



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

PLANNING PERMISSION FOR DEVELOPMENT

**NOTE: This approval should be read in conjunction with an Agreement made
under Section 106 of the Town and Country Planning Act 1990**

Application Number: 2017/62/90077/E

To: David Bennett,
KDP Architects
13, Seymour Terrace
Seymour Street
Liverpool
L3 5PE

For: TLC Carehomes (Yorkshire) Limited

**In pursuance of its powers under the above-mentioned Act and Order the
KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning
Authority hereby permits:-**

ERECTION OF 85 BED CARE HOME WITH ASSOCIATED CAR PARKING AND
LANDSCAPING

At: BUSKER LANE, SCISSETT, HUDDERSFIELD, HD8 9JU

**In accordance with the plan(s) and applications submitted to the Council on
09-Jan-2017, subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun within three years of the date of
this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning
Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1, BE2 and T10 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

3. Samples of all facing and roofing materials for the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the erection of any of the approved buildings commences. The development shall thereafter be carried out in accordance with the details so approved and retained.

Reason: In the interests of visual amenity and to accord with Policies D2 and BE1 of the Kirklees Unitary Development Plan and the guidance contained within Chapter 7 of the National Planning Policy Framework.

4. Development shall not commence until a scheme detailing measures to protect the trees and/or other areas of vegetation as indicted on drawing no. 100 Rev G has been submitted to and approved in writing by the Local Planning Authority. Development shall not commence until the works comprising the approved scheme have been completed, these shall be retained and maintained throughout the construction phase.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Kirklees Unitary Development Plan.

Reason for pre-commencement condition: Any building or demolition works may have an impact on the trees which are to be retained according to the plan detailed above. In order to adequately protect these trees the tree protection works are required before any substantive works take place on site.

5. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: to ensure all adverse ecological impacts of construction of the scheme are compensated for within the final design, and that all habitats created as mitigation are managed in an appropriate manner thereafter, in order to ensure the approved scheme is acceptable under the requirements of Chapter 11 of the National Planning Policy Framework.

6. Prior to the occupation of any building, landscaping, tree/shrub planting shall be submitted to and approved in writing by the Local Planning Authority . The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with the National Planning Policy Framework.

7. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy G6 of the Kirklees Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no7, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy G6 of the Kirklees Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no8. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy G6 of the Kirklees Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy G6 of the Kirklees Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

11. Before development commences a report specifying the measures to be taken to protect the occupants of nearby noise sensitive premises from noise from the proposed development (from any proposed plant) shall be submitted to and approved in writing by the Local Planning Authority. The report shall include

1. an assessment of noise emissions from the proposed development (from any proposed plant)
2. details of background and predicted noise levels at the boundary of the development site and residential properties on Busker Lane
3. a written scheme of how the occupants will be protected from noise from the proposed development with noise attenuation measures as appropriate

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: In the interests of amenity of the occupiers of neighbouring properties and to accord with the requirements of Policy EP4 of the Kirklees Unitary Development Plan

12. Prior to the erection of any building details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, noise levels, its appearance and finish have been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted commences and thereafter shall be permanently retained.

Reason: These details need careful consideration and formal approval and to safeguard the amenity of adjoining properties and to protect the general environment. The details are needed prior to the start of work so that measures can be incorporated into the build and in accordance with Policy G6 of the Kirklees Unitary Development Plan and the National Planning Policy Framework.

13. Development shall not commence until a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the measures so approved and thereafter the artificial lighting shall be operated in accordance with the approved scheme.

Reason: In order to ensure the approved scheme is acceptable under the requirements of Chapter 11 of the National Planning Policy Framework.

14. Development shall not commence until a scheme detailing the boundary treatment of the all the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed and thereafter retained for the lifetime of the development.

Reason: In the interests of the amenity of the nearest occupiers and in the interest of good design, in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

15. The areas allocated for vehicle parking, loading and unloading, circulation and manoeuvring on the approved plans shall be hard surfaced and only be used for the said purpose and not for any other purposes and fully implemented prior to the occupation of the building.

Reason: To ensure the provision and availability of satisfactory off-street parking and servicing/loading/unloading facilities for the development, in accordance with Policy T10 of the Kirklees Unitary Development Plan.

16. Development shall not commence until the wall to the Busker Lane site frontage has been set back to the rear of the proposed visibility splays as shown on approved plan number 1414/100 rev G. The visibility splays shall be cleared of all obstructions to visibility and hard surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Kirklees Unitary Development Plan Policy T10.

