

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

| | |
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| Reference No: | 2023/62/91408/W |
| Site Address: | Land adj, 21, Thomas Street, Lindley, Huddersfield, HD3 3JJ |
| Description: | Erection of care home (Class C2) with sub-station, associated car parking, access, servicing, landscaping and other associated works |
| Recommending Officer: | William Simcock |

DECISION – Full Permission – Granted

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.

Victor Grayson

AUTHORISED OFFICER

Date: 15/12/2023

Officer Report 2023/91408

Land adjacent to 21 Thomas Street, Lindley

Site Description

The application site is located in a predominantly residential area and approximately 25m west of the defined Lindley District Centre. It is a roughly square parcel of land which has been previously used for a children's care home, council offices, and most recently for a temporary portable pharmacy.

The site is bounded by Brian Street to the south, Thorncliffe Street to the east, and Thomas Street to the north. To the west of the site is an existing Public Right of Way (HUD/365/20). The site has three existing vehicular entrances on the northern and southern boundaries with laybys used for off-street parking adjacent to the site on Thomas Street and Thorncliffe Street. The site is also serviced by an existing bus stop on Thorncliffe Street.

There are a number of trees on-site, mostly along the western and north-western boundaries. Most of the existing trees are covered by two existing Tree Preservation Orders (12/12/g1 and 12/12/g2).

The site lies in a Bat Alert Area, in Flood Zone 1, in the vicinity of historic landfill sites, in a development low risk Coal Advice Area, and is identified as being potentially contaminated from its previous uses. An abandoned public sewer asset runs through the centre of the site. There are no designated heritage assets in close proximity of the site which would be adversely affected.

Land within the application site red line boundary measures approximately 0.27 hectares.

Description of Proposal

The applicant seeks full planning permission for the erection of a care home (Use Class C2) with a sub-station, associated access works, and formation of car parking. The development would provide 60 en-suite bedrooms and supporting facilities such as lounges, dining rooms, a hair and nail salon, and a cinema room.

The footprint of the building would be in the form of a 'C'-shaped structure occupying the northern, southern, and central areas of the site with a linear element extending from the top of the 'C' towards the north-western corner. It would vary between two and three storeys, the central and southern parts of the building being mainly three-storey and the northern part mainly single-storey. Eaves height would be, at its highest, approximately 7.9m. It would have a hipped roof incorporating small gable-dormers on some elevations to accommodate the second-floor space. According to the schedule of materials submitted as part of the Design & Access Statement, the external facing

material would be coursed reconstituted stone and the roof covering would be artificial grey slate.

A 20-space car parking area, cycle parking and bin store would occupy the western portion of the site, and an area of outdoor amenity green space would be located to the east.

The substation would be a small, roughly square structure located approximately 9m back from the Thomas Street frontage, between the building and the alleyway to the west of the site.

Vehicular access to the site is proposed from an improved site access located on Brian Street towards the western end of the site frontage, in the vicinity of one of the former accesses to the site. The main pedestrian access to the building would be on the western elevation facing the development car park with pedestrian footpath routes within the site which connect to Brian Street.

The access on Brian Street to the east of the site frontage and the access onto Thomas Street would become redundant.

History of negotiations/amendments received

13/10/2023: Case officer requested alternative materials and applicant confirmed that coursed natural stone would be used. This is shown on the amended elevations.

Nov/Dec 2023: Negotiations took place to secure Biodiversity Net Gain.

Relevant Planning History

2023/91344 – Outline application for erection of care home (Use Class C2) of up to 60 beds with associated access and substation. Conditional outline permission.

2022/92194 – Outline application for erection of care home (Use Class C2) of up to 60 beds with associated access. Decision: Refused 17/03/2023 for three reasons, including the following:

2) The proposed site access arrangements do not provide a safe means of access to and from the site for all road users, including emergency and servicing/delivery vehicles, as the proposed visibility splays at the Brian Street site entrance would be significantly detrimentally affected by the prevalence of on-street parking. The servicing/delivery arrangements at the north of the site are inadequate given the requirement to cross an existing layby and full height kerb to access the site. No demonstrably feasible servicing/delivery access arrangements have been submitted which would not prejudice the free flow of traffic on the site's surrounding streets. Without the provision of safe visibility splays and the provision of on-street car parking mitigation measures on Brian Street and Thomas Street (such as waiting time restrictions) it is the considered view of

Officers and Kirklees Council Highways Development Management (as the Local Highway Authority) that the proposal would lead to an unacceptable impact on highway safety and is therefore contrary to Policy LP21 of the adopted Kirklees Local Plan, Highway Design Guide Supplementary Planning Document, and National Planning Policy Framework (Chapter 9) Paragraph 111. Officers note the brownfield nature of this site and its previous uses and consider that the site could be developed with a safe means of access for all road users, however the applicant has been unwilling to amend the application in light of the technical consultee advice received for works which are necessary to make the proposed development acceptable in planning terms.

Appeal lodged and subsequently withdrawn.

2020/90149 – Variation of condition 1 (expiration period) on previous permission 2019/90588 for erection of portable building for use as temporary pharmacy Decision: Approved 06/03/2020.

2019/90588 – Erection of portable building for use as temporary pharmacy Decision: Approved 09/05/2019.

2013/92811 – Prior notification for demolition of redundant council offices Decision: Approved 02/10/2013.

2012/90951 – Outline application for erection of 12 semi-detached dwellings Decision: Approved 16/07/2012.

2002/91493 – Change of use from Children's Home to office accommodation with parking Decision: Approved 04/07/2022.

Representations

Final publicity date expiry: 17/10/2023 (publicity by site notice and press advertisement in addition to neighbour notification letter since the proposal constitutes Major Development).

