

Public Document Pack



**Assistant Director, Governance and
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Wednesday 28 December 2016

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Town Hall, Huddersfield, HD1 2TT** at **1.00 pm** on **Thursday 5 January 2017**.

(A coach will depart the Town Hall, at 10.00am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Town Hall, Huddersfield, HD1 2TT.)

This meeting will be webcast live.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Assistant Director of Legal, Governance and Monitoring

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee members are:-

Member

Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Donald Firth
Councillor Paul Kane
Councillor Carole Pattison
Councillor Andrew Pinnock

When a Strategic Planning Committee member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

D Bellamy
L Holmes
B McGuin
N Patrick
K Sims

Green

K Allison
A Cooper

Independent

C Greaves
T Lyons

Labour

F Fadia
E Firth
C Scott
S Ullah
M Sokhal

Liberal Democrat

R Eastwood
J Lawson
A Marchington
L Wilkinson

Agenda

Reports or Explanatory Notes Attached

1: Membership of the Committee

This is where Councillors who are attending as substitutes will say for whom they are attending.

2: Minutes of the Previous Meeting

1 - 6

To approve the Minutes of the meeting of the Committee held on 1 December 2016.

3: Interests and Lobbying

7 - 8

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Public Question Time

The Committee will hear any questions from the general public.

6: Deputations/Petitions

The Committee will receive any petitions and hear any deputations

from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

7: Site Visit - Application 2015/93238

Demolition of existing dwelling and erection of 5 detached dwellings with associated site works at Thornfield, 40 Prospect Lane, Birkenshaw.

Estimated time of arrival at site: 10.30am

Contact Officer: Beatrice Kunaka, Planning Officer

Wards

Affected: Birstall and Birkenshaw

8: Site Visit - Application 2016/93230

Outline Application for demolition of existing buildings and erection of residential developments at Fenay Bridge Nursery, Fenay Lane, Fenay Bridge, Huddersfield.

Estimated time of arrival on site: 11.10am

Contact Officer: Farzana Tabasum, Planning Officer

Wards

Affected: Almondbury

9: Site Visit - Application 2016/92254

Erection of 24 dwellings at land off Colders Lane, Meltham, Holmfirth.

Estimated time of arrival at site: 11.30am

Contact Officer: Adam Walker, Planning Officer

Wards

Affected: Holme Valley North

Planning Applications

9 - 12

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Tuesday 3 January 2017.

To pre-register, please contact richard.dunne@kirklees.gov.uk or phone Richard Dunne on 01484 221000 (Extension 74995)

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added at the end of this Agenda.

10: Planning Application - Application No: 2014/92893

13 - 28

Erection of 34 dwellings and associated car parking at land off Croft Street, Birkenshaw

Contact Officer: Bill Topping, Major Developments Officer

Wards

Affected: Birstall and Birkenshaw

11: Planning Application - Application No: 2015/93238

29 - 46

Demolition of existing dwelling and erection of 5 detached dwellings with associated site works at Thornfield, 40 Prospect Lane, Birkenshaw.

Contact Officer: Beatrice Kunaka, Planning Officer

Wards

Affected: Birstall and Birkenshaw

12: Planning Application - Application No: 2016/93230

47 - 58

Outline Application for demolition of existing buildings and erection of residential developments at Fenay Bridge Nursery, Fenay Lane, Fenay Bridge, Huddersfield.

Contact Officer: Farzana Tabasum, Planning Officer

Wards

Affected: Almondbury

13: Planning Application - Application No: 2016/93268

59 - 72

Landfill of former quarry site and restore to agricultural land and highway improvements to provide vehicle passing areas at former quarry, Hall Ing Road, Brockholes, Holmfirth.

Contact Officer: Glenn Wakefield, Senior Planning Officer

Wards

Affected: Holme Valley North

14: Planning Application - Application No: 2016/92254

73 - 90

Erection of 24 dwellings at land off Colders Lane, Meltham, Holmfirth.

Contact Officer Adam Walker, Planning Officer

Wards

Affected: Holme Valley North

15: Planning Application - Application No: 2016/92633

91 - 112

Erection of 128 dwellings (with two apartment blocks) including means of access and associated infrastructure, Heathfield Lane, Birkenshaw.

Contact Officer: Farzana Tabasum, Planning Officer

Wards

Affected: Birstall and Birkenshaw

Planning Update

113 -
118

The update on applications under consideration will be added at this point on the Agenda prior to the meeting.

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 1st December 2016

Present: Councillor Paul Kane (Chair)
Councillor Bill Armer
Councillor Donald Firth
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Cathy Scott

1 Membership of the Committee

Councillor Scott substituted for Councillor S Hall.

In the absence of Councillor S Hall, the Committee considered the matter of the Appointment of Chair and agreed that Councillor Kane be appointed as Chair for this meeting of the Committee.

2 Minutes of Previous Meetings

RESOLVED –

That the minutes of the meeting held on 14 July and 3 November be approved as a correct record subject to the amendment of Minute Number 3 to reflect that Councillor Armer is a current, and not former, member of Kirkburton Parish Council, and is a former Kirkheaton Parish Councillor.

3 Interests and Lobbying

Councillor Pattison declared an 'other' interest in Agenda Items 13 and 14 on the grounds that she is a Director of a company that owns 6 Cross Church Street, Huddersfield (Minute numbers 13 and 14 refer).

4 Admission of the Public

It was noted that all Agenda Items would be considered in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Site Visit - Application 2014/92893

Site Visit Undertaken.

8 Site Visit - Application 2016/92321

Site Visit Undertaken.

9 Site Visit - Application 2016/92181

Site Visit Undertaken.

10 Site Visit - Application 2016/93411

Site Visit Undertaken.

11 Planning Application - Application No: 2014/92893

The Committee gave consideration to Application 2014/92893 – Erection of 34 dwellings and associated car parking at land off Croft Street, Birkenshaw.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Ian Stewart (on behalf of Birkenshaw Rugby Club), Susan Horrobin (on behalf of Birkenshaw Liberal Club), Amanda Mahoney (local resident) and Councillor Smaje.

RESOLVED –

1. That the Head of Development Management be delegated authority to approve the application subject to conditions including; standard conditions for the commencement of development and completion in accordance with approved plans, landscaping, landscaping maintenance, submission of materials, boundary treatments, removal of permitted development rights relating to plots 17 and 18, highways conditions relating to junction improvements at Old Lane/Croft Street, methods of storage and waste, parking provision secured and surfaced, internal adoptable road specifications and construction management plan, and drainage safety, environmental health, biodiversity enhancement, provision of electric charging points, the protection of existing retaining walls along the boundary with Allen Croft, and the securing of a Section 106 Agreement.

2. That pursuant to (1) above, circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Development Management shall be authorised to determine the application and consider whether it should be refused, and in such cases, impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Kane, Pattison and Scott (3 votes).

Against: Councillors Armer, D Firth, and A Pinnock (3 votes).

(The application was determined upon the casting vote of the Chair)

12 Planning Application - Application No: 2016/93411

The Committee gave consideration to Application 2016/93411- Outline application for erection of a residential development at land to rear of 125 Helme Lane, Meltham, Holmfirth.

Under provisions of Council Procedure Rule 37, the Committee received a representation from David Storrie (applicant's agent).

RESOLVED –

That Conditional Outline Planning Permission be granted subject to the delegation of authority to the Head of Development Management to finalise conditions including;

- a) Standard conditions for the submission of Reserved Matters (excluding access).
- b) Standard conditions relating to the development being carried out in accordance with approved plans.
- c) The application for approval of any reserved matter being made to the Local Planning Authority before the expiration of three years from the date of this permission.
- d) The development hereby permitted shall begin either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- e) Provision of public open space.
- f) Provision of affordable housing.
- g) Provision of an education contribution.
- h) Highways conditions.
- i) Access to be constructed and made available prior to the first occupation of any dwelling.
- j) Drainage conditions.
- k) Bio diversity enhancement conditions.
- l) Submission of Phase 1 and 2 contaminated land surveys, remediation strategy, unexpected contamination, validation report.
- m) Provision of electric charging points.
- n) Construction management plan to be approved and implemented prior to commencement of development.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors D Firth, Kane, Pattison, A Pinnock and Scott (5 votes). Against: (no votes).

Abstained: Councillor Armer.

13 Planning Application - Application No: 2016/92029

The Committee gave consideration to Application 2016/92029 – Erection of extension to existing at Kingsgate Shopping Centre to form new leisure development including new cinema and restaurants, and demolition of existing buildings on the site including 20-22 Cross Church Street (partly within a conservation area), comprising 20-22 Cross Church Street, Fleece Yard, Sun Inn Yard and White Lion Yard.

Under provisions of Council Procedure Rule 37 the Committee received representations from Chris Marsden (on behalf of Huddersfield Civic Society) and Peter Everest (applicant).

RESOLVED –

- 1) That Conditional Full Planning Permission be granted subject to delegation of authority to the Head of Development Management to finalise conditions including;
 - a) The timeframe for implementation.
 - b) The development to be in accordance with approved plans.
 - c) A Phase II Contaminated Land report.
 - d) Remediation Strategy.
 - e) Validation Report.
 - f) Scheme of drainage measures to incorporate green or blue roof systems and/or grey water recycling.
 - g) Building works close to public combined sewers and live water mains to be carried out in accordance with approved method statements.
 - h) A scheme for the proposed means of disposal of foul and surface water drainage, including details of any redirection of flows linked to sewer diversion.
 - i) Scheme detailing intended crime prevention measures.
 - j) Noise report specifying measures to protect occupants of nearby noise sensitive premises at Kirkgate and Oldgate.
 - k) Air Quality Impact Report
 - l) Provision of swift nesting opportunities.
 - m) Details of how listed buildings will be supported.
- 2) That authority be delegated to the Head of Development Management to secure a S106 Agreement to (i) secure £185,000 towards highways improvement works on Cross Church Street and (ii) to secure £30,000 towards a public art work on Cross Church Street and £10,000 towards appropriate preparation of the area.
- 3) That pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Development Management shall be authorised to determine the application and consider

whether it should be refused, and in such cases, impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, Kane, Pattison, A Pinnock and Scott (6 votes).

Against: (no votes).

14 Planning Application - Application No: 2016/92030

The Committee gave consideration to Application 2016/92030 – listed building consent for erection of extension to existing Kingsgate Shopping Centre to form new leisure development including new cinema and restaurants and demolition of existing buildings on the site including 20-22 Cross Church Street (partly within a conservation area), comprising 20-22 Cross Church Street, Fleece Yard, Sun Inn Yard and White Lion Yard.

RESOLVED –

That Listed Building Consent be granted and authority be delegated to the Head of Development Management to finalise conditions including the time-frame for implementation, and for the development to be in accordance with approved plans.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, Kane, Pattison, A Pinnock, and Scott (6 votes).

Against: (no votes).

15 Planning Application - Application No: 2016/92181

The Committee gave consideration to Application 2016/92181 – Outline application for erection of residential development (116 dwellings) and formation of new access to Woodhead Road and Land off Woodhead Road, Honley, Holmfirth.

Under provision of Council Procedure Rule 37, the Committee received a representation from Aimee Hanson (applicant's agent).

RESOLVED – That the application be refused on the grounds that (i) the proposed access arrangements for the development of the site, which is a signalled controlled layout, would harm highway safety and efficiency as such the development is contrary to Policies T10 and BE1 of the Kirklees Unitary Development Plan, and the harm to highways safety is not outweighed by any other material considerations and (ii) in the absence of a completed Section 106 Agreement the development fails to provide for educational requirements, affordable housing, public open space and travel planning requirements.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, Kane, Pattison, A Pinnock and Scott (6 votes).
Against: (no votes).

16 Planning Application - Application No: 2016/92321

The Committee gave consideration to Application 2016/92321 – Deposit of inert waste on agricultural land to improve surface water drainage at Lands Farm, Cliff Lane, Gomersal.

RESOLVED –

That the application be refused.

(Contrary to the Officer's recommendation, the Committee resolved to refuse the application on the grounds that the proposals did not preserve the openness of Green Belt, constituted inappropriate development and would have a detrimental impact on the character of the local landscape. The Committee considered that very special circumstances had not been demonstrated in accordance with section 9 of the National Planning Policy Framework.)

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, Kane, Pattison, A Pinnock and Scott (6 votes).

Against: (no votes).

KIRKLEES COUNCIL			
DECLARATION OF INTERESTS AND LOBBYING			
Strategic Planning Committee			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an “Other Interest”)	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest
LOBBYING			

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, the Planning Practice Guidance Suite (PPGS) launched 6th 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.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 203 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

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Originator: Bill Topping

Tel: 01484 221000

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 05-Jan-2017

Subject: Planning Application 2014/92893 Erection of 34 dwellings and associated car parking Land Off, Croft Street, Birkenshaw

APPLICANT

Atkin Enterprises

DATE VALID

15-Sep-2014

TARGET DATE

15-Dec-2014

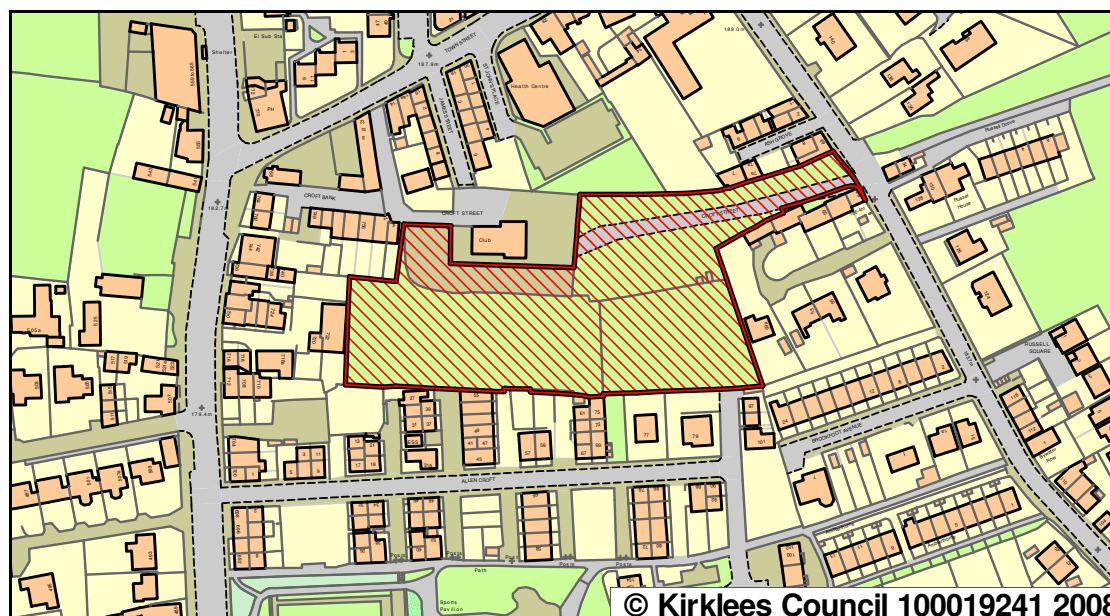
EXTENSION EXPIRY DATE

28-Aug-2015

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: **Birstall and Birkenshaw**

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee) and to secure a S106 agreement to cover the following matters:

- 1. Affordable Housing – 10 dwellings (with a 55% social rent and 45% submarket split).**
- 2. £60,482 towards educational requirements**
- 3. £90,850 towards public open space off site contribution**
- 4. Residential Metro Card Scheme A – Bus Only. Based on the current scheme costs this would be $34 \times £475.75 = £16175.50$**

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 The application is brought forward to Strategic Planning Committee for determination with the agreement of the Chair as the application site is in Council ownership, is of an area in excess of 0.5 hectares and as a significant level of representation has been received
- 1.2 The application was deferred by Committee on the 27th August 2015 to allow for the submission of additional highway information and for a safety audit to be undertaken. This information has been received and considered. Also sought were amendments to the scale of a number of the plots i.e. Plots 17-20.

- 1.3 Members will recall that at the meeting on the 2nd December the Committee resolved to accept the Officer recommendation to delegate approval of the application to the Head of Development Management to complete the Section 106 Agreement and issue the decision to granted planning permission.
- 1.4 At the Committee meeting on the 2nd December speakers highlighted that the Road Safety Audit was not available to view on the Councils website. Ward Councillors have made representations on behalf of the objectors that they were unable to consider and make representations on the Road Safety Audit. Therefore it is argued that Members made their decision without the benefit of all material considerations. It is noted that the Committee made their decision to accept the officer recommendation with the knowledge that the Road Safety Audit had not been available for view on the Council's website. In the interest of transparency given residents had not seen the document the Chairman of the Planning Committee has agreed to return the application to Committee whereby members of the public can comment upon the details within the Road Safety Audit which is now available on the website. The position of officers and the recommendation to Committee has not changed but this gives interested parties the opportunity to comment on the document which they did not previously have.
- 1.5. Letters have been sent to neighbours and objectors advising that the Road Safety Audit is available on the Council's web site and that this application is being re-considered by Strategic Committee the 5th January 2017. Any representations received will be reported for the Members consideration.
- 1.6 At the meeting of the 2nd December speakers also raised that the application site has been used as overspill car parking by a local rugby club who have been using the Liberal Club as their based in recent times. Within the assessment period and up to the date of the Strategic Committee (1st December 2016) Officers hadn't received any material internal or external representations relating to the Liberal Club's association with the local rugby club and parking requirements for up to 80 to 90 cars on match days. This however is not directly relevant as the main planning use of the premises is as a club and the car parking which takes places on rugby days is incidental to this main use and therefore the level of parking as assessed for the needs of the club as a whole are considered robust as set out in the report below. As the rugby parking takes places largely on private land outside of the curtilage of the club the requirements of the rugby parking are not something in planning terms that can be considered.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a site of approximately 0.8 hectares of land and is set within a predominantly residential area. To the immediate north of the site is Birkenshaw Liberal Club.

