

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/62/92997/E

Site Address: Lidl, Station Road, Mirfield, WF14 8LL

Description: Erection of 70 (over 55) retirement apartments comprising of four blocks, provision of a community building, electricity substation and laying out of internal roads, parking areas and greenspace and associated infrastructure

Recommending Officer: Christopher Carroll

DECISION – S106 Full Permission

I hereby authorise the approval of this application for the reasons set out in the agenda of the Strategic Planning Committee dated 21/12/17 and the committee decision authorisation sheet annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 13-Feb-2019

Decision Authorisation – Committee Decision

Committee: Strategic Planning Committee

Date of Committee: Thursday 21st December 2017

Application Number: 2017/92997

Officer Recommendation:

DELEGATE approval of the application and the issuing of the decision notice to the

Head of Strategic Investment in order to complete the list of conditions including

those summarised below that were included in the committee report.

1. 3 years
2. Materials
3. Drainage details
4. Details of boundary treatments
5. Landscaping plan
6. Lighting details
7. Biodiversity enhancement
8. Structural report concerning canal retaining wall
9. Contaminated land conditions
10. Construction management plan
11. Full details of balcony detailing and roof terrace screening
12. Noise report
13. Details of pedestrian access and gradients from car park
14. Turning facilities to be provided
15. Cycle storage
16. Gates to be set back
17. Canal improvement scheme including full details of implementation and date
18. Amenity garden space 2015/93074 to be provided prior to occupation
19. Occupancy restriction – over 55's.
20. Finished floor and ground levels
21. Details of surfacing of internal paths
22. Crime Impact and Mitigation Strategy
23. Landscaping which shall include a strategy for maintenance

Committee Decision:

Delegate to the Head of Strategic Investment to approve subject to securing a Section 106 agreement to cover a contribution towards affordable housing and improvements to the canal towpath.

Events since Committee:

- The Section 106 Agreement has been signed off and engrossed, securing the necessary affordable housing contribution.
- The schedule of plans and draft conditions have been shared with the applicant and agreed.
- Works to the canal that were to be secured by planning condition were instead carried out. Subsequently, officers have considered the information submitted by the applicant, including Tow Path Improvement Costings and Tow Path Proposals Plan (ReferenceP16:4981:101) and are satisfied in terms of materials used and accessibility achieved, as such no condition is proposed. The Canal and Rivers Trust are also satisfied with the works.

Conditions

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 good quality design, BE2, BE12 and T10 of the Kirklees Unitary Development Plan, Policies PLP21, PLP22 and PLP24 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

3. Notwithstanding the submitted plans and information, works involving the erection of any of the buildings hereby approved shall not commence until samples of the materials to be used in the construction of the external walls and surfacing materials for all footpaths, roads and external areas of the development has been submitted to and approved in writing by the Local Planning Authority. The materials shall match the adjacent canal side development.

Reason: In the interests of the visual amenity and character of the surrounding area and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

4. No development approved by this permission shall be commenced until a scheme, including design calculations and construction details, for the disposal of surface water which shall include the provision and

implementation of a surface water regulation system and storage facility, has been approved and implemented to the satisfaction of the Local Planning Authority in accordance with the details and timetable agreed. The works approved by this condition shall be completed by prior to the occupation of any dwelling.

Reason: To ensure that the development does not increase flood risk elsewhere, so as to accord with Policy PLP28 of the Publication Draft Local Plan and Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition as drainage works are likely to be required prior to any substantial works taking place to erect the dwellings on site.

5. Landscaping of the site shall be carried out in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall thereafter be fully implemented within 12 months starting from the occupation of any plot within the development. 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, in accordance with Policies EP11 of the Kirklees Unitary Development Plan, PLP24 of the Kirklees Publication Draft Local Plan, as well as with Chapters 12 and 15 of the National Planning Policy Framework.

6. Prior to occupation of any dwelling, 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 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 shall be fully installed prior to the occupation of any dwelling. The lighting 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 the biodiversity of the area and to accord with PLP30 of the Kirklees Publication Draft Local Plan as well as with Chapter 15 of the National Planning Policy Framework.

7. Prior to the erection of any building hereby approved, a canal wall stability risk assessment report detailing measures to ensure the canal wash wall adjacent to the site is sufficiently stable and suitably retained shall be submitted to and approved by the Local Planning Authority. The canal wall stability risk assessment report shall set out:
 - an understanding of the factors influencing stability;
 - an assessment of whether or not the site is likely to be threatened or affected by reasonably foreseeable bank instability originating from the bank adjacent to the site;
 - an assessment of whether or not the proposed development is likely to result in canal wash wall instability and the extent to which it will affect either the development or nearby property; and
 - proposed mitigation measures.

The approved scheme shall be implemented in full prior to the occupation of any building.

Reason: In order to ensure that the development and surrounding land does not result in an unacceptable risk from land instability, in accordance with Policy PLP53 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

8. 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 ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of paragraph 170 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no 8. 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 ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of paragraph 170 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

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 ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance the aims of paragraph 170 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

11. No development shall take place until a Construction Method Statement (CMS) for that phase 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 the interests of the amenity of the locality and in accordance with Chapter 15 of the National Planning Policy Framework.

