

**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:** 2019/62/92261/E

**Site Address:** former Woolpack Inn, 167, Heckmondwike Road,  
Dewsbury Moor, Dewsbury, WF13 3NS

**Description:** Erection of 8 bedroom care home (C2)

**Recommending Officer:** Louise Bearcroft

**DECISION – CONDITIONAL FULL PERMISSION**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Julia Steadman

***AUTHORISED OFFICER***

**Date: 04-Oct-2019**

# **OFFICER REPORT**

## **Site Description**

The application site is located adjacent to Heckmondwike Road at Dewsbury Moor and formerly accommodated a public house known as 'The Woolpack' which has been previously demolished. The public house was located in the south eastern part of the site with the remaining land around it used as a car park.

Access to the site is taken from Spen View which runs perpendicular to Heckmondwike Road. There is a difference in land levels between Heckmondwike Road and the car park and a significant difference in levels between this car park and properties to the west on Spen View. The surrounding area is predominantly residential in nature consisting of dwellings of a variety of ages and design. The site is unallocated on the Kirklees Local Plan.

## **Description of Proposal**

The application seeks planning permission for the erection of an 8 bedroom care home to provide a permanent place of residence for persons aged between 18 and 65.

The proposed care home building would be sited adjacent to the eastern boundary parallel to Heckmondwike Road, with the access road and area for off street parking located in the northern portion of the site adjacent to Spen View. An area of external grassed amenity space is proposed adjacent to the western boundary. The proposed care home building would be single storey in height with a hipped roof, and the proposed construction materials are proposed to be red brickwork and cream render. Seven off-street parking spaces (including one accessible bay) are provided, together with an area of cycle storage.

## **History of negotiations/amendments received**

Officers undertook negotiations with the applicant to:

- Secure copies of the appendices missing from the Contaminated Land Reports
- Request details of security measure for the site in the interests of crime prevention

## **Relevant Planning History**

88/05792 – Use of land as car park and erection of garage – Granted conditionally

2011/92294 – Demolition of former Woolpack Inn and erection of 10 dwellings – Conditional Full Permission

## **Representations**

The application was advertised by neighbour and site notice with the final publicity expiring 12<sup>th</sup> August 2019. As a result of this publicity no representations have been received.

## **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- **K.C Highways Development Management** - No objections
- **Crime Prevention** – Requested further information
- **K.C Environmental Services** – No objections
- **The Coal Authority** – No objections
- **Health and Safety Executive** – No objections
- **K.C Lead Local Flood Authority** – Standing advice applies
- **Specialist Accommodation** – No response

## **Policy**

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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan.

### **Kirklees Local Plan (LP):**

- **LP1** – Achieving Sustainable development
- **LP2** – Place Shaping
- **LP1** – Housing Mix and Affordable Housing
- **LP21** – Highway Safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP53** – Contaminated and Unstable Land

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 9** – Promoting Sustainable transport
- **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

### **Assessment**

#### **Principle of Development**

Local Plan Policy 1 states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.

The application has no specific allocation within the Kirklees Local Plan. As such Policy LP 24 is relevant in that it states that proposals should promote good design in accordance with a specific set of considerations. All the considerations are addressed within the assessment. Subject to these not being prejudiced, this aspect of the proposal would be considered acceptable in principle.

Furthermore, the site is located within an existing residential area on the outskirts of the local centre of Heckmondwike and the principle of a proposed care home is considered acceptable in accordance with the NPPF. It should also be acknowledged that a previous permission granted residential development on this site for 10 dwellings (2017/90555).

#### **Visual Amenity**

The surrounding area is predominantly residential in nature consisting of a variety of ages and design of dwellings. Those located to the east form courtyard flat-type units and therefore high density. To the north and west are predominantly semi-detached properties with the odd detached unit. The character of the area is therefore mixed and the materials of construction vary also.

The proposal is for a single storey building with hipped roofs to be constructed of red brickwork and a cream colour render. The proposed scale of the building satisfactorily addresses the differences in levels between the application site, Heckmondwike Road and Spen View and would appear unobtrusive. To the east of the proposed building the scheme would provide some grassed amenity space along the shared boundary with properties of Spen View beyond which would be a paved area with ramp access. This is considered to be satisfactory for the number of residents the proposal can accommodate and it would provide a landscape strip to break up the development and provide separation to neighbouring properties.

