023
Perimeter detail part 2	GEO104074.03b	-	26/10/2023
Perimeter detail part 1	GEO104074.03a	-	26/10/2023
Plinth spanning pipe detail	GEO104074.02b	-	26/10/2023
Typical plinth detail	GEO104074.02a	-	26/10/2023
Typical perimeter detail between plinths	GEO104074.01b	-	26/10/2023
Typical perimeter detail at plinths	GEO104074.01a	-	26/10/2023
Contamination strategy index	306706643_1_1	-	26/10/2023
Historic maps (contamination)	306706643_1_1	-	26/10/2023
Soil geochemistry	306706643_1_1	-	26/10/2023
Site checks (contamination)	306706643_1_1	-	26/10/2023
Site checks (contamination)	306706643_1_1		26/10/2023
Historical mapping (contamination)	306706643_1_1	-	26/10/2023
Datasheet (contamination)	306706643_1_1	-	26/10/2023
Bedrock information (contamination)	306706643_1_1	-	26/10/2023
Geology information (contamination)	306706643_1_1	-	26/10/2023
Gas monitoring summary report	9202-002-R-01-0	-	05/10/2023
Response to comments raised by KC Environmental Health	9202-003-R-01-0	-	05/10/2023
Coal Authority permit	-	-	05/10/2023
Travel plan	304130	1	14/09/2023
Transport statement	304130	1	14/09/2023
Site logistics plan 1	180598 DGL 01 00 DR A 1171	P3	04/07/2023
Development and planning letter	By Darwin Group	-	04/07/2023
Ecological Impact Assessment	CE-DH-2254-RP01-FINAL	-	16/05/2023
Design and Access statement	Dated April 2023	-	16/05/2023
Supporting statement	SA47052	-	16/05/2023
Drainage statement	10060-D4S-XX-XX-C-RP-0001	P01	16/05/2023
Flood risk assessment	9202-001-R-02-0	0	16/05/2023
Rapid Health Impact Assessment	-	-	16/05/2023

Climate change statement	-	-	16/05/2023
Environmental noise assessment	22418-1	-	16/05/2023
Archaeological desk based assessment	23/4666C	-	16/05/2023
Tree constraints survey Arboricultural Impact Assessment	CE-DH2247-RP01-Final	-	16/05/2023
Air quality impact assessment	6468r1	-	16/05/2023
Construction Environmental Management Plan	180598-DGL-MS-W-CLMP	P01	16/05/2023

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. In this instance, a number of concerns have been raised throughout the application process and therefore amendments and additional information has been sought to address these.

Dated: 17/04/2024