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**Report of the Head of Development Management**

**STRATEGIC PLANNING COMMITTEE**

**Date: 27-Apr-2017**

**Subject: Planning Application 2017/90077 Erection of 85 bed care home with associated car parking and landscaping Busker Lane, Scissett, Huddersfield, HD8 9JU**

**APPLICANT**

Chris Houghton, TLC  
Carehomes (Yorkshire)  
Limited

**DATE VALID**

09-Jan-2017

**TARGET DATE**

10-Apr-2017

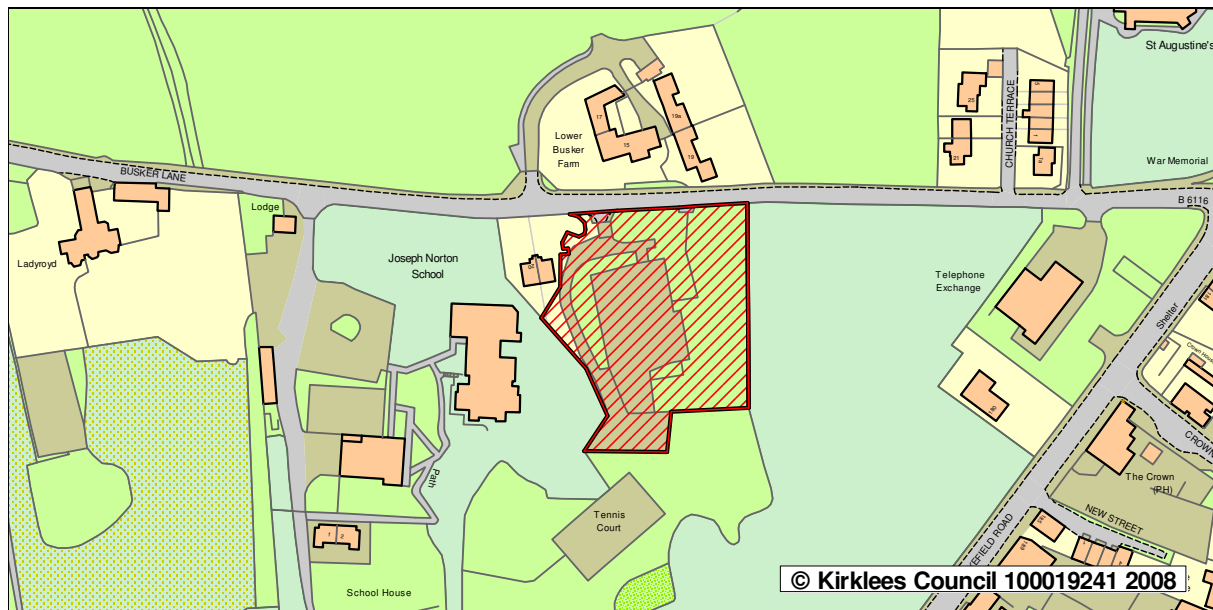
**EXTENSION EXPIRY DATE**

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

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

**LOCATION PLAN**



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

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**Electoral Wards Affected:** Y/NWard Members consulted  
(referred to in report)

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

Dementia care to be provided in perpetuity as part of the proposed care facility.

**1.1 INTRODUCTION**

- 1.2 The proposed development involves an inappropriate form of development in the Green Belt and therefore, represents a departure from the Development Plan. It is referred to Strategic Planning Committee on this basis.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises an approximately 0.59ha parcel of land located on the southern side of Busker Lane. The site lies wholly in the Green Belt. The site was previously occupied by Scisset Mount care home which closed in 2007 and the buildings were demolished sometime after 2012. The site does not contain any buildings.
- 2.2 There is an existing access to the site off Busker Lane which served Scisset Mount and also serves a pair of semi-detached dwellings which are located close to the western boundary of the site. The dwellings would remain in residential use.
- 2.3 The site lies on the edge of relatively open countryside less than 0.5km to the west of Scissett. It is bounded by Busker Lane to the north (and Lower Busker Farm beyond); Nortonthorpe School to the west and south; and woodland to the east. Areas of hardstanding and a number of mature trees exist on the site, including a substantial Oak tree in the south-east corner
- 2.4 The site slopes down from north-west to south-east. Whilst there are some elements of the site which have naturally regenerated, there are extensive areas of hardstanding and other built elements and overall, it is considered that the site constitutes brownfield land.