- 2.2 Croft Street runs along the northern boundary to the site, but is split into two sections by the presence of the Liberal Club and its car park. The western part connects with Town Street and the eastern section joins on to Old Lane. To the eastern boundary of the site is a detached dwelling and bordering it to the south are a number of terraced and detached properties. Terraced dwellings also border the site to the west.

3.0 PROPOSAL:

- 3.1 The application is for full planning permission for the erection of 34 dwellings and associated car parking. The dwellings proposed are a mix of semi-detached and terraced properties.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2002/93795 – Outline application for residential development. Approved
- 2006/91855 – Renewal of unimplemented outline permission for residential development. Approved
- 2014/91302 – Erection of 46 dwellings and associated car parking. Withdrawn

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Amendments to the access arrangements serving the Liberal Club have been secured. Amendments to the layout and to the siting and design of plots 17-20 have been secured.

6.0 PLANNING POLICY:

- 6.1 The Council's Local Plan has been published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

- 6.2 Kirklees Unitary Development Plan:

BE1 – Design principles
BE2 – Quality of design
BE11 – Use of natural stone
BE12 – Space about buildings
T10 – Highway safety

- T16 – Pedestrian routes
- T19 – Car parking standards
- G6 – Contaminated land
- EP10 – Energy Efficiency
- EP11 – Integral landscaping scheme to protect / enhance ecology
- BE23 – Crime Prevention
- NE9 – Mature trees
- H1 – Meeting the housing needs of the district
- H6 – Housing sites
- H10 – Affordable housing
- H18 – Public open space

6.3 National Planning Policy Framework:

- NPPF Promoting sustainable transport (chapter 4)
- NPPF Delivering a wide choice of high quality homes (chapter 6)
- NPPF Requiring good design (chapter 7)
- NPPF Promoting healthy communities (chapter 8)
- NPPF Meeting the challenge of climate change, flooding (chapter 10)
- NPPF Conserving and enhancing the natural environment (chapter 11)

6.4 Other policy considerations:

Providing for Education Needs Generated by New Housing' (KMC Policy Guidance)

SPD2 Affordable Housing

National Planning Practice Guidance on affordable housing.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1. As detailed above additional plans and highways information have been received. These have been re-advertised by means of site notices and neighbour letters, and to date a total of 47 letters of objection have been received.
- 7.2 The letters of objection differ little from those submitted originally, as to the range of issues, and the level of feeling.
- 7.3 Also the Ward Members were advised of the amended plans and highways information. It was confirmed that the application would be heard again by the Strategic Committee, and it was felt the site should be re visited to properly consider the context and the surrounding road network.
- 7.4 As such the list of issues raised below is still germane.
- 7.5 The application has been advertised by way of neighbour letters, site notices and press advert. A total of 215 letters of objection, a petition against the development of 50 names and 3 letters of support have been received. The concerns raised relate to:

Drainage & surface water run-off

- Impact of surface water run off to the southern boundary and existing properties on Allen Croft
- Capacity of existing combined sewer to accommodate foul water drainage from the development
- Development is proposed with 3m of the water main which crosses the site.

Highways

- Concern about access from site onto Old Lane with limited sight lines, substandard junction layout and constraints from on street parking for existing properties.
- Old Lane is a main route to school for pedestrians and vehicles. The development will add to congestion and conflict at peak times
- Traffic calming to Old Lane should be considered if development goes ahead
- Impact of additional traffic on Croft Street/ Old Lane, Old Lane/ Town Street, Town Street/ Bradford Road, Old Lane/ Whitehall Road junctions

Noise

- Residential properties close to the existing Liberal Club are likely to be subject to noise and disturbance from the club. An acoustic report should be required before determining the application to consider whether residential development can exist alongside the club

Loss of trees and habitat

- Loss of mature trees and habitat from the site that provides foraging for bats, birds and hedgehogs
- Plans make little provision for replacement green space, replacement tree planting and replacement habitat
- A tree survey should be undertaken given the extent of mature trees within the site

Layout

- The no of dwellings proposed is inappropriate for the size of the site. There is little public space within the development and some of the plot sizes are small and irregular shaped
- Public open space should be provided on site as part of development rather than the payment of a financial contribution
- Parking spaces/ parking courts will be difficult to manoeuvre in and out of
- Proximity of proposed houses to existing properties on Allen Croft, overlooking of existing habitable rooms
- Overbearing impact of development close to boundary with properties on Allen Croft given that the site is much higher than the neighbouring properties

Impact on local amenities

- The local community is served by Birkenshaw C of E school, which is oversubscribed and has significant accommodation issues. The school has been denied funding to replace the temporary classrooms which are currently serving a significant proportion of the school. Therefore no increase in school intake will be feasible for the foreseeable future.
- The doctors surgery is also overburdened. Since the planned dwellings are most suitable for young families, this number of new properties will increase the burden on an already stretched school and doctors surgery.

Boundary wall

- The ground level of the site is approximately 1.5 metres higher than the level of properties on Allen Croft. Concern expressed about potential encroachment on and potential collapse of boundary retaining wall which is believed to be Council owned and has partially collapsed and had to be repaired in the past
- Requested that applicant be reminded of the provisions included within the Party Wall Act ensuring that the correct mechanism will be applied to all with adjoining boundaries.

7.6 Representations in support refer to:

- The need to improve the site which has remained redundant for some time
- The opportunity new housing will provide for young first time buyers in the area to get onto the housing ladder

7.7 Representation has also been received on behalf of Birkenshaw Liberal Club:

- The club has secured planning permission for an extension to the premises (2013/92707) which they intend to implement. The housing development proposed would result in the loss of two car parking spaces shown on the approved plan as serving the club in order to facilitate access from the proposed access road. The club is concerned about the loss of the two parking spaces and that it would lead to a breach of planning regulations.
- The representation also highlights an ongoing dispute between the club and the applicant about derivation of club funds. (Note - this is a dispute between the parties and not material to the consideration of the application)

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

The following is a brief summary of the consultation responses received. Where necessary, these consultations are reported in more detail in the assessment below:

K.C. Highways Development Management – No objections subject to the imposition of conditions.

Environment Agency – Application does not “trigger any of our statutory criteria”

Coal Authority – No objection subject to the imposition of a standard condition.

Non Statutory:

Public Rights of Way – Concerned about inter visibility for the footpath link to Allen Croft. Amendments required to the alignment of the footpath

K.C. Environmental Services – No objection subject to conditions in respect of noise and contaminated land.

K.C. Trees – There are no protected trees present and therefore no objections.

K.C. Ecology – No objection following consideration of the submitted ecological report. A number of bat and bird boxes (additional to that applicant’s proposal) are required.

K.C. Strategic Drainage – No objection subject to a condition in relation to surface water.

K.C. Parks & Landscape – An off-site contribution of £90,850 should be provided to improve existing play areas and parks.

K.C. Education (School Places) – An education contribution of £60,482 is required for Birkenshaw CE (VC) School.

Yorkshire Water – No objections.

West Yorkshire Police Architectural Liaison Officer (PALO) – The amended layout and design of the footpath is an improvement in terms of crime prevention design. Request conditions re lighting of footpath, landscaping treatments, boundary fencing

9.0 MAIN ISSUES

- **General Principle**
- **Layout;**
- **Scale and appearance;**
- **Landscaping**
- **Highways;**
- **Drainage/ Flood Risk;**
- **Ecology**
- **Trees;**

- **Affordable Housing;**
- **Education.**

10.0 APPRAISAL

10.1 General principle:

- 10.2 The vast majority of the application site is allocated for Housing (H14.14) on the Unitary Development Plan Proposals Map. A small section to the north western corner is unallocated.
- 10.3 The principle of development for that part of the site allocated for housing in the UDP is established. This is consistent with NPPF paragraph 14, which states that there is a presumption in favour of sustainable development and for decision taking this means, *“Approving development proposals that accord with the development plan without delay.”*
- 10.4 With regard to the unallocated part of the site D2 of the Unitary Development Plan is relevant and states *“planning permission for the development (including change of use) of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”*.
- 10.5 The considerations are addressed in the assessment. Subject to these not being prejudiced the proposal is considered acceptable in principle in relation to policy D2.
- 10.6 In accordance with the NPPF, new houses will support growth and satisfy housing needs and thereby contribute to the building of a strong economy. There would be a social gain through the provision of new housing at a time of general shortage and the proposal will be subject to a requirement to provide an element of affordable housing which will be a positive component of the social role of the development. The surrounding area is predominately residential and the site is located within close proximity to the identified local centre around the Bradford Road, Town Street junction. The principle of housing development is considered to accord with the sustainability principles of the NPPF.

10.7 Layout

- 10.8 The layout proposes 34 dwellings, with a mix of 1 detached, 16 semi-detached and 17 terraced properties providing a mix of two and three bed properties, including 4 semi-detached dormer bungalows served via a traditional estate road and shared access roads.
- 10.9 The density of development would be in the order of 42 dwellings to the hectare. This is as a result of the form of development proposed (i.e. semi-detached and terraced properties) and the limited amount of open space proposed within the layout. Such a density and form of development would not however be out of keeping with the established form and character of the area.

- 10.10 Vehicular access to Birkenshaw Liberal Club is provided for from the proposed access road. Parking for the proposed houses is in the form of plot parking and parking courts.
- 10.11 A claimed footpath runs through the site from Old Lane, along Croft Street to Allen Croft. A route from Old Lane to Allen Croft is retained within the layout, there is concern about inter visibility for users of the footpath as proposed, where it leads into Allen Court, this can be addressed by realigning the proposed footpath to provide greater separation to the rear boundaries of plots 19 & 20 and incorporating the footpath into the adjacent area of informal open space. This can reasonably be secured by way of condition.
- 10.12 Public open space (POS) within the layout falls short of that required by policy H18 of the Councils UDP. At 30 sq m per unit approx. 1,000 sq m of POS should be provided, compared with 455 sq m of informal open space accommodated within the layout. Informal open space is provided to the boundary with the Liberal Club and adjacent the footpath link to Allen Croft.
- 10.13 It is proposed that the shortfall in POS be off-set by a financial contribution together with a contribution in lieu of formal equipped play provision within the layout to improve existing POS at Birkenshaw Park. The Council's Parks & Landscape section has been consulted and has calculated that the required contribution is £90,850. This can be secured by Section 106 agreement.
- 10.14 Policy BE12 relates to space about buildings and requires distances of 21m between habitable room windows and 12m between habitable room windows and non-habitable room windows or blank elevations.
- 10.15 The layout proposed satisfies the requirement of policy BE12 in relation to the minimum separation distances except for the relationship between plots 17/18 and no 77 Allen Croft.
- 10.16 No 77 Allen Croft was formerly a bungalow, planning permission was granted in 2007 for a first floor extension, conservatory and garage. There is a bathroom and bedroom window in the rear elevation at first floor level and the distance between rear facing habitable room windows is 14m; 21m should be maintained to accord with policy BE12. To resolve this issue, an amended house type for plots 17/18 has been submitted that proposes bungalows with dormers to the front elevation rather than houses.
- 10.17 In terms of the access to the Liberal Club and representations on their behalf, the planning permission for a single storey extension to the club is conditional upon the development being carried out in complete accordance with the plans and specifications listed in the decision notice. The car parking layout includes two parking spaces at the point where access from the new access road is proposed. These spaces would be displaced by the proposed access arrangement and if implemented, the extension to the club would technically be in breach of the condition. The residential layout has therefore been

amended to address this issue providing an alternative vehicular access to the club.

10.18 Scale:

- 10.19 The scale of development proposed is predominantly 2 storey, with the two terraces of three properties sited centrally within the layout being 2 ½ storey, incorporating bedrooms within the roof space. The scale of development is considered to be in keeping with that of the local area.
- 10.20 Concern is expressed in representations about the relationship of the proposed development to existing properties on Allen Croft, given the difference in level between the site and Allen Croft and the proximity of the dwellings proposed, in particular the relationship between no 79 Allen Croft and plot 19.
- 10.21 Allen Croft is set at a lower level than the application site, a boundary wall to the rear of properties on Allen Croft acts to retain the site. There is mature landscaping and trees to the boundary which acts to screen the site.
- 10.22 In the rear elevation of no 79 Allen Croft there is a bathroom window at first floor level and kitchen window at ground floor. The main habitable aspect of the property is to the front and side elevations. Plot 19 would be 'gable on' to no 79 at a higher level.
- 10.23 The design of plots 19/20 has been amended to provide bungalows with dormers to the front elevation rather than houses. The amendments address the concerns in relation to scale.

10.24 Appearance:

- 10.25 The design and appearance of the houses are intended to be traditional with coursed stone walling, stone heads and cills and horizontal banding between floors. Roofing materials would be natural slate or slate derivative.
- 10.26 The appearance of the development proposed is considered to be acceptable

10.27 Landscaping:

- 10.28 A detailed landscaping scheme will be required by condition. Areas of informal open space within the layout provide opportunities for landscaping and tree planting; landscaping may also be used to break up the proposed courtyard parking areas

10.29 Highways:

- 10.30 This application seeks approval to the erection of 34 dwellings and associated parking at land off Croft Street, Birkenshaw. Access to the proposed development is from Old Lane via a proposed traditional estate road with traffic calming leading to a shared surface road. The development is for a mix

of 15 three bedroom houses and 19 two bedroom houses consisting of semi-detached, terraced and 1 detached house

- 10.31 Access is provided to the existing Liberal club and the clubs existing parking arrangements are to be retained. Pedestrian links are to be retained from the Liberal Club car park to Town Street via James Street and to Bradford Road via Allen Croft.
- 10.32 Sight lines from the proposed new access onto Old Lane as existing are poor in both directions. Improvement works are therefore proposed including kerb realignment which will provide sight lines which meet recommended standards whilst maintaining acceptable carriageway and footway widths on Old Lane. An independent safety audit has been prepared by the applicants covering all aspects of these works.
- 10.33 There is a regular bus service running next to the development serving Bradford, Dewsbury, Batley and Thornhill Edge In order to encourage the use of the public transport services available, the developer should be conditioned to enter into Metro's Residential Metro Card (RMC).
- 10.34 The aim of the RMC is to encourage public transport use by house occupiers at new residential development sites through the provision of discounted annual Metro Cards and public transport information, thus helping to establish sustainable travel patterns from the very start. The Metro Card allows virtually unlimited travel on buses and trains throughout West Yorkshire, depending on the type of Metro Card purchased. The scheme provides an attractive benefit for new house occupiers, an incentive to purchasers of new homes and is aligned with planning guidance to encourage the use of suitable transport.
- 10.35 At this site Metro recommend that the RMC is secured through a Section 106 agreement for Residential Metro Card Scheme A – Bus Only. Based on the current scheme costs this would be $34 \times £475.75 = £16175.50$. The Section 106 should make it clear that the developer would be liable for any increase in the cost of the tickets between signing of the S106 and the trigger point for this planning obligation.
- 10.36 Traffic surveys have been undertaken by the applicants. These surveys show that the maximum weekday peak hour flows are 158 north bound and 71 southbound in the AM peak and 166 northbound and 69 southbound in the PM peak.
- 10.37 Highways have undertaken an assessment of the trip generation for a development of 34 privately owned dwellings. The trip generation for proposed development site is estimated to be 20 two way movements in the Am peak hour and 21 in the PM peak hour.
- 10.38 Based on the survey information this would result in a split of 6 vehicle in and 14 out in the Am peak ,and 13 in and 8 out in the PM peak.

- 10.39 Highways consider that the level of traffic estimated to be generated by these proposals can be accommodated and will have no material impact on the safe operation of the local highway and will not significantly add to any congestion at the peak times on the local network.
- 10.40 Highways consider that the level of traffic estimated to be generated by these proposals can be accommodated and will have no material impact on the safe operation of the local highway and will not significantly add to any congestion at the peak times on the local network.
- 10.41 Improvement works are proposed to the Old Lane/Croft Street junction, the internal layout is considered acceptable and it is considered that the traffic generated by these proposals can be accommodated. It is therefore concluded that the development is considered acceptable, and highway have no wish to resist the granting of planning permission.