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.

12. Prior to the occupation of any dwelling, full details of all proposed external balconies and roof terrace screening including height, materials and colour of screening, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be implemented in full prior to the occupation of any dwelling within which the screening is located.

Reason: In the interests of the residential amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, PLP 24 of the Kirklees Publication Draft Local Plan and paragraph 127 of the National Planning Policy Framework.

13. Prior to any works to construct the superstructure of any building hereby approved, a noise report shall be submitted to and approved in writing by the Local Planning Authority. The noise report shall identify all sources of noise in the locality including noise from deliveries at the local supermarket and local bottle bank and the nearby railway line. The report shall identify appropriate mitigation measure to attenuate unacceptable noise. The development shall be carried out in full accordance with the agreed mitigation measures and implemented prior to the occupation of any dwelling.

Reason: In the interests of the residential amenity and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, PLP 24 of the Kirklees Publication Draft Local Plan and paragraph 127 of the National Planning Policy Framework.

14. Prior to the commencement of development, the finished ground floor levels of the buildings hereby approved in relation to existing and proposed site levels, the adjacent highway and adjacent properties, together with details of levels of all accesses, to include pathways, driveways, steps and ramps, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To avoid unacceptable adverse impacts to adjacent land/property, so as to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, PLP 24 of the Kirklees Publication Draft Local Plan and the guidance contained within paragraph 127 of the National Planning Policy Framework.

Reason for pre-commencement: Agreed levels are required prior to any significant building works taking place on site.

15. Prior to the occupation of any dwelling, a detailed scheme for the provision of a pedestrian access through the public car park to the north of the site with associated signing, lighting and white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include

construction specifications, white lining, signing and surface finishes. All of the agreed works shall be implemented before any part of the development is first brought into use and retained thereafter.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in accordance with paragraph 110 of the National Planning Policy Framework.

16. Before any building is occupied turning facilities shall be provided in accordance with the details shown on drawing no P16:4981:06. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in accordance with paragraph 110 of the National Planning Policy Framework.

17. Prior to the development being brought into use, details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in accordance with paragraph 110 of the National Planning Policy Framework.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) any gates or barriers for or over a vehicular access or egress shall be set back a minimum of 6m from the carriageway edge of station Road and shall be hung as to only open inwards. So long as such gates or barriers are in position they shall be retained to only open inwards.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in accordance with paragraph 110 of the National Planning Policy Framework.

19. Prior to the occupation of any dwelling, the amenity garden space approved by planning permission 2015/93074 (plan ref:- P07-3777-550) shall have been implemented and completed in full.

Reason: Part of the amenity space proposed comprises the area of land referenced in planning permission 2015/93074 which was submitted by the same applicant as this permission. The condition is required in the interests of the amenity of future occupiers and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, PLP 24 of the Kirklees Publication Draft Local Plan and paragraph 127 of the National Planning Policy Framework.

20. The development hereby permitted 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.

21. Prior to occupation of the building details of electric vehicle recharging points to be installed including details of the locations 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 points 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 paragraph 110 of the National Planning Policy Framework.

22. Prior to the occupation of any dwelling 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 and PLP24 of the Kirklees Publication Draft Local Plan.

23. A scheme of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of any of the dwellings hereby approved. Thereafter planning permission shall be implemented in accordance with the approved details and implemented in full prior to the occupation of any dwelling.

Reason: To create a safe and accessible environment where crime and disorder, including the fear of crime, do not undermine the quality of life of residents, or community cohesion, in accordance with Policy BE1(iii) of the Kirklees Unitary Development Plan and paragraph 127 of the National Planning Policy Framework.

24. No part of the development shall be brought into use until a Full Travel Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall include:

- Measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets and a timescale for measures to be fully implemented.

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary, in which case the revised details would be implemented.

Reason: To comply with the Council’s sustainability objectives set out in Kirklees Unitary Development Plan Policy T1 of the Kirklees Unitary Development Plan, in addition to the guidance of Policy T10 of the Kirklees Unitary Development Plan and paragraph 111 of the National Planning Policy Framework.

25. No building or other obstruction including landscape features (excluding grass) shall be located over or within 3 (three) metres either side of the centre line of the sewer i.e. a protected strip width of 6 (six) metres, that traverses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason: To comply with paragraph 72 of the National Planning Policy Framework in ensuring the maintenance of essential infrastructure.

26. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated July 2017, reference E17/6788/FR01 by Haigh Huddleston and Associates, and the following mitigation measure detailed within the FRA:

- There shall be no residential areas on the ground floor apart from that shown in ‘Block A’ on plan ref - P16-4981-21.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Paragraph 163 of the National Planning Policy Framework.