17. A detailed scheme showing full details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building hereby approved:

- a) CCTV; and,
- b) Security lighting.

The approved scheme shall be adhered to therein after and implemented prior to the occupation of the building.

Reason: In the interests of the amenity of the nearest occupiers and in the interest of good design, in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

18. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until such approved drainage scheme has been provided on the site to serve the development and thereafter retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Policy BE1(iv) of the Kirklees Unitary Development Plan and the National Planning Policy Framework.

19. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following:

- (i) hours for site preparation, delivery of materials and construction;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding;
- (vi) wheel washing facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) a scheme for managing and the recycling/disposing of waste resulting from construction works.
- (ix) location of any portable cabin structures

The duly approved CMS shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development in accordance with the requirements of Unitary Development Plan Policies BE1 and BE2 of the Kirklees Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of nearby residents prior to commencement of any building or engineering works on site.

20. The development shall not be occupied until details of bin storage areas have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and thereafter maintained.

Reason: In the interests of the amenity of the nearest occupiers and in the interest of good design, in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

21. The removal of vegetation, trees and any buildings present should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works and submitted to the Local Planning Authority for approval. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged. The development shall only be commenced thereafter following the written approval of the Local Planning Authority.

Reason: In the interests of biodiversity of the site in accordance with the National Planning Policy Framework.

22. Prior to the erection of any building, full details of the proposed crossing point along Busker Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved crossing point shall be implemented and approved prior to the occupation of the building hereby approved.

Reason: In the interests of highway safety and in accordance with Kirklees Unitary Development Plan Policy T10.

23. Prior to occupation of the building an electric vehicle recharging point shall be installed, details of the location shall be submitted to and approved in writing by the Local Planning Authority. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicles charging point approved shall be installed prior to the occupation of the building and thereafter be retained.

Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport" and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework.

24. The development hereby approved shall be undertaken in full accordance with the Travel Plan Targets set out in the submitted Travel Plan (ref - . 1733 – Travel Plan Framework).

Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport" and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework.

Note: A competent person should undertake any noise survey and developers may wish to contact the Association of Noise Consultants **Error! Hyperlink reference not valid.** (01736 852958) or the Institute of Acoustics <http://www.ioa.org.uk> (01727 848195) for a list of members.

Note: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Site Plan	A1	Rev A	10/01/2017
Proposed Site Plan	100	Rev G	12/04/2017
Proposed Ground Floor Plan	101	Rev G	22/03/2017
Proposed First Floor Plan	102	Rev G	22/03/2017
Proposed Second Floor Plan	103	Rev G	22/03/2017
Proposed Third Floor Plan	104	Rev H	
Proposed Roof Plan	105	Rev C	01/02/2017
Proposed Elevations 1	200	Rev H	28/03/2017
Proposed Elevations 2	201	Rev H	28/03/2017
Proposed Elevations in context	202	Rev B	28/03/2017
Proposed Site Sections 1	203	Rev A	28/03/2017
Proposed Site Sections 2	204	Rev A	28/03/2017
Proposed Busker Lane Elevation (street scene)	205	Rev B	28/03/2017
Proposed Site Sections 3	206		28/03/2017
Proposed Site Sections 4	207		28/03/2017
Phase 1 GeoEnvironmental Desk Study	A1819/16		10/01/2017
Phase 1 Habitat Report	13252/JoC		10/01/2017
Design and Access Statement		Rev A	10/01/2017
Transport Assessment	1733	Rev 2	28/03/2017
Flood Risk Information	217011/DS/SK		10/04/2017
Application Forms			10/01/2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Through ongoing negotiation with the applicant and the receipt of amended plans, the Case Officer has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Amendments to the scheme included reducing the scale of the building and addressing highway safety matters. These matters were resolved through the receipt of amended plans and, subject to the conditions set out in this Decision Notice, the proposal now complies with Policies BE1, BE2 and T10 of the Kirklees Unitary Development Plan and the National Planning Policy Framework and overall the proposed development is considered to constitute sustainable development.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

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

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "submitted to and approved in writing by the Local Planning Authority".
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Development within a Coal Mining Area

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

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

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

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.

- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

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

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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

Dated: 11-Aug-2017

Signed:



Naz Parkar
Strategic Director Economy and Infrastructure

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

planning.contactcentre@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Planning, Strategic Investment Service,
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR
