



**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: 2017/62/91677/E

To: Georgina Crabtree,
The Planning Bureau Ltd
Aspen House
Wykeham Road
Northminster Business Park
Upper Poppleton
York
YO26 6QW

For: McCarthy & Stone Retirement Lifestyles Ltd

**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 43 RETIREMENT LIVING APARTMENTS, 83 BED CARE HOME
WITH PROVISION OF COMMUNAL FACILITIES, LANDSCAPING AND CAR
PARKING AND ERECTION OF 7 AFFORDABLE DWELLINGS

At: LAND AT, SERPENTINE ROAD, CLECKHEATON, BD19 3NA

**In accordance with the plan(s) and applications submitted to the Council on
16-May-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, as amended by the Planning and Compulsory Purchase Act 2004.

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, BE12 and T10 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

3. The development hereby approved shall be carried out in accordance with the submitted 'Phasing Plan'. In the interests of clarity the phasing of development comprises the following areas which shall be hereafter referred to as:

- Phase 1 – McCarthy and Stone Retirement Lifestyles Limited
- Phase 2 – Darrington Healthcare
- Phase 3 – RSL

Reason: To ensure that the details of the impacts of the development are fully understood in accordance Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 7 and Chapter 12 of the National Planning Policy Framework.

4. Prior to any above ground works taking place with the phase 1, full details of the buggy store as shown on plan no. NE-2106-03-01-AC-002-Rev A shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

Reason: In the interests of the visual amenity and character and appearance of the surrounding area and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 7 of the National Planning Policy Framework.

5. Prior to the commencement of each phase of the development, a schedule of external materials, indicating types, colours and finishes of bricks and tiles and hard surfaces to be used in respect of the that particular phase, shall be submitted to and approved in writing by the Local Planning Authority, and the approved materials shall be used in the implementation of the development of that particular phase and thereafter so retained.

Reason: In the interests of the visual and residential amenity and character of the surrounding area and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 7 of the National Planning Policy Framework.

6. Prior to any above ground works taking place within phase 1, full details of the substation as shown on plan no. NE-2106-03-01-AC-002-Rev A shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

Reason: In the interests of the visual amenity and character and appearance of the surrounding area and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 7 of the National Planning Policy Framework.

7. No above ground works shall take place within phase 2 or 3 until the means of protecting the existing 4" water main and the 3" water main that are laid within the site boundary have been submitted to and approved by the Local Planning Authority and the approved works have been implemented. If the protective measures are to be achieved via diversion or closure of the pipe, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of protecting essential infrastructure in accordance with Policy PLP4 of the Kirklees Publication Draft Local Plan as well as the aims of chapter 10 of the National Planning Policy Framework.

8. Each phase of development shall not commence until a scheme detailing foul and surface water drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the buildings within each respective phase shall be occupied until such approved drainage scheme has been provided on the site to serve the development to which the buildings relate and thereafter retained.

Reason: To ensure that the development does not increase flood risk elsewhere, so as to accord with Paragraph 103 of the National Planning Policy Framework and Policy PLP28 of the Kirklees Publication Draft Local Plan.

9. Each phase of development shall not commence until a scheme restricting the rate of surface water discharge from the site to the same outfall at similar points of connection to a maximum of 70% of the existing pre-development flow rate to the same outfall, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Volumes generated above those of the critical 1 in 30 year event up to and including the critical 1 in 100 year storm event with a 20% allowance for climate change shall be stored on site in areas to be approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: To ensure that the development does not increase flood risk elsewhere, so as to accord with Paragraph 103 of the National Planning Policy Framework and Policy PLP28 of the Kirklees Publication Draft Local Plan.

10. Prior to occupation of any part of the development, a “lighting design strategy for biodiversity” for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for foraging bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of biodiversity in accordance with Policy PLP30 of the Kirklees Publication Draft Local Plan and chapter 11 of the National Planning Policy Framework.

11. Above ground works within each phase shall not commenced until a full landscaping scheme of soft and hard landscaping works has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme within each respective phase of development shall be implemented by the end of the first planting season following the occupation of any building within each respective phase. 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 landscape in the interests of amenity and biodiversity and to accord with Chapters 7 and 11 National Planning Policy Framework and Policy PLP24 of the Kirklees Publication Draft Local Plan.

12. Above ground works within each phase shall not be commenced until full details of boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved scheme within each respective phase of development shall be implemented prior to the occupation of any building within each respective phase.

Reason: In the interests of the amenities of the surrounding residents and to accord with Policy BE1 of the Kirklees Unitary Development Plan, Policy PLP52 of the Kirklees Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

13. The care home and retirement apartments hereby permitted (phases 1 and 2) shall not be occupied other than by persons who have attained the age of 55 years or the spouse or partner of such persons including a widow or widower.

Reason: The proposed development involves age-restricted accommodation and therefore, no mitigation towards education was required in accordance with Policy PLP4 of the Kirklees Publication Draft Local Plan. In addition, the parking standards are based on the age-restricted nature of the development in accordance with Policy T10 of the Kirklees Unitary Development Plan.