### **3.0 PROPOSAL:**

3.1 The proposed development involves the erection of a care home facility (C2 use class) which would include a total of 85 rooms set within a predominantly three storey building (and an additional basement storey). The design/layout specifics include:

- A total building footprint of 1,425m<sup>2</sup> and volume of 13,370m<sup>3</sup>.
- Rooms for 36 dementia care individuals and 49 rooms for those with nursing/residential social care needs.
- The submitted plans include a swimming/hydrotherapy pool and gymnasium area. It is the intention to link this with the Dementia Friendly Swimming Hub to enhance the experience of those living with dementia. The pool would also be available to other residents of the care facility.
- Mainly 3 storey with a slightly lowered roof on the eastern part of the site facing Busker Lane. The front gable projecting element which projects closest to Busker Lane to be 2.5 storeys in height.
- Car parking area positioned close to the site entrance with 27no parking spaces.
- Materials comprising mainly stone with reconstituted slate pitched roofs with elements of render. Glass balustrading and a modern glazed entrance.
- Landscaped garden area to the east for use by residents.
- Ancillary accommodation within the building comprises communal lounges, hydrotherapy/swimming pool, gymnasium, shop, hair salon and staff areas.

3.2 All rooms would be single with en-suite facilities including a shower. The scheme has been designed to promote independence. There would be a 'wing' of the building dedicated to specialist dementia care.

3.3 There are no details of boundary treatment, although it is assumed that a fence will surround the site, supplemented by landscaping in places.

3.4 The scheme is designed to accommodate residents aged 55 years and over for those with residential/nursing social care needs and/or dementia.

3.5 The proposal would employ a total of 12 full time and 12 part-time staff.

### **4.0 BACKGROUND AND HISTORY:**

4.1 The recent planning history of the site is detailed below:

2012/92381 - Erection of residential home (with step-up apartments) – Approve, subject to conditions.

4.2 The planning permission above also included the demolition of the existing building and structures associated with Scisset Mount. Following the grant of planning permission the buildings and structures were removed.

### **5.0 PLANNING POLICY:**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).

5.2 The Council's Local Plan was published for consultation on 7<sup>th</sup> November 2016 under Regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those with the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework, these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

5.3 The application site is allocated as Green Belt in the Unitary Development Plan and the emerging Local Plan.

UDP Policies:

H16 – Proposals relating to residential homes for the elderly

G6 – Land contamination

T10 – Highway safety

BE1 – General Design Principles

BE2 - Design of new development

BE23 – Crime Prevention Measures

EP4 – Noise Sensitive Development

EP11 – Ecological Landscaping

5.4 Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application has been advertised in the press, by site notice and by neighbour letter as a Major Development and a Departure from the Development Plan. Amended plans were submitted during the course of the application and re-advertised following amendments to the layout and scale of the development, and the provision of additional justification for the proposal.

6.2 A total of 5 representations have been received. In addition, an objection has been raised by Councillor Graham Turner. The objections received can be summarised as follows:

- The new application is now proposing 85 bedroom Care Home. This is clearly well in excess/over the original care home size and will have a significant impact on the immediate local area of Busker Lane.

*Officer response – This is covered in more detail in the 'Principle of Development' and 'Design' section of this report.*

- The proposed building is three storey's with a basement. The previous applications Ref 2012/62/92381/E, was for a mixture of two and three storey buildings which sat in the landscape more appropriately, this design would be more acceptable to the local residents of Lower Busker Farm. The proposed new build takes on the appearance of a "Travel Lodge" in my opinion and in no way enhances the surrounding local vernacular.

- Officer response – This is covered in more detail in the ‘Principle of Development’ and ‘Design’ section of this report.
  - This drawing has not taken into account the requirement for lighting for safe entrance into the site and general lighting around the carpark. If there is no drawing to cover this important point then the application is not complete and not acceptable. There is NHS general lighting standard for lighting which could be applied in this case.
  - Officer response – Conditions recommended requiring lighting details to be submitted and approved in order to prevent light spill and in the interests of local ecology.
  - The trees at the north of the site appear to be well established this is not the case at present and will allow light spillage onto the residence of Lower Busker Farm and make the new development exposed from Busker Lane and the Lower Busker Farm residents.
  - Officer response – A landscaping scheme is recommended.
  - There is no indication of CCTV on the drawing CCTV for the development cannot impose a threat to the privacy of the residents of Lower Busker Farm. How will this be addressed?
  - Officer response – Condition recommended. In any event, given the distance between the proposed building and Lower Busker Farm there is no reason why any camera would be positioned towards Lower Busker Farm.
  - The design has no reference to an Ambulance parking area, these vehicles are bigger than a normal vehicle and should have a designated parking area with easy access to the building. Consideration should also be given for a requirement for Mini Buses, Large Taxis which require a larger area around them to allow for access by wheel chairs. Has any consideration been given to Daily deliveries to the Kitchen area and maintenance vehicles?
  - Officer response – This has been addressed. See highways section.
  - Noted from this drawing that the dry riser is at the back of the building, how will the Fire Brigade access the connection point of the dry riser to carry out any firefighting requirements?
- Officer response – Not a planning matter. Will be addressed as part of Building Regulations.
- Plant Room – No indication of any plant i.e. boiler, heat exchangers etc. The boiler will it need a Flue, how will it be attach to the building, outside or inside? This issue has not been addressed in any drawing.
- Officer response – Environmental Health has considered this comment and recommend an additional planning condition to deal with this.

