
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 16-Dec-2020

Subject: Planning Application 2020/91746 Erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens Land off, Kenmore Drive, Cleckheaton, BD19 3EJ

APPLICANT

Paul Crosland, Housing
21

DATE VALID

11-Jun-2020

TARGET DATE

10-Sep-2020

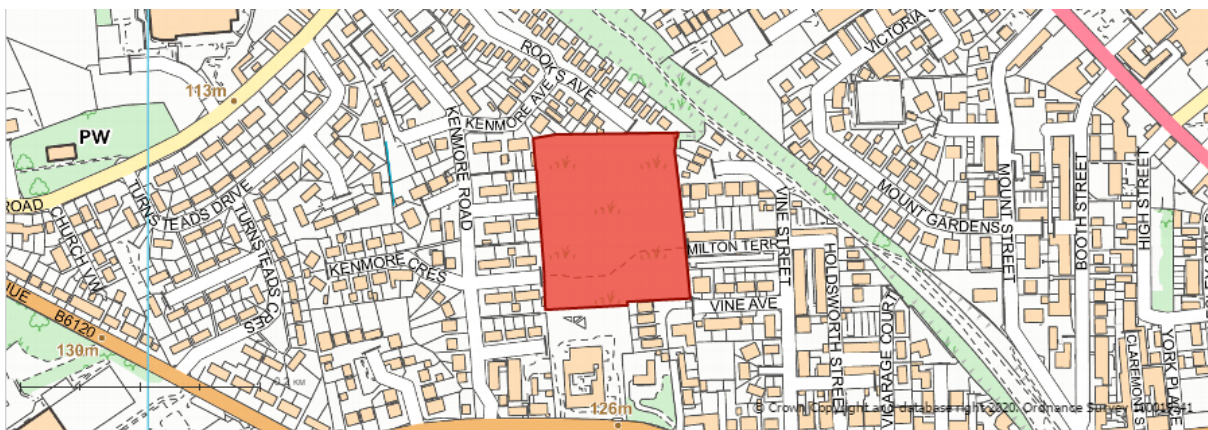
EXTENSION EXPIRY DATE

07-Oct-2020

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

Electoral wards affected: Cleckheaton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

1. The establishment of a management company for the management and maintenance of the on-site area of Public Open Space and an Inspection Fee of £250
2. Secure the residential units as 100% affordable housing; 61 for affordable rent and 19 shared ownership.
3. Travel Plan monitoring fee of £15,000

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 Planning and Development 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 Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.1 INTRODUCTION:

- 1.2 The application seeks planning permission for the erection of an extra care housing development, to provide 80 apartments with associated communal facilities and landscaped gardens. The application site is in ownership of the Council, and the applicant is Housing 21 who are a not-for-profit provider of Retirement Housing and Extra Care for older people. The application proposes solely affordable units with 61 for affordable rent and 19 shared ownership.
- 1.3 The application is reported to Strategic Planning Committee because of the scale of development proposed. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 1.68 hectares in size and lies to the north west of Cleckheaton town Centre. The surrounding area is predominately residential and the site is bordered by neighbouring residential properties to all boundaries, including a residential nursing home.

- 2.2 The site slopes from approximately 120mAOD in the south west corner, to approximately 103mAOD in the north east corner. The application site is previously undeveloped (greenfield) land and comprises of scrubland which slopes with the highest point being to the south. The site is not maintained and is overgrown with grass and shrubs. There are a number of mature trees within the area which form sporadic pockets around the site and to the boundary edge. The area is accessible on foot from a number of points and appears to have reasonably well trodden paths across it.
- 2.3 The whole of the site within the red line boundary comprises a housing allocation in the Kirklees Local Plan; ref HS101.

3.0 PROPOSAL:

- 3.1 The application seeks planning permission for the erection of an extra care residential development providing 80 apartments (1 and 2 bedroom) with central communal facilities and landscaped gardens.
- 3.2 The extra care building is proposed to be erected in the southern part of the site, with communal gardens to the north. The private communal gardens would be secured by a retaining wall and estate fencing, beyond which would be an area of Public Open Space with a circular footpath.
- 3.3 The building would be four storeys high, dropping to a maximum height of two and three storeys adjacent to neighbouring residential properties. The proposed construction materials are red brickwork and a contrasting darker brickwork and red roof tiling. An outdoor classroom area is proposed in the south-eastern corner of the site.
- 3.4 Access is proposed from Kenmore Drive leading to an off-street parking area for 29 spaces, a bin store and cycle store.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2017/92809 – Outline application for erection of up to 55 dwellings and associated means of access – Granted Under Reg.4 General Regulations
- 4.2 2009/91007 – Provision of 2.5m wide cycle track to form temporary diversion to the Spenn Valley Greenway cycle path.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Officers negotiated with the applicant to secure:
- Details of how the scheme addresses the claimed public rights of way including a plan detailing the existing claimed routes and proposed routes and details of levels
 - Additional ecological information and surveys
 - Omission of some balconies to avoid overlooking of neighbouring residential properties
 - Details of overland flow routing
 - Details of the measured areas for Public Open Space

6.0 PLANNING POLICY:

- 6.1 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

- 6.2 **LP1** – Presumption in favour of sustainable development
LP2 – Place Shaping
LP7 – Efficient and effective use of land and buildings
LP11 – Housing Mix and Affordable Housing
LP20 – Sustainable Travel
LP21 – Highways and Access
LP22 – Parking
LP24 – Design
LP27 – Flood Risk
LP28 – Drainage
LP30 – Biodiversity and Geodiversity
LP38 – Minerals Safeguarding
LP52 – Protection and improvement of environmental quality
LP63 – New Open Space

Supplementary Planning Guidance / Documents:

- 6.3 Highway Design Guide
Kirklees Interim Affordable Housing Policy

National Planning Guidance:

- 6.4 **Chapter 2** – Achieving Sustainable Development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 9 – Promoting Sustainable Transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and Enhancing the Natural Environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised as a major development and was subject to a period of publicity commencing July 2020. As a result of this publicity 15 representations were received. The main concerns raised are précised as follows:

Principle of Development

- This is one of a few green spaces left in Cleckheaton, brownfield sites have been overlooked.
- The site has been used as a public open area for 40 years.
- The development should go ahead in a less residential setting, land off Westgate would be ideal for this.

Highway Safety

- Kenmore Drive is a cul-de-sac to service 14 dormer bungalows. Children regularly play on street. Concern about traffic the care home will bring and hazards to children/public and disturbance to residents.
- Residents are forced to park half on and off footpaths both side. Concern no commercial service vehicles are going to access without damaging vehicles or hitting a child.
- The approach road is too narrow to accommodate vehicles to service the development and visitors. Cars park either side with room for 1 car to travel through.
- Concern the supporting information is incorrect. The road is claimed to be 5.4m wide but is 5.0m, the pavements claimed to be 1.8m, but are 1.4m. The 254 Dewsbury to Leeds service does not pass the top of Kenmore Road but passes via Westgate.
- Kenmore Drive is insufficiently wide for ambulances, previous ambulance visits have failed to reach the required house and blocked the road.
- Concern about overspill parking on Kenmore Road.
- Local roads are busy due to local schools and cars using Kenmore Road as a thoroughfare to get to chain bar roundabout
- Concern about child safety walking to school from construction vehicles.
- Concern at the access for emergency services via Kenmore Avenue.
- Access to the site for heavy goods vehicles and earth moving equipment is not adequate and will be a safety risk.
- There has been suggestion to prohibit parking on Kenmore Drive, and force residents to park in the development. 40 parking spaces to serve 80 apartments, plus 14 houses is insufficient. Kenmore Drive residents would take up more than 50% of that provision, which needs to be at least double.
- How can residents have a dedicated disabled space outside their house or walk with heavy shopping from the car park, concern about security of vehicles parked away from homes.
- Parked cars will be an obstruction when leaving and entering.
- Concern the site is positioned half way up a very steep hill, with a bus stop only at the top causing difficulties for less mobile residents.
- There is no planned link to the Greenway. To access Cleckheaton Town Centre residents will have to use Milton Terrace with steep access.
- Pathways will no longer exist and foot traffic will have to go via Rooks Avenue to reach the Kenmore's making the walk steep and adding time.
- Access is restricted to Kenmore View and Rookes Avenue. On Kenmore Drive land registry plans show a strip of land past the extent of the surfaced road which belongs to neighbouring properties and makes legal access a potential issue.
- Residents have attempted to formalise the footpaths. People have regularly crossed and recrossed the field which makes a precedent that a public right of way exists. There appears no proposal to address this.
- Confirmation of access points and land owner permissions requires clarity

Design Issues

- The building is too large, too high and will dominate surrounding houses, set at the top of a slope it will appear even higher. Decreasing the number would allow for a 2 or 3 storey building which would have significantly less impact visually on the surroundings.

- The development is 4 storeys compared with the surrounding properties that stand at only 2 storeys high. It is overbearing and will be an eyesore.
- Its roof apex measures 1m higher than the roof apex of neighbouring properties which sits on the highest elevation in the field along the southern border. The complex will be over 20 metres higher than the roof apexes of homes on the Northern border.
- The development is out of scale and character in terms of appearance when compared to surrounding properties. The development will result in an adverse impact on landscape.
- Consider the development should be moved further north and the number of flats reduced to 60.