One representation was received as a result of publicity.

Summary of concerns raised:

- Not enough consideration has been given to the added pressure to surrounding area. Where all the staff and visitors supposed park when streets already congested. Will permit parking be considered for residents and will the adjacent surgery. Further pressure on doctor appointments.

Consultation Responses (Summary)

- KC Trees – Object on the grounds of loss of or damage to protected trees.

- KC Highways – Acceptable subject to conditions.
- KC Environmental Health – Acceptable subject to conditions.
- KC Crime Prevention – Acceptable subject to condition.
- KC Lead Local Flood Authority – Acceptable subject to conditions.
- KC Waste Strategy – No objection.
- KC Ecology – Acceptable subject to conditions.
- Yorkshire Water – No objection in principle.

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 27/02/2019).

- The site is without designation on the Local Plan.
- Two areas within the site are covered by Area Tree Preservation Orders; one on the Thomas St frontage and the other on the western margin and south-west corner.
- The northern part (approximately 40% of the site) is within the bat alert layer.

Local Plan:

Policy LP1 – Presumption in favour of sustainable development

Policy LP2 – Place Shaping

Policy LP3 – Location of new development

Policy LP7 – Efficient and effective use of land and buildings

Policy LP9 – Supporting skilled and flexible communities and workforce

Policy LP11 – Housing Mix and Affordable Housing

Policy LP20 – Sustainable travel

Policy LP21 – Highways and access

Policy LP22 – Parking

Policy LP23 – Core walking and cycling network

Policy LP24 – Design

Policy LP27 – Flood risk

Policy LP28 – Drainage

Policy LP30 – Biodiversity & Geodiversity

Policy LP32 – Landscape

Policy LP33 – Trees

Policy LP34 – Conserving and enhancing the water environment

Policy LP52 – Protection and improvements of environmental quality
Policy LP53 – Contaminated and unstable land

Supplementary Planning Documents:

- Adult Social Care Market Position Statement (November 2022)
- Biodiversity Net Gain Technical Advice Note (June 2021)
- Planning Applications Climate Change Guidance (June 2021)
- Highway Design Guide SPD (November 2019)
- Joint Strategy for Residential and Nursing Care Homes for Older People (2016)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 05/09/2023, the Planning Practice Guidance Suite (PPGS) first launched 06/03/2014 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 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below:

- Principle of development
- Impact on visual amenity (including heritage considerations)
- Impact on residential amenity
- Impact on highway safety
- Biodiversity and trees
- Drainage and flooding
- Climate change
- Other issues
- Representations
- Conclusion

1 – Principle of development:

Spatial strategy

Policy LP1 of the Kirklees Local Plan sets out the Local Planning Authority's approach to the presumption in favour of sustainable development, as laid out in NPPF (Chapter 2), particularly paragraph 11. Policy LP1 states that 'when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'.

Policy LP2 requires that 'proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places'. The policy's supporting text identifies the Huddersfield sub-area, within which Lindley has a District Centre which meets a range of everyday shopping and service needs. However, it is noted that the some of the area has a weak housing market which may be a barrier to the development of brownfield sites.

To achieve sustainable growth, a housing need of around 6,000 new residential dwellings has been identified within policy LP2 for the Huddersfield area, through a combination of housing and mixed-use site allocations, over the lifetime of the adopted Kirklees Local Plan. As the application site is unallocated, it represents a windfall site which would further contribute towards that need which has been identified within the Kirklees Local Plan. Policy LP3 concerns the location of new development. In considering the abovementioned requirements of Policies LP1 and LP2, proposals are also required to reflect a settlement's size and function, place shaping strengths and opportunities/challenges for growth, spatial priorities for urban renaissance and regeneration, and the need to provide new homes and jobs. The application site lies approximately 25m west of the defined Lindley District Centre. The site has previously had planning permission for a children's home, offices, and residential dwellings. NPPF (Chapter 11) paragraph 123 requires that Local Planning Authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

In the assessment of the two previous applications for a care home on this site, officers concluded that given the site's previous uses, its largely residential surroundings, and proximity to the defined Lindley District Centre, the use of land for a C2 care home would be acceptable in this instance, and would represent a suitable and sustainable use of previously-developed land. This assessment remains unchanged. Officers consider that the principle of development for the proposal is in accordance with Policies LP1, LP2, and LP3 of the adopted Kirklees Local Plan and NPPF (Chapters 2 and 11), particularly paragraph 123.

Care Needs Assessment

The Kirklees Adult Social Care Market Position Statement (November 2022) states that there are 49 specialist elderly facilities within the Huddersfield area (37% of borough-wide provision) providing 1,246 care beds (35% of boroughwide provision). Demand forecasting suggests that until at least 2025/26, there will be an oversupply of care home beds in Kirklees due to underoccupancy resulting, in part, from the Covid-19 pandemic. The statement concludes that future demand for care home beds will likely be from those in need of specialist support, further noting that estimates suggest that up to 90% of people in care homes have dementia. It is therefore noted that specialist dementia-friendly care facilities would be preferential over standard residential care homes based on the current and projected care needs.

The applicant has submitted a Care Home Need Assessment in support of this application. This states that there is a demonstrable future need for additional C2 care home beds in the borough, as there is a statistical demand for 602 care beds by 2025 (with current supply being 564 beds). The report also forecasts an undersupply of 324 care beds by 2025. Section 5.2 of the assessment recognises the need for specialist dementia care.