10.42 Drainage/Flood Risk:

- 10.43 The Council's Flood Risk & Drainage team and Yorkshire Water have been consulted on the application and raise no objections subject to the imposition of conditions. The Environment Agency has confirmed that it does not wish to comment on the application.
- 10.44 The requested condition relates to surface water discharge rates.
- 10.45 Subject to the imposition of conditions, it is considered that the proposed development is acceptable in relation to flood risk and drainage.

10.46 Ecology:

- 10.47 The applicant has submitted an ecological survey and the findings of the surveys have been considered and agreed by the Council's Ecologist. No objections have been raised subject to the imposition of conditions relating to the following:
- Provision of sparrow terraces and woodcrete boxes for starlings
 - Installation of Swift boxes and bat tubes
- 10.48 Subject to these conditions, the development is considered acceptable in respect of ecology and accords with the guidance contained within the National Planning Policy Framework.

10.49 Trees:

- 10.50 The Council's Arboricultural Officer has been consulted on the application and has confirmed that there are no protected trees on site and that there are no objections to the proposals.

10.51 Affordable housing:

- 10.52 The requirement of Policy H10 of the UDP and SPD2 apply to developments of 5 or more dwellings. As a greenfield site, 30% of total floor space should be provided as affordable.
- 10.53 The applicant initially offered a provision 8 no 2 bed units. In order to fully meet the policy requirement a further provision of 1 no 2 bed and 1 no 3 bed unit has been negotiated.
- 10.54 The affordable provision from the development would therefore be 9 no 2 bed units and 1 no 3 bed unit which equates to 30% of total floor space and as such complies with the provisions of policy H10 and SPD 2.
- 10.55 Affordable housing policy in the emerging local plan would seek a provision of 20% of the number of units for developments of 10 or more dwellings. The Councils Cabinet considered a report on 15th November 16 proposing that this be adopted as an interim policy position for the purposes of Development Management. Cabinet agree to take this approach and to refer their recommendation to Council to adopt the policy which would allow it to be a material consideration in the decision making process on planning applications which will last until the Local Plan is formally adopted. At this time however the use of the Local Plan affordable housing policy for this application is not proposed and the applicant has committed to providing 30% of the total floorspace as affordable which equates to 10 units. The proposed split in tenure type is different to the UDP policy requirement however. Overall Officers consider the proposal to comply with the affordable housing policy requirements.

10.56 Education:

- 10.57 As 34 dwellings are proposed, this is above the threshold (25 or more dwellings) set out in 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance).
- 10.58 The School Places team have calculated that the development will require a contribution of £60,482 for Birkenshaw CE (VC) School. This can be secured by Section 106 agreement.

11.0 CONCLUSION

- 11.1 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. It is considered that the proposed development is in accordance with the principles of sustainable development.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. The proposals are considered to be compliant with the policies in the Unitary Development Plan

and there are no adverse impacts which would outweigh the benefits of the scheme.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Standard condition for the commencement of development.
2. Standard condition- development to be completed in accordance with approved plans.
3. Landscape condition
4. Landscape maintenance.
- 5 Submission of materials.
6. Boundary treatments to be approved.
7. Removal of PD rights (plots 17 and 18).
8. Highways conditions.
 - Junction improvements- Old Lane/ Croft Street;
 - Methods of storage and waste;
 - Parking provision secured and surfaced;
 - Internal adoptable roads specifications to be agreed.
 - Construction management management
9. Drainage Strategy- surface water run off; flow routing and temporary drainage solutions
10. Environmental Health conditions
 - Remediation Strategy;
 - Unexpected contamination;
 - Validation Report.
 - Noise attenuation measures (between Club and nearest dwellings).
11. Bio diversity enhancement measures.
12. Provision of electric charging points.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f92893>+

Certificate of Ownership – Notice served on/ or Certificate A signed:



Originator: Beatrice Kunaka

Tel: 01484 221000

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 05-Jan-2017

Subject: Planning Application 2015/93238 Demolition of existing dwelling and erection of 5 detached dwellings with associated site works Thornfield, 40, Prospect Lane, Birkenshaw, BD11 2LB

APPLICANT

James Coubrough,
Nessa Asset
Management Ltd

DATE VALID

22-Oct-2015

TARGET DATE

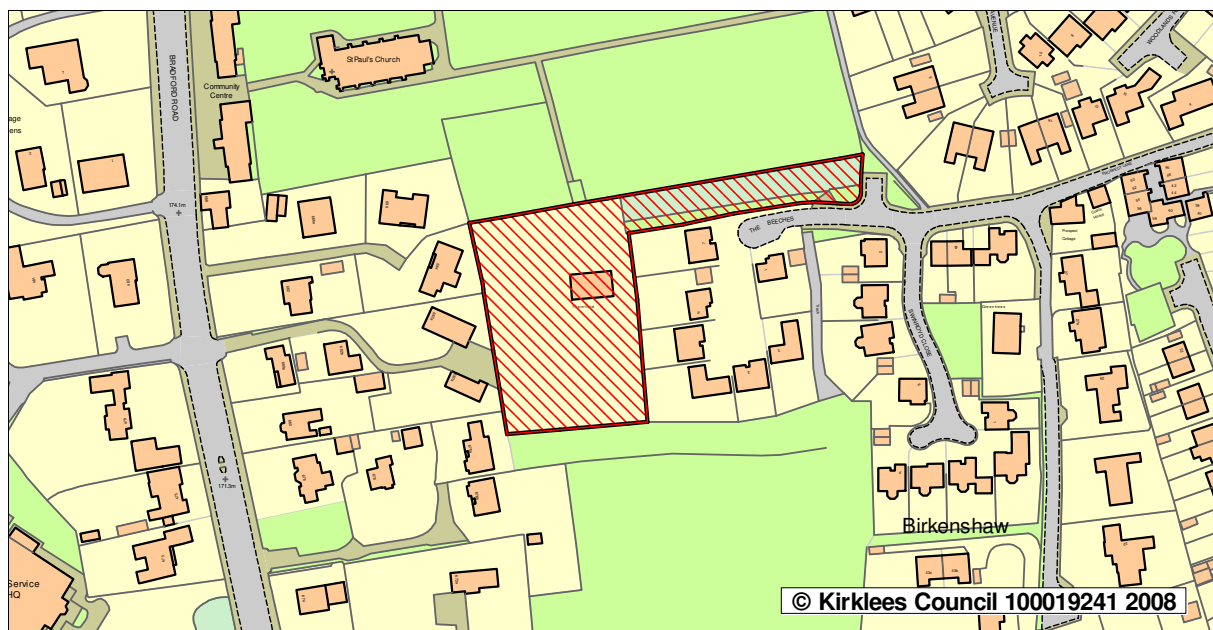
17-Dec-2015

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Birstall and Birkenshaw

YES	Ward Members consulted (referred to in report)
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RECOMMENDATION:

DELEGATE approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee).

1.0 INTRODUCTION:

- 1.1 The application is brought forward to Strategic Committee for determination as the development proposed is a departure from the Council's Unitary Development Plan as part of the site is allocated as urban greenspace.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site measures approximately 0.4 hectares and is currently in residential use. It is occupied by a single detached dwelling and its associated curtilage which comprises overgrown trees and shrubs and a stone built outbuilding located at the south-eastern corner of the plot. Land levels on site slope down towards the south.
- 2.2 Access to the site is via a private hardstanding drive taken off The Beeches which comes off Prospect Lane. The drive leads onto a hardstanding area to the front of the property. There is a band of protected mature trees along the drive which extends along the northern boundary of the site. There are also some mature protected trees close to the southern boundary of the site.
- 2.3 The site is within a predominantly residential area with dwellings of varying character, design and style. It is surrounded by residential properties to the south and east, St Paul's Church to the north and a playing field to the south.

3.0 PROPOSAL:

- 3.1 The application seeks full planning permission to demolish the existing dwelling and outbuilding on site and erect five large detached dwellings which would be constructed in natural stone and render for the walls and natural slate for the roof. Access would remain as existing via a private drive taken off The Beeches which comes off Prospect Lane. The drive would be improved by the provision of two passing places.

- 3.2 The dwellings on plot 1 and 5 would be five bedroomed and those on plot 2, 3 and 4 would be 4 bedroomed. The layout is such that three of the dwellings would be located to the south of the plot at the back and two would be located in front.
- 3.3 A Design and Access Statement, Pre Development Arboricultural Impact Assessment, Arboricultural Method Statement, Treeguard Method Statement, Tree Protection Plan, Trees Constrains Plan, Treeguard Root Protection Plan, and a Viability Assessment Report have been submitted with the application.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2009/92811 – Erection of four dwellings. Approved (not implemented)
- 2009/91646 – Demolition of existing dwelling and erection of 5 dwellings. Invalid.
- 2008/90802 – Demolition of existing dwelling and erection of 4 dwellings. Approved (not implemented)
- 2007/94275 – Demolition of existing dwelling and erection of 5 dwellings. Withdrawn due to sitting of development in close proximity to protected trees.
- 2007/90988 – Demolition of existing dwelling and erection of 1 detached dwelling. Withdrawn
- 2006/91216 – Excavation, infill and landscaping works to form new terrace areas. Approved
- 2005/92806 – Change of use of land to garden. Approved
- 2005/92807 – Erection of detached garden implement and utility store. Approved
- 2004/93316 – Erection of stable block and store. Refused
- 2004/95825 – Erection of detached garage with hobbies room over and detached garden implement and utility store. Refused
- 2003/90639 – Erection of 2 storey extension and extension to conservatory. Approved
- 2003/90638 – Erection of swimming pool/gymnasium/conservatory, garage extension. Refused
- 99/93211 – Erection of single storey extension. Refused
- 98/93025 – Erection 3 detached houses with garages and access off existing drive. Refused, Appeal dismissed

98/91548 – Erection of conservatory and alterations to dormer window.
Approved

97/93523 – Outline application for the erection of 2 detached dwellings.
Refused

97/93359 – Erection of two storey extension. Approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 During the course of the application amended plans have been received to address the concerns raised by officers with regard to the impact the proposal would have on highway safety, visual and residential amenity and mature protected trees on site.

6.0 PLANNING POLICY:

- 6.1 The Council's Local Plan will be published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

BE1: Design Principles
BE2: Quality of Design
BE12: Space about buildings
D3: Development within Urban Green space
EP4: Development and Noise
EP11: Ecology and Landscaping
G6: Land Contamination and Stability
H6: Sites allocated for housing
H1: Meeting the housing needs of the district
H10: Affordable housing
H18: Provision of open space
NE9: Protection/retention of mature trees
T10: Highway Safety
T19: Parking provision

6.3 National Planning Policy Framework:

Core planning principles

Chapter 1: Building a strong, competitive economy

Chapter 4: Promoting sustainable transport

Chapter 6: Delivering a wide choice of quality homes

Chapter 7: Requiring good design

Chapter 8: Promoting healthy communities

Chapter 10: Meeting the challenge of climate change, flooding and coastal change

Chapter 11: Conserving and enhancing the natural environment

Chapter 12: Conserving and enhancing the historic environment

6.4 Other policy considerations:

Supplementary Planning Document 2: Affordable Housing.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The originally submitted scheme was publicised by a press and site notice and neighbours were notified; three letters of neighbour representation were received raising, in summary, the following matters:

- Prospect Lane is a single track road. Since the previous approval for 4 houses on this site, Swinroyd Close has been developed (12 dwellings - approximately another 24 cars) that now uses Prospect Lane. This road isn't suitable to cater for any more residents, supply or service vehicles.
- Southern boundary moved a metre into our garden
- Proposed housing would be imposing to neighbouring properties
- Lack of information regarding drainage
- Access road narrow, the proposal will cause congestion
- Responsibility of the track should fall on the new owners
- Kirklees Council previously refused permission for 5 detached properties to be built on the land, only approving 4.

7.2 Following the receipt of amended plans, a neighbour re-consultation was undertaken and 6 letters of neighbour representation from 4 people were received raising, in summary, the following matters:-

- Protected trees would be damaged by the development
- Bats will be affected by the development
- Access is narrow and there is no passing places, emergency vehicles would struggle to access the site
- Prospect Lane is mainly one way with just a few passing points - there is now an excessive number of vehicles using this road at present. The proposal would exacerbate problems. *A photo of the access was submitted with this representation.
- Occupiers of The Beeches are responsible for the maintenance and upkeep of the council owned woodland (with the protected trees); any new

residents should have the same built in to their contracts and the responsibility to repair any damage caused by driving on the woodland

- The access road leading to Thornfields is owned by Cala homes. Its maintenance is the responsibility of any residents of Thornfields - there is a right of access but not ownership of the land.
- Previous applications for 5 dwellings have been refused - not sure how this has changed over time?
- The route of the proposed drainage would require access over our land and we do not grant such permission
- I have planted trees along our (southern) boundary and if this breeze block wall was removed and an attempt to move the boundary further towards our boundary line, this would kill the trees that i have planted
- Access road to the site is higher than the ground floor of my property, vehicles travelling along the access road can see right through into my property. Proposal would constitute as an invasion of our privacy.
- Access to Thornfields is no wider than a path and is edged by private woodland with protected trees on one side and my property on the other side
- A tree surgeon expressed serious concern that the protected beech trees could be killed if the development was to go ahead.

7.3 Cllr Paul Kane was kept updated on the application as per his request and was informed that Officers considered that issues that arose during the course of the application had been resolved prior to committee. No further comments were received from Cllr Kane.

7.4 Ward Members (Cllr Robert Light, Cllr Andrew Palfreeman and Cllr Elizabeth Smaje) were also informed of and given an update on the application. Cllr Light commented that given the present derelict property on the site some development in keeping with the nearby newer properties is welcome however nearby residents may have concerns particularly over the bottom three properties.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways Development Management – no objections subject to conditions

Coal Authority – no objections subject to an informative note

8.2 Non statutory

K.C. Ecology and Biodiversity – no objections subject to conditions

K.C. Trees – no objections subject to conditions

K.C. Environmental Services – no objections subject to conditions

K.C. Strategic Housing – recommend a commuted sum in lieu of providing affordable homes.

K.C. Parks and Landscape – no objections to the landscaping scheme but require a lump sum contribution for equipped play via a S106 agreement.

K.C. Flood Management and Drainage – no objections

Yorkshire Water – no objections to the scheme.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity and Heritage considerations
- Residential amenity
- Highway issues
- Ecology issues
- Tree issues
- Drainage issues
- Land contamination and stability
- Air Quality
- Planning Obligations
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 The principle of residential development has previously been accepted on this site by virtue of application ref: 2008/90802 which was granted planning permission for demolition of existing dwelling and erection of 4 dwellings and application ref: 2009/92811 which was granted planning permission for erection of four dwellings. None of these permissions were implemented and they have now lapsed. When considering this along with that there has been changes to planning policy particularly the introduction of the NPPF, the principle of development on this site needs to be re-considered.
- 10.2 Section 38 of the Planning and Compulsory Purchase Act 2004, states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF sets out how its policies should be implemented and the weight which should be attributed to the UDP policies. Paragraph 215 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

- 10.3 The NPPF provides a presumption in favour of sustainable development and requires housing applications to be considered in this context in order to boost the supply of housing. For decision making it means approving development that accords with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 10.4 Kirklees Council does not have a five year housing land supply. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable sites. As the council does not have a five year housing supply, housing policies within the UDP cannot be considered up to date. This housing shortfall is a material consideration that falls in favour of the development proposed, if it complies with other relevant policies of the UDP, which remains the starting point for decision making and the NPPF of as whole.
- 10.5 The eastern half of the site, which would comprise the hardstanding drive and plots 2, 3 and a section of plot 4, is part of housing allocation H14.22. Residential development on this part of the site would therefore be in accordance with the statutory development plan (UDP) and would be acceptable subject to appropriately addressing other planning matters.
- 10.6 The rest of the site, which would be occupied by plots 1, 5 and the majority of plot 4, is allocated as urban greenspace. Policy D3 of the UDP therefore applies which is consistent with the NPPF and can be afforded weight. It states that:-

On sites designated as urban greenspace planning permission will not be granted unless the development proposed:

- i. is necessary for the continuation or enhancement of established uses or involves change of use to alternative open land uses, or would result in a specific community benefit, and, in all cases, will protect visual amenity, wildlife value and opportunities for sport and recreation; or*
- ii. includes alternative provision of urban greenspace equivalent in both quantitative and qualitative terms to that which would be developed and reasonably accessible to existing users.*

The residential development proposed does not comply with the requirements of criteria i or ii of this policy and therefore represents a departure from the Council's development plan.

- 10.7 In terms of national policy NPPF paragraph 74 advises that existing open space, sports and recreational buildings and land should not be built on unless:

- *“an assessment has been undertaken which has clearly shown the open space to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which outweigh the loss”.*

The development proposed does not make replacement provision for the loss of the open space and it is not for alternative sport and recreational provision. The application submission also does not include an assessment to consider whether the site is surplus to requirements as open space.

- 10.8 The proposal is thus not considered to be in line with either Policy D3 of the UDP or paragraph 74 of the NPPF. However, consideration has to be given to other circumstances on the site and compliance with the policies of the NPPF as the whole. Currently, the site provides open space with no formal facilities. Its contribution to the wider community is limited to an open garden space and it has no wildlife or ecological value. The retention of the site solely for the purpose of its limited visual amenity value for residents immediately adjacent to the site would represent the inefficient use of land within the urban area and would not comply with the Core Principles of NPPF. Furthermore, urban greenspace also does not form Green Belt or Local Green Space for which the NPPF requires development to be restricted.
- 10.9 The site is also located within a well-established residential area with good access to services and public transport; as a result, it is considered to be in a sustainable location. The scheme would also contribute towards sustainable development although on a very small scale. Economically as the local and wider economy would both directly and indirectly benefit through the creation of jobs, the purchasing of materials and through the sale of the end product. Socially, the scheme would boost the supply of housing in Kirklees which would enhance the quality, vibrancy and health of the local. The loss of open green space may result some environmental impact; however, the development will be constructed to the latest building regulations standards so the end scheme will be energy efficient and environmentally sustainable in this respect. Other measures can be implemented via condition to improve the sustainability of the proposal (ie, requiring installation of electric vehicle charging points).
- 10.10 Furthermore, the loss of this greenspace to residential development has previously been considered to be acceptable and although the emerging Local Plan can only be afforded limited weight at this stage, the site is proposed to be allocated for housing as there is insufficient justification for the allocation of the whole of this site as urban greenspace.

- 10.11 Given the limited community value of the urban greenspace, the benefits to be had from the scheme and the site's planning history, it is considered that exceptional circumstances can be demonstrated that would, on balance, justify the departure from Policy D3 and paragraph 73 of the NPPF.
- 10.12 Officers acknowledge that the development proposed would result in the loss of urban greenspace land; however, the site is of limited community value when considered against its function. A departure from the allocation, to make way for development that would provide housing in a sustainable location, that has previously had approval for residential development and which contributes towards the achievement of sustainable development may be supported. On balance, the scheme comprises of development that is not contrary to the overarching intentions of the NPPF as a whole and the benefits to be had from this proposal is considered to significantly and demonstrably outweigh the harm which would result from the loss of this urban greenspace. Accordingly, subject to appropriately addressing other planning matters, this proposal is acceptable in principle.

Urban Design and heritage matters

- 10.13 Chapter 12 of the NPPF seeks to preserve the setting of listed buildings which echoes the sentiments outlined within section 16 (2) of the Planning (Listed Buildings and Conservation Area) Act 1990, which seeks conservation of historic assets and their setting. St Paul's church located to the north-west of the site is grade II listed. However, as the site would maintain a distance of approximately 58 metres from this listed building and the existing mature protected trees and additional trees proposed along the northern boundary of the site will continue to provide a buffer to the church grounds, it is not considered that the proposal would adversely affect the setting of this listed building.
- 10.14 Chapter 7 of the NPPF requires development to be of good design. Policy BE1 of the UDP requires all development to be of good quality design such that it positively contributes to the built environment. Policy BE2 of the UDP requires new development to be designed so that it is in keeping with the character of the surrounding area; has regard to the topography and landscape of the site, and satisfactory access can be achieved.
- 10.15 The layout of the development proposed comprises two dwellings to the front of the plot and the three dwellings to the rear, with no road frontage. However, similar type of development is evident within the vicinity and this is also true of the existing dwelling on site; therefore, the layout would not compromise the character of the area. Although a better balance could be provided between built area on the plots and a soft landscaping, the reduced size of the dwellings slightly improves this relationship such that, on balance, the proposal would not result in over development of the site. Conditions can be imposed restricting permitted development to ensure that the proposal would not result in overdevelopment of the plot.

- 10.16 The landscaping scheme also retains most mature trees on site allowing them to continue to contribute to the visual amenity of the area and additional tree planting would create a pleasant and attractive environment. Boundary treatment proposed comprising of stone walls and timber fences is also acceptable in the area. Details of the proposed materials for these walls and fenced can be secured via conditions in the interest of visual amenity.
- 10.17 In terms of the design, the dwellings are generally large in scale which is characteristic of the area. They would have comprehensive and balanced appearance to the front and rear elevations, with fenestration aligned and consistent with each other. Architectural detailing on the properties would positively contribute to the aesthetics of the dwellings. The proposed materials are also evident within the vicinity. Given the design of the dwellings proposed and subject to the use of appropriate high quality materials, which can be secured via condition, the properties would positively contribute to the built development within the area.
- 10.18 Given the above considerations, subject to conditions, the proposal is considered to comply with Policies BE1 and BE2 of the UDP and chapter 7 of the NPPF.

Residential Amenity

- 10.19 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings. Objections have been received stating that the proposal would result in overbearing and overlooking impacts to neighbouring properties. Concerns about noise from the development have also been raised.
- 10.20 Distances in excess of 21.0 metres would be retained to the neighbouring dwellings at no's 6 and 7 The Beeches to the east of the site. The proposal would thus not result in any significant adverse material impacts upon the amenity currently enjoyed by the occupiers of these neighbouring properties.
- 10.21 The dwelling proposed on plot 3 would retain distances of 15.0 metres and 17.0 metres distances to the dwellings at no's 5 and 4 The Beeches respectively, located to the east of the site. These dwelling comprise west facing habitable room windows; however, the dwelling proposed on plot 3 would not have east facing habitable room windows. In this case the distance is required to be 12 metres in accordance with Policy BE12. When considering this along with that the dwelling on plot 3 would be located on significantly lower ground level in comparison to these dwellings, it is not considered that the proposal would result in any significant overbearing, overlooking or loss of sunlight impacts.

- 10.22 No. 678a Bradford Road is located to the south-west of the application site. Given the orientation of the nearest dwelling proposed on plot 5 to this property, along with the 9.0 metre distance it retains to the common boundary, it would not result in any direct overlooking into any habitable room windows or any material overbearing or overshadowing impacts. There will however be some overlooking to the rear garden however, given the distance retained, the impact would be minimal.
- 10.23 No. 680A Bradford Road is located to the west of the application site. Given the orientation of the dwelling proposed on plot 5 with no west facing principle habitable room windows, and the distance of approximately 9.0 metres to be retained between the properties at the least, the proposal would not result in any significant adverse material impact upon the amenities currently enjoyed by the occupiers of this property. The side panels of the bay window to the rear of the dwelling on plot 5 however, could be obscured glazed (secured via condition) to ensure that there will be no overlooking to this dwelling and that at no. 678a Bradford Road.
- 10.24 Due to the orientation of the dwellings on 682a and 684 to the dwellings on plots 1 and 5 which comprise no primary west facing habitable room windows along with the distance retained between the properties, the proposal would not result in any adverse material impacts upon the amenities currently enjoyed by the occupiers of these dwellings.
- 10.25 Given the increase in the amount of dwellings on this site, it is anticipated that there would be a rise in noise levels from vehicles entering and leaving the site. However, as the proposal only comprises 5 dwellings and the proposed use of the site is residential, it is not considered that the noise levels to be generated from the vehicles utilising this access would be significant to harm the living conditions for the occupiers of the neighbouring properties.
- 10.26 As for noise that could be generated during the construction phase if this application is approved a note advising on how to minimise noise disturbance during construction can be relayed onto the applicant via the decision notice.
- 10.27 The dwellings provide a good amount of floor space to offer a good standard of amenity to the future occupants. The provision of amenity space could have been larger given the size of the dwellings; however, it is a reasonable size. Conditions can be imposed restricting PD rights to ensure that the level of amenity provision is maintained.
- 10.28 Given the above considerations, subject to conditions, this proposal would comply with Policy BE12 and EP4 of the UDP and paragraph 17 of the NPPF.

Highway issues

- 10.29 Policy T10 of the UDP states that new development should not be normally permitted if it will create or add significantly to safety or environmental problems on the existing highway network, or, it if does not make provision for appropriately designed new highways within the development. Policy T19

require the provision of off-street parking on new developments to be in accordance with the standards sets out in appendix 2 of the UDP. Objections have been received stating that the proposed hardstanding drive is inadequate and Prospect Road is oversubscribed and inadequate such that this proposal would give rise to additional highway safety issues on this road.

- 10.30 The proposed access to the development is via the existing hardstanding drive which would be improved by the addition of two passing places. Internal turning would just be wide enough to accommodate refuse and emergency vehicles and bin storage locations are in accessible areas. The proposed parking areas are also adequate for the sizes of the dwellings proposed, in line with highways parking standards. K.C. Highways Development Management consider the scheme (access, turning and parking arrangements) to be acceptable on balance, subject to conditions which are in the interest of highway safety and can be imposed if this application is approved.
- 10.31 With regards to Prospect Lane, K.C. Highways Development Management anticipate that a development of this size would only generate additional 3, two way vehicle movements in the AM and PM peak. Whilst there is a section of Prospect Lane which is considered insufficient in width to allow two vehicles to pass, forward visibility is good and given the relatively low level of additional vehicle movements this development is anticipated to generate, it is not considered that this will result in a significant impact upon the safe operation of the highway.
- 10.32 Subject to conditions, the proposal would comply with Policy T10 and T19 of the UDP.

Ecological issues

- 10.33 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. Paragraph 109 of the NPPF requires the planning system to contribute to and enhance the natural and local environment by among other things, “minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity...” Objections have been raised stating that the proposal would affect bats.
- 10.34 The site currently comprises a single detached bungalow and an outbuilding surrounded by over grown trees and shrubs although these are not of any ecological value. There are also some mature protected trees along the periphery of the northern boundary and close to the southern boundary. The site is also within a bat alert area. K.C. Ecology officer concludes that there are no statutory constraints to the development and bats are unlikely to be using the existing building for roosting, although the building is surrounded by good foraging habitat. However, a series of biodiversity mitigation and enhancement measures have been recommended which have been incorporated into the submitted landscaping plans. Other measures will be

secured via condition if this application is approved for the proposal to comply with Policy EP11 of the UDP and Chapter 11 of the NPPF.

Tree issues

- 10.35 Policy NE9 requires new development to retain any mature trees within the application site and to ensure their continued viability. Objections have been received stating that the proposal would damage the mature tree around the site.
- 10.36 The proposal would result in the removal of 3 protected trees along the northern boundary; however, the Tree Officer agrees that the trees are damaged thus has no objections to this. Furthermore, replacement trees will be planted and the healthy trees will be retained. A Tree Protection Plan, Trees Constrains Plan, Treeguard Root Protection Plan, Treeguard Method Statement, Arboricultural Method Statement and a Pre-Development Arboricultural Impact Assessment have been submitted with the application. These illustrate that the proposed works would not affect the trees to be retained on site and detail how the trees will be protected prior and during the construction of the development. The Trees officer concludes that subject to conditions requiring the development to be carried out in accordance with the submitted details the proposal would not affect the viability of health protected trees on site. The proposal is thus considered to comply with Policy NE9 of the UDP.

Drainage issues

- 10.37 Paragraph 103 (chapter 10) of the NPPF requires the Local Planning Authority to give priority to the use of sustainable drainage systems. Objections had been raised that no drainage details had been provided. However, additional plans were received demonstrating separate systems of drainage on site. Surface water is proposed to be discharged to the private surface water drain into the Beeches (at a restricted rate of 3.5 litres/second). Discharge of foul and surface water is proposed to the respective private drains and ultimately into the network in The Beeches. The applicant has also provided evidence illustrating that other sustainable methods of drainage were unsuitable on site.
- 10.38 Yorkshire Water and K.C. Flood Management and Drainage have raised no objections to the drainage system proposed. The proposal thus complies with paragraph 103 of the NPPF.

Land contamination and Stability

- 10.39 Policy G6 of the UDP requires development to be considered having regard to available information on the contamination or instability of the land concerned. Paragraph 109 (chapter 11) of the NPPF requires the planning system to contribute to and enhance the natural and local environment by among other things preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by

unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Land contamination

- 10.40 In this case the site has previously been in use as garden. K.C. Environmental Services therefore recommend a condition that details how to deal with unexpected contamination encountered on site during development. Given the unclear nature of potential contamination on site this condition can be imposed if planning permission is granted for the proposal to comply with Policy G6 of the UDP and the paragraph 109 of the NPPF.

Coal Legacy

- 10.41 The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Desk Study Report submitted with the application identified a possibility of unrecorded shallow coal workings beneath the site and recommended that mining legacy be investigated further through the undertaking of a borehole investigation.
- 10.42 A borehole investigation was subsequently carried out and that the results of this investigation concludes that due to the depth of these workings and the amount of competent rock cover, there is minimal risk of void migration from the workings reaching the surface. As such, the site is stable with regard to coal mining and no remedial or mitigatory measures are proposed.
- 10.43 The Coal Authority concurs with the conclusion of the reports thus raise no objections to the scheme but recommend that should planning permission be granted, an informative note on development in areas identified as containing potential hazards arising from former coal mining activity should be included on the decision notice. The note can be relayed on to the applicant if this application is approved for the proposal to comply with Policy G6 of the UDO and the NPPF.

Air Quality

- 10.44 Along with reduction of air pollution, the NPPF also encourages the promotion of sustainable transport. The West Yorkshire Low Emission Strategy Planning Guidance has been drafted to take a holistic approach to Air Quality and Planning. In this particular instance taking into account the NPPF and the WYESPG it is considered that promoting green sustainable transport could be achieved on this site by the provision of an electric vehicle charging point. This in turn can impact on air quality in the longer term. A condition can be imposed to secure the charging point for the proposal to comply with the NPPF.

Planning obligations

- 10.45 Policy H18 requires proposals for housing development on sites of more than 0.4 hectares to include measures within the site for the provision of public open space at a minimum rate of 30sq.m. per dwelling. Off-site provision to the same minimum standard or improvements to established public open space will be acceptable as an alternative where there is land with potential as public open space or established public open space readily accessible to the site.
- 10.46 The application site is approximately 0.4 hectares and therefore triggers the requirement for provision of open space. However, it falls within the area of the existing equipped play facility at Birkenshaw Park therefore it would not require its own on site equipped provision. A contribution in the order of £13,800 to improve existing off-site POS located to the north would be required for a scheme of this nature and scale. The size of the additional units proposed would appeal to families and given the proximity of the application site to the open space, it is considered that the future occupiers would use the facility, increasing wear and tear and requiring maintenance.
- 10.47 UDP Policies H10 and H12 set out that the provision of affordable housing is a material consideration. Current Council guidelines specify that the Council aspires to secure 15% of the development floor-space for affordable housing on brownfield sites, and 30% of the development floor-space for affordable housing on greenfield sites. An interim affordable housing policy has however recently been adopted by the Council reflecting the Draft Publication Local Plan Affordable Housing policies. The interim policy is based on the affordable housing policy in the emerging draft local plan and is therefore underpinned by up-to-date evidence of the viability of schemes within the District can likely afford where at least 20% of total dwellings on sites are allocated for affordable housing, with a split of 55-45% social rented to sub market tenure. This informal policy forms guidance to be read in conjunction with SPD2 and is a material consideration when determining planning applications.
- 10.48 It is considered that the Council has demonstrated that the contributions required are for a planning purpose, and are directly related to the development and fairly and reasonably relates in scale and kind to the proposal and the contributions are justified in this instance.
- 10.49 A financial viability report has been submitted and assessed by an independent assessor. Satisfactory information has been provided to demonstrate that the development would not be viable if contributions are sought. Paragraph 173 of the NPPF states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. When considering this, along with the benefits

of the scheme, the proposal is considered to be acceptable without contributions.

Representations

- 10.51 Matters raised in representations relating to the proposed access, impact on neighbour amenity, drainage, biodiversity and impact on trees have been considered within this report, other matters are addressed below.

Southern boundary ownership issue

- 10.52 Response: The applicant has submitted land registry details demonstrating that the southern boundary comprises land within his ownership.

Maintenance of the woodland (protected trees) and drive

- 10.53 Response: This is a private matter not material to the determination of this application.

Previous refusals for 5 dwellings on site

- 10.54 Response: All applications for 5 dwellings on this site were withdrawn for reasons stated in section 4.0 of this report. Notwithstanding this each application has to be considered against its own merits.

Drainage route

- 10.55 Response: Amended plans have been submitted illustrating that the development would no longer drain to the main sewer thus access over the objector's would not be required for drainage purposes. In any case, it is the applicant's responsibility to ensure that they can implement the development proposed.

Overlooking from vehicles on the access road

- 10.56 Response: There is a close-boarded timber fence screening views from the access to the side elevation of this property. From the rear, the access road within the site would be set on lower ground level in comparison to this property. The front of the property is already in public view. It is therefore not considered that the proposal would give rise to material overlooking from this respect.