Specific details have been provided of the construction materials as follows:

- Ibstock Stratford Red Dragface brickwork
- K Rend Com Render colour Linen
- Wienerberger Calderdale concrete tiles.

The above materials reflect those found in the surrounding area and would be acceptable to preserve visual amenity and the development will be conditioned to be undertaken in accordance with these materials.

A scheme of boundary treatments has also been provided which include the following:

- Northern Boundary (A-B and C-D) 1.8m high railings
- Eastern boundary (F-G) masonry retaining wall and G-H retain existing masonry retaining wall. Plus additional timber trestles with climbing plants to screen face of existing retaining wall
- Southern boundary (E-F) 1.8m high timber panel fencing
- Western elevation (D-E) Retain existing boundary treatment (wall and railings)

It is considered the proposed boundary treatments would be acceptable in respect of the impact on visual amenity and will be conditioned to be provided before the care home is first brought into use.

It is considered there would be no detrimental impact on visual amenity and the proposal would accord with policy LP24 of the Kirklees Local Plan and chapter 12 of the NPPF.

### **Residential Amenity**

Policy LP24 of the Kirklees Local Plan states proposals should provide a high standard of amenity for future and neighbouring occupiers. The nearest neighbouring properties to the site which have the potential to be affected by the application are Nos. 9-17 Spen View to the west, No.2 Spen View to the north and Nos. 130-160 Heckmondwike Road to the east.

In respect of the impact on Nos. 9-17 Spen View to the west, there is a significant difference in levels with these neighbouring residential properties occupying a lower land level. The proposed care home is single storey and cross sectional drawings have been provided to show the proposed impact.

The proposal would achieve a distance of over 21 metres from the care home building to these neighbouring properties and being a single storey building it is considered there would be no detrimental overbearing impact. Furthermore, there would be an area of amenity space positioned adjacent to the shared boundary which would provide an adequate physical separation. It is proposed that the existing boundary treatment along the western boundary (wall and railings) would be retained.

In respect of the impact on Nos 130-160 Heckmondwike Road to the east, the proposed care home building would sit partly below the level of Heckmondwike Road. Due to the level difference it is not considered there would be impact on the amenity of these neighbouring properties.

In respect of the impact on No.2 Spen View to the north-west it is considered there would be sufficient separation to avoid any overbearing or overlooking impacts. The location of the access is not materially different from the former public house access.

There would be no detrimental impact on residential amenity and the proposal would accord with policy LP24 of the Kirklees Local Plan.

### **Highway Safety**

The proposed care home would provide seven off-street parking spaces (including one accessible bay) accessed off Spen View via the existing former pub car park entrance. These spaces, bike storage and bin storage are demonstrated on drawing no. 1161.01 A. Highways Development Management note that although the advice has been superseded by the draft Highway Design Guide, previous advice was for such a care home to have one parking space per six bedrooms, plus an additional space per three staff. The car park provided covers these requirements adequately. The proposals are therefore considered acceptable from a highways perspective, subject to a condition for the car parking to be provided, marked into bays and drained in accordance with details to be approved.

With the inclusion of the above condition, the proposal is considered acceptable from a highway safety and efficiency perspective, in accordance with policies LP21 and LP22 of the KLP.

### **Land Contamination and Health and Safety**

The site falls within the defined High Risk Development Area where there are coal mining features and hazards which need to be considered. The Coal Authority considers that the content and conclusions of the Phase I Desk Study and Phase II Interpretative Reports are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development.

The Council's Environmental Services officer agrees with the conclusions and recommendations of the Phase 1 and Phase 2 Contaminated Land Reports.

However, Contaminated Land conditions are still necessary for the remediation that is recommended in the Phase 2 report.

The site is also located in the outer zone of a hazardous installation. However, the Health and Safety Executive do not advise against the granting of planning permission in this case.

Taking the above into account, subject to the inclusion of conditions regarding contaminated land, the proposals are considered acceptable from a land contamination and Health & Safety perspective, in accordance with the aims of policy LP53 of the KLP and chapter 15 of the NPPF.

### **Other Matters**

Drainage - The proposal is to drain surface water to a main sewer, this is considered to be acceptable on this site which has significant level differences. In accordance with the Council's standing advise no specific condition is required. The proposal is considered to comply with the aims of chapter 14 of the NPPF.

Crime Prevention – The West Yorkshire Police Architectural Liaison officer notes the reference to minimising the risk of crime by design in section 6.3 of the Design and Access Statement. The applicant was asked to clarify the security measures proposed for the site perimeter, doors and windows, any access control for the building, external lighting and any CCTV or alarm systems that may be used. No details have been forthcoming but this can be addressed through condition. The proposal is considered to comply with the aims of policy LP24 of the KLP in this respect.

Electric Charging Points - In an application of this nature it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. This will be conditioned.

### **Representations**

No representations have been received.

### **Conclusion**

The NPPF has 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. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

### **Recommendation – Conditional Full Permission**

## Decision Authorisation - Delegated Powers

**Application Number:** 2019/62/92261/E

**Officer Recommendation:** Conditional Full Permission

### Conditions and Reasons

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 Policies LP1, LP2, LP11, LP21, LP22, LP24, LP28 and LP53 of the Kirklees Local Plan as well as Chapters 2, 5, 9, 12, 14 and 15 of the National Planning Policy Framework.

3. The development hereby approved shall be completed using the materials specified in the information submitted with the application: Ibstock Stratford Red Dragface brickwork, K Rend Com Render colour Linen and Wienerberger Calderdale concrete tile before first use and be thereafter retained.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

4. The development hereby approved shall be completed in accordance with the proposed Boundary Treatments specified in plan Ref 1161 01 Rev A before the care home is first brought into use and be thereafter retained.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the requirements of condition 4 above, full details of the security measures for the site shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first erected. The development shall then be completed in accordance with the approved details before the care home hereby approved is first brought into use and thereafter retained.

**Reason:** In the interest of crime prevention as details have not been provided during the course of the application and to accord with Policy LP24 of the Kirklees Local Plan.

6. The care home building shall not be first occupied until the proposed car park hereby approved shall be laid out, surfaced, marked into bays and

drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and sustainable drainage and to achieve a satisfactory layout, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework.

7. Groundworks 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:** In order to establish the exact situation with regards to land contamination and coal mining legacy and to provide necessary mitigation in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that all necessary remediation works are carried out where required at the appropriate stage of development.

8. Remediation of the site shall be carried out and completed in accordance with the

Remediation Strategy approved pursuant to condition 7. 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 approved 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:** In order to establish the exact situation with regards to coal mining legacy and to provide necessary mitigation and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. 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 approved 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:** In order to establish the exact situation with regards to coal mining legacy and to provide necessary mitigation and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. Before the electrical system is installed, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space
- One Standard Electric Vehicle Charging Point for every 10 unallocated parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

**Reason:** To accord with the guidance contained in sections 9 and 15 of the National

Planning Policy Framework, West Yorkshire Low Emissions Strategy and to encourage low carbon forms of transport in accordance Policies LP21 and LP51 of the Kirklees Local Plan

**NOTE:** Surface Water discharge must be attenuated to provide a 30% reduction in pre-development rates to the same outfall.

**NOTE: *Electric Vehicle Charging Points***

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more
- likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of "*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- At non-residential developments, the requirement for one electric vehicle charging point for every 10 parking spaces may initially be reduced to one charging point for every 20 parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

**NOTE:** All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11)*, National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			16.07.19
Topographical Survey	DEWS-2D-001		16.07.19
Site Layout	1161 01	A	16.07.19
Proposed Ground Floor Plan	1161 02	A	16.07.19
Proposed Site Elevations (Sheet 1 of 2)	1161 04		16.07.19
Proposed Site Elevations (Sheet 2 of 2)	1161 05		16.07.19
Proposed Site Section 1	1161 03	A	16.07.19
Phase 1 Desk Study Report	RBG011		02.08.19
Phase II Interpretative Report	RBG129		02.08.19
Drainage Drawing			16.07.19
Planning Statement			16.07.19

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. The case officer undertook negotiations with the applicant to secure a copy of the appendices missing from the Contaminated Land Reports and to request security measures for the site in the interests of crime prevention.

**Report Dated:** 3<sup>rd</sup> October 2019