Policy LP11 of the Kirklees Local Plan requires proposals of 10 or more dwellings to provide a mix of housing reflecting the proportions of households that require housing, achieving a mix of house size and tenure. This includes provision of dwellings suitable for adaptation and/or use from those with specialist needs. Officers note that the proposal has not defined the exact types of care provision which would be offered by the care home but note the reference to provision of full-time on-site nursing care in line with the Care Quality Commission standards at paragraph 3.6 of the submitted Planning Statement.

In assessing the previous outline application, the officer's report said that it would be necessary to apply a condition for the proposed care home, under Reserved Matters, to be designed using the joint Kirklees Council and Dementia Services Development Centre's Dementia Friendly Design Tool (2021) and Housing our Ageing Population Panel for Innovation (HAPPI) guidance to secure a development which is capable of providing the levels and types of care which would most likely be required by future residents, in line with the demonstrable need. The applicant has made the following comments regarding the proposals:

- Entrance – easily identifiable – this is located off the car park;
- Accessibility – travelling around the home as a frail resident or in a wheelchair is easily achieved through lifts and accessible facilities;
- Interior Design (colours, patterns, fixtures, lighting, signage etc) – this will be picked up in the construction stage;
- Natural light has been maximised by windows to provide as much natural light as possible whilst maintaining the architectural style of the area;

- Balconies are provided at first-floor level direct from day space to allow residents access to external space, these balconies are East or South facing to maximise sunlight;
- Different amenity options are provided for residents, with at least 3 day spaces on each floor; and
- High quality external space is provided in a courtyard directly accessed from the lounge, which is also overlooked by the first floor balcony.

The case officer's observations are that since the application has been made on a speculative basis, without a known end user, sufficient consideration has been given to providing an environment that will be suitable for patients requiring dementia care, in as far as is reasonably practicable.

In conclusion it is considered that the proposed development would support the aims of Policy LP11 in that it would help to rectify an under-supply of accommodation for people with special housing needs.

2 – Impact on visual amenity:

Policy LP24 of the Kirklees Local Plan states that good design should be at the core of all proposals in the district and should be considered at the outset of the development process. Furthermore, proposals should promote good design by ensuring that the form, scale, layout and details of the development respect and enhance the character of the area, provide high levels of sustainability, and minimise the risk of crime, amongst other criteria.

The NPPF (Chapter 12) sets out the national approach to achieving well-designed places. Paragraph 130 states that proposals should function well and add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the site's potential to accommodate and sustain an appropriate amount and mix of development, and create places that are safe, inclusive and accessible.

The Housebuilders' Design Guide SPD can be given limited weight in the assessment of an application of this type since it is intended mainly as a guide for new development in the C3 use class.

Policy LP7 of the Kirklees Local Plan states that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. It also identifies that proposals should encourage the use of previously developed land in sustainable locations and give priority to despoiled, degraded, derelict and contaminated land that is not of high environmental value. NPPF (Chapter 11) paragraph 119 states that proposals should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Additionally, paragraph 124 requires that LPAs should support development that makes efficient use of land. This includes consideration of the desirability of maintaining an area's prevailing character

and setting and the importance of securing well-designed, attractive and healthy places.

In assessment of the previous outline applications, officers reached the view that a C2 use care home of up to 60 beds would likely not be of a development density which would be significantly detrimental to the site, while also noting that at Reserved Matters stage, options for less dense C2 uses could be proposed which may also be considered appropriate for the site.

The applicant's supporting documents go into some depth regarding the design principles which have been incorporated into the development. For instance, the design seeks to maximise well-being for future occupants, and ensure greater pandemic preparedness, by providing rooms of greater than statutory minimum size, and by ensuring that all rooms are en-suite.

The immediate context of the site is residential in character and dominated by buildings of domestic scale and proportions. On all three adopted highway frontages to the site, existing development does not exceed two storeys. The proposed development would stand out from neighbouring development in that it would be greater than two storeys in height, although most walls would not be a full three storeys in height as the second-floor accommodation would be partly in the roof space. It is also noted that the northern, eastern and especially southern outer walls of the building would all be close to the boundary of the site with the public footway. The northern and southern elevations however incorporate gables which prevent these elevations from appearing as slab-like, monotonous or imposing, and the open courtyard facing east, which is the longest site frontage, would help to break up the mass of the building when viewed from this approach. It is considered that the proposed scale, built form and layout represent an appropriate design solution and would result in a building that whilst of greater scale and height than its near neighbours, would not appear visually jarring or overbearing.

The roof style and pitch is considered to be in conformity with those in the local area. The small dormers including within the mid-section and southern parts of the building are not typical features within the vicinity of the site, but are considered to represent an appropriate design solution that would allow a building with three storeys of accommodation to be constructed without seeming imposing.

The original application documents specified that artificial stone would be used as a walling material but the architect has subsequently confirmed that natural stone is to be used following officers' concerns about the original choice of material in a setting heavily dominated by coursed natural stone. This (and submission of a sample for inspection, as is standard) can be conditioned.

The courtyard already mentioned would allow the inclusion of some new soft landscaping within the site (which is described in the Biodiversity Net Gain statement). Most of the site's trees would be retained (see section 5 below).

The proposed substation would be located appropriately, and its design does not raise significant concerns. The submitted drawings indicate that the materials of the substation's walls would match those of the main building.

Officers conclude that the scale, layout, and detailed design of the proposal would harmonise with and respect the appearance of its surroundings, and would represent an enhancement to the area as it would involve the redevelopment of a plot of untidy and unsightly waste ground. Approval should be subject to samples of all walling and roofing materials being made available for inspection, and an appropriate condition is recommended.. Subject to this, the development would support the aims of LP24(a) and Chapter 12 (paragraph 130b-d) of the NPPF.