- General Drain Down – How can a drain down affect the local community drainage system. Chemicals and suspended solids from the boiler/plant? Has a Drainage Survey been carried out?
- RO Plant is there any. If there are the intake and extract need to be annotated on the drawings.
- Officer response – *Environmental Health has considered this comment and recommend an additional planning condition to deal with this.*
- Can a drain down of the boiler with the added chemicals and suspended solids be accommodated by the 225mm main drain down Busker Lane? Drainage issue.  
Officer response – *Drainage information currently being assessed by the Council. Update to be provided to committee. However, this is likely to be an issue for Yorkshire Water outside of the planning process.*
- Staff room - There is a window in the staff room however is this enough for the required air changes for this area? If there is a requirement for cooling/ air changes in the area how will it be achieved and is there any requirement for outside split units, intake or extract vents. These have not been shown on any drawing. I would question the distances for natural air in this area.  
Officer response – *Not a planning matter.*
- Laundry - Note that there are tumble dryers in this area, how are they exhausted to atmosphere, if by an exhaust pipe why has this not been shown on any drawn? How is the area cooled and ventilated?
- Officer response – *Environmental Health has considered this comment and recommend an additional planning condition to deal with this.*
- How is the washing machine waste water dispose of? Note: that this is a basement area and it's possible it will require pumps, can the present local drainage cope with all the extra drainage requirements? Is the plant room big enough to handle all this equipment?
- Officer response – *Not a planning matter.*
- Kitchen –\_Kitchen extract how will it be installed and what impact will it have on the visual aspect of the outside of the building? Has a noise and odour survey been carried out?
- Officer response – *Environmental Health has considered this comment and recommend an additional planning condition to deal with this.*
- What are the cooling and ventilation requirements for this area and how will it be achieved? Will there be any impact to the façade of the building i.e. split unit cooling units and ventilation grills.

- Officer response – Condition recommended. Applicant confirmed they will use colour match grilles to cladding/stone to lessen impact. There would be positioned on oblique or rear elevations wherever possible.
- General Circulation Spaces – how is ventilation achieved in these areas to comply with current regulations? Will this have any additional hardware on the outside of the building such as split unit cooling, supply and extract vents if so these are not on any drawing and the submission is incomplete.
- Officer response – Not a planning matter. Any external elements to be subject to a planning condition.
- Pool Area. If the pool had to be discharged to drain in an emergency can the 225mm main local drain handle this quantity of water without any damage.
- Officer response – Drainage information currently being assessed by the Council. Update to be provided to committee. However, this is likely to be an issue for Yorkshire Water outside of the planning process.
- Drainage – It is noted that there is no drainage survey so how can we be certain that the present system is capable of this new demand of the new 85 residents plus staff and amenities.
- Officer response – Drainage information currently being assessed by the Council. Update to be provided to committee
- General - How will building waste be taken from the site and controlled?
- Officer response – The revised access proposals demonstrate that an 11.85m refuse vehicle can enter and exit the site in forward gear. Refuse would be collected from site. Bin store details to be conditioned.
- How will Busker Lane be kept clean from lorry waste off the wheels?
- Will there be a Wheel Wash on site?
- Officer response – a Construction Management Plan would be requested by a planning condition.
- Is this development subject to BREEAM Accreditation, if so to what level of accreditation can be expected.
- Officer response - The scheme will be delivered to Building Regulation Standards in line with Approved Document L, discussed in the D&A Statement. We will do an SBEM Calculation as per Part L2a which will confirm energy performance of the building. We will also look to provide a renewable energy system such as CHP.
- The development of the proposed new entrance will require considerable traffic management and huge inconvenience for all that use the Lane. Traffic control issue, which needs resolving with the council and the contractor. This road is deemed as a “Dangers” and there is a blue erected sign at the bottom of Busker Lane stating “West Yorkshire Police High Accident Route Priority Enforcement” The last sever

accident was 28 January 2017 which closed Busker Lane for some considerable time.

- The development will provide 27 car parking spaces within the curtilage of the site and in keeping “the Planning service Parking Standards issued by the Kirklees Council. The Standard clearly identifies that Nursing Homes are classed as C2 Residential Institutions and parking spaces are allocated 1 space per 3 Nursing staff and Ancillary Staff and 1 space per 6 resident/visitors. This equates to 22 spaces but no mention of a doctor’s space, ambulance space, maintenance and general deliveries.
- What provision will be made for weekend visitors which will probably fill the car park, has there been any provision for an overspill car park?
- Officer response – See ‘highways’ section of report.
- What provision has been made for parking for the contractor’s work force during the construction?
- Officer response – A planning condition is recommended requiring the submission of a Construction Management Plan.
- The Transport Statement states “An existing pedestrian footway of approximately 1.5 meters in width is situated on the northern side of Busker Lane” This statement is totally incorrect and discredits the report, the 1.5m is only true at the entrance of Lower Busker Farm the footway in both directions is not even and in some places is down to 700mm (no room for a standard wheelchair) and pedestrians cannot walk side by side. One safety issue is that if two pedestrians have to pass each other one pedestrian has to step into road. A further safety issue arises if two large Lorries have to pass each other the risk of an accident to pedestrians is increased by the overhanging wing mirrors and the vortex generated by the vehicles which tends to pull the pedestrian in toward the lorry.
- Busker Lane is on a very steep hill and rises from Scissett to the Lower Busker Farm entrance on a high gradient (approx. 15%) which is not suitable for the elderly or wheelchair confined people or cycles.
- The pathways on Busker Lane are not capable of taken two people side by side or two people cannot pass without one person stepping into the road. I believe this report has been done as a desk top exercise and not by gathering the true measured information from the area concerned.
- Site not accessible by bicycle due to gradient of Busker Lane.
- The nearest bus stop to the site is located on Busker Lane approximately 50 meters from the centre of site is for buses going down the hill the nearest bus stop going up the hill is approximately 125m up the hill with no footpath on that side of the road. Report conveniently fails to mention this issue.
- There is a new development higher up the hill towards Skelmanthorpe which is an 80 + new home development and will offer needs for additional cars onto Busker Lane



for access to Holme Firth, Wakefield and the M1. The addition of the new proposed Care Home traffic and the new development known as the Paddocks onto the B6116 will increase traffic and have an adverse effect for the safety of the local residence and infrastructure in the vicinity of the entrance to Lower Busker Farm and the proposed entrance to the site.

- Not a good location for a zebra crossing.
- Officer response – See 'highways' section of report.
- The habitat survey report Ref 13252/JoC Section 4.3 Potential for Protected Species, para 4.3.4 a bat survey will be required if any trees are to be removed to identify which trees have the potential to support roosting bats and if they are currently being used as roosting sites.
- Officer response – This will be clarified by way of an officer update to Strategic Planning Committee. The applicant is preparing additional detail in response.
- Councillor Graham Turner - The entrance needs to be wide enough to get vehicles, including ambulances in and out easily, but the large trees that screen the site need to be retained.
- Officer response – See 'highways' section of report.

## **7.0 CONSULTATION RESPONSES:**

### **7.1 K.C Strategic Drainage – Comments to be reported as an update to the Strategic Planning Committee**

K.C Crime Prevention – No objection subject to conditions.

K.C Conservation and Design - No objection as this follows the advice contained in the pre-application submission; I raised no objection at that time. Should permission be granted then I would suggest a condition requiring materials and windows to be agreed.

K.C Highways – No objection subject to conditions.

K.C Environmental Health – No objection subject to the imposition of appropriate conditions.

K.C Ecology and Biodiversity Officer – Final comments to be reported as an update to the Strategic Planning Committee.

Yorkshire Water Services – No objection subject to a condition.

Denby Dale Parish Council – No objections. However, Councillors noted the need for more on-site parking

## 8.0 MAIN ISSUES

Principle  
Design and Heritage  
Residential Amenity  
Highways  
Trees  
Ecology  
Drainage  
Recommendation

## 9.0 ASSESSMENT

### Principle of development

- 9.1 The site lies on a parcel of brownfield land which is located in the Green Belt. Whilst there was previously a building on the site associated with Scisset Lodge, it was demolished post 2012. In any event, the proposed development involves a building much larger than the existing building associated with Scisset Lodge. The NPPF makes it clear that development in the Green Belt is inappropriate other than for a number of defined purposes, one of which is the partial or complete redevelopment of previously developed site (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
- 9.2 Whilst the site has naturally regenerated to some extent, there is clear evidence of recent development owing to the extensive areas of hardstanding and remnants of existing buildings and structures. It is considered to constitute a brownfield site for the purposes of the NPPF. Paragraph 111 of the NPPF encourages the re-use of brownfield land.
- 9.3 It is quite clear in this case that the proposed development would have a greater impact on the openness of the Green Belt than the existing development. Consequently, the proposal constitutes inappropriate development in the Green Belt.

### *Openness and Visual Amenity*

- 9.4 Openness is an essential characteristic of Green Belts and depends mainly on the amount of development in the area. As this part of the Green Belt includes a number of detached buildings along Busker Lane, and the proposed development would be positioned as a continuous part of the existing and established building line, it is clearly less open than some of the surrounding open countryside. However, the NPPF does not distinguish between the importance of openness in different parts of the Green Belt and this proposal would materially increase the amount of built development on the site and consequently reduce the openness of this part of the Green Belt.
- 9.5 Notwithstanding the above, planning permission was granted in 2012 for the erection of a care home facility with a total footprint of approximately 1,512m<sup>2</sup> (ref – 2012/92381). The approved development was carried out insofar as the existing Scisset Mount care home building was demolished – the existing building was predominantly single storey and two storey in height. However, it is noted that the pre-commencement conditions associated with planning permission 2012/92381 were

not discharged and consequently it does not appear that the 2012 planning permission was properly commenced. However, given that policies relating to Green Belts in the UDP and the NPPF have not altered since 2012, the total footprint/volume of buildings associated with planning permission 2012/92381 is a material consideration.

- 9.6 More importantly in respect of measuring the impact on the openness of the Green Belt, the volume of the proposed development would be approximately 13,370m<sup>3</sup> and according to the applicant's calculations, this is broadly the same volume as the building approved in 2012.
- 9.7 It is noted that the permitted building in 2012 was a split-level design which meant that approximately half of the building stepped down and sat on a lower level which reflected the sloping nature of Busker Lane. Due to a requirement to provide level access across the whole building, it has not been possible to step the building down in the same manner.
- 9.8 The site lies on a lower level than the existing dwellings and Joseph Norton school which are located on the sites adjacent to the west on Busker Lane. The submitted cross sections indicate that even though large proportion of the building would be set over three storeys, the roof would appear no higher than the existing dwellings and school adjacent.
- 9.9 Overall it is concluded that the proposed development would have a slightly greater impact on openness than the recently consented care home development. It would have a much greater impact on openness than the existing site.

#### *Purposes of Including Land in the Green Belt*

- 9.10 The site falls outside the defined settlement boundary. However, the land on which the development is proposed has long been used for similar purposes. The proposed development would populate this brownfield site with a building which would follow an existing ribbon of development which stretches along Busker Lane to the west. Consequently, the proposed development would not lead to encroachment, unrestricted sprawl or the merging of towns and therefore, would not conflict with the purposes of including land in the Green Belt as outlined in paragraph 80 of the NPPF.

#### *Other Considerations*

- 9.11 The application has been accompanied by a Needs Assessment which outlines a number of issues pertinent to the determination of this application:
- Within the Kirklees and West Yorkshire there is a lack of facilities offering a good quality service for nursing and dementia. The proposal offers such a facility with provision for up to 36 people who have a diagnosis of dementia or a dementia type illness. The remaining 49 beds will offer support to people on a residential or general nursing basis.
  - The nearest home offering the internal specification of a new build home is 'The Denby' at Denby Dale however, this 47 bed care home offers care on a residential basis only and does not offer any care for people living with dementia. The future of Woodlands Court Care Home is significantly in doubt. Other homes within the area are older style care homes. The proposed development for a care home with nursing on Busker Lane is going to provide an environment that is not readily available in any

other care home to support people living there including those living with dementia or a dementia type illness.

- People living with dementia are being placed in care homes out of the Kirklees area which may cause increasing and unnecessary confusion. Spending valuable time with family and friends is made difficult by travel times and links with the community are difficult.
  - The proposed hydrotherapy facility would offer additional benefits for dementia care
  - Currently there are around 4,800 individuals living in Kirklees who are estimated to have dementia, this figure is expected to increase to more than 7500 by 2030 (The Dementia Challenge in Kirklees – 2015-2020).
- 9.12 The Needs Assessment has been assessed by the Council's Commissioning and Health Partnerships Department. They have also been to visit a recently built scheme which is broadly similar to the proposal. They are of the view that there is a real need for the provision as proposed in Kirklees. In addition, they are of the view that the case for the hydrotherapy pool has been presented well and they would expect the facility to be used by local dementia groups.
- 9.13 Notwithstanding the above, it is acknowledged that the proposal would offer 36 beds for dementia care, with the remaining 49 beds being for general residential nursing care. In effect, these areas would be located in separate wings of the building. However, the facility would not necessarily offer 'separate' provision as there may be some people who require general provision (low-level dementia needs) for some years before they require specialist dementia nursing care. The proposed development would cover different types of dementia needs and allow those people with growing specialist care requirements to reside in the same facility, thus reducing the stress associated with moving to a different facility for those who develop dementia in a care home where no specialist care is available.
- 9.14 Overall it is considered that the need for the development, particularly the need for dementia facilities in Kirklees, weighs significantly in favour of the scheme.