Residential Amenity

- Concern the proposal would have an overbearing height and scale. The building would be approx. 1 metre higher than a house at Vine Avenue, and 20 metres higher than the roof of houses at the bottom.
- Surrounding properties will be overlooked and many dwarfed by the building. A four storey building will overshadow and impose upon surrounding buildings.
- Concern about overlooking from windows and balconies leading to loss of privacy to neighbouring properties and their gardens.
- The development will result in potential shading or loss of daylight to surrounding properties.
- A development of this size will affect the outlook for many properties.
- The south wing is very close to neighbouring property considering its size.

Ecology Issues

- The site in question has been a "wild" area for years it is a haven for wildlife which needs to be seriously considered in built up areas.
- The ecology report identifies a rich mix of wildlife including birds, foxes, hedgehogs and a protected bat population. Concern about the impact on wildlife including birds that nest on the ground.
- It is known by local residents that in the vicinity are foxes and bats. It has also known that newts have been found in various 'puddles',
- The scale of development will mean existing wildlife will be excluded.

Drainage Issues

- Rooks Avenue suffers flooding in heavy rain. The development would exacerbate this, removing land into which rainwater can soak. Kirklees Council have stated there is zero drainage systems that the land can connect to prevent water run off.
- Neighbouring properties have suffered damage from water off the field.
- Concern with the inconclusive flood risk report and that surrounding properties are not put at risk.

Other Issues

- Concern about a ransom strip at Kenmore Drive.
- Concern how future residents will access local amenities
- Concern about damage to the retaining wall which supports the houses and private road of Coach House Paddocks.
- Concern about construction noise with working from home.
- Concern about noise and odour from the restaurant.

- Concern about security lighting
- Public Services are overstretched in Cleckheaton.
- Concern about noise regarding excavations and construction
- Concern about the impact on air quality during works and continued by additional cars.

1st Amended Plans publicity

Amended plans were advertised by neighbour letter with the final publicity expiring 22nd October 2020. 2 further representations were received bringing the total to 17.

A summary of the main concerns is listed below:

- The access is too small and there will be increased levels of traffic.
- Four storey structure is out of place where other structures are 2 storey, 80 apartments is not in-keeping with the local area.
- Concern how it could be safely built given restricted access to the site.
- Endanger wildlife such as Hedgehogs and Bats, birds, bees.
- The field was willed to the council which requested its future use to be for Children, this law stands
- Construction will be lengthy and cause significant distress to surrounding neighbours working at home.
- Traffic control of parking delivery's, access to site is a major issue, and could cause friction and accidents/fatality to children playing.
- Pollution to air.
- No play facility for children
- Doctors are over stretched in the area. Dentists have no capacity.
- Drains are inadequate.
- Concern about construction noise pollution.
- Privacy of on looking homes with family's.
- New build property's off Whitechapel Rd, Heckmondwike, Retired homes opposite Tesco, Prospect mills all have vacancies
- loss of light to neighbouring houses and privacy.
- Concern about site security to protect hazardous materials and appearance of construction fencing.
- Unspecified age group on application, its an assumption retired individuals don't own cars or drive.
- Previous applications have been declined due to objection by public members.
- Concern about rat infestation from bins.
- Concern about property devaluation

2nd Amended Plans publicity

A further period of amended plans publicity was undertaken by neighbour letter with the final publicity expiring 3rd December.

As a result of this publicity a further 4 representations have been received bringing the total to 21. The main concerns raised are as follows:

- Kenmore Drive as the only route in and out is unsafe. Cars are parked both sides and each household has more than one car. These would take up a substantial amount of the new parking spaces on the development.
- Concern about safety of children playing in the street

- Concern about the impact on drains
- The bin lorry struggles to make it to the end of the road, concern about access for emergency vehicles.
- Concern about house price devaluation
- Concern about the loss of a field in a green area people use for walking.
- Kenmore Cheshire home will be affected by noise and will lose their outlook.
- The height is excessive from Rooks Avenue. The ground floor level is approx 8m above road level and the height to eaves a further 12m.
- Existing problems with surface water run off will be increased. The proposal to connect to the sewer in Rooks Ave is inappropriate given previous flooding issues.
- Cleckheaton is deficient in terms of green space per head of population.
- Tidying up the area with a few shrubs and trees will not amount to much.
- There will need to be extra drainage, the area is a floodplain that runs straight onto a neighbouring property.
- The brambles indicated to stay have become out of control to neighbouring properties along with invasive bindweed which has taken over substantially over the past 12 months.
- Recent roadworks relating to piping infrastructure were set up with a 3 way traffic system requesting two lane traffic. The piping infrastructure is dated and no doubt these roads will be dug up several times.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management - No objections in principle subject to resolving issues regarding Public Rights of Way and waste storage and collection.