3 – Impact on residential amenity:

Policy LP24(b) of the Kirklees Local Plan requires that proposals provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary.

Privacy, light and space about buildings

As previously stated, the adopted Housebuilders Design Guide SPD can be given limited weight in the assessment of this type of application. Principle 6, however, which sets out the typical minimum separation distances between new and existing dwellings in the interests of avoiding a negative impact on privacy or light, can be treated as a useful guideline when assessing the potential for impact on existing dwellings. These distances are:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

For the proposed development, overlooking distances between existing and proposed windows would vary between 11m (on the Thomas Street frontage) to 15.5m (on the eastern and southern frontages). The standards referred to in the SPD above do not set out recommended distances for overlooking across a street, or between front elevations, so a judgement has to be formed in each case based on the character of the site and the area. In this case, the distances between proposed and existing windows would be commensurate with established overlooking distances in the area and it is considered they would not be perceived as intrusive, despite the proposed building being of

three storeys. In the case of the western aspect, the separation distance would be greater (about 25m) and would face mainly onto the blank gable ends of houses.

It is considered that the proposed external and internal layout would provide an acceptable environment for future occupants in terms of light, internal space and outlook. This will in any case have been designed having regard to the appropriate industry standards and specifications. It is considered that no conditions are required to protect residential amenity by reason of light or privacy.

Odour

There is a reasonable expectation that the proposed use would involve the preparation and cooking of food. Residential properties near to the site could be affected by odours if these are not properly mitigated. A condition requiring a detailed extraction and filtration scheme is therefore judged to be necessary. A condition in relation to the prevention of fats, oils and grease entering the sewage system is also recommended so as to minimise the risk of blockages.

Noise and other effects during construction

The proposed development is not one that is, by its nature, likely to give rise to levels of noise liable to cause nuisance in a residential area. It is considered, however, that permission should be subject to the submission and approval of a Construction Environmental Management Plan detailing how impacts arising from noise, vibration, dust and temporary artificial lighting would be effectively controlled.

External lighting

It is likely that some form of external lighting would need to be used at the site for the safety of staff and visitors. A condition is recommended regarding external lighting to prevent glare or light trespass giving rise to a loss of residential amenity.

Residential amenity – Conclusion

Subject to conditions, the proposed development would result in no significant harmful effects upon residential amenity or the wider environment arising from odours, noise or light, and would accord with the aims of Policies LP24b, LP52 and Chapter 15 of the NPPF.

4 – Impact on highway safety:

Policy LP21 of the Kirklees Local Plan requires proposals to demonstrate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual

cumulative impacts of development are not severe. Proposals are required to demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.

NPPF (Chapter 9) paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112 further details priority use of new roads, addressing the needs of people with disabilities, creating safe and secure places, allowing for efficient delivery of good and emergency service access, and enabling the use of electric vehicles.

Vehicular access to the site is proposed from an improved site access located on Brian Street towards the western end of the site frontage, in the vicinity of one of the former accesses to the site. A dropped kerb pedestrian crossing would be provided at the site access bell mouth and incorporating tactile paving. Visibility for this site access has been calculated based on vehicle speeds. The 85 percentile speeds have been used to calculate visibility splays based on guidance contained in Manual for Streets. At a minor road, distance of 2.4m visibility to the east is 32.8m and visibility to the west is 30.3m.

There is, however, on-street parking on Brian Street and KC Highways Development Management have raised concerns that visibility from the access could be affected by vehicles parked on street. It is considered that measures to manage parking would be required on Brian Street at either side of the site access. Drawing 152986-001 at Appendix C shows the access visibility with parking measures (with details to be agreed with the council) on the north side of Brian Street and extending 13.5m to the east of the access and 10m to the west of the access.

The main pedestrian access to the building would be on the western elevation facing the development's car park with pedestrian footpath routes within the site which connect to Brian Street.

The development would reduce the number of vehicular site accesses from three to one, with the access on Brian Street to the east of the site frontage and the access onto Thomas Street becoming redundant. The redundant accesses would be permanently removed and reinstated as footway within the highway boundary.

Subject to conditions securing the closure of the existing access, the management of on-street parking and clear access sightlines, the applicant has now demonstrated that a single access can be safely used, and the proposed development is now considered to accord with relevant policy.

Site Parking (including cycle parking)

Kirklees Council does not have specific car parking standards for care homes. In this case, the proposed level of parking is considered operationally sustainable given the active and public transport accessibility of the site. Staff provision is anticipated to be 48 full time equivalent roles operating over three shifts to provide 24-hour care. There would be a maximum of only 16 staff on site at any one time. It is anticipated that 16 staff would need 10 spaces leaving 10 visitor parking spaces. It is recommended that this should be subject to a condition requiring the approved spaces to be provided before the care home is brought into use.

Cyclist access to the site would be via the all-purpose access on Brian Street, leading to a dedicated secure communal cycle store on the west side of the building which is considered acceptable in terms of capacity. The plans do not provide details of the type of provision or its specifications, so this should be conditioned in the interests of supporting the aims of Local Plan Policies LP20 and LP47.

Servicing

Refuse collection is proposed kerbside from Brian Street with the refuse vehicle standing on the waiting restrictions at the site access. A 6m x 3m service bay is shown provided within the car park adjacent to the main entrance to facilitate all other regular daily servicing from an off-road position. Swept path assessment of a minibus and an ambulance serving the site using the access service bay has been undertaken which demonstrates that regular service vehicles can access and egress the site in forward gear.

Travel Plan

A Travel Plan has been provided for the development as part of the planning application submission. The Travel Plan sets out measures to encourage the uptake of sustainable travel modes to support the residential care home. It is considered adequate in terms of detail, supportive of the aims of Policy LP20, and can therefore be the subject of a prescriptive condition.

