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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 05-Oct-2017**

**Subject: Planning Application 2017/91677 Erection of 43 retirement living apartments, 83 bed care home with provision of communal facilities, landscaping and car parking and erection of 7 affordable dwellings Land at, Serpentine Road, Cleckheaton, BD19 3NA**

**APPLICANT**

McCarthy & Stone  
Retirement Lifestyles Ltd

**DATE VALID**

16-May-2017

**TARGET DATE**

15-Aug-2017

**EXTENSION EXPIRY DATE**

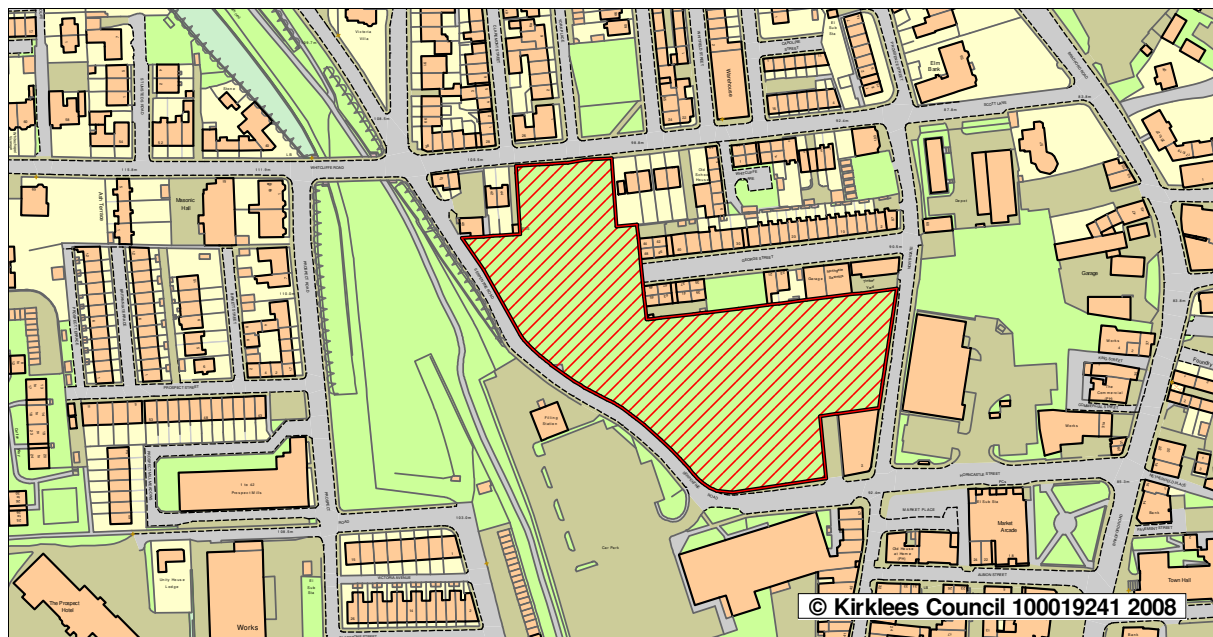
10-Oct-2017

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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: Cleckheaton**

Yes

Ward 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 Strategic Investment in order to complete the list of conditions contained within this report and report and secure a section 106 agreement to cover the following matters:

1. 7 dwellings to be affordable with a tenure split of 4 being Affordable Rented and 3 being Intermediate Housing. Affordable units provided prior to 50% of the Retirement Living units being occupied.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

**1.0 INTRODUCTION:**

1.1 The application is referred to the Strategic Planning Committee on the basis that the proposal comprises residential development of more than 60 units.

**2.0 SITE AND SURROUNDINGS:**

2.1 This brownfield parcel of land is located close to the centre of Cleckheaton and lies off Serpentine Road. Along the boundaries of the site are Serpentine Road, Northgate, Whitcliffe Road and George Street and there are a number of existing dwellings close to the site boundary.

2.2 The site generally slopes from north to south east and within the site itself there are areas of slopes and marked level differences. From the position of the existing and proposed site access on Serpentine Road the site slopes upwards generally towards Northgate.