Lead Local Flood Authority – No objections

The Coal Authority – No objections; the mineral support conditions beneath the site are satisfactory and no further investigations/actions are warranted.

Yorkshire Water – The submitted Flood Risk Assessment report is generally acceptable. No objection to the foul water proposals but the maximum surface water discharge rate shall be limited to 3.5 litres per second as the site is currently undeveloped.

8.2 Non-statutory:

K.C Environmental Services – The noise report provides a satisfactory assessment of the existing noise climate and satisfactory mitigation. A condition is necessary to ensure proposals are implemented. The predictions relating to noise from plant and equipment are satisfactory, but a condition is necessary to ensure noise is adequately controlled. The report's recommendations for ventilation are unacceptable and a condition requiring a suitable alternative ventilation system is necessary.

The phase 1 report is satisfactory. The phase 2 report is incomplete due to the absence of the full ground gas monitoring data and is unacceptable. Conditions relating to land contamination are therefore necessary. A condition requiring charging points is necessary to ensure the proposals meet the necessary requirements.

K.C Public Rights of Way – No objections in principle

Kirklees Housing – The proposals comprise 100% affordable housing (61 affordable rent and 19 shared ownership units) which will contribute to meeting local housing need.

Crime Prevention – No objections

Landscape – No objections subject to securing a detailed landscape plan and details of the management and maintenance of the area of Public Open Space and an inspection fee.

Adult Services – A number of detailed observations have been made.

Specialist Accommodation Group – Key scheme within the Council's approved Housing Delivery Plan 2018. It will support the Council's priorities to increase the supply of specialist housing for older people.

Trees – No objections

Ecologist (Yorkshire Wildlife Trust) – The ecological reports identified a requirement to undertake additional surveys for protected species which must be conducted and provided to allow full considerations for impacts to protected species to be made and appropriate mitigation designed.

The Biodiversity Enhancement Plan was updated and is under consideration. The proposal should provide a net gain of 10% for all habitat types. Yorkshire Wildlife Trust has been consulted on this plan and final comments are awaited. Members will be provided with an update.

Public Health – No objections

Kirklees Waste Strategy – No objections

9.0 MAIN ISSUES

- Principle of development
- Highway Safety Issues
- Public Rights of Way
- Layout and Urban design issues
- Residential amenity
- Drainage issues
- Ecology Issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The application site comprises a housing allocation in the Kirklees Local Plan ref HS101 to which full weight can be given. Allocation of this and other greenfield sites by the council was based on a rigorous borough-wide assessment of housing and other need, as well as analysis of available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some development on greenfield land was also demonstrated to be necessary in order to meet development needs. The site is green field land but is not designated as Urban Green Space or Local Green Space in the Local Plan.
- 10.4 The proposal would deliver 80 extra care apartments which is an acceptable form of housing development on this allocated site. A need to increase the supply of specialist housing for older people has been identified within the Council's Housing Delivery Plan 2018 and the scheme is located in an area with one of the highest percentage of population aged 65 and over. The scheme will meet an identified housing need, and the proposals comprise 100% affordable housing.
- 10.5 The site is in an accessible location being located approximately 0.75km from Cleckheaton Town Centre and less than 0.5km from the Moorend Local Centre, with bus stops on Whitcliffe Road at a walking distance of approximately 200m. The principle of development is considered to be acceptable.

Highway Safety Issues

- 10.6 Policy LP21 of the Kirklees Local Plan states new development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residential cumulative impacts of development are not severe. Access for the proposed 80 extra care apartments would be taken off Kenmore Drive and the existing junction with Kenmore Road. The proposal would be served by a 29 space car park and bins would be collected on-site from a purpose built store. Concerns have been raised in the representations received regarding the width of the proposed access off Kenmore Drive and its suitability to serve the development both during construction and afterwards.
- 10.7 Kenmore Road has traffic calming (speed humps) along its length. Kenmore Drive is 5.5m wide with 1.8m footways on either side. The carriageway width is the same as that recommended in Kirklees' Highway Design Guide for the proposed size of development.