Highway issues – conclusion

Subject to conditions as set out above, the development would ensure the safe and efficient use of the highway network is not negatively affected and it would accord with the aims of Policies LP20, 21 and 22 of the Local Plan.

5 – Biodiversity and Trees:

Biodiversity

The previous application was accompanied by a Preliminary Ecological Appraisal. This concluded the site had limited ecological value and was accepted by officers at the time.

The following information has been submitted with the new application, following a request for additional information including justification for the habitat classification utilised to determine the baseline value of the site, which is welcomed:

- Preliminary Ecological Appraisal and Potential Bat Roost Survey (dated May 2023);
- Biodiversity Net Gain Statement (dated 30/11/2023); and
- Biodiversity Metric 4.0 (dated 30/11/2023).

The latest biodiversity net gain calculation submitted details that:

- Baseline habitat value consists of 4.06 units.
- There would be a net gain of 0.44 habitat units.
- The proposals would therefore result in a net gain in habitats of 10.8% plus an additional 4.83 hedgerow units on site.

The previous iteration (dated 21/11/2023) reached a higher figure for BNG net gain (12.7%), although the calculation of baseline habitat value was exactly the same. The 21/11/2023r version was deemed acceptable by KC Ecology, who determined that the proposal could be supported subject to conditions, which can be summarised as:

1. No development shall commence until a Biodiversity Enhancement and Management Plan (BEMP) has been submitted including ongoing maintenance and monitoring.
2. The Reasonable Avoidance Measures (RAMS) detailed in Appendix 4 of the submitted report shall be strictly adhered to throughout the scheme.
3. No development shall take place until details of a scheme to eradicate invasive non-native species within the site has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied. [It should be noted that Cotoneaster species were recorded in the PEA; some species of which are regarded as invasive].

Since the latest version achieves a lower estimate for BNG with the same baseline habitat value, but still over 10% BNG and therefore acceptable, it is considered that the application can be determined without any further input from KC Ecology.

It is considered that the proposed conditions can be applied, with minor changes to wording. The BNG report Revision A shows a detailed planting plan but the text is difficult to read because of the resolution and it is unclear whether it includes a schedule of planting times and maintenance. The layout, species and number of specimens is, however, identical to the Planting Plan submitted with the original documents. This can therefore form the basis of an acceptable soft landscaping scheme and BEMP but some further details will be required including timing of planting, and future maintenance. The

approved outline scheme had separate conditions covering landscaping (both hard and soft) and a plan for the ecological enhancement of the site. These would form the basis for the landscaping and BEMP conditions here but would be somewhat simplified for the sake of clarity and to avoid unnecessary repetition.

Regarding bats, the submitted Preliminary Ecological Appraisal and Potential Bat Roost Survey states that the site has negligible potential for roosting bats, and that impacts upon bats are not expected. It is, however, recommended that the previously-mentioned condition regarding external lighting be additionally applied in order to ensure disturbance to bats does not occur, or is minimised as far as possible.

Subject to the aforementioned conditions, the development would fulfil the aims of avoidance of unacceptable harm to biodiversity and of delivering an appropriate level of enhancement, in accordance with local and national policies set out above.

As noted above, there are a number of trees on-site, mostly along the western and north-western boundaries. Most of the existing trees are covered by two existing Tree Preservation Orders (12/12/g1 and 12/12/g2).

Local Plan Policy LP33 states that planning permission will not be granted for developments which directly or indirectly threaten trees or woodland of significant amenity. Furthermore, proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment.

The applicant has submitted an Arboricultural Impact Assessment. This, and the summary provided in the submitted Planning Statement, note that B-, C- and U-category trees would need to be removed to accommodate the proposed development, while other trees would be retained, and new trees would be planted. Given the constraints of the site, and other layout considerations, these proposals are considered acceptable and sufficiently in accordance with Policy LP33 of the Kirklees Local Plan.

A condition relating to tree protection measures during construction is recommended.

6 – Drainage and flooding:

The site is not within an area known to be at risk from flooding. A Flood Risk Assessment and Drainage Strategy by Betts Hydro has been submitted (also supplied with the previous outline application).

As infiltration is not likely to be feasible for surface water disposal based on ground conditions, alternative options have been considered following further discussion with the council, and having regard to the site's previous drainage regime. The next discharge option in the hierarchy should be to discharge to a watercourse/waterbody. There are, however, no watercourses suitable for

outfall within the proximity of the site. The alternative drainage method (should infiltration and a connection into a watercourse not be feasible) is to discharge surface water into the nearest surface water compatible sewer network. This is proposed, with a discharge rate of 5.0l/s.

There is a requirement to provide on-site stormwater storage for the extreme rainfall events.

The Lead Local Flood Authority (LLFA) do not object to the proposed development on flood risk and drainage grounds (and do not object to the proposed discharge of 5.0l/s to the sewer, noting that this would require permission from Yorkshire Water), subject to conditions. The LLFA further commented that the development's flow control device should of the vortex type (e.g. hydrobrake or similar) not the proposed orifice plate as this would be prone to be easily blocked.

7 – Climate Change:

The applicant's Climate Change Statement sets out the following provisions:

- Thermally efficient materials
- Energy efficient heating systems, with management system
- Installation of 'smart' energy metering
- Use of energy efficient products
- Further details can be requested as a planning condition
- Materials to be sourced locally, where possible
- Appropriate waste storage to be provided on site, and will be recycled where possible.
- The development will include an air source heat pump and EV charging spaces.
- Use of glazing and orientation of building designed to optimise solar gain, whilst minimising overheating.
- Good standard of insulation to ensure energy efficiency.
- Double-glazing.
- LED lighting with management system.
- Travel Plan, to encourage sustainable travel.