14. Occupation of any building within each phase shall not take place until details of refuse/bin storage areas and any structures required to store bins and proposed collection points for refuse/bins has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and none of the buildings brought into use within each respective phase of development until the agreed details have been provided. The refuse/bin storage and collection areas so approved shall thereafter be retained
Reason: In the interests of highway safety in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

15. Prior to the occupation of any building within each phase of the development the parking areas detailed on the approved plans shall be laid out and provided in full prior to the occupation of any building within each respective phase.
Reason: In the interests of residential and visual amenity and character of the surrounding area, in the interests of highway and pedestrian safety and to accord with Policies BE1, BE2 and T10 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP52 of the Kirklees Publication Draft Local Plan, and Chapter 7 of the National Planning Policy Framework.

16. Each phase of development shall not commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS for each phase 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 and implemented for each respective phase.

Reason: In the interests of the amenity of the locality and in accordance with chapter 11 of the National Planning Policy Framework and Policy PLP52 of the Publication Draft Local Plan.

Reason for pre-commencement: Construction works may have an impact on the amenity of the locality and therefore, a scheme is required in order to mitigate impacts prior to any works taking place on site.

17. Above ground works within phases 1 and 2 shall not take place until full details of off-site highway works including proposed footway details, lighting and pedestrian crossing details along Serpentine Road has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

Reason: In order to ensure the safe movement of vehicles and pedestrians in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policies PLP21 and PLP24 of the Kirklees Publication Draft Local Plan.

18. Notwithstanding the requirements of condition 3 (above), the 7no. townhouses as shown on plan no. NE-2106-03-01-AC-002 shall be completed prior to 60% of the 43no. Retirement Living units (shown as Retirement Apartments on the plan) being occupied. **Reason:** In order to ensure the delivery of affordable housing in accordance Policy H10 of the Kirklees Unitary Development Plan and Kirklees Interim Affordable Housing Policy Supplementary Planning Document (2016).

Plans and Documents table:

Plan Type	Reference	Version	Date Received
Site Plan	03-01-AC-018	A	17/05/2017
Contextual Elevation	B01-00-DR-A-00004		17/05/2017
Artist impression	BO1-00-DR-A-00005		17/05/2017
Proposed Elevations	BO1-00-DR-A-00006		17/05/2017
Proposed floor plans	BO1-00-DR-A-00007		17/05/2017
Detailed Elevation	BO1-00-DR-A-00008		17/05/2017
Substation and MSCR	BO1-00-DR-A-00009		17/05/2017
Master Plan	BO1-00-DR-A-00-002	A	17/05/2017
Location Plan	BO1-00-DR-A-90001		17/05/2017
Design and Access Statement			17/05/2017
Master Plan	DB3-B01-00-DR-A-00002	B	17/05/2017
Site Plan	DB3-B01-00-DR-A-00003	B	17/05/2017
Contextual Elevations	DB3-B01-00-DR-A-00004		17/05/2017
Elevations as Proposed	DB3-B01-00-DR-A-00006		17/05/2017
Detailed Elevations	DB3-B01-00-DR-A-0011		17/05/2017
Section F	DB3-B01-00-DR-A-0011		17/05/2017
First Floor Plan	03-01-AC-012	B	17/05/2017
Elevations	03-01-AC-015	A	06/10/2017
Site Plan	03-01-AC-018	D	06/10/2017
Site Sections	03-01-AC-019	A	06/10/2017
Site Plan Site Sections	03-01-AC-020		17/05/2017
Site Waste Management Plan May 17			17/05/2017
Drainage Strategy Layout	NE- 2106-03-DE-001	A	17/05/2017
Proposed Affordable Housing	NE-2106-03-AC-021		17/05/2017
Roof Plan as proposed	NE-2106-03-AC-014		17/05/2017
Phasing Plan			01/03/2018
Boundary Sections	NE-2106-04-SE-104		14/09/2017
External Works and Boundary Treatments	NE-2106-04-AC-903		26/09/2017
Landscape	NE-2106-03-01-LA-02	B	16/05/2017
Remediation Strategy			17/05/2017
Transport Assessment			16/05/2017
Noise Assessment			16/05/2017
Additional Flood Risk Percolation Test			16/05/2017

Plan Type	Reference	Version	Date Received
Phase 1 Contaminated Land Report	16-075		16/05/2017
Extended Phase 1 Habitat Survey			16/05/2017
Bat survey			16/05/2017
Biodiversity Plan			26/07/2017
Flood Risk Assessment	NE-2106-03-DE-FRA		16/05/2017
Planning Statement			17/05/2017
Level 2 plan as proposed	NE-2106-03-01-AC-012A		15/08/2017

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

In this instance, the Council have worked pro-actively with the applicant to find solutions in seeking the delivery of sustainable development. This has included alterations to the site access, changes to the layout of the proposed building and additional landscaping detail. The application is considered to improve the social, economic and environmental conditions of the area.

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 an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is 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: 23-Mar-2018

Signed:



Karl Battersby
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