2.3 The local area consists of a mix of housing and small shops and commercial units. To the west of the site and on the opposite side of Serpentine Road is a large Tesco supermarket.

### **3.0 PROPOSAL:**

3.1 This application seeks to provide a mix of residential accommodation including 43 retirement living apartments, an 83 bed Care Home and 7 Affordable Town Houses.

3.2 The proposal involves the demolition of a number of existing structures within the site boundary and general site clearance works. Following this, it is proposed to erect the three different phases of development, as follows:

#### *Retirement living development*

3.3 The proposed Retirement Living development comprises 43 Units, 23 one bedroom and 20 two bedroom apartments for sale to older people. The proposal feature a House Manager's office alongside communal facilities such as a residents' lounge, CCTV entry system, Mobility Scooter store, guest suite and Careline alarm facility.

3.4 This phase of the development would be positioned within the western portion of the site. The proposed building would have an 'L' shaped footprint whilst providing a frontage to Whitcliffe Road. Access would be taken via a new vehicular access which would be sited approximately opposite the existing petrol station associated with Tesco.

3.5 Generally to the south of the proposed building it is proposed to create a car park for 30 vehicles. The building would be surrounded by a landscaped garden which would include a pathway.

3.6 The proposed building is 3 storeys in height with a double pitched roof constructed of a light, multi-buff brick with white brick work infill panels and reconstituted stone plinths that wrap around the proposed communal areas.

3.7 The roofs would be a delicate grey concrete tile, with white UPVC windows and French Doors. The proposal includes full height glazing and projecting elements and bays along the main face of the building intended to break up the massing.

#### *Care Home*

3.8 The proposed Care Home element would comprise a single building of 83 en-suite bedrooms together with tailored care and support, car parking and associated landscaping works. The development comprises shared day space, and sitting rooms on each floor together with a care home manager and on-site team who would manage the day to day running of the development 24 hours a day. The scheme incorporates a mix of nursing, residential and dementia care and includes on-site facilities such as a hair salon.

3.9 This element of the proposal would sit centrally within the site utilising an existing access off Serpentine Road. The proposal would sit on a lower level than the retirement living development located to the north west and therefore, the two phases of development would be divided by a retaining wall element.

- 3.10 The building would be a mix of two and three storey with buff/red brickwork, art stone and rendered panels and a single pitched roof. Main elevations would be broken up by projecting bays. The proposal includes a secure landscaped garden area.

#### *Town Houses*

- 3.11 The Affordable Housing element will comprise the provision of 7 number two bed Town Houses. The proposed dwellings would be orientated to front onto Northgate and they would be two storey properties.
- 3.12 The proposed dwellings would have a staggered arrangement in order to facilitate direct pedestrian access from Northgate to the front door. Parking is proposed on the northern side of the row of properties in a separate parking area.
- 3.13 Each dwelling would include a small rear garden which would sit on a lower level than the care home to the west.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2007/94612 – Erection of supermarket, 11no retail units, car parking, landscaping, realignment of road and associated works – approved in 2011 subject to S106.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The proposed development has been the subject of a pre-application enquiry with the Council. The Council issued a response to the applicant on 2<sup>nd</sup> May 2017.
- 5.2 A number of amendments have been requested as part of the current application. This includes alterations and improvements in order to better facilitate pedestrian accessibility, the removal of a proposed roof terrace close to existing properties on George Street and the provision of additional landscaping.

#### **6.0 PLANNING POLICY:**

- 6.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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 within the UDP, do not attract significant

unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

#### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
BE23 – Crime prevention  
D2 – Sites without notification on the Unitary Development Plan  
D6 – Land adjoining green corridor  
EP4 – Noise sensitive development  
EP10 – Energy Efficiency  
EP11 – Ecological landscaping  
G6 – Land contamination  
H1 – Housing needs of the district  
H10 – Affordable Housing  
H12 – Arrangements for securing affordable housing  
H16 – Residential Homes for the Elderly  
H18 – Provision of open space  
NE9 – Retention of mature trees  
T10 – Highway safety  
T16 – Pedestrian routes  
T19 – Parking standards  
R13 – Rights of way