It is recommended that for the avoidance of doubt, and enforceability, a condition should be imposed requiring specific measures to be built into the fabric of the development, and that details of these shall be submitted to and approved by the Local Planning Authority. Subject to this condition, the proposed development would comply with the aims of Local Plan Policy LP24(b) and Chapter 14 of the NPPF.

8 – Other issues:

Ground Contamination and Stability

Policy LP53 of the Kirklees Local Plan requires that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology will require the submission of an appropriate contamination assessment and/or land instability risk assessment. Furthermore, any development which cannot incorporate suitable and sustainable mitigation measures (if required) which protect the well-being of residents or protect the environment will not be permitted. NPPF (Chapter 15) paragraph 183 requires that proposals ensure that the site is suitable for its intended purpose taking into account the ground conditions and any risks arising from land instability and contamination, and that any contaminated land is remediated with works overseen by a competent person.

Contaminated Land

The applicant has submitted Phase 1 and Phase 2 Ground Investigation Reports. These conclude that 'the site is considered to represent a low to moderate/low risk to human health', having considered a number of potential sources of contamination from made ground from the site's previous uses (including the potential for asbestos) and associated soil gasses, with off-site sources of ground gas also being identified. The Phase 2 report undertook some trial pitting and ground gas testing over a period of approximately six weeks. The report concludes that 'no remediation is considered necessary at the site; however, due to the presence of Made Ground across the site, clean imported topsoil should be provided in the all soft-landscaped areas to provide a clean growing medium.'

KC Environmental Health accept the Ground Investigation report by Georisk Management Limited, dated April 2023 (ref: 22052/1 – Revision 1). KC Environmental Health do not object to developing the site subject to the appropriate contaminated land conditions including one to ensure that the imported material is suitable for the intended use and that the material does not contain unacceptable levels of contamination. Officers note this position and agree with the proposed approach, and recommend the relevant conditions.

Coal Mining

The site lies in a Coal Advice Area, which is considered to pose a low risk to developments from potential previous mine workings in the area. The submitted Phase 1 Ground Investigation Report includes a Coal Mining Report obtained from The Coal Authority. This details that the site is not within a surface area that could be affected by any past recorded underground coal mining or within proximity to a mine entrance or adit.

Historic Landfill Sites

The site lies within 200m of an historic landfill site to the north of the site (Birchcliffe Tip). KC Strategic Waste have confirmed that during shallow spike surveys undertaken in 1994, no Methane (CH₄) and only ambient levels of Carbon Dioxide (CO₂) were detected. Given the above considerations, the

proposal is considered to be in accordance with Policy LP53 of the adopted Kirklees Local Plan, and measures to protect the site from landfill gas are not deemed necessary.

Employment Opportunities

Policy LP9 of the Kirklees Local Plan states that where possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district with the aim of increasing wage levels and to support growth in the overall proportion of the districts' residents in education or training. This may include specific training or apprenticeships that are related to the proposed development, or support for other agreed priorities for improving skills or the creation of conditions to support a higher-performing workforce, increasing productivity and the in-work progression of employees.

As a C2 use care home, the proposal would likely provide local employment opportunities for a range of job roles associated with the management, maintenance, operation, and care requirements of the development and its residents. Section 4.1.2 of the submitted Transport Assessment details that 48 full time equivalent jobs are expected to be created as a result of the proposal, to be split over three shifts to provide 24-hour cover. This would result in a maximum of 16 staff on-site for the majority of the day, except shift changeover times.

The previous case officer's assessment advised that further information would be required to assess the proposal against the full policy requirements. It is officers' present opinion that given the scale of the proposal and the number of jobs created, the positive benefits of the development in terms of job creation would be sufficient to fulfil the requirements of Policy LP9 and that further commitments (e.g. training) will not be required of the applicant in this instance.

Construction

As with any new development project, there would likely be some disturbance to residential amenity during the construction phase of the proposal. Officers note, however, that this in itself is not a material consideration in planning terms that would weigh against a grant of planning permission. Due to the proximity of the site to neighbouring residential dwellings, KC Environmental Health propose the imposition of a pre-commencement condition for a Construction Environmental Management Plan (CEMP) to minimise and mitigate any adverse effects from the construction phase of development on the residential amenities of neighbouring occupiers. Officers agree with this approach and would secure the relevant conditions in the interests of compliance with Local Plan Policies LP24(b) and LP52.

9 – Representations:

One representation was received. Concerns relating to the safe and convenient use of the highway have been examined in the main part of the assessment above, but are highlighted here with officer responses.

- Not enough consideration has been given to the added pressure to surrounding area. Where all the staff and visitors supposed park when streets already congested. Will Permit parking be considered for residents and will the adjacent surgery? Further pressure on doctor appointments.

Response: Officers consider the level of parking to be operationally suitable and that the proposal would not lead to an increase in unregulated parking on the public highway. The issuing of parking permits and creation of permit zones is outside the scope of the council acting as Local Planning Authority.

10 – 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: Grant conditional full permission

Decision Authorisation: Delegated Powers

Application Number: 2023/91408

Officer Recommendation: Grant 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 with Policies LP1, 2, 7, 20, 21, 22, 24, 30, 33, 52 and 53 of the Kirklees Local Plan.

3. Prior to any part of the development being brought into use, a scheme detailing measures to manage parking on Brian Street to either side of the site access and all associated works, together with appropriate Safety Audits, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the approved parking management scheme has been implemented.

Reason: In the interest of highways safety and achieve a satisfactory and safe layout in accordance with Policies LP1, LP2, LP21, LP24 of the Kirklees Local Plan, the Kirklees Highways Design Guide, and the aims of Chapter 9 of the National Planning Policy Framework.

4. Prior to the commencement of development (including demolition and ground works) a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include:

- A timetable of all works;
- Details of point(s) of access for construction traffic;
- Details of construction vehicle sizes and routes;
- Details of times of construction vehicle movements;
- Details of parking for construction workers;
- Details of signage;
- Pre-development road condition surveys; and
- Details of wheel washing facilities within the site.

The development shall be carried out strictly in accordance with the CMP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.

Reason: In the interests of highway safety, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to protect amenity and maintain highways safety are agreed at an appropriate stage of the development process.

5. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise and vibration arising from all construction related activities (this shall also include suitable restrictions on the hours of working on the site including times of deliveries);

- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction;
- Artificial lighting used in connection with all construction related activities and security of the construction site; and
- A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Planning Authority must be included.

The approved CEMP shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with the aims of Part 15 of the NPPF and Policy LP52 of the Local Plan.

This pre-commencement condition is necessary to ensure appropriate measures to protect amenity are undertaken during the construction period.

6. Prior to the commencement of development a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Detail phasing of the development and phasing of temporary drainage provision; and
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and detail how flooding of adjacent land is prevented.

The scheme shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100%. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise approved in writing by the Local Planning Authority.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning.

Reason: In the interest of providing a satisfactory surface water drainage scheme which does not detrimentally impact on the site and surrounding area during the construction phase, in accordance with Policies LP27-28 of the adopted Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure temporary (construction-phase) drainage details are submitted and approved at an appropriate stage of the development process.

7. No part of the development shall be brought into use until the existing accesses from Brian Street to the east of the site frontage and the access onto Thomas Street have been permanently closed, any redundant footway crossings removed, the footway reinstated and the new access constructed

and brought into use in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: To avoid danger and inconvenience to highway users as well as to achieve a satisfactory and safe layout, in accordance with Policy LP21 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

8. Prior to the commencement of development, the sightlines from the Brian Street access of 2.4m x is 32.8m to the east and 30.3m to the west as shown on the Sanderson Associates Visibility at site access plan number 152986-001 Rev A shall be cleared of all obstructions to visibility exceeding 1m in height and these shall be retained free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety by means of securing a safe layout, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure appropriate measures to protect highway safety are undertaken prior to construction commencing.

9. Before any part of the development is brought into use, details of secure covered cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be provided before any part of the development is brought into use and shall be so retained thereafter.

Reason: In the interests of cyclist safety and security, to ensure a satisfactory layout, and to promote the use of low-impact means of transport, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

10. The development shall operate in accordance with the approved Travel Plan at all times.

Reason: To facilitate the aims of the user hierarchy, to ensure that the development maximises the use of means of travel with a low environmental impact and to accord with the aims of Policies LP20 and LP24(d) of the Kirklees Local Plan.

11. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Prior to the commencement of development, a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rate of 5.0 l/s with the LLFA to the combined sewer, attenuation for the critical 1 in 100 + climate change rainfall event with an additional allowance for blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and elsewhere (both upstream and downstream of the development), attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the

attenuation structure, and the scheme shall include a maintenance and management plan for surface water infrastructure. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: In the interest of providing a satisfactory surface water drainage scheme which does not detrimentally impact on the site, future occupiers, or the water environment, in accordance with Policies LP27, 28 and 34 of the adopted Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure drainage details are agreed and are incorporated into the development at an appropriate stage.

12. Prior to any cooking or preparation of food commencing within the development, a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dishwashing areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained thereafter.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, and environmental well-being and to comply with Policy LP34 of the Local Plan and Chapters 12 and 15 of the NPPF.

13. Prior to the commencement of food cooking within the development, details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that would be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours;
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours. The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor;
- Details showing the proposed location of all the major components of the extract system;
- The noise mitigation measures that would be incorporated in the extract system and details of the likely resulting noise levels that would be caused by operation of the extract system, in particular how loud it would be at nearby noise sensitive locations; and
- A schedule of the proposed ongoing maintenance that would be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour or noise pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

14. Prior to materials being imported to the site associated with the erection of the care home, associated access and substation, a strategy detailing the intended placement, the source, characterisation and the suitability of any imported material shall be submitted to and approved in writing by the Local Planning Authority. Testing to demonstrate suitability shall then be carried out in accordance with the approved strategy. Following importation and placement of the materials as described in the approved strategy, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. No part of the site shall be brought into use until such time until a Verification Report has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 183 and 184 of the National Planning Policy Framework.

15. In the event that contamination, or the presence of coal not previously identified in the approved Ground Investigation report by Georisk Management Limited, dated April 2023 (ref: 22052/1 – Revision 1) prior to the grant of this planning permission is encountered during development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy, a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraphs 183 and 184 of the National Planning Policy Framework.

16. Prior to any part of the development being brought into use, a scheme detailing the dedicated facilities that will be provided at the premise 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 the requirements of the current West Yorkshire Low

Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use thereafter.

Reason: In the interests of supporting and encouraging the use of low emission vehicles, in the interests of air quality enhancement, and to comply with the aims and objectives of Policies LP20 and LP24(d) of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

17. Prior to the installation of external artificial lighting, details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:

- The proposed hours of operation of the lighting;
- The location and specification of all of the luminaires;
- The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated;
- The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site;
- The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required; and
- Measures to ensure bats are not adversely affected.

External lighting shall be installed and operated only in accordance with the approved scheme.