- 10.8 Highways Development Management (HDM) note that in the main, the existing residential properties have off-street parking with on-site observations of residential on-street parking along Kenmore Drive. Kenmore Road has a speed limit of 30-mph with observed driven speeds along Kenmore Road considered to be in the region of 25 mph. This is commensurate with the available visibility from Kenmore Drive along Kenmore Road.
- 10.9 A Transport Statement gives a detailed justification for the number of car parking spaces, citing the example of an existing facility in Sunderland. This particular care home has 71 units compared to the 80 proposed in this application. In this instance the maximum parking demand for the site was 15 vehicles between 2pm and 3pm. Given the numbers, HDM consider it would appear likely that around 17 vehicles would use the Cleckheaton car park at peak times.
- 10.10 The same document shows 11 vehicles movements in the am peak and 12 in the pm peak. It is expected that the peak and overall vehicle movements for this proposal would be significantly lower than those associated with a previous approved outline application on this site for 55 dwellings. Given the above, HDM have no objections in terms of intensification of use of the highway. Swept path analysis has been provided for an 11.85m refuse vehicle which is acceptable from a highways perspective. HDM raise no objections subject to conditions to secure appropriate surfacing and draining of the car park, details of waste collection and a schedule of means of access to the site for construction traffic.
- 10.11 The Waste Strategy officer initially raised concerns regarding storage provision seeking further clarification on the number of bins, requesting more circulation space around the bins and clarification on the external door access to the ground floor bin store room, due to a possible conflict with the external retaining wall. The amended plan received addresses these concerns.

Public Rights of Way Issues

- 10.12 The Council are in receipt of an application to record public rights of way across the site which is a material consideration in the determination of this planning application.
- 10.13 The approach taken by the applicant has been to acknowledge the existence of the routes identified which are shown as purple lines on a submitted site plan. The proposal makes provision in the propose layout to divert these identified routes with access to the site from Milton Terrace and Rooks Avenue through the area of Public Open Space. The steps to Milton terrace are proposed to be removed and level access formed. The Public Rights of Way team are generally satisfied with this approach, subject to securing further details including details of levels. Further details are being submitted and a final response is awaited from the Public Rights of Way officer. An update will be provided to Members.

Layout and Urban Design issues

- 10.14 The application site is in use for informal recreation and adjoins neighbouring residential properties to all boundaries. Policy LP24 of the Kirklees Local Plan states proposals should ensure the form, scale, layout and details of all development respects and enhances the character of the townscape,

heritage assets and landscape. Concerns have been raised in the representations received that the building is too large and too high and would be out of keeping in an area where neighbouring properties are two storeys in height.

- 10.15 The proposed extra care home building would be located in the southern portion of the site, and would have a rectangular linear footprint (east to west) across the site with a projection to the north and one to the south off-set from each other. The scale of the building is a maximum of 4 storeys, dropping to 2 and 3 storeys adjacent to neighbouring residential properties. The proposal would provide 80 apartments within a footprint confined wholly to the southern part of the site. This enables the northern part of the site to be retained as an open space, to include private gardens and an area of public open space.
- 10.16 The overall scale of the building is significantly higher compared to neighbouring properties which include a mix of two storey, one and a half storey and single storey properties. The scale and massing of the building has been mitigated however by lowering the massing at the end of the wings of the building and accommodating the third floor on the southern elevation partly within the roof space. It is considered on balance the scale and massing of the building and its overall appearance would not have an undue detrimental impact on the visual amenity of the surrounding area, taking into account the topography of the site, and the stepping down in height of the structure at the wings. The site is currently used informally for recreation, and the proposal to retain a significant part of the site as open space, including on site Public Open Space is a positive benefit of the proposal. The impact on the amenity of neighbouring residential properties is discussed in detailed in the relevant chapter of the report.
- 10.17 The West Yorkshire Police Architectural Liaison officer considers the site and building layout is favorable and raises no objections, subject to securing details of artificial lighting.
- 10.18 The proposed construction materials are red brickwork, with a contrasting darker brickwork and red roof tiling. The construction materials of neighbouring properties within the vicinity of the site include a mix of red brick and concrete tiles, cladded dormers, stone on the Coachouse Paddocks development to the south and stone façades on properties off Rooks Avenue. Taking into account this mix of materials, it is considered the use of red brickwork and red tiling would be satisfactorily in keeping with surrounding properties.
- 10.19 In respect of landscaping works, the proposed communal gardens are shown to be retained by a gabion retaining wall of different heights. Inside of this retaining wall it is proposed to erect 900mm high horizontal rail metal estate railing. The Council's landscape architect raises no objections to the landscaping works subject to securing a detailed scheme through condition.

10.20. In accordance with Policy LP63 of the Kirklees Local Plan the proposal is required to provide or contribute towards new open space. The proposal provides an area of Public Open Space to the north of the site which is policy compliant and no further off-site contribution is required. The area of Public Open Space is acceptable, subject to securing details of who and how the greenspace will be managed and maintained, and an inspection fee. This can be secured through Section 106 agreement.

Residential Amenity Issues:

10.21 Policy LP24 of the Kirklees Local Plan states proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. The site is bordered by neighbouring residential properties to all boundaries, and the neighbouring properties which have the potential to be affected by the proposals include properties off Milton Terrace, Vine Avenue, The Coachhouses, Kenmore Drive, Kenmore View and Rooks Avenue. Concerns have been raised in the representations received regarding potential overbearing impacts and loss of privacy to neighbouring residential properties arising from the scale and massing of the building, and the proposed location of habitable room windows and balconies.

10.22 In respect of the impact on properties off Vine Street, this is a cul-de-sac of detached and semi-detached properties which borders the eastern boundary of the site. The footprint of the proposed extra care building would be sited at a significant distance to these properties and it is considered there would be no detrimental overbearing or overshadowing impact.

10.23 In respect of the impact on properties off Milton Terrace, these neighbouring properties comprise a row of terraced properties located to the east of the application site. The proposed extra care building would be positioned on a similar alignment to the footprint of these neighbouring properties. The scale of the building would be two storeys at its closest point with the gable of the building at a distance of approximately 14 metres to No.12 Milton Terrace. Non habitable room windows are proposed in the gable to light the corridor only. It is considered there would be no detrimental overlooking impact, and on balance, due to the drop in the scale of the building, there would be no undue detrimental overshadowing impact.

10.24 In respect of the impact on properties off Vine Avenue, these neighbouring properties comprise semi-detached properties, with a semi-detached single storey property immediately adjacent to the site. The proposed extra care building would be sited at a distance to these properties with a proposed landscaped area identified as an outdoor classroom providing a buffer. Subject to appropriate boundary treatments it is considered there would not be any detrimental overshadowing or overlooking impact.

10.25 In respect of the impact on properties 1-4 Coach House Paddocks, these comprise two storey properties located to the south of the site. The scale of the extra care building at this location is three storeys and there would be a distance of approximately 17 metres to the boundary of No.4 Coach House Paddocks and 20 metres to the northern elevation of this neighbouring property. The extra care building would be 0.6m higher than No.4 Coach House Paddocks, however on balance taking into account the distances

which would be achieved and the location of the building to the north of these neighbouring properties it considered there would be no undue detrimental overbearing impact. There are no habitable room windows on the southern wing facing these existing residences, the ground floor window would serve an office which would be screened by boundary treatment, and the upper floor windows would light the corridor and can be conditioned to be obscurely glazed. Three projecting balconies to the south-eastern corner of the building have also been removed to avoid a detrimental overlooking impact. It is considered there would be no detrimental loss of privacy.

- 10.26 In respect of the impact on the residential nursing home to the south of the site, the boundary of the nursery home would back onto the proposed car parking area. There will be a distance of approximately 40 metres to the extra care home building and it is not considered there would be any detrimental overlooking or overshadowing impact.
- 10.27 In respect of the impact on properties off Kenmore Drive, these neighbouring properties comprise semi-detached dormer bungalows. The properties to the south of Kenmore Drive would be aligned with the proposed parking area, and the properties to the north, and their gardens, would be aligned with the extra care home building. There would be a distance of approximately 10 metres from the western elevation of the care home building to the western boundary of the site, and the closest wing of the building would be a spilt level at a height of two and three storeys. The design has mitigated the impact of the building by dropping the height of this wing and avoiding any habitable room windows on the gable fronting these neighbouring properties. There would be a distance of approximately 30 metres from the habitable room windows on the remainder of the western elevation of the building. On balance it is considered there would be no detrimental overlooking or overbearing impact.
- 10.28 In respect of the impact on properties off Kenmore View, these comprise semi-detached dormer bungalows. The same distances apply here, there would be a distance of approximately 10 metres from the western elevation of the care home building to the western boundary of the site. The four storey part of the care home building and the proposed habitable room windows on the western elevation would be sited at a distance of approximately 30 metres from these neighbouring properties. On balance it is considered there would be no detrimental overlooking or overbearing impact.
- 10.29 In respect of the impact on properties of Rooks Avenue, there would be a substantial distance from these neighbouring properties to the care home building and notwithstanding the difference in levels if it is considered there would be no detrimental overlooking or overshadowing impact.
- 10.30 A noise Impact Assessment supports the application. Environmental Services consider the report provides a satisfactory assessment of the existing noise climate and makes satisfactory noise mitigation measures. The predictions relating to noise from any installed plant and equipment are also satisfactory. Conditions are required to ensure noise mitigation measures are implemented and noise from plant and equipment is adequately controlled. Environmental Services consider the report's recommendations for alternative ventilation are unacceptable. This matter can be addressed by condition.

10.31 In summary the care home building has a substantial scale, however due to the design of the footprint of the building, and the dropping of the heights of the building adjacent to neighbouring properties it is considered on balance there would not be a detrimental impact on the amenity of neighbouring residential properties in accordance with Policy LP24 of the Kirklees Local Plan.

Flood Risk/Drainage issues

10.32 The application site is within flood zone 1. Concerns have been raised in the representations received that neighbouring properties are not put at risk, taking into account previous flooding incidents at Rooks Avenue and the loss of green space for rainwater to soak into.