Rights of way over access and responsibility for maintenance

- 10.57 Response: Applicant has stated they have right of access over the land adjacent to number 7. It belongs to the residents of the Beeches, who all have been served notice. The applicant signed certificate B.

11.0 CONCLUSION

- 11.1 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. A section of the site is allocated for housing and the majority of the site is allocated as green space. Having assessed the application against the relevant policies in the development plan and other material considerations,

the benefits to be had from the scheme and its compliance with the NPPF as a whole outweighs the departure from its greenspace allocation within the development plan. The proposal comprises sustainable development that's would not adversely affect the character and appearance of the area, residential amenity and highway safety and appropriately addresses other planning matters.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Time frame for implementation.
2. Standard plans condition.
3. Submission of materials.
4. Contamination conditions.
5. Proposal to be in accordance with Arboricultural Impact Assessment and Method Statement submitted with the application.
6. Requirement for evidence of arboricultural supervision as stated in the Arboricultural Method Statement.
7. Secure biodiversity enhancement measures.
8. Boundary fence and walling materials.
9. Adequate surfacing and drainage of vehicle parking areas and access
10. Provision of turning facilities as per the plan.
11. Provision of bin storage area prior to first use of development.
12. Provision of electric vehicle charging point.
13. Restricting permitted development rights – extensions.
14. Restriction of additional windows.
15. Obscure glazing required for side facing window.

NOTE: Noise

NOTE: Vegetation clearance

NOTE: Carrying out of works within the highway

Background Papers:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f93238>

Certificate of Ownership – Notice served on the occupiers of no's 1-7 The Beeches,
Prospect Lane



Originator: Farzana Tabasum

Tel: 01484 221000

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 05-Jan-2017

Subject: Planning Application 2016/93230 Outline application for demolition of existing buildings and erection of residential developments Fenay Bridge Nursery, Fenay Lane, Fenay Bridge, Huddersfield, HD8 0AR

APPLICANT

A Shepherd

DATE VALID

06-Oct-2016

TARGET DATE

05-Jan-2017

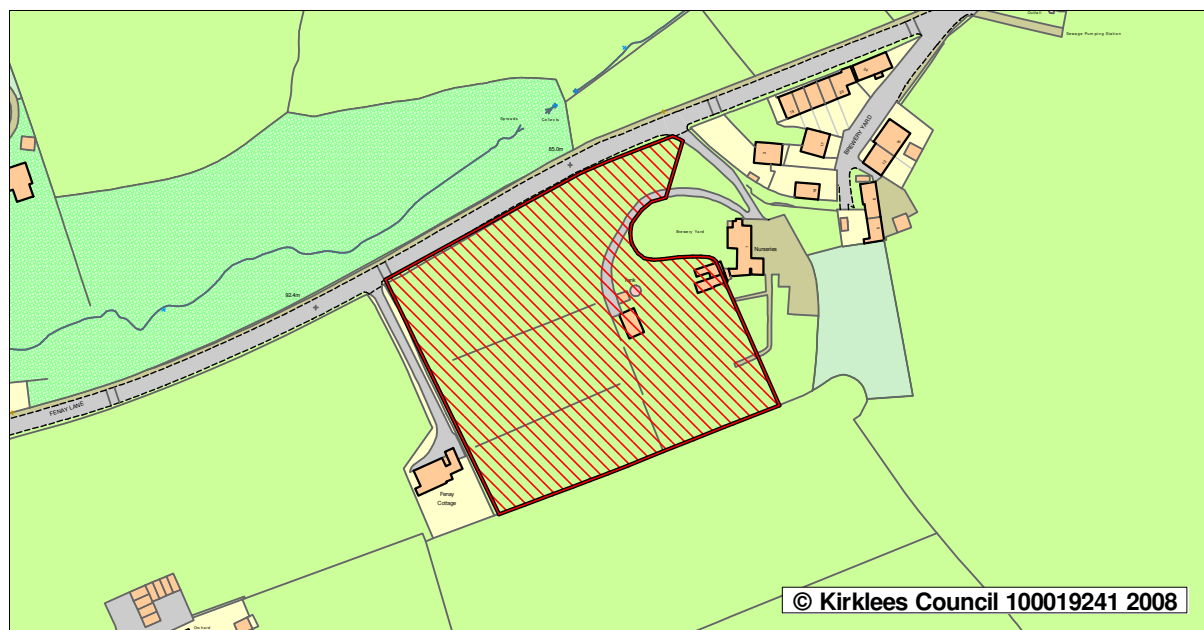
EXTENSION EXPIRY DATE

06-Jan-2017

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Almondbury

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION: Refuse outline planning permission

1. The majority of the area of the site proposed for residential development is considered to be greenfield land and the construction of residential development would result in a form of inappropriate development. The redevelopment of the remaining part of the site which is brownfield would result in a form of development which would have a greater impact on the openness of the Green Belt and to the purposes of including land with it and to the character of the local landscape. The applicant has not demonstrated that there are very special circumstances that would outweigh the harm identified, as such the development would be contrary to Section 9 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Strategic Planning Committee in accordance with the Councils agreed scheme of delegated authority as the site exceeds 0.5 hectare and the development proposed is a departure from the Councils Unitary Development Plan

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a site area of approx. 1.25ha. The site is accessed via a steep drive off Fenay Lane in the north east part of the site serving a small parking area. Over two thirds of the site is occupied as a plant nursery and accommodates a number of poly-tunnels in a dilapidated state, open growing beds and two permanent buildings at the eastern end of the site. The remainder of the site accommodates level concreted areas. East of the site is land in the ownership of the applicant consisting of a grade II listed residential property. There are open fields to the south and west with a small cluster of residential properties beyond the south west corner of the application site. The northern boundary of the application site, along Fenay Lane consists of a steep landscaped banking.

3.0 PROPOSAL:

- 3.1 The application is submitted in outline for demolition of existing buildings and the principle of residential development with all matters reserved. The information submitted includes an indicative layout for five dwellings and new point of access and drive on the same alignment as that approved on the garden centre application in December 2015. The information submitted states the dwellings will have a cumulative internal floor area (including garaging) of no more than 970 sqm, of two storey high. The indicative layout presents the dwellings to be arranged and served off a round vehicle access road with rear gardens extending to the south and west site boundaries. A planted landscaped area is proposed along the eastern boundary.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 An extant permission exists on this site for the change of use from plant nursery with retail sales to garden centre and formation of new access. This was granted by Strategic Committee on December 2015 under application no. 2014/93595, in accordance with officer's recommendation. Condition no. 5 of this permission restricted the retail sales areas to a cumulative internal floor area of no more than 970 sq. metres.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A supplemental statement was received on 16th November 2016 and a further second supplemental statement received on 14th December. The content of these are referred to in the assessment below.

6.0 PLANNING POLICY:

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).
- 6.2 The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 6.3 The site is in an area washed over by green belt on the UDP Proposals Map and in part brownfield where the existing permanent buildings and area of hardstanding exists, with the remainder of the site being predominantly greenfield. It is noted the site forms part of a larger site which was put forward for consideration as a housing site on the Draft Local Plan, but rejected.
- 6.4 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:
T10 – Highway safety
T19 – Parking standards
D2 – efficient operation of existing and planned infrastructure
- 6.5 Supplementary Planning Guidance / Documents:
National Planning Guidance:
Protecting Green Belt land (Section 9)
Conserving and enhancing the natural environment (Section 11)
Conserving and enhancing the historic environment (Section 12)

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The Council has advertised the application by site notices and through neighbour letters. This is in line with the Councils adopted Development Management Charter. The publicity period expired on 29th November 2016. As a result of the above publicity, no representations from local residents are received. However concerns/objections are received from Ward Cllr Judith Hughes who states that “I object to this planning application as there are no special circumstances for this development within the green belt. This application emphasises why it is important to have a local plan in place.”
- 7.2 In addition, a site visit has been requested by Ward Cllr Bernard McGuin, who states that Councillors will get a better appreciation of the area.
- 7.3 The application site lies within approximately 229 metres from the boundary of Kirkburton Parish Council, to the south east. Given the close proximity to its boundary Kirkburton Parish Council objects on the grounds of “poor access to the site” and states “it is a narrow steep drive giving poor sightlines when exiting the site”

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways Development Management – support indicative details showing a new access, subject to conditions

8.2 Non Statutory:

K.C. Environmental Services – no objections

K.C Flood Management & Drainage – support as no apparent surface water flood risk identified. A drainage assessment giving reference to the West Yorkshire Combined Authority SUDS guide for outline applications would need to be considered.

K.C Policy – Bullet point 6 of NPPF paragraph 89 states that the partial or complete redevelopment of brownfield land need not constitute inappropriate development in the green belt, provided that there is no greater impact on openness than the existing use. The majority of this site is not considered to be brownfield and so redevelopment would constitute inappropriate development. Inappropriate development is, by definition, harmful to the green belt and should not be approved unless very special circumstances exist that would outweigh the harm to the green belt that would be caused by the development.

The application site is part of Publication Draft Local Plan rejected housing option H227 which is stated to be brownfield in the Publication Draft Local Plan Rejected Site Options Report dated November 2016. The Council acknowledges that this is an error and that the site should have been described as 'predominantly greenfield' (PG). Now that this error has been brought to the Council's attention it will be rectified in due course prior to the submission of the Local Plan to the Planning Inspector.

K.C Landscape – No comments received

9.0 MAIN ISSUES

- **Principle of the development**
- **Green Belt considerations**
- **Residential amenity considerations**
- **Highways assessment**
- **Setting of listed building**
- **Drainage**
- **Representations**

10.0 APPRAISAL

10.1 Principle of development

10.2 The application site lies in an area washed over by Green Belt and a small area of it represents a brownfield site, currently used as a plant nursery with retail sales, being operated by one full time and one part time member of staff. The starting point for assessment is the National Planning Policy Framework (NPPF) in particular Section 9 'Protecting Green Belt Land'.

10.3 Paragraph 87 states that *"as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*.

- 10.4 the NPPF also advises that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.5 As part of the site is brownfield, Paragraph 89 of the NPPF is also relevant which states that "*a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. One of the exceptions to this includes,*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*".
- 10.6 The proposals will be considered in light of the requirements set out above to consider whether there are any considerations that would outweigh the harm to the Green Belt in order to decide whether very special circumstances exist. In addition all other material planning considerations need to be assessed such as the impact of the development on highway safety, amenity and all other material planning considerations.
- 10.7 Turning to the loss of employment land, Policy B4 of the UDP is also a consideration. Proposals which involve the development of sites with established use, or last used for business and industry will have regard to amongst other things, the suitability of the land and premises for continued business and industrial use, number of jobs likely to be created or maintained the compatibility of the proposed use with the surroundings uses, the effect on the local amenity and highway network.
- 10.8 Officers are of the opinion, that with regard to the number of jobs to be maintained (equivalent to 1.5 posts), the benefits of providing additional housing and the creation of further jobs through the construction phase could be considered to be more beneficial in terms of sustainable development and economically would outweigh the loss of the existing jobs should the principle of developing this site be supported. With regard to the suitability of the land and premises for continued business and industrial use, the recent grant of planning permission for a garden centre demonstrates that the continued business use of the site is compatible with the surrounding uses.
- 10.9 **Green Belt considerations:**
- 10.10 The applicant has based his case on considering the whole of the site being brownfield and states that the proposals would have a net gain in the openness of the green belt in comparison to the existing development on this site and that of the extant permission. Whilst Officers strongly contend that the whole of the site is not brownfield, the proposals are considered where applicable against paragraph 89 of the NNPF, which allows the redevelopment of previously developed land, provided the proposals would

not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 10.11 Approximately one third of the site is brownfield. This is mainly concentrated in the north east part of the site, consisting of two permanent buildings (with a floor area of approximately 217sqm) and a small area of hard standing served of the existing access from Fenay Lane. The remaining two thirds of the site is greenfield comprising of a number of open growing beds and poly-tunnels (most of which are without sheeting). The site has a long established use as a plant nursery with fairly low key structures.
- 10.12 It is against this context that any other harm to the Green Belt arising as a result of the development proposed will need to be considered.
- 10.13 The indicative plan shows a new vehicular access from Fenay Lane and internal access road, in the north-west part of the site, to serve the proposed five dwellings. Other than the end plot, shown in the north east part of the site, which would be on brownfield part of the site, the remainder of the development would largely be on the greenfield part of the site.
- 10.14 The supporting information states the existing structures on site comprise a total of 2230 sqm. The indicative layout is shown to have a cumulative footprint of 970sqm. The agent considers the residential layout will improve the openness of the green belt as it reduces the amount of built development on the site. This the agent goes on to state this will be same in area as the retail floor space restricted under conditions of the permission relating to the garden centre. In addition, it is stated the new access will have limited impact on the openness and any impact from the new vehicular access would in any case be off-set by the closure of the existing access together with the surface turning parking and other hard areas within the site. The applicant also states that granting of this application would provide a small contribution to the housing supply at a time when the Council is unable to show a 5 year supply of deliverable housing sites.
- 10.15 To support the proposed alternative use of the site a letter from Hanson Chartered Surveyors has been submitted. They were instructed by the applicant to advise on the issues relating to the existing use as a nursery with the benefit of planning permission as a garden centre within the current market trend. The letter goes onto say:

“Following what is generally regarded as a recovery after the last eight years of recession, the market has seen a genuine improvement in demand for many types of commercial property. Confidence in the business sector has generally improved consistent with the recovery but just as the recovery is subject to an element of doubt, particularly with the Brexit vote, there are signs that business confidence is currently in the wane. (PMI Index as at 22 July 2016 showing the severest fall in confidence since 2008).

The information suggests that home grown market and consumed produce is not affected directly by matters of Brexit but like all businesses, consumer confidence and a desire or willingness to spend at the retail level is paramount to a garden centre success”.

- 10.17 The author of the letter comments, despite the growth in the DIY market, the garden centre and nursery market has seen a degree of consolidation with larger companies “cherry picking” better locations and investing in the larger sites and closing the older less well located sites. The letter gives a number of examples where recent acquisition of garden centres have been taken over by larger companies and goes on to list a number of garden centres, which the author of the letter states, due to market pressures has forced them to close, which in the authors opinion gives clear evidence that the location and local support for garden centres together with their size are critical to their success. Reference is also made by the author to the closure of Kirklees Bradley nursery on Leeds Road, which the author states the Council found the economics of nurseries difficult to justify.
- 10.18 The letter concludes that with the change in the mood in the market, the experience of closures, this properties size, location, condition and need for heavy re- investment, that even offered in the open market a buyer could not be found. The applicants Surveyor recommends an alternative use for the site for residential with low density be sought.
- 10.19 Officers agree that location is important to the success of a garden centres/ businesses. However, in light of the application site and information submitted, this confirms the site in its current state or indeed with the recent planning permission has not been advertised/ offered for sale on the open market since planning permission was granted. The lack of likely uptake of implementing the recent planning permission as discussed in the applicants supporting statement from the Surveyor suggests that the fall back position of constructing the approved planning permission is unlikely to exist.
- 10.20 The indicative details refer to 2 storey dwellings being created on site. This would impact on openness significantly, particularly when compared to the size, scale and area of previously developed land. The indicative plan also shows large gardens which use the majority of the application site and a new vehicular access from Fenay Lane. This domestication of the Green Belt on Greenfield land would not only be inappropriate by definition but also have a greater impact on the openness of the green belt and the purpose of including land within it than the existing development, which is primarily an open land use. The proposals as such are contrary to paragraphs 87 and 89 of the NPPF. Furthermore, Officers consider that the harm to the openness of the Green Belt would also result in encroachment of development in the countryside.
- 10.21 Turning to the purpose of including land within the green belt, Paragraph 79 of the NPPF stipulates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential

characteristics of Green Belts being their openness and permanence.

10.22 Paragraph 80 sets out the five purposes of Green Belt:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land

10.23 The site lies in an area washed over by green belt and is detached from any settlement. The application site forms part of a larger site which was recently put forward for consideration as a housing site on the Draft Local Plan, but rejected as it would have created a small pocket of non-green belt land surrounded by green belt which is contrary to the purposes of including land in the green belt. Due to the Draft Publication Local Plan not being sufficiently advanced only limited weight is afforded to this consideration.

10.24 To summarise, in light of the above recognised harm that would be generated from the proposed development, officers are of the opinion the information submitted with the application does not constitute very special circumstances that outweigh the harm to the Green Belt by reason of inappropriateness, greater impact on the openness of the green belt than the existing development and other harm, encroachment into the countryside, which fails with one of the above fundamental purposes of the green belt (the third point of paragraph 80), contrary to Section 9 of the NPPF.

10.25 A further supplemental statement was submitted by the agent, during the course of the application, which specifies the proposals would not affect the setting of the nearby listed building and drawing Officers attention to case law, quoting the Court of Appeal ruling in *Turner v. Secretary of State for Communities and Local Government* and *East Dorset Council*, which the agent states, recognised that visual impact is an implicit element in assessing the overall effect of development on green belt openness. Officers, do not dispute this, however, each application is considered on its own merits taking into account all material considerations relevant at the time. In this case for the above reason set out above and as there has clearly been no attempt to market the site, officers are of the opinion that the case put forward by the agent is not accepted as very special circumstances.

10.26 A second supplemental statement was received on 14 December, which makes particular reference and includes copies of recent appeal decisions. The agent states “the evidence clearly puts a very different slant on the assessment of the impact on the openness in the context of green belt development”. Without knowing the full background and details of the appeal sites a comparison cannot be made. Furthermore, as stated above each application is considered on its own merits.

10.27 Two photographs are provided with the second supplemental statement. These show the extent of the two permanent buildings/poly tunnels and growing beds on the site, pre-dating the current condition of the site. The agent makes reference to the visual impact of these structures and states “this must of course be carefully weighed against the application proposals and in particular the efforts taken in preparing the illustrative layout to minimise visual impact”. The additional information does not introduce anything new and the assessment above is made taking into account the visual impact of the existing development, in comparison to the resultant visual impact of the proposed development on the openness of the green belt.

10.28 Residential amenity considerations:

10.29 The site is separated from residential properties to the south west and north east. The provision of formal garden areas along the south and west boundaries of the application site would have no detrimental impact on the nearest property, beyond the south west corner of the site, which would be separated by the existing dense landscaping along the western boundary.

10.30 Highway considerations:

10.31 Policy T10 of the UDP states that new development should not materially add to any highway safety implications.

10.32 Fenay Lane (C997) is an adopted highway connecting Penistone Road to Birks Lane and is subject to 30-mph speed limit. This is an outline application with all matters reserved, as such no details are submitted. However, in relation to access arrangements, the applicant states that the new private drive/access into the site from Fenay Lane would be on the same alignment as that approved under the garden centre application and the existing steep drive would be closed off. DM Highway Officers on assessment of the proposals advice is, the illustrative sketch shows a new vehicle access in similar position to that proposed by the 2014/93595 application for the garden centre, directly onto Fenay Lane. The illustrative sketch also demonstrates that each of the proposed dwellings will have sufficient off-street parking together with internal service vehicle turning for the proposed number of dwellings. On this basis, the principle of a new vehicular access into the site, could be supported from a highways point of view.

10.33 Setting of listed building:

10.34 In respect of the adjacent listed building, north east of the site, given the considerable difference in land levels and topography of land between the application site and this listed building together with existing landscaping, the proposals are considered would not be in close proximity to cause harm to the setting of this listed building.

10.35 Drainage issues:

- 10.36 With regards to Drainage issues, the Strategic Drainage Officer provides the following advice:

Whilst there is no objection in principle, an examination of any additional hardstanding surface is required in respect of drainage and quality of any discharge to determine whether attenuation is required and the use of an oil/petrol interceptor. Should Members approve the application, evidence of the existing and proposed surface water drainage arrangements would need to be submitted and approved by condition.

Subject to the imposition of appropriate drainage conditions, it is considered the site can be adequately developed in accordance with advice in the NPPF.

11.0 Representations

- 11.1 Response to the issues not covered above:

The proposals would introduce a new improved vehicular access similar to that previously approved under application no. 2014/93595 for the garden centre, directly onto Fenay Lane.

12.0 CONCLUSION:

- 12.1 In conclusion the proposed development is considered to represent inappropriate development in the Green Belt which would be harmful to the openness and character of the Green Belt.
- 12.2 The proposal would result in the redevelopment of a site predominantly greenfield and in part brownfield, in doing so, the proposals would have a greater impact (harm) on the openness of the Green Belt than the existing development and would also be contrary to one of the five purposes the Green Belt serves by failing to safeguarding the countryside from encroachment.
- 12.3 The justification submitted by the Agent has been assessed. However, this is not considered to demonstrate very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and other identified harm mentioned above.
- 12.4 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.
- 12.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that (delete as appropriate) the development proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Background Papers:

Application and history files – as stated above

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93230>

Certificate of Ownership –

Notice served on The Shepard Foundation and Mr R. Dalton, Flockwood & Son

Certificate B completed



Originator: Glenn Wakefield

Tel: 01484 221000

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 05-Jan-2017

Subject: Planning Application 2016/93268 Landfill of former quarry site and restore to agricultural land and highway improvements to provide vehicle passing areas Former quarry, Hall Ing Quarry, Hall Ing Road, Brockholes, Holmfirth

APPLICANT

Messrs Morris and
Thwaites

DATE VALID

03-Oct-2016

TARGET DATE

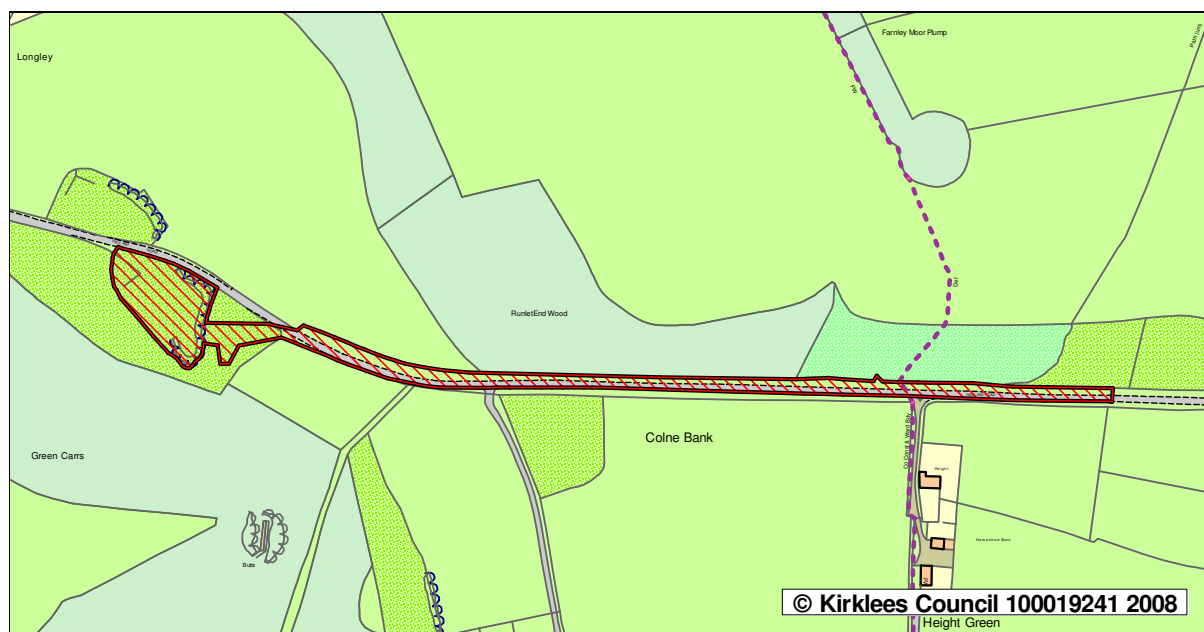
02-Jan-2017

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected:

Home Valley North

☐ Yes

Ward members notified

RECOMMENDATION:

DELEGATE approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee) and to secure a S106 agreement with the applicant which stipulates HGV routing to and from the site and, subject to there being no substantive changes to alter this recommendation, to issue the decision notice

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Strategic Planning Committee as the proposal involves non-residential development of a site that exceeds 0.5ha in area.
- 1.2 This application seeks to allow the infilling of old quarry workings off Hall Ing Road at Brockholes and represents the resubmission of an application which was approved on 18 December 2013. Whilst the operations involved would have a short term impact on the character of the landscape of the area, it is considered that the openness of the Green Belt would be maintained. Furthermore it is considered that any adverse impact on the amenity of the area and highway safety can be adequately dealt with by imposition of planning conditions and planning obligations.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is a former sandstone quarry occupying an area of around 3,000m² and is located approximately 1.5 kilometres northwest of Thurstonland village and 2 kilometres east of the centre of Honley. The immediate surrounding area is rural in character with only a few isolated residential properties, the closest being off Brockholes Road approximately 250 metres north of the site.
- 2.2 The site is located within an area which has been designated as Green Belt in the Council's adopted Unitary Development Plan. The quarry void and associated spoil heaps are clearly evident but the site has naturally regenerated over time and is vegetated with immature trees and general scrub which helps to soften the impact of the historic excavations. Generally the surrounding land falls to the west and although the site is situated on a hillside it is well screened by existing mature woodland to the south and by Runlet End Wood to the north.
- 2.3 Access to the site can currently be gained directly from Hall Ing Road via field accesses to the west and east of the quarry void. The surrounding highway infrastructure consists of narrow lanes which are particularly difficult to negotiate to the west of the site.

3.0 PROPOSAL:

- 3.1 The applicant proposes to infill the quarry, which it is estimated represents approximately 12,000m³ of void space, using inert excavation waste and clean demolition rubble. This will be delivered to the quarry via a 50m long purpose built haul road which would be constructed to the east of the void and join the highway from an existing field access. This access would be surfaced with broken brick and rubble and would include a turning head to allow HGV's to turn within the site enabling them to exit the site in a forward direction.
- 3.2 The applicant proposes to use heavy goods vehicles which would visit the site up to eight times per day between the hours of 08:00 and 17:00 Monday to Friday and 08:00 and 12:00 on Saturday. The applicant intends to construct passing places and improve existing over run areas adjacent to Hall Ing Road to the east of the site to allow traffic meeting along the highway to pass.
- 3.3 Levels would be raised in 250mm layers up to those of surrounding ground levels and would create a gently sloping site towards the north west. The applicant proposes to top soil the site and seed with local grass species in order that the land can be returned to an agricultural use.

4.0 RELEVANT PLANNING HISTORY

2005/62/94541/W0 - Landfill of former quarry site (withdrawn)

2006/62/90415/W0 - Landfill of former quarry site (refused 5 May 2006)

2007/62/91816/W0 - Landfill of former quarry site and formation of 2 No. passing bays (refused 21 July 2007)

2008/62/91269/W0 - Landfill of former quarry site and restore to agricultural land and highway improvements to provide vehicle passing areas (approved 6 April 2009)

2012/62/91042/W0 - Landfill of former quarry site and restore to agricultural land and highway improvements to provide vehicle passing areas (approved 18 December 2013).

- 4.1 Two planning applications to infill this old quarry were previously refused on highway safety grounds. However, two subsequent applications which included additional highway improvements addressing the concerns previously raised by the Council's Highways Service were approved. This proposal represents a renewal of the two previous planning permissions and proposes to complete the development as previously approved

5.0 HISTORY OF NEGOTIATIONS

N/A

6.0 PLANNING POLICY:

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

6.3 National Planning Guidance:

NPPF Section 1. Building a strong, competitive economy

NPPF Section 9. Protecting Green Belt land

NPPF Section 11. Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 This application was publicised by the posting of 3 site notices in the vicinity of the site, the mailing of 2 neighbourhood notification letters and an advertisement in the local press. This resulted in the submission of 1 letter of representation being received. The issues raised can be summarised as follows:

- The proposal would lead to nuisance associated with noise and dust
- The proposal could lead to the site and adjacent land being polluted
- The local ecology would be detrimentally affected
- The increase in HGV traffic would be detrimental to highway safety

Due to the location of this development both Kirkburton and Holme Valley Parish Councils were consulted regarding this proposal. Holme Valley Parish made the following comments:

“Support the application subject to Highways Officer recommendations; Hall Ing Road is narrow, so vehicle movements and hours of operation must be limited to between 9.30am and 2.30pm, Monday to Friday only, to avoid school traffic and any detrimental impact on pupil safety”

Kirkburton Parish did not comment.

Cllr Charles Greaves indicated he had no objections subject to the previous highways arrangements being maintained (or improved) and that the proposal does not interfere with the Honley Show weekend.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways - No objections subject to planning conditions requiring that:

- No development to commence until a detailed scheme relating to the creation of new passing places has been submitted and approved
- The areas to be used for vehicles are surfaced sealed and drained
- There are no more than 16 HGV movements (8 in 8 out) per day

8.2 Non-statutory:

KC Environmental Services - No objections subject to the issue of potential noise nuisance being fully considered via a noise assessment and planning conditions requiring that:

- A scheme is submitted and approved that indicates the measures to be employed to suppress dust emissions arising from operations at the site.
- Hours of operation are limited to Monday-Friday between 0800-17.00 and Saturdays between 0800-12.00 with No activities to take place on Sundays or Bank Holidays.

KC Environment Unit – No objection subject to planning conditions which require that:

A method statement is submitted and approved

A detailed restoration scheme which included biodiversity enhancements is submitted and approved

Environment Agency - No objections subject the applicant being advised of the requirement to obtain an Environmental Permit prior to any waste being deposited at the site.

9.0 MAIN ISSUES

- Principle of development
- Residential amenity
- Environmental Issues
- Highway issues
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The site falls within a wider area which is designated as Green Belt in the adopted Unitary Development Plan. Section 9 of the National Planning Policy Framework indicates that there is a presumption against inappropriate development in such areas unless there are very special circumstances to allow it. Consequently, in this instance, the key issues are whether the proposed development is inappropriate and if so whether there are very special circumstances which outweigh the presumption against inappropriate development.
- 10.3 The use of land for the importation of inert material would in itself be inappropriate development within the Green Belt.

- 10.4 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.5 The Local Planning Authority should give substantial weight to any resultant harm to the Green Belt from the development proposed. Inappropriate development is by definition harmful to the Green Belt and very special circumstances will not exist unless the potential harm, by reason of that inappropriateness and any other harm to the Green Belt is clearly outweighed by other considerations.
- 10.6 In order to form a judgement about the harm caused, it is best to consider firstly whether harm is caused to any of the purposes of including land in the Green Belt as set out in paragraph 80 of NPPF. These are:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.7 It is considered that the development proposed would not be of harm to the purposes of including land within Green Belt.
- 10.8 In addition to the harm by definition due to inappropriateness, there would also inevitably be some harm to the openness of the Green Belt because of the nature and extent of development proposed. These aspects constitute the negative impacts of the development proposed in Green Belt terms.
- 10.9 Whilst acknowledging the potential harm to the Green Belt, paragraph 81 of the NPPF indicates that in identified Green Belts local planning authorities should also plan positively to enhance the beneficial use of the Green Belt, including:
- looking for opportunities to provide access;
 - to provide opportunities for outdoor sport and recreation;
 - to retain and enhance landscapes; or
 - to improve damaged and derelict land
- 10.10 In terms of very special circumstances, it is considered that the development proposed would contribute positively to the use of the Green Belt in that it would allow the reclamation of a derelict quarry site and provide additional agricultural land which would help retain and enhance the character of the existing landscape.
- 10.11 Whilst it is accepted that this does not in itself overcome the harm to the Green Belt, it is considered that this should be afforded some weight.

10.12 The remodelling and re profiling of the site using imported inert material would involve engineering operations which would ultimately see the site returned to an agricultural use. Para. 90 of the NPPF states that:

“Certain other forms of development are also not inappropriate in Green Belt Provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.”

10.13 Such other forms of development include engineering operations. This proposal would lead to what is considered to be an acceptable final landform which would return the site to agricultural use and whilst the engineering works would have some limited impact upon the openness of the Green Belt, it is considered that this would be temporary and the openness of the Green Belt would be preserved following site restoration and that the development would not conflict with the purposes of including land within it.

10.14 It is therefore considered that the engineering operations proposed would not be inappropriate within the Green Belt.

10.15 Appendix A of the National Planning Policy Framework contains a waste hierarchy and although this indicates that the most effective environmental solution to the generation of waste is waste prevention, it also indicates that the re-use and recycling of materials are the next best options. Waste Planning Authorities are therefore encouraged to take a positive approach towards dealing with waste in a way which moves its treatment up the hierarchy. In this instance the imported waste would be used specifically to restore derelict mineral workings in order to create land which can be put to an agricultural use rather than simply being disposed of. It is therefore considered that this proposal would see the re-use of a significant proportion of inert waste material which is consistent with current national planning guidance.

10.17 It is therefore considered that the principle of this development is acceptable providing it does not conflict with the criteria stipulated in Unitary Development Plan Policy WD5.

UDP policy WD5 states:

proposals for disposal of waste to landfill will be considered having regard to:

- i provision for the prevention of noise nuisance or injury to visual amenity;
- ii the mode of transport utilised to serve the site;
- iii provision for vehicle routing and access arrangements;
- iv conservation interests;

- v arrangements for phased restoration and aftercare schemes appropriate to agricultural, forestry or amenity after-use linked to a permitted period of operation;
- vi measures included in the scheme to eliminate environmental hazards from leachate and gas emissions;
- vii arrangements for the protection of natural resources such as ground water, rivers or other water bodies;
- viii the extent and duration of any past or current landfill activity in the area; and
- ix the need for landfill capacity for the relevant waste types at the location proposed.

Residential Amenity

- 10.18 This proposal would be a fairly low key operation involving relatively few vehicle movements per day (max. 8). At a constant rate of infill the landfill operation would take approximately 6 months to complete. However, due to the eb and flow of supply, 12 months is a more realistic period. A mechanical excavator would be used at the quarry to grade the tipped waste as and when sufficient quantities were available on site. It is therefore likely that activity at the site would be intermittent and, as the nearest residential property is to the north west approximately 200m from the site, it is unlikely that noise and dust generated by operations at the site would cause an unacceptable nuisance.
- 10.19 However, in order the fully consider the potential impact arising from noise and dust associate with this proposal, it is proposed to require the submission of a noise report and dust suppression scheme to assess the likely impact on the surrounding residential properties and the need for any mitigation. It is also proposed to restrict hours of operation to minimise any adverse impact. Officers consider that such measures could be adequately dealt with by appropriately worded planning condition and as a consequence it is considered that this proposal would not conflict with UDP policies WD5 (i) or EP6.

Environmental issues

- 10.20 The site has remained disused and neglected for a significant period and has therefore naturally regenerated. This site therefore has the potential to provide habitat for a variety of animal and plant species. An ecological assessment and bat survey were carried out to determine the presence/absence of protected species or species/habitats of biodiversity importance within the application site. These reports concluded that:
- The site contains no national or regional important habitats but the quarry area contains a mosaic of habitats which have some local value.

- The vast majority of the site is poor semi improved neutral grassland which is of limited ecological value
- The site appears to be used for foraging by local badger and bat populations
- No red listed bird species were recorded at the site
- Whilst the rock face has features which could accommodate bats, no bats were found roosting within the rock face
- Bats were observed foraging on site but were not observed to enter or emerge from the rock face

It is considered that any detrimental impact on local biodiversity caused by this development can be satisfactorily compensated for and the sensitive restoration of the site provides an opportunity to enhance biodiversity.

- 10.21 This proposal would involve the use of inert excavation and demolition waste to restore the old quarry void and so is unlikely to lead to the contamination of land in the vicinity of the site or the production of leachate which could enter surrounding surface and ground water sources.
- 10.22 The regulation of day to day operations at such sites is dealt with via an Environmental Permit which is issued by the Environment Agency prior to any waste disposal operations taking place. The Environment Agency has been consulted and has no objections subject to the applicant obtaining the necessary Environmental Permit.
- 10.23 It is therefore considered that this proposal would not conflict with UDP policy WD5 (iv), (vi) and (vii) or Section 11 of the NPPF with regard to the development's potential effect on the local Environment.

Highway issues

- 10.24 The highway infrastructure surrounding the site is poor particularly approaching the site from the west via Gynn Lane and Brockholes Lane. However, the applicant has indicated that he intends to access the site from the east and proposes to carry out highway improvement works east of the site on Hall Ing Road which would involve the creation of new passing places and the upgrading of existing lay-bys.
- 10.25 The applicant has provided Transport statement in support of their application. This assessed the likely impact that would be caused by the development on the surrounding highway network. It concluded that the limited number of vehicles visiting the site on a daily basis would have little noticeable impact on daily traffic fluctuations and that the highway improvements proposed by the applicant would minimise the potential for vehicular conflicts along Hall Ing Road.

- 10.26 The two previous planning permissions were the subject of a section 106 agreements which restricted the route of heavy vehicles visiting the site. These agreements required that all heavy vehicles approach the site from the east via Storthes Hall Lane, Farnley Road, Greenside Road, Marsh Hall Lane and Hall Ing Road. It is therefore proposed that any subsequent planning permission should be subject to such an agreement.
- 10.27 Whilst it is accepted that the highway infrastructure in the area is poor, cognisance has been given to the proposed method of accessing the site, the length of time required to complete the development, the relatively low number of vehicular movements and the proposed improvements to Hall Ing Road. As a result Officers consider this proposal is acceptable on highway safety grounds. Consequently it is considered that the proposal does not conflict with UDP policies T10, WD5 (ii)

Representations

- 10.28 As previously indicated 1 letter of objection has been received in relation to this proposal. The concerns raised and responses can be summarised as follows:

The proposal would lead to nuisance associated with noise and dust

Response: These matters have been considered within the “Residential Amenity” section of the report.

The proposal could lead to the site and adjacent land being polluted

Response: These matters have been considered within the “Environmental issues” section of the report.

The local ecology would be detrimentally affected

Response: These matters have been considered within the “Environmental issues” section of the report.

The increase in HGV traffic would be detrimental to highway safety

Response: These matters have been considered within the “Highways issues” section of the report.

11.0 CONCLUSION

- 11.1 Whilst the use of land for the importation of inert material would in itself be inappropriate development within the Green Belt, it is considered that the very special circumstances would outweigh any potential harm to the Green Belt.
- 11.2 The engineering works to remodel and re profile the site using imported inert material would result in an acceptable final landform which would return the site to an agricultural use and whilst the engineering works would have some limited impact upon the openness of the Green Belt, it is considered that the openness of the Green Belt would still be preserved and that the development would not conflict with the purposes of including land within it. It is therefore

considered that the engineering operations proposed would not be inappropriate within the Green Belt.

11.3 This proposal would involve the import of a relatively modest quantity of inert waste over a maximum period of 1 years resulting in 16 vehicle movements (8 in 8 out). Whilst this proposal would have a short term impact on the amenity of the area, it is considered that the proposed mitigation measures would satisfactorily limit the adverse effects associated with this development.

11.4 Furthermore the subsequent restoration of the site would tie in well with the wider surrounding landscape and would provide an opportunity to enhance local biodiversity through strategic planting and habitat creation. It is therefore considered that the long term benefits associated with allowing development would outweigh the limited detrimental effects likely to be experienced during the course of the backfilling and land forming operations. Furthermore it is considered that this proposal would not have a significant detrimental impact on the amenity of the area or highway safety and would comply with both local and national policy guidance.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Standard 3 years to implement permission
2. 12 month time limit to complete the development from date of commencement
3. Standard condition requiring development to accord with approved plans
4. Access restricted that shown on approved plans
5. No landfill to commence until sight lines across the site frontage have been formed
6. Submission of detailed scheme relating to creation and upgrading of passing places on highway approaching the site
7. Implementation of approved scheme relating to creation and upgrading of passing places prior to development commencing
8. Gates at the site entrance to be set back
9. Areas to be used by vehicles on site to be satisfactorily surfaced
10. Requirement to clean vehicles prior to entering the public highway
11. Restriction on HGV movements (8 in 8 out per day)

12. Adequate provision on site for the storage of any oils/fuels etc. for plant and equipment
13. Requirement that only inert waste is used in the development
14. Preclusion of crushing and screening of waste on site
15. Requirement to strip existing soils prior to deposit of waste
16. Requirement to provide a detailed restoration scheme within 3 months of commencement
17. Requirement to adequately prepare/cultivate the final surface prior to restoration
18. LPA to be given opportunity to inspect final surface once prepared
19. Requirement to use a minimum depth of topsoil across the site
20. Requirement to remove haul road and restore the land
21. Restriction on hours of operation to 09:00 to 15:00 hours Monday to Friday only
22. Requirement to submit a scheme which indicates how noise emissions from the site will be minimised
23. Requirement to submit a scheme which indicates how dust emissions from the site will be minimised
24. requirement to submit details of the design of any gate, wall or fence used on site
25. No storage of waste skips or containers on the site
26. Requirement to provide a method statement with regard to environmental protection and enhancement proposals
27. No burning of any materials on site
28. Requirement to avoid bird nesting season during landfilling operation or to ensure no nests will be detrimentally affected
29. Requirement to provide details of a temporary protective fence adjacent to the active tipping area.
30. Requirement to replace any planting, seeding or trees which dies during a 5 year period after site restoration has been completed

Background Papers:

Application and history files .

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93268>

Certificate of Ownership – Notice served on Kirklees Council on 22 September 2016 with regard to that part of the site falling within the public highway.



Originator: Adam Walker

Tel: 01484 221000

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 05-Jan-2017

Subject: Planning Application 2016/92254 Erection of 24 dwellings Land off Colders Lane, Meltham, Holmfirth

APPLICANT

Mr Kelly, J P Wild Ltd

DATE VALID

06-Jul-2016

TARGET DATE

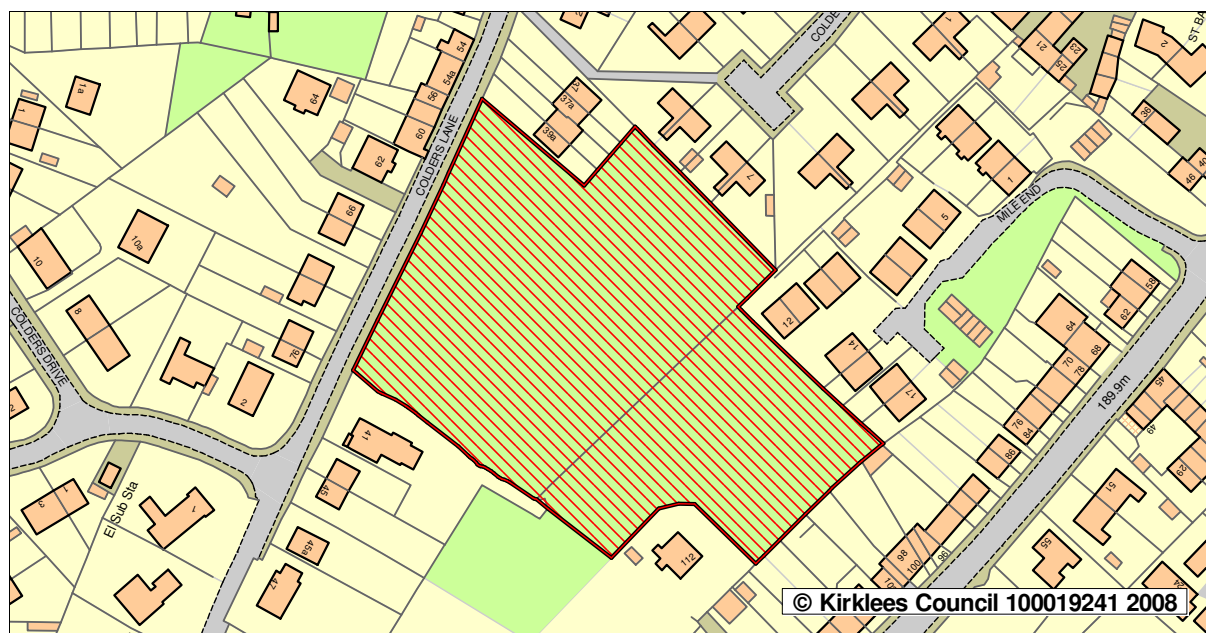
05-Oct-2016

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected:

Holme Valley North

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval to the Head of Development Management in order to conclude viability matters with the District Valuer in respect of the level of affordable housing that the development can stand, complete the list of conditions contained within this report (and any added by the Committee) and to secure a S106 agreement to cover the following matters:

- 1. Affordable Housing – subject to conclusion of viability matters**
- 2. Public open space provisions including off site commuted sum (£64,400) and future maintenance and management responsibilities of open space within the site**
- 3. Off-site highway works for junction improvements as proposed in the application.**
- 4. Contribution towards a sustainable travel fund (£10,650)**

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1** The proposals are brought forward to the Strategic Committee for determination in accordance with the Council's Scheme of Delegation, as the application represents a departure from the provisions of the Development Plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is approximately one hectare in size and principally comprises of a grass paddock with a smaller enclosed field to the southern part of the site. The land slopes gently in a north easterly and south easterly direction. The site lies in a residential area and is surrounded on all sides by housing which is of mixed type and design, including a row of listed cottages on the opposite side of Colders Lane.

3.0 PROPOSAL:

- 3.1 The application seeks full planning permission for the erection of 24 dwellings.
- 3.2 The dwellings predominantly comprise detached houses (18 in total) with two blocks of three no. terraced houses which are located towards the front of the site along Colders Lane.
- 3.3 Access for the development is off Colders Lane. The properties along the site frontage (8 no.) would have separate points of access and a new access road would serve the remainder of the dwellings.
- 3.4 Proposed facing materials are a coursed artificial stone and brick for the walls and artificial slate tiles to the roofs.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2012/90096 - Outline application for the erection of 27 dwellings – Approved by Sub-Committee 3rd April 2014 (Access & layout approved). Decision issued 31st December 2014.
- 4.2 1999/92545 - Outline application for the erection of residential development – Refused 5th November 1999 and appeal dismissed.

The application was refused for the following reason:

“The proposed road layout does not include a link road from Colders Lane to Wessenden Head Road contrary to Policy T9 and footnote 14 of Policy H6 (site ref 2.12) of the Unitary Development Plan. The residential development proposed would thus generate extra traffic on Colders Lane and on the highway network leading to Colders Lane. These roads are not of sufficient standard to cater for the extra traffic and the development would not be in the best interests of highway safety”.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The scheme has been revised during the course of the application in respect of the design of the dwellings along the site frontage in order to achieve a simpler appearance to these properties. The layout of the site has also been amended to increase spacing between some of the proposed dwellings and to

increase the separation distances to some neighbouring properties. There have also been revisions to the highway layout and some of the parking.

6.0 PLANNING POLICY:

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site is allocated for housing on the Unitary Development Plan Proposals Map.

BE1 – Design principles
BE2 – Quality of design
BE12 – Space about dwellings
BE23 – Crime prevention
D2 – General development principles
G6 – Land contamination
NE9 – Retention of mature trees
H1 – Housing needs of the district
H6 – Allocated housing sites
H10 – Affordable Housing
H18 – Provision of open space
T10 – Highway Safety
T19 – Parking Standards
EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

- 6.3 K.C. Supplementary Planning Document (SPD2) – 'Affordable Housing'

National Planning Guidance:

6.4.1 The following parts of the NPPF are relevant:

Core planning principles
Chapter 4: Promoting Sustainable Transport
Chapter 6: Delivering a wide choice of high quality homes
Chapter 7: Requiring good design
Chapter 8: Promoting healthy communities
Chapter 11: Conserving and enhancing the natural environment
Chapter 12: Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was initially advertised by neighbour letter, newspaper advertisement and site notice. Representations: 11 received

7.2 Representations summarised as follows:

General principle:

- Unsuitable location for new development
- Previous refusal of planning permission on the site
- Loss of Greenfield site

Highways:

- Impact of additional traffic on Colders Lane and local road network including the Station Street/Westgate junction
- Road network unsuitable to accommodate extra traffic
- Cumulative impact of this and other planned developments on local highway network
- Highway safety concerns
- A link road going to or from the development is not sustainable
- Concerns that there will be an increase in on-street parking along Colders Lane
- Some of the listed properties opposite the site do not have off-street parking
- Highways information submitted is misleading
- No provision of a Colders Lane-Wessenden Head link road

Amenity/character:

- Overlooking/loss of privacy
- Loss of open land/green space within Meltham; many other areas of open land have been built on. Detrimental impact on the character of the village.
- Housing would be intrusive/visual impact of housing/loss of view
- Noise pollution
- Loss of light

Drainage:

- Concerns with proposed drainage strategy
- Impact on drainage by loss of field
- Impact on existing drainage infrastructure

Other matters:

- Loss of grazing land
- Impact on coal mining features below the site.
- Concerns around ground instability; work may affect adjacent properties
- Impact on local infrastructure (schools, medical facilities etc)
- Site requires environmental protection
- Impacts arising from the construction of the development
- Questionable demand for housing in this area
- Negative impact on property values

7.3 Following an amendment to the site layout a neighbour letter was sent to an adjacent property that would potentially be affected by the change. No comments were received in response to this letter.

7.4 The application was subsequently re-advertised by site notice and press advert because the original publicity did not refer to the fact that the development represents a departure from the Unitary Development Plan. This publicity expires on 2nd January 2017 and any represents received will be reported to the committee in the Update.

7.5 Meltham Town Council: - “The Council supports the application”

7.6 No comments received from ward councillors.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

8.1.1 K.C. Highways Development Management: - No objections subject to conditions

8.1.2 The Coal Authority:- No objection subject to conditions

8.1.3 The Environment Agency:- No comments received

8.1.4 K.C. Strategic Drainage: – No objections in principle. Awaiting further information on flood routing within the site.

8.2 Non-statutory:

8.3 K.C. Environmental Services: - No objection subject to conditions

8.4 KC Trees Section: - No objections

8.5 K.C. Landscape: – Off-site contribution of £64,400 is required towards existing provision and facilities in Meltham area. Potential for some on-site POS to be provided where the attenuation tank is located.

- 8.6 K.C. Environment Unit:- No objection subject to condition requiring a biodiversity management plan
- 8.7 K.C. Strategic Housing: – There is a need for affordable housing in this housing market area.
- 8.8 Yorkshire Water: - No objections subject to conditions.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The application seeks planning permission for 24 dwellings on land allocated for housing on the adopted development plan.
- 10.2 Outline planning permission for 27 dwellings on the site was approved by the Sub-Committee in 2014. Access (off Colders Lane) and layout were approved.
- 10.3 The principle of the development is accepted in accordance with the site's allocation and where the principle of residential development for a similar number of dwellings has already been established under the extant outline consent.
- 10.4 Paragraph 14 of the National Planning Policy Framework (NPPF) outlines a presumption in favour of sustainable development. For decision-taking this means 'approving development proposals that accord with the development plan without delay'.
- 10.5 In respect of planning policies related specifically to housing in the UDP, consideration must be made as to whether these can be classed as 'up to date' following the publication of the NPPF. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.