Reason: To safeguard visual and residential amenity and to avoid ecological harm in accordance with the aims of Policies LP24, LP30 and LP52 of the Local Plan.

18. Before development commences above foundation level, details of insulation, on-site micro-generation, or other measures to be incorporated into the development to reduce carbon emissions associated with it shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development during construction and shall thereafter be retained as such.

Reason: To ensure that the proposed development contributes to the council's target of achieving 'net zero' carbon emissions by 2038 and thereby reducing the causes of climate change, and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

19. Prior to the commencement of development above foundation level, full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. These works shall include:

- Location and detailed design and layout of open space, site furniture and maintenance responsibility for the landscape design. This will include, where relevant, make, model and means of installation of proposed site furniture;
- Landscape works at the access points and at the boundaries; and
- Materials to be used for all hard surfaced areas including linking paths to buildings, access points, vehicle and other circulation areas;

All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the Local Planning Authority.

Reason: To enhance and conserve the visual amenity of the built environment in accordance with Policy LP24 of the Kirklees Local Plan as well as Chapter 12 of the National Planning Policy Framework.

20. No development above foundation level shall commence until a Biodiversity Enhancement and Management Plan (BEMP) based on the Planting Plan and Schedule, reference LIN2304 PP01.00 rev P5, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:

- Description and evaluation of features to be managed and enhanced;
- Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- Ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management Actions for achieving Aims and Objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP;
- Ongoing monitoring programme and remedial measures; and
- The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years.

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP 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 BEMP. The approved BEMP shall be implemented in accordance with the approved details.

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details relating to the required biodiversity enhancement and biodiversity net gain are devised and agreed at an appropriate stage of the development process.

21. The Reasonable Avoidance Measures (RAMS) detailed in Appendix 4 of the submitted Preliminary Ecological Appraisal and Bat Roost Survey (BEK Enviro, BEK-22034-1 rev B, May 2023) shall be strictly adhered to throughout the construction phase of the development, in order to ensure that there are minimal impacts on ecology.

Reason: To prevent significant ecological harm to notable and protected species, in accordance with policy LP30 of the Kirklees Local Plan.

22. No development shall take place until details of a scheme to eradicate invasive non-native species within the site has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied.

Reason: To ensure invasive species are appropriately dealt with, in the interests of the biodiversity of the site and in accordance with Local Plan Policy LP30, the NPPF Chapter 15 and Circular 06/2005 – Biodiversity/Geological Conservation.

This pre-commencement condition is necessary to ensure that details of invasive species eradication are agreed at an appropriate stage of the development process.

23. The development (including ground works) shall be carried out in strict accordance with the arboricultural method statement and tree protection measures set out in the Arboricultural Impact Assessment and Method Statement (E3P, 80-761-R1-5, Version 5, April 2023).

Reason: To protect trees in the interests of visual amenity and biodiversity and to accord with Policy LP33 of the Kirklees Local Plan.

NOTE: It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

NOTE: The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “Guidance Note 01/21 for the Reduction of Obtrusive Light” by the Institution of Lighting Professionals: 2021 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4).

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) regarding 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 |
|---|------------------|----------------|----------------------|
| Application form | | | 15/05/2023 |
| Covering letter | | | 15/05/2023 |
| Location plan | 9-1 | A | 15/05/2023 |
| Proposed elevations (north & west – materials) | (21)4 | | 13/10/2023 |
| Proposed elevations (south & east – materials) | (21)3 | | 13/10/2023 |
| Proposed elevations (north & west) | (21)2 | | 13/10/2023 |
| Proposed elevations (south & east) | (21)1 | | 13/10/2023 |
| Proposed first floor | 00-2 | | 12/06/2023 |
| Existing site/block layout | (9)4 | A | 15/05/2023 |
| Existing site sections | (9)10 | | 15/05/2023 |
| Proposed site/block | 9-3 | Q | 15/05/2023 |
| Site roof plan | 9-3 | A | 15/05/2023 |
| Proposed ground floor | 00-1 | | 15/05/2023 |
| Proposed first floor plan | 00-2 | | 12/06/2023 |
| Proposed second floor plans | 00-3 | | 15/05/2023 |
| Proposed roof plans | 00-4 | | 15/05/2023 |
| Preliminary Ecological Appraisal & Bat Roost Survey | BEK-22034-1 | B | 22/05/2023 |
| Biodiversity Net Gain report | BEK-23071-21 | A | 01/12/2023 |
| Biodiversity Net Gain metric table | | | 01/12/2023 |
| Planting Plan and Schedule | LIN2304 PP01.00 | P5 | 01/11/2023 |
| Design & Access | | | 13/10/2023 |

| Plan Type | Reference | Version | Date Received |
|--|--|----------------|----------------------|
| Statement | | | |
| Proposed Substation Details | (02)01 | | 10/05/2023 |
| Arboricultural Impact Assessment and Method Statement | E3p, 80-761-R1-5 | Version 5 | 15/05/2023 |
| Care Home Need Assessment | HPC | | 15/05/2023 |
| Flood Risk Assessment and Drainage Management Strategy | Betts Hydro HYD710_THOMAS.ST REET FRA&DMS | 2.1 | 22/05/2023 |
| Planning Statement | | | 15/05/2023 |
| Transport Assessment | 152986-001 | 01 | 22/05/2023 |
| Travel Plan | 152986-002 | 01 | 22/05/2023 |
| UCML Level 1 Utility Study | | | 15/05/2023 |
| Ground Investigation | 22052/1 | 1 | 18/05/2023 |

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 undertook negotiations with the applicant to achieve improved materials for the building and to ensure that a satisfactory level of Biodiversity Net Gain would be delivered.

Report dated: 13/12/2023