#### Kirklees Draft Local Plan

PLP1 – Presumption in favour of sustainable development  
PLP2 – Place Shaping  
PLP3 – Location of new development  
PLP4 – Providing infrastructure  
PLP7 – Efficient and effective use of land and buildings  
PLP11 – Housing mix and affordable housing  
PLP13 – Town centre uses  
PLP15 – Residential use in town centres  
PLP19 – Strategic Transport Infrastructure  
PLP20 – Sustainable travel  
PLP21 – Highways safety and access  
PLP22 – Parking  
PLP24 – Design  
PLP27 – Flood Risk  
PLP28 – Drainage  
PLP30 – Biodiversity and Geodiversity  
PLP32 – Landscape  
PLP33 – Trees  
PLP35 – Historic Environment  
PLP49 – Educational and Health Needs  
PLP51 – Protection and improvement of local air quality  
PLP52 – Protection and improvement of environmental quality  
PLP53 – Contaminated and unstable land  
PLP63 – New open space

## Supplementary Planning Guidance

Interim Affordable Housing Policy (2016)

West Yorkshire Air Quality and Emissions Planning Guidance (2016)

### National Planning Guidance:

National Planning Policy Framework

National Planning Practice Guidance

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was advertised on site and in the local press as a Major Development. Notification letters were sent to properties within proximity of the site. A total of 13 letters of support have been received and 1 letter of objection. The representations received can be summarised as follows:

### Objection

- *19 Whitcliffe road and the houses 21,23 and 25 that back onto George street and houses behind 23 and 25 there are still high walls that have not been cleared from the previous buildings that were on this site and pose a health and safety hazard for new development.*
- *The walls are to the side of the last house on George street and directly behind house number 25 on whitcliffe road. These 2 walls block light into the house on George street and our properties 19 -25 whitclife road These would also block light onto the new development. I have no objection to the new development as these need to be removed to develop this area and improve the appearance of wasteland as part of a former industrial building is still there.*

Officer response – these walls are to be lowered as part of the proposed development. There would still be a retaining/wall element but it would be at a much lower level than the current situation.

- *Also to the side of houses 25 and behind 25 – I would like a guarantee that only small trees and bushes will be planted and maintained to be no more than 8 foot in height – again otherwise this will block light into these properties and gardens.*

Officer response – conditions are recommended concerning planting.

### Support

- *This site has been an eyesore for many years in the middle of Cleckheaton. I am fully in favour of this development: It will improve the area immediately, building properties of this type - retirement apartments and a nursing home is ideal for access to the shopping area of Cleckheaton, the bus station, doctors and chemist shops. Many older people give up driving so to live in a town centre is ideal for them. Access to Leeds and Bradford is available by bus. This development should go ahead as soon as possible.*
- *This is a well thought-out development which will greatly benefit the local area. The nature of the housing proposed is unlikely to create traffic difficulties*

*along Serpentine Road or Northgate and the additional jobs brought to Cleckheaton will be most welcome. Clearly a sensible and effective use of brownfield land and I would support the application on those grounds alone; that it will be an attractive development is a bonus.*

- *Very good access to the town centre and shops.*
- *I would like to houses to be offered at an affordable price.*
- *It will provide jobs.*
- *Will benefit older population.*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Coal Authority – No objection.

Highways – No objection. Further detail contained in the remainder of this report.

### **8.2 Non-statutory:**

Crime Prevention – No objection subject to a planning condition.

Education – A contribution of £29,708 is required.

*Officer response – the site is largely for over 55's and therefore, the proposed development would not result in an impact on education facilities.*

Biodiversity Officer – No objection subject to conditions.

Landscape – No objection pending submission of areas for bin collection.

Design and Conservation – No objection.

Yorkshire Water – No objection subject to conditions.

Drainage Officer – Final comments to be reported to Strategic Planning Committee as an update.

## **9.0 MAIN ISSUES**

- Principle of development
- Design and Visual Impact
- Residential amenity
- Housing
- Highway
- Drainage
- Biodiversity
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site lies within an area of unallocated land on the Kirklees Unitary Development Plan (UDP). Policy D2 is relevant for proposals on sites that are unallocated on the UDP:

“planning permission for the development (including change of use) of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.

- 10.2 The policy above does not preclude residential development on this site. In addition, the Council are unable to demonstrate a 5 year supply of housing land and therefore, a weighted presumption in favour of this development applies, in accordance with paragraph 14 of the National Planning Policy Framework (NPPF). Development should be designed in accordance with the requirements set out in policy D2 of the UDP.

- 10.3 In the emerging Local Plan the site is allocated for housing with an anticipated capacity of 48 dwellings.

- 10.4 There is additional support for residential homes for the elderly when located in urban, well-connected areas as detailed within policy H16 of the UDP. The Kirklees Council Strategic Housing Market Assessment (SHMA) states:

*“A major strategic challenge for the Council is to ensure a range of appropriate housing provision, adaptation and support for the area’s older population. The number of people across Kirklees area aged 65 or over is projected to increase by 39,300 from 71,400 in 2014 to 110,700 by 2037 (55.0% increase).”*

- 10.5 The applicant has submitted a needs assessment with the application and considers that the scheme – to increase the supply of retirement housing for homeowners – will provide an environment of choice and independence which can be sustained which in turn would avoid or postpone the transfer to expensive registered care. The figures within the SHMA support the case that this type of development is needed and it would also broaden the choice of housing in Kirklees, in compliance with chapter 6 of the NPPF (Delivering a choice of high quality homes).

- 10.6 The NPPF encourages the effective use of land by reusing land that has been previously developed. It is noted that a previous planning permission for a food retail unit has been implemented on the site, but has not been built out.

- 10.7 In principle the redevelopment of this site is considered to represent an effective and efficient use of a brownfield site. The site lies in close proximity of local services and shops and there a large Tesco store in very close proximity of the site. There are numerous bus stops in the area including Serpentine Road.

- 10.8 In order to ensure that the site includes pedestrian links, amendments to the scheme have been made in order to incorporate a 2m wide footway along the eastern side of Serpentine Road. The submitted plans also indicate a



dropped crossing and tactile paving which would assist those wishing to visit the Tesco store on the western side of Serpentine Road. In principle development on this site is acceptable.

### Design and Visual Impact

- 10.9 Section 11 of the NPPF sets a wide context to conserving and enhancing the natural environment and requires that valued landscapes are protected and enhanced and requires that the level of protection is commensurate with the status and importance of the landscapes.
- 10.10 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is in keeping with any surrounding development. Policy PLP24 of the PDLP requires that good design to be at the core of all planning decisions
- 10.11 The site lies in a prominent, central location and includes three distinctly separate elements.

### *Retirement Apartments*

- 10.10 Within the northern-most portion of the site it is proposed to provide retirement living apartments set over three storeys. The building is set back from the surrounding roads and utilises buff/light coloured bricks and elements of render. When viewed from the north of the site the building would sit on a slightly lower level than Whitcliffe Road but it would still have a welcome presence insofar as it would fill in the existing gap between buildings on Whitcliffe Road in a sympathetic manner. Due to the level differences across the site and in relation to existing properties, the roof of the proposed building steps down following the topography of the street and, in terms of massing and scale, would sit comfortably aside existing dwellings on Whitcliffe Road. The building would be fronted by a boundary wall to match the existing boundary wall which runs along Whitcliffe Road.
- 10.11 From Serpentine Road much of the building would be set back and appear behind existing housing. Landscaping would be utilised in order to reduce the impact of the building on Serpentine Road and improve the appearance of the surrounding area.

### *Care Home*

- 10.12 Towards the southern portion of the site in relation to Serpentine Road and on a lower level than the retirement living apartments it is proposed to erect the care home facility which would be a part two and part three storeys in height. A two storey element would face Serpentine Road and has been designed with contrast and detailing and it is considered to have a positive impact on the street scene and acts as a focal point within the site. It is proposed that the building would be constructed from red-russet brick with contrasting render. The scale and massing of the proposed building and the fact it is set back from the road means it would sit comfortably in this urban area and respect the height and design of existing buildings nearby.