#### Design & Heritage

- 9.15 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The NPPF (paragraph 64) states that *"design which fails to take the opportunities available for improving the character and quality of an area should not be accepted."*
- 9.16 Whilst it is considered that the building would appear larger than that permitted in 2012 due to the fact it would be a continuous three storey building across the whole front facing elevation, the design of the building would comprise stone and render with sympathetically styled window frames and doors. It also includes a number of more contemporary glazed elements (such as an entrance porch). Consequently, the building would have a more organised appearance than the previous proposal but one which is considered to reflect local vernacular and given its set back from Busker Lane, relate acceptably in terms of scale and design. The design is considered to be an improvement over the 2012 planning permission.
- 9.17 Whilst it is inevitable that the development would be intermittently visible from Busker Lane, there is sufficient space within the site to shore up the existing boundary treatment with mature, native tree specimens. Where there would be obtainable

views of the building, the use of traditional and sympathetic materials would assist in assimilating the development with the street scene. Lighting details would be requested via planning condition, but it is not envisaged that the site would be significantly illuminated beyond the site boundary.

- 9.18 In terms of crime risks/prevention, there are no concerns raised by the Crime Prevention officer subject to the imposition of appropriate planning conditions, in accordance with policy BE12 of the UDP.
- 9.19 Lower Busker Farm sits on the opposite side of Busker Lane and is a grade II listed building. It sits within a complex of other buildings. The setting of the listed building is considered to be relatively limited to the land immediately surrounding the building which goes to make up its curtilage. Consequently, given the location and scale of the proposed building being set back on the opposite side of Busker Lane, it is not considered that the proposed development would adversely affect the setting of Lower Busker Farm.

#### Residential Amenity

- 9.20 The closest residential properties to the site lie immediately adjacent at a distance of approximately 3m from the application site. The blue line boundary indicates that these dwellings are under the control of the same landowner. The proposed car parking area would face the gardens associated with these dwellings on a level approximately 2-3m lower. Given the circumstances above and the fact that additional planting and screening could be provided between the car parking area and the existing gardens, there would be no significant impact on the amenity of these occupiers. They have not objected to the proposals.
- 9.21 Lower Busker Farm lies on the opposite side of Busker Lane and there are a number of other properties along Busker Lane towards the junction with Wakefield Road. The use would generate vehicular movements, but these would be relatively evenly spread throughout the day, with significantly less movements during the night due to the nature of the use proposed. Noise and disturbance during the night time period within the car park is likely to be well controlled given that staff members will be particularly conscious of disturbing any residents located within the care home.
- 9.22 In respect of the occupiers of the proposed care home, there would be sufficient amenity space within the site for future occupiers. The proposed development is considered to comply with policy H16 of the UDP.

#### Highways

- 9.23 UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network ...”
- 9.24 The amended plans include revisions to the site access. However, they do not alter the position of the access; rather they include revisions to the junction layout with Busker Lane:
- A revised access with a perpendicular alignment to Busker Lane and a 6.m junction radii.
  - A 6.0 metre carriageway width to cater for an 11.85 metre refuse vehicle.