10.33 The Lead Local Flood Authority (LLFA) have no objections in principle to the proposal to discharge surface water to public sewer and to the discharge point and no objection to the proposed attenuation to be provided within a crate/tank system. Following the submission of further information of the proposed overland flow routing they raise no objections.

10.34 Yorkshire Water consider the Flood Risk Assessment to be generally acceptable. They raise no objections subject to a condition to secure separate systems of drainage for foul and surface water and to limit surface water discharge to 3.5 litres per second.

Ecology Issues

10.35 The site is a green field site and the application is supported by an Ecological Assessment Report, a Biodiversity Enhancement Plan, Protected Species surveys and a Biodiversity Metric 2.0 Calculation Tool. Concerns have been raised in the representations received regarding the loss of a haven for wildlife.

10.36 Yorkshire Wildlife Trust note the initial ecological reports identified a requirement to undertake additional survey work for protected species, and the LPA has a duty to consider impacts upon protected species prior to determination. The applicant has provided some additional survey work however the outcome of the survey has not completely addressed the issue and further investigation is required so any potential impacts upon ecology can be appropriately mitigated.

10.37 A Biodiversity Enhancement Plan is submitted in support of the proposals. Yorkshire Wildlife Trust initially raised concerns the report did not provide the condition assessment for each habitat. To assess the appropriateness of the BEP they requested justification for the habitat type used, condition assessment and justification. There was also concern the initial proposal does not achieve the required biodiversity net gain. The applicant has provided an updated Biodiversity Enhancement Plan and Biodiversity Metric. Yorkshire Wildlife Trust has been consulted on this plan and final comments are awaited. Members will be provided with an update.

10.38 There are no protected trees on site and the arboricultural officer has no objections to the proposal.

Contaminated Land/Coal Mining Legacy

- 10.39 The site falls within the Coal Authority Development High Risk Area and the application is supported by a Phase 1 and Phase 2 Contaminated Land Report.
- 10.40 Environmental Services note the Phase 1 report identifies potential risks from construction and demolition waste around the site and from the adjacent former railway line. It recommends the need for an intrusive site investigation including boreholes for ground gas monitoring and analysis of soil samples. Environmental Services consider the Phase 1 report to be satisfactory. The Phase 2 report details an intrusive investigation comprising of rotary & percussive boreholes, machine excavated trial pits together with analysis of soil and leachate samples and ground gas monitoring. The investigation found made ground across the site to depths of 1.2m thin bands of coal but no evidence of coal seams being worked. The sample analysis results indicated no elevated levels of contaminants. The report advised that the ground gas monitoring was incomplete and that the full monitoring results would be presented as an addendum. The Phase 2 report is considered to be generally satisfactory but because it is incomplete due to the absence of the full ground gas monitoring data it is unacceptable. Conditions relating to land contamination are therefore necessary.
- 10.41 The Coal Authority concur with the conclusions in the phase 2 investigation report that none of the boreholes identified any voids, workings or broken ground and that no further investigations/actions are warranted./ On the basis the competent body confirms the mineral support conditions beneath the site to be satisfactory, the Coal Authority has no objections to the planning application.
- 10.42 The site falls within a mineral safeguarded area (SCR with Sandstone and/or Clay and Shale). LP38 requires all such developments, bar certain exemptions, to demonstrate that: a. the mineral concerned is proven to be of no economic value as a result of the undertaking of a Mineral Resource Assessment; or b. the development will not inhibit mineral extraction if required in the future; or c. there is an overriding need for the development; or d. the mineral can be extracted prior to the development taking place. Officers note that this site is a housing allocation and there is a requirement for the site to come forwards for residential development to ensure that the requisite new housing numbers are delivered in the Plan Period. Furthermore, the presence of close residential properties would make mineral extraction incompatible with the area. Officers consider the proposal policy complaint.

Other Issues

Health Impact Assessment

- 10.43 The application is supported by a Health Impact Assessment which has been assessed by Public Health. They raise no material objections to the application.

- 10.44 Kirklees Adult Services have raised a number of detailed points which the applicant has responded to. These are detailed matters, mostly relevant to the operation of the site, and do not raise material planning concerns. The comments made about parking and traffic are noted however Highways Development Management have made a full assessment of the application and raise no objections.

Climate Change

- 10.45 On 12th November 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 will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. 1
- 10.46 The proposal to erect the extra care building would generate significant carbon emissions. However, this is a small scale major development site and measures to encourage electric vehicle use by providing electric vehicle recharging points will be conditioned, which will assist in helping the climate change emergency

Representations

- 10.47 A total of 20 representations have been received. Matters raised regarding the principle of development, highway safety, design issues, residential amenity issues, ecology issues and drainage issues are assessed in the relevant sections above. In so far as the comments raised have not been addressed above:
- Concern about a ransom strip at Kenmore Drive.
Response: The Highways Authority deem that Kenmore Drive is adopted up the boundary of the Council's Land, as such the surface vests in the Highways Authority. The fact that the strip of land at the end of Kenmore Drive has not been 'made up' does not affect the extent of the adoption and would be classed as a verge.
 - Concern how future residents will access local amenities
Response: The site is in an accessible location being located approximately 0.75km from Cleckheaton Town Centre and less than 0.5km from the Moored Local Centre, with bus stops on Whitcliffe Road at a walking distance of approximately 200m.
 - Concern about damage to the retaining wall which supports the houses and private road of Coach House Paddocks.
Response: The responsibility for safe construction rests with the developer.

- Concern about construction noise for all residents and those working from home.
Response: The development is surrounded by residential properties and noise and vibration from the construction work can potentially have an adverse impact on existing residents in the vicinity. A condition restricting the times for noisy construction activities is therefore necessary.
- Concern about noise and odour from the restaurant.
Response: Environmental Services raise no objections about noise or odour, subject to conditions that all works which form part of the sound attenuation scheme are completed and that any noise from fixed mechanical services and external plant and equipment are controlled.
- Concern about security lighting
Response: This matter can be addressed by condition.
- Public Services / Doctors/ Dentists are overstretched in Cleckheaton
Response: The provision of health facilities falls within the remit of NHS England. The Local Plan through site allocations cannot allocate land specifically for health facilities because providers plan for their own operating needs and local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. Whilst the concern is understood, it is not a matter that can be addressed by the planning system.
- Concern about the impact on air quality during works and continued by additional cars.
Response: In respect of addressing the impact on Air Quality, Environmental Services have requested electric vehicle charge points which will help in the climate change agenda.
- The field was willed to the council which requested its future use to be for Children, this law stands
Response: This is a private legal matter and is not a material planning consideration.
- No play facility for children
Response: The Council's Landscape Architect raises no objections to the proposed amount and laying out of Public Open Space.
- New build property's off Whitechapel Rd, Heckmondwike, Retired homes opposite Tesco, Prospect mills all have vacancies
Response: This matter is noted.
- Concern about site security to protect hazardous materials and appearance of construction fencing.
Response: The responsibility for safe construction rests with the developer. Any construction fencing will be temporary and its appearance is not a material planning consideration.
- Unspecified age group on application, its an assumption retired individuals don't own cars or drive.

Response: The Transport Statement gives a detailed justification for the number of car parking spaces, citing the example of an existing facility in Sunderland. Highways Development Management raise no objections.

- Previous applications have been declined due to objection by public members.

Response; This matter is noted

- Concern about rat infestation from bins

Response: The proposal provides adequate bin storage to serve the development.

- Concern about house price devaluation

Response: This is not a material planning consideration

Planning obligations

10.48 The development requires the following contributions to make the development acceptable:

- Securing the development as affordable housing: 61 affordable rent and 19 shared ownership.
- Details of Management and Maintenance of Public Open Space and an inspection fee of £250.
- Travel Plan Monitoring fee of £15,000

The above matters can be secured by a Section 106 agreement.

11.0 CONCLUSION

11.1 The application site is allocated for residential development under site allocation HS101, and the principle of residential development at this site is considered acceptable.

11.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), topography, ecological considerations, and other matters relevant to planning. All but one of the constraints have been sufficiently addressed by the applicant and the outstanding ecological issue is to be addressed by some additional work by the applicant. Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.

11.3 The NPPF 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 proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Three year time limit for implementation
2. Development in accordance with Plans
3. Samples of Construction Materials
4. Car Park to be laid out surfaced and drained
5. Schedule of the means of access to the site for construction traffic
6. Detailed scheme of hard and soft landscaping
7. Landscape and Ecological Management Plan
8. Details of Boundary Treatments
9. Scheme detailing foul, surface water and land drainage
10. Assessment of effects of 1 in 100 year storm events
11. Details of the operation, maintenance and management of the surface water drainage infrastructure
12. Scheme of temporary surface water drainage
13. Site to be developed with separate system of drainage for foul and surface water. Maximum surface water discharge rate to be 3.5 l/s
14. Construction Hours
15. Works completed in accordance with Noise Report Mitigation Measures.
16. Ventilation Scheme
17. Control of noise from mechanical services, external plant and equipment
18. Phase 2 Report
19. Remediation Strategy and implementation
20. Submission of Validation Report
21. Reporting of Unexpected Contamination
22. Electric Vehicle charge points
23. Scheme of External Lighting

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91746>

Certificate of Ownership B – Notice served on Kirklees Council