## *Townhouses*

- 10.13 The proposal comprises a staggered line of three blocks with a single point of access which includes 8 parking spaces located to the side of one of the houses. In the interests of good design and accessibility parking spaces should normally be positioned within the curtilage of each dwelling. However, after consulting with the Council's highways section, this would not be the preferred layout in this case and could lead to highway safety concerns with cars having to reverse in and out if private driveways were positioned off Northgate. The scheme has therefore, been designed around this constraint.
- 10.14 The proposed dwellings are arranged obliquely to Northgate to create a modelled and varying frontage whilst at the same time all the dwellings are similar in appearance. The dwellings slope gently down towards the north and would be constructed from buff multi-coloured facing brick and white render. Each dwelling would include artificial stone headers and cills with chimney pots to add architectural detail.
- 10.15 The terraced nature and parking layout as proposed means that short sections of alleyway are proposed at either end of the row of terraced in order that rear gardens can be accessed and for bin storage purposes. Whilst some concerns have been raised by the Police Architectural Liaison Officer regarding the nature of the layout proposed, they are satisfied that a condition could be imposed requiring additional measures to be incorporated into the design such as CCTV.
- 10.16 When read together it is considered that whilst the three different elements of the scheme have a different design and appearance, in terms of scale and massing, they would complement each other and would make a contribution to this part of Cleckheaton. In each case each element of the proposal would make a contribution to the street scene and in combination, the wider urban environment. The proposed development is considered to comply with policy BE2 of the UDP and emerging policy PLP24 of the Local Plan.

## Residential Amenity

- 10.16 Para 123 of the NPPF indicates that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
  - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.
- 10.17 Policy BE12 of the UDP provides guidance on appropriate separate distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.

## *Retirement Apartments*

- 10.18 The proposed retirement apartments would be arranged in an approximate 'L' shape. Policy BE12 of the UDP guides that an appropriate distance between a habitable room window of a dwelling and the boundary of undeveloped land

is 10.5m. However, this is only a guide and heights of buildings and level difference may dictate that different standards may be considered appropriate.

- 10.19 The western side of the building would face properties on George Street and Whitcliffe Road at a 90 degree angle. The nearest property would be no44 Whitcliffe Road but this sits on a much higher level than the application site and would be well screened. Consequently, there is limited impact on this property. The main impact in respect of the proposed retirement apartments is the impact on the garden of no25 Whitcliffe Road which sits on a lower level than the application site. The proposed development would be approximately 15m from the garden of this property. A combination of boundary fencing and landscaping means that the potential for overlooking would be reduced and given the distance involved, it is not considered that it would result in an unacceptable level of overlooking.

#### *Care Home*

- 10.20 The care home would vary between two and three storeys in height with the highest part of the building being towards the rear, away from the street. The main impact is considered to concern the potential impact on existing properties on George Street, the rear gardens of which face the proposed care home site.
- 10.21 The north western most part of the proposed building faces no's 39 – 45 George Street at an oblique angle. The closest part of the building would be 19m from the rear yard and approximately 25m from the rear elevation of the closest dwelling. In addition, the land nearest the rear yard/garden of these properties would comprise a landscaped garden area.
- 10.22 The closest potentially affected properties are no's 21 and 23 George Street as they have relatively open rear gardens which face the application site. The scheme has been amended to remove a first floor terrace which would have been positioned at the closest point to no's 21 and 23. In addition the applicant has committed to providing landscaping and a fence and trellis. Potential overlooking impacts are considered to have been addressed.
- 10.23 The corner of the proposed building lies less than 13m from no21 and the three storey element lies approximately 14.3m away. In respect of potential overbearing impact and overshadowing impact, the applicant has been asked to provide additional information in the form of a complete cross-section and shadow-path analysis information in order to demonstrate the impact on the closest properties on George Street. This information will be assessed and reported to Strategic Planning Committee as an update.
- 10.24 In respect of the potential impact on other properties in the locality, there is considered to be sufficient distance between the proposed building and residential properties to ensure that there would be no unacceptable impacts in respect of residential amenity.

#### *Town houses*

- 10.25 The proposed town houses are positioned fronting Northgate. To the north there is a joinery business and yard but this would face the proposed parking area and therefore, there would not be a significant impact on future occupiers in terms of noise and overlooking.

10.26 The proposed town houses would not have a significant impact on the amenity of occupiers of nearby properties. In addition, it is not considered that the care home would affect the amenity of occupiers of the town houses.

### Housing

10.27 In line with the Interim Affordable Housing policy the applicant would be required to provide 20% affordable housing units which would equate to 8 affordable units. The application includes 7no units in the form of 7 x 2 bed townhouses. These units would be provided by Leeds Federated (Registered Social Landlord).

10.28 The applicant has submitted additional information detailing the complex requirements of retirement housing and how this has impacted upon the viability of the scheme in order to justify why the full affordable housing requirement has not been provided. This has not been formally assessed, however.

10.29 The Strategic Housing team has been consulted on the proposal and raises no objection. They confirm that the tenure split proposed - 54% affordable rent, 46% intermediate tenure – would be representative of the requirements of the area and there is no need to alter the tenure split.

10.30 The fact that there is a deficit of affordable housing provided should be factored into the planning balance. However, officers are of the view that there is a distinct advantage in this case in agreeing to a slight reduction in affordable housing provision. Firstly, the proposed affordable housing units form part of the development site and would be delivered quickly. The applicant has confirmed that they would be willing to provide the affordable units prior to 50% of the Retirement Living units being occupied. There are wider benefits associated with the redevelopment of this brownfield site and the potential to provide much needed residential accommodation for older people which are also considered to weigh in favour and in this case, negate the need for affordable housing to be provided strictly in accordance with policy requirements.

### Highways

10.31 Policy T10 of the Kirklees UDP states that new development will not normally be permitted if it will create or materially add to highway safety issues. Policy PLP21 of the PDLP aims to ensure that new developments do not materially add to existing highway problems or undermine the safety of all users of the network. Para 32 of the NPPF states:

*Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 10.32 Serpentine Road is a single carriageway two-way road approximately 280 metres long connecting to Whitcliffe Road at its north-western end and Northgate at its south-eastern end. Both end junctions are crossroads where vehicles on Serpentine Road give way to vehicles on Whitcliffe Road or Northgate. It runs in a westerly direction from its junction with Northgate for a distance of around 70 metres. It then bends to run in a north-westerly direction for the remainder of its length to its junction with Whitcliffe Road.
- 10.33 The Retirement Living housing development proposal will be served by a vehicular access onto Serpentine Road approximately 20 metres to the north of the existing Tesco egress. It will incorporate on-site car parking for around 30 vehicles and turning space to enable all vehicles anticipated to use the site to enter, turn and leave in a forward gear.
- 10.34 The Care Home of the mixed use proposal will be served by a vehicular access onto Serpentine Road approximately 40 metres to the west of its junction with Northgate. It is proposed to include car parking for around 25 vehicles.
- 10.35 The proposed town houses would be served by a vehicular access onto Northgate located towards the northern extreme of its frontage onto this road.
- 10.36 It is noted that the site has planning permission for the erection of a food store (ref – 2009/91958) and that planning permission has been implemented. Therefore, traffic generating uses have previously been accepted on this site and there are no concerns with regards the impact the development may have on the highway network in capacity terms.
- 10.37 Kirklees Highways DM initially raised concerns regarding visibility splays. The applicant has commissioned a speed survey which demonstrates an 85<sup>th</sup> %ile speed of 14.5mph for vehicles approaching the care home and retirement apartments' site from the west on Serpentine Road. On this basis the vehicular visibility splays proposed at each access on Serpentine Road are considered to be in line with Manual for Streets guidance.
- 10.38 Kirklees Highways DM also welcomes the introduction of footways along the frontage (Serpentine Road). The site is considered to be safe for the movement of pedestrians and vehicles and the submitted information has not raised any concerns with regards the speed of vehicles on Serpentine Road. Therefore, it is likely that crossing Serpentine Road would be safe for pedestrians.
- 10.39 Overall the application is considered to comply with policy T10 of the UDP subject to conditions requiring a scheme of off-site highway works including lighting and footway details.

#### Drainage

- 10.40 The site lies within Flood Zone 1, which indicates a low risk from river flooding. Given the scale of development the applicant has produced a Flood Risk Assessment (FRA).
- 10.41 In order to comply with West Yorkshire Combined Authority Guidance for SUDS the applicant has produced additional information to demonstrate that soakaways are not feasible on this site. It is likely that the only feasible option

for draining surface water would be into the combined sewer and therefore, a condition is recommended requiring full details of surface water drainage.

- 10.42 Yorkshire Water raises no objections to the scheme subject to conditions. One of the conditions relates to ensuring there is sufficient stand-off/mitigation of the proposed access so that one existing Yorkshire Water infrastructure is not adversely affected.
- 10.43 Overall there is sufficient information to ensure that the application has been considered against sustainable urban drainage techniques. Conditions are recommended in order to ensure that the site is drained in accordance with policy and West Yorkshire Combined Authority Guidance.

#### Biodiversity

- 10.44 The NPPF recognises that applications should conserve and enhance biodiversity, valued landscapes, minimise impacts and recognise the benefits of ecosystems. UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.
- 10.45 The applicant has submitted a bat survey which did not reveal any bat presence within existing buildings. Details have been submitted by the applicant detailing bat and bird boxes to enhance biodiversity. The Council's ecologist recommends conditions requiring the development to be carried out in accordance with the enhancement measures and further details of lighting within the site. The application is considered to comply with policy EP11 of the UDP.

#### Other Matters

- 10.46 Environmental Health has assessed the proposal in respect of a number of potential issues. Whilst the applicant has provided a contaminated land report, conditions are recommended in respect of ensuring implementation of the remediation and the submission of a validation report.
- 10.47 In respect of noise, Environmental Health have assessed the proposal and consider that the existing Tesco store may be a source of unacceptable noise unless a condition is imposed requiring the submission of a report and appropriate mitigation measures. The applicant has commissioned a noise report and comments from Environmental Health will be reported as an update.
- 10.48 The proposed development has been assessed in accordance with the West Yorkshire Low Emissions Strategy Planning Guidance. There is a requirement for the applicant to incorporate 1 charging point with each dwelling or 1 charging point per 10 spaces. A travel plan is also required. These requirements could be secured by condition.

## **11.0 CONCLUSION**

- 11.1 The proposed development would bring a large, derelict brownfield site back into use and the appropriate re-use of brownfield sites is supported by the NPPF. In addition, the site lies in a prominent central location on a site unallocated on the UDP. The use of the site, which would address a range of different housing needs, is considered to represent a beneficial use of the land for residential purposes.
- 11.2 The design of the scheme means it would make a positive contribution to the street scene and be appropriate in context of the local area. The massing of the buildings would be broken up by design.
- 11.3 The applicant is providing 7no townhouses as affordable units and whilst this is slightly short of the requirement set out in planning policy, the conflict with policy in this case is considered to be outweighed by the wider benefits associated with the regeneration of the site and the fact that the affordable units would be provided at an early stage of the wider development of the site.
- 11.4 Subject to the provision of additional detail in respect of the impact on residential amenity (to be reported as an update); the application complies with policies relating to residential amenity. All other matters have been adequately addressed.
- 11.5 Overall the proposal constitutes a sustainable form of development, and it is therefore, recommended that planning permission is granted subject to the following

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. 3 years
2. Approved plans
4. Phasing plan
5. Buggy store elevations
6. Materials
7. Elevations of substation
8. Yorkshire Water condition to ensure protective measures submitted to ensure existing infrastructure not adversely affected.
9. Full drainage details.
10. Lighting Strategy
11. Landscaping for each phase to be submitted before each phase occupied and planted no later than first planting season following occupation of first unit.
12. Boundary treatment for each phase to be provided and implemented prior to occupation of any phase.
13. Occupation of Retirement Apartments and Care Home limited to over 55's.
14. Bin collection details for each phase of development.
15. Parking to be implemented prior to occupation
16. Highway works along Serptentine Road to include footway lighting and other works required to facilitate safe ped access

### **Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91677>

Certificate of Ownership – Notice served on Tesco Stores Limited