- 2.4 x 43 metre visibility splays drawn to the carriageway edge.
- 9.25 The access would serve the proposed care home facility and the existing residential properties adjacent, which have historically been served by the same access.
- 9.26 Busker Lane is subject to a 30mph speed limit but it is not as built up and urbanised as some other streets within Scisset or Clayton West. The submitted Transport Assessment considers that the development would generate a total of 170 two way vehicular movements, 10 In and 4 Out during the AM peak and 5 In and 9 Out during the PM peak. Kirklees Highways DC have assessed the submission and consider that the movements of vehicles proposed would have minimal impact on the local highway network, and trips during the peak hours would not have any significant impact on junction or network capacity. It is unlikely that any vehicles waiting to turn into the site would have a discernible impact on Busker Lane due to the low levels of vehicular movements involved.
- 9.27 The proposal utilises the existing access, which is to be widened in order to accommodate two way vehicular movements with a segregated pedestrian footway. The existing wall would be re-sited in order to achieve visibility of 2.4m x 43m in both directions.
- 9.28 The internal layout incorporates a total of 27 car parking spaces which is in excess of the UDP parking standards which require:
  - 1 space per 6 beds for residents/visitors
  - 1 space per 3 staff.There would also be a space for an ambulance which could double up as a mini-bus pick-up/drop-off.
- 9.29 Therefore, concerns raised regarding insufficient parking provision during busy times such as weekends have been addressed as the proposed development is providing more parking than is required by the UDP.
- 9.30 In terms of accidents along Busker Lane, there has been one incident reported between 1<sup>st</sup> January 2012 and 31<sup>st</sup> December 2016. The accident was classified as slight in severity. A resident also reports a more recent and severe accident. However, it is not considered that there are specific accident or highway safety problems in the area and there is no evidence to suggest that the proposed development would have an adverse effect on road safety. Highways have assessed the position of the proposed crossing point and raise no objections.
- 9.31 The development impacts of the proposal fall well short of the 'severe' test as detailed in paragraph 32 of the NPPF. On this basis the proposal is considered to comply with policy T10 of the UDP.

#### *Accessibility*

- 9.32 The proposal involves a new footway which would follow the site entrance and extend east and west over a short stretch. The footway extending east would include a pedestrian crossing facility to allow pedestrian access onto the opposite side of Busker Lane.
- 9.33 The proposals for a pedestrian crossing would significantly improve accessibility by foot for future staff and residents. It would allow a safer access point to the nearest bus stop which is almost opposite the site entrance on Busker Lane. However, it is

noted that the existing footway on Busker Lane, which leads into the main village centre, is narrow in places.

- 9.34 The applicant has undertaken a number of measurements along Busker Lane to establish the width of the footway. This assessment clarifies that the width is generally between 1.2m and 1.5m. However, there are a number of pinch points due to existing street lighting columns and telegraph poles. The narrowest part of the footway is 0.76m wide, located adjacent to a telegraph pole. Other pinch points adjacent to street lighting columns result in the footway being 1.2m wide.
- 9.35 A footway width of 1.2m wide would facilitate two people walking side by side without them having to step out into the road. The width of 0.7m would mean that pedestrians had to negotiate Busker Lane in single file. The applicant has submitted additional information which demonstrates that some wheelchair types would also be able to pass the narrowest pinch point. However, there are some wheelchair types, including electric scooters, which would be too wide to negotiate the narrowest part of the footway.
- 9.36 On the basis of the evidence submitted and on-site observations, there are clear constraints associated with the existing footway along Busker Lane. Whilst the footway can support pedestrian movements, there are particular constraints associated with the movement of wheelchairs and mobility vehicles at a number of pinch points. However, the application offers to improve accessibility by proposing a pedestrian crossing point close to the site entrance. This would allow improved accessibility to public transport which would be a realistic alternative for the mobility impaired. In addition, the proposed development includes a small range of on-site facilities (gym, hair salon, shop) reducing the need to travel. Finally, a Travel Plan would be required as part of the proposed development (secured by planning condition) and this could include measures to improve accessibility into the nearby village (i.e. free bus tickets etc).
- 9.37 On the basis of the above, and given that planning permission was granted for a care home facility in 2012, and the site was previously occupied by a care home, the proposal would improve existing pedestrian access by improving footways around the site entrance, and providing a crossing point facility.
- 9.38 In terms of access by bicycle, the site is in close proximity to the West Yorkshire Cycle Route. Subject to a condition requiring the provision of cycle facilities, the proposed development is considered to provide suitable access for cyclists.
- 9.39 There are two bus stops within 400m, one of which lies approximately 50m away providing regular access into Huddersfield, Holmfirth and Denby Dale.
- 9.40 Overall it is considered that the site is constrained to some extent by poor pedestrian access into the local centre. However, the scheme would improve pedestrian and public transport links over and above the previous 2012 planning permission, primarily as a result of the proposed crossing point and improvements to the footway at the site entrance. The NPPF requires safe and suitable access to site can be achieved for all people. Given the context, details and mitigation measures detailed above, it is considered that the proposed development would result in safe and suitable access for all people, in accordance with paragraph 32 of the NPPF and policy H16 of the UDP.