Schedule of Plans and Documents:

| Plan/Document | Reference | Revision | Date Received |
|-----------------------|-----------|-------------------|---------------|
| Section 106 Agreement | | 1st November 2018 | 9/11/2018 |
| Design and | | August 2017 | 5/9/2017 |

| | | | |
|---|---------------|---------------|------------|
| Access Statement | | | |
| Flood Risk Assessment | E17/6788/FR01 | July 2017 | 30/8/2017 |
| Noise Assessment | | June 2017 | 30/8/2017 |
| Transport Assessment | 1246 | July 2017 | 30/8/2017 |
| Travel Plan | 1246 | June 2017 | 30/8/2017 |
| Grounds Investigation | 7880 | 3/11/1994 | 30/8/2017 |
| Planning Statement | 16:4981/LM | August 2017 | 30/8/2017 |
| Development Appraisal | | 18/12/2017 | 19/12/2017 |
| Development Appraisal | | June 2017 | 18/12/2017 |
| Towpath Improvement Costings | | | 18/12/2017 |
| Tow Path Proposals | P16:4981:101 | 29/8/2018 | 7/12/2018 |
| Proposals Ramp | E17/6788/020b | February 2018 | 7/12/2018 |
| Location Plan | P16:4981:02 | 14/8/2017 | 30/8/2017 |
| Apartment Block B South Elevation | P16:4981:14 A | July 2017 | 29/11/2017 |
| Apartment Block C Fourth Floor Layout | P16:4981:35 B | June 2017 | 28/11/2017 |
| Apartment Block C North Elevation | P16:4981:39 B | June 2017 | 28/11/2017 |
| Huddersfield Road, Illustrative Streetscene Elevation | 16:4981:07 | November 2017 | 28/11/2017 |
| Apartment Block C First Floor Layout | P16:4981:32 B | June 2017 | 28/11/2017 |
| Apartment Block C Second Floor Layout | P16:4981:33 B | June 2017 | 28/11/2017 |
| Apartment Block C Third Floor Layout | P16:4981:34 B | June 2017 | 28/11/2017 |
| Apartment Block B Ground Floor Plan | P16:4981:11 B | July 2017 | 28/11/2017 |
| Apartment Block C Ground Floor Layout | P16:4981:31 B | June 2017 | 28/11/2017 |
| Apartment Block D Ground Floor Layout | P16:4981:41 B | July 2017 | 28/11/2017 |
| Apartment Block C | P16:4981:37 A | June 2017 | 22/11/2017 |

| | | | |
|---|---------------|-------------|------------|
| West Elevation | | | |
| Apartment Block D Third Floor Layout | P16:4981:43 A | July 2017 | 22/11/2017 |
| Proposed Planning Layout | P16:4981:01 A | April 2017 | 22/11/2017 |
| Proposed Planning Layout | P16:4981:01 A | April 2017 | 22/11/2017 |
| Parking Layout Plan | P16:4981:06 A | 14/8/17 | 22/11/2017 |
| Apartment Block B Fourth Floor Plan | P16:4981:13 A | July 2017 | 22/11/2017 |
| Apartment Block B First/Second/Third Floor Plan | P16:4981:12 A | July 2017 | 22/11/2017 |
| Apartment Block 'C' Roof Plan | P16:4981:40 A | 12/7/2017 | 22/11/2017 |
| Apartment Block B Roof Plan | P16:4981:17 A | 12/7/2017 | 22/11/2017 |
| Apartment Block A Floor Plans | P16:4981:21 | July 2017 | 22/11/2017 |
| Apartment Block 'A' Roof Plan | P16:4981:23 | 12/7/17 | 22/11/2017 |
| Apartment Block D First & Second Floor Layout | P16:4981:42 A | July 2017 | 22/11/2017 |
| Apartment Block A Elevations | P16:4981:22 | July 17 | 22/11/2017 |
| Apartment Block C East Elevation | P16:4981:38 A | June 2017 | 22/11/2017 |
| Apartment Block B East & West Elevations | P16:4981:15 A | July 2017 | 22/11/2017 |
| Streetscene Elevations | P16:4981:05 B | August 2017 | 22/11/2017 |
| Apartment Block B North Elevation | P16:4981:16 A | July 2017 | 22/11/2017 |
| Apartment Block C South Elevation | P16:4981:36 A | June 2017 | 22/11/2017 |
| Site Sections | P16:4981:04 A | August 2017 | 22/11/2017 |
| Apartment Block D East & West Elevations | P16:4981:46 A | July 2017 | 22/11/2017 |
| Apartment Block 'D' Roof Plan | P16:4981:48 | 12/7/17 | 22/11/2017 |
| Apartment Block D South Elevation | P16:4981:45 B | July 2017 | 22/11/2017 |
| Apartment Block D North Elevation | P16:4981:47 A | July 2017 | 22/11/2017 |

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. The case officer has undertaken negotiations with the applicant to agree a section 106 agreement and the conditions outlined in this report. Agreed necessary works to the canal were to be secured by planning condition but were instead carried out. Subsequently, officers have considered the information submitted by the applicant, including Tow Path Improvement Costings and Tow Path Proposals Plan (Reference P16:4981:101) and are satisfied in terms of materials used and accessibility achieved, as such no condition is proposed. The Canal and Rivers Trust are also satisfied with the works.

Report Dated:

8.2.2018