## Trees

- 9.41 The application has been accompanied by an arboricultural report which identifies the removal of 6no trees, including a large Oak tree, which is positioned close to the site entrance. Policy NE9 of the UDP requires that mature trees be retained within the application site wherever possible.
- 9.42 In order to achieve sufficient visibility splays it is necessary to remove the Oak tree which lies close to the site entrance. Whilst the applicant did consider moving the access further down Busker Lane, this made access to the existing dwelling (which is currently served by the existing access) problematic because it would have meant the residents of the dwelling would have to drive through the car park to the care home in order to reach their house. There were also issues achieving the desired visibility from the proposed site access. Therefore, the upgrade of the existing access appears to be the most suitable resolution.
- 9.43 The removal of the large Oak tree was agreed as part of the previous planning permission (ref - 2012/92381) and the current application would therefore, not deviate from the previous consent. There are a number of other trees along the frontage which would also be removed, but these are not worthy of retention. The Council's tree officer has assessed the proposal and raises no objection, subject to appropriate replacement trees along the frontage. Given the circumstances above, and the need to provide suitable access to the site, the proposed replacement trees are considered to satisfy the requirements of policy NE9 of the UDP.
- 9.44 There is a large Oak tree within the site which would be retained and the scheme has been designed so as to avoid this tree. A condition is recommended to ensure continued protection of this tree.

## Ecology

- 9.45 The applicant has carried out an ecological survey. This reveals that the site has predominantly low ecological value. The Council's ecologist raises no objection to the proposed development on the basis that suitable provision is made for landscaping and lighting. However, some of the trees on the site may have the potential for bat roosts and additional information has been requested from the applicant. An update will be provided to Strategic Planning Committee addressing this matter.

## Drainage

- 9.46 The site has previously been occupied by a care home facility which would have connected to the existing sewage network. The applicant has undertaken a series of percolation tests and the existing ground conditions do not appear to support sustainable drainage techniques such as swales or permeable surfacing. Therefore, the proposed development involves on-site attenuation.
- 9.47 At the request of the Council's drainage officer, additional drainage details have been provided by the applicant. These are currently being assessed and an update will be provided to Strategic Planning Committee.

## **10. RECOMMENDATION**

- 10.1 The proposal would materially harm the openness of the area and be a form of inappropriate development in the Green Belt. Substantial weight is attached to this



harm to the Green Belt. Whilst the volume and area of the proposed building is largely the same as the care home granted under planning permission 2012/92381, it is likely to be slightly more prominent due to the roof form and layout.

- 10.2 The proposal would deliver a dementia care facility on a brownfield site which was formerly used as a care facility. There is a shortage of dementia care facilities in Kirklees whilst cases of dementia continue to rise and the proposal is in line with the general aims of the National Dementia Strategy and the Joint Dementia Strategy (Kirklees, 2015) in that it would provide, and improve, existing dementia care provision. Given the significant shortage of dementia care facilities, and the important health and social contribution quality dementia care provision provides to the wider community, this weighs significantly in favour of the scheme. In addition, the proposed development offers some benefits over the planning permission 2012/92381:
- Dementia care element to be secured by S106 Agreement;
  - Improved pedestrian/wheelchair accessibility onto Busker Lane by proposed crossing point.
  - A more coherent design.
- 10.3 The site is in a reasonably accessible location and the proposed pedestrian crossing would counter, to some extent, concerns expressed regarding the existing footway which runs along Busker Lane. There would be an adequate choice of sustainable travel modes. Other matters regarding highway safety have been satisfactorily addressed in accordance with paragraph 32 of the NPPF.
- 10.4 The design of the scheme is considered to be acceptable in context and would not appear out of character with the local area. The loss of the trees along the frontage could be mitigated by appropriate landscaping. Conditions are recommended to address concerns relating to drainage and ecology.
- 10.5 Overall the proposed development is considered to offer a much needed dementia care facility. The need for the development, the re-use of brownfield land and the fact that a scheme with a broadly similar impact on the Green Belt was recently accepted on this site (planning ref – 2012/92381) is considered to constitute very special circumstances required to clearly outweigh harm to the Green Belt in this case and consequently, it is recommended that planning permission is granted subject to the following.

Approve subject to a S106 requiring dementia care to be provided in perpetuity and subject to the following conditions:

1. 3 years
2. Approved plans
3. Materials
4. Tree protection
5. Landscaping details
6. Ecological enhancement details
7. Contaminated Land
8. Noise from plant room
9. Odour/Extraction/Ventilation
10. Lighting
11. Boundary treatment

12. Parking areas to be provided prior to use commencing
13. Parking areas to be hard surfaced and drained
14. Visibility Splays to be provided in accordance with approved plans
15. Details of CCTV
16. Drainage
17. Construction Management Plan
18. Bin store details