- 10.6 This site is considered to be greenfield (i.e. not previously developed). The NPPF encourages the effective use of land by reusing land that has been previously developed (Brownfield land) but it does not set out a 'brownfield first' approach to development (unlike previous planning policy).
- 10.7 Policy H6 (Site allocated for Housing) of the UDP is relevant to any proposals on the site and with this policy in mind the proposed development in principle would appear to be acceptable subject to there being no undue harm caused to visual or residential amenity, highway safety, the environment, or other material considerations. Under Policy H6 of the UDP, this site is identified for housing under site no. H2.12 and has an estimated capacity of 27 dwellings.
- 10.8 A footnote attached to this specific housing allocation states: "the internal road layout to provide a through link road between Colders Lane and Wessenden Head Road to be completed prior to the occupation of dwellings". The main policy basis for the requirement for the link road was Policy T9 of the UDP which identified a number of specific highway improvement lines across the district. The preamble to Policy T9 explicitly states that the link road between Colders Lane and Wessenden Head Road is required specifically to facilitate development on this housing allocation. However, Policy T9 was not saved in September 2007 because it was deemed to provide unnecessary detail of minor improvement lines.
- 10.9 The proposed site layout does not make provision for the safeguarding of a link road and, whilst there is no longer a direct development plan policy relating to the safeguarding of the improvement line, the UDP still includes reference to its provision within a saved policy – albeit as a footnote – and it therefore remains a material consideration. The need for a link road to facilitate the proposed development is covered in the 'highways' section of this assessment but under application 2012/90096 it was concluded that the link is no longer required to facilitate development of the site and it is considered that this remains the case.

Urban Design and heritage issues

- 10.10 Policies BE1 and BE2 of the UDP highlight the importance of achieving good design which is also a main objective set out in chapter 7 of the NPPF (requiring good design), with paragraph 56 stating that "the Government attaches great importance to the design of the built environment".
- 10.11 The site is immediately surrounded by existing residential development of mixed type, age and design. This includes a terrace of Grade II listed cottages towards part of the site frontage.

- 10.12 The scheme mainly comprises reasonably well spaced detached properties with two small blocks of terraced houses towards the site frontage with Colders Lane. All of the dwellings are two storeys in height.
- 10.13 The design and layout of the scheme has been amended during the course of the application. This is so as to simplify the appearance of the properties along the site frontage so that the development sits more comfortably within the streetscene and better respects the character of surrounding development. For example, a dormer style window has been removed from plot 24 and the dwelling given a consistent ridgeline; canopies have been removed from plots 4 and 5 and replaced with a stone head and jamb, as well as on plot 11 which is relatively prominent because of its position in relation to the access road. Additional chimneys have also been added to the frontage properties to give a more consist design approach in this respect. The applicant has sought to retain bay windows to plots 23 and 24 and on balance these features are considered to be acceptable, particularly because there are bay windows on some of the dwellings on the opposite side of Colders Lane.
- 10.14 Parking for plots 1-3 is within a shared courtyard arrangement to the front of these houses. It is important that the visual impact of this parking is softened, particularly given the proximity to the listed cottages opposite. It is proposed that the parking spaces would be enclosed by a 0.9m high rail fence with shrub planting behind. The applicant was approached about replacing the rail fence with a stone wall along the front boundary of plots 1-5 to match the boundary treatment to the front of plots 22-24 however it was advised that this would not be feasible because of the need to provide an easement around some drainage infrastructure that is to be installed to the front of these plots. If this infrastructure is adopted by Yorkshire Water then they are likely to object to any walls that are running parallel to the easement because it makes future maintenance/renewal of the infrastructure more difficult. A rail fence is perceived as being less onerous in this regard. Considering this practical issue and the fact that the rail fence maintains some of the agricultural feel of the existing site and can also be supplemented with some attractive planting, on balance officers are satisfied with the proposed front boundary treatment.
- 10.15 Appropriate surfacing of the parking courtyard would also help to soften the visual impact of this element of the scheme. The applicant has offered to provide paving to the shared surface with tarmac to the actual parking spaces. It is considered that a paved surface should be provided across the entirety of the courtyard to give a consistent appearance. This can be conditioned.
- 10.16 Off-street parking is provided to the front of plots 22-24 although this is broken up slightly by sections of stone walling which helps to mitigate the visual impact. Parking for plot 22 also includes a space to the side of the dwelling which is unobtrusive. Plots 4 and 5 are able to park well back from Colders Lane. Overall officers are generally satisfied that off-street parking would not be an overly dominant feature of the streetscene.

- 10.17 The general design of the dwellings is considered to be acceptable and provides variation throughout the development. The scale of the proposed dwellings (two storeys) is appropriate for the surrounding context. The layout allows for a reasonably spacious development that provides a sense of openness; this has been helped by an amendment to the site layout which has increased the spacing between some of the proposed detached dwellings. The area where the surface water storage tank is to be located would be soft landscaped and allows for a very spacious feel to the south eastern part of the site.
- 10.18 In terms of materials it is proposed to face a proportion of the dwellings in artificial stone and a proportion of them in brick. The eight properties along Colders Lane would be artificial stone. The applicant has confirmed agreement to using an artificial slate tile for the roofs.
- 10.19 There is a mixture of materials in the surrounding area although natural stone predominates in the immediate vicinity of Colders Lane (including the nearby listed cottages) with some artificial stone being present. Red brick is also prevalent within the wider area, including to the northeast boundary on Colders Green. In principle the use of a good quality artificial stone and brick is acceptable although the applicant was approached about using natural stone to the eight houses along the site frontage given the proximity of the listed buildings and predominance of natural stone on the properties on the opposite side of Colders Lane. In response the applicant provided a specification of the stone material they intend to use (Marshalls Cromwell rustic weathered) which they consider to be a good quality alternative to natural stone. On balance the proposed material is considered to be of sufficient quality to be acceptable and would preserve the setting of the listed buildings and would harmonise with the wider streetscene.
- 10.20 On issues of urban design officers are satisfied that the amendments to the scheme have made it acceptable. The development would also preserve the setting of nearby designated heritage assets. The application complies with Policies BE1 and BE2 of the UDP and guidance in the NPPF.

Residential Amenity

- 10.21 Policy BE12 of the UDP sets out the Council's policy in relation to space about buildings.
- 10.22 New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified in the policy will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design, no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises or potential development land.
- 10.23 The proposed site layout is considered to provide acceptable separation distances between the new dwellings and surrounding residential properties.

- 10.24 An amendment to the scheme has been sought in order to mitigate the impact of the scale and mass of plot 14 on an adjacent bungalow (15 Mile End). This neighbouring property is set down slightly from the site and has a conservatory to its rear elevation which brings habitable accommodation quite close to the site boundary. Plot 14 has been moved further away from 15 Mile End allowing for 12.5m (approx.) and 15.5m separation distances between the gable end of plot 14 and the conservatory and original rear wall of 15 Mile End respectively. These separation distances, which exceed the minimum acceptable distances set out in Policy BE12, are on balance considered to be acceptable. There are no windows in the side of plot 14 and a condition can be imposed to restrict any windows in the future which will protect the privacy of the neighbour.
- 10.25 There has also been an amendment to plot 21 to increase the separation distance between habitable windows in the rear wall of this dwelling and 41 Colders Lane. Whilst there is an indirect relationship between these two properties the separation distance has been increased to achieve a minimum separation of circa 20m between habitable windows.
- 10.26 The separation distance between some ground floor dining room windows within plot 7 and the rear walls of 9 and 10 Colders Green is 20.5m which represents a shortfall of 0.5m in terms of Policy BE12 standards. This shortfall would not demonstrably prejudice amenity and in any event existing and proposed boundary treatment/planting would provide screening. It is to be noted as well that the neighbouring properties on Colders Green are set on a lower level than the application site with their rear gardens abutting the site boundary; plots 7-9 are however all well separated from the boundary with adjoining houses on Colders Green (minimum separation 12.5m).
- 10.27 The layout provides acceptable separation to all other existing properties surrounding the site. A restriction on the formation of windows in the side of plots 1 and 22 is recommended to prevent direct overlooking of adjacent property.
- 10.28 The proposed site layout generally meets the council's space about buildings policy (BE12) with respect to separation distances between the new dwellings within the site. There are a small number of instances where separation distances are not met, for example between habitable windows and blank gables/non-habitable windows but officers are satisfied that an acceptable standard of amenity would nevertheless be provided. There is also a fairly close relationship between main windows within plot 12 and plot 19 although this is mitigated by the orientation of the dwellings which gives an indirect relationship.
- 10.29 The site lies within a residential area and the scale of the development is such that it would not create, or be affected by, any significant air quality or noise issues, for example from traffic generation. Environmental Services has not raised any objections in this regard.

Landscape issues

- 10.30 Some open space is provided within the site where the attenuation tank is located but this is unlikely to provide any meaningful POS and essentially allows for an area of soft landscaping to be provided that helps to build-in a sense of openness to the development. It is envisaged that this area would principally be an area of grass or possibly a wildflower meadow with some potential for shrub or tree planting although it is important that the roots of any such planting do not damage the attenuation tank. A detailed scheme for the landscaping of this area can be secured by condition. It will also be necessary for the future maintenance and management responsibilities for this space to be agreed under the S106.
- 10.31 The layout shows some small ornamental trees to the front of some of the properties and small trees to be planted within the rear gardens of a number of the plots. Limited areas of shrub and hedge planting are also proposed. Whilst not extensive, the planting helps to soften the appearance of the development.

Housing issues

- 10.32 The proposal would bring forward a housing development on a housing allocated site that would boost the supply of housing in this part of the district. The quantum of development is considered to be appropriate for the size of the site and takes the opportunity for optimising the development potential of the land whilst still respecting the character of the surrounding area and the amenity of existing and future occupiers. In this regard the development is considered to be in accordance with the NPPF.

Highway issues

- 10.33 The site is situated to the southeast of Colders Lane in a predominantly residential area around 300 metres southwest of Market Place. Colders Lane is a residential access road, with a carriageway width of around 5.3 to 5.5 metres wide and footways to both sides. Colders Lane is lit to side road standards and is subject to a 30mph speed limit.
- 10.34 It is proposed to access the site from Colders Lane via a priority junction. Acceptable visibility splays are provided where the new junction meets Colders Lane (2.4m x 43m).
- 10.35 The properties along the site frontage take direct access from Colders Lane with the remainder accessed via the new estate road.
- 10.36 The internal layout takes the form of a residential estate road for the first 25m and leading to cul-de-sac which incorporates a turning head that is of sufficient size to accommodate a refuse vehicle.

- 10.37 Parking provision for the development is considered to be acceptable following an amendment to plots 9, 11, 14, 15 and 17 to 20. Acceptable gradients are provided across the site.
- 10.38 An assessment of the traffic generated by 27 dwellings on this site and the impact on the local highway network, including the Westgate/Station Road junction, was undertaken as part of the previous outline application. The current proposal is for three fewer dwellings and officers remain satisfied that the traffic generated can be accommodated on the local highway network without causing any significant adverse impacts.
- 10.39 The application proposes some minor improvement works around the junction of Colders Lane and Greens End Road and the junction of Greens End Road and Mill Moor Road. The works involve the provision of a 2m wide footway which help to improve visibility at the Colders Lane junction. These works were required as part of the previous outline application and are also considered to be necessary for the current scheme to make the development acceptable in highway safety terms. The works are to be secured via S106/planning condition.
- 10.40 As mentioned earlier in this report, a footnote attached this housing allocation requires the provision of a link road between Colders Lane and Wessenden Head Road (Improvement Line 496). As with the consented outline scheme, the current proposal does not include the provision of a link road between Colders Lane and Wessenden Head Road. This issue was considered in detail under the previous outline application whereby it was considered that based on current guidance it would be difficult to justify the need to provide the link road to facilitate development of this site. Officers therefore accept that the development is acceptable despite the link road not being provided.
- 10.41 In summary the application is considered to comply with Policies T10, T19 and BE1 of the UDP. A condition requiring remediation works to Colders Lane following the construction of the development is recommended along with a condition for a construction management plan. These conditions will help to mitigate the impact of the construction of the development on the local community.

Drainage issues

- 10.42 The surface water drainage strategy for the development has been revised during the course of the application and it is proposed that all 24 properties will connect to an adjacent public sewer to the rear (south east) of the site via an attenuation tank. Water will discharge at a restricted rate. This is acceptable to Kirklees Flood Management and Drainage.
- 10.43 The surface water strategy as originally proposed involved eight properties connecting to a surface water sewer in Colders Lane and sixteen properties connecting to the public sewer at the rear of the site. Yorkshire Water raised no objections to this and it is unlikely that the revised strategy would materially

alter their position; comments have nevertheless been sought from Yorkshire Water in response to the revised drainage strategy.

- 10.44 There is a small watercourse that crosses the site from west to east and connects to Mile End. The watercourse is to be diverted. It was originally proposed to divert the watercourse around the proposed attenuation tank and reconnect to the existing pipe in Mile End (similar to the outline consent). However the applicant has submitted a revised plan which shows the route of the culvert connecting to a watercourse within Colders Lane. Officers have a number of concerns with this; the route of the diverted culvert has several sharp bends (including 90 degree bends) which will affect hydraulic performance and the route of the culvert passes through a number of the plots and close to proposed houses - this does not allow for acceptable easements to be provided and unnecessarily imposes obligations on future property owners. Furthermore, under the previous outline application the only concern raised by the Environment Agency was that the diversion of this culvert involved 90 degree bends which would affect its performance and as such the exact route of the diversion was not approved at that time.
- 10.45 The applicant has been asked to revert back to the original proposal and have the culvert connect to Mile End. The Environment Agency has not provided formal comments on the current application but officers are satisfied that their previous concern would also be addressed by this.
- 10.46 In terms of flooding, officers have raised a concern with flood routing within the site because plots 7 and 8 appear to be particularly vulnerable given the levels of these properties and position in relation to the access. As such amended information has been requested from the applicant to demonstrate that overland water flows would not present an unacceptable risk to future occupiers of these plots. An update on this issue will be provided to the committee in due course. The site levels indicate that the risk of flooding to plot 14 can be mitigated to an acceptable extent.
- 10.47 Subject to amendments addressing the aforementioned issues and subject to conditions, officers are satisfied with drainage and flood risk matters. The application is therefore considered to comply with Policy BE1 (iv) of the UDP and chapter 10 of the NPPF.

Ecology issues

- 10.48 Ecology information has been submitted with the application which confirms that the site is of limited ecological value. As such the development would not give rise to any significant adverse ecological impacts. Biodiversity enhancement can be secured through conditions and officers consider that this should be aimed at providing appropriate bird nesting opportunities. Landscaping within the site should also comprise native species. Subject to conditions, the application is considered to satisfy Policy EP11 of the UDP and chapter 11 of the NPPF.

Contamination/coal mining legacy issues

- 10.49 Kirklees Environmental Services are satisfied with the information provided in respect of the ground investigations that have been carried out and have recommended conditions regarding details of a scheme for the remediation of the site.
- 10.50 The Coal Authority has been consulted and concurs with the recommendations of the submitted Coal Mining Risk Assessment information. Coal mining legacy potentially poses a risk to the proposed development and additional intrusive site investigation works and remedial works to treat the areas of shallow mine workings should be undertaken prior to development in order to address coal mining legacy issues on the site. This matter can be dealt with by conditions.

Representations

- 10.51 The main issues raised in the objections concern the principle of development, highway impacts, residential and visual amenity and drainage matters. All of these issues have been addressed within this report. Concerns have been raised in relation to the impact on local facilities and services such as schools and medical facilities; the development does not trigger an education contribution and the provision of medical facilities is a decision for medical providers, which is influenced by local population statistics. The other issues raised do not materially alter the assessment of the application.

Planning obligations

Affordable housing:

- 10.52 UDP Policies H10 and H12 together with the Council's Supplementary Planning Document set out the requirement for affordable housing.
- 10.53 Current Council guidelines specify that the Council aspires to secure 15% of the development floor-space for affordable housing on brownfield sites, and 30% of the development floor-space for affordable housing on greenfield sites. An interim affordable housing policy has however recently been adopted by the Council reflecting the draft Publication Local Plan Affordable Housing policies. The interim policy is based on the affordable housing policy in the emerging draft local plan and is therefore underpinned by up-to-date evidence of the viability of schemes within the District can likely afford where at least 20% of total dwellings on sites are allocated for affordable housing, with a split of 55-45% social rented to sub market tenure. This informal policy forms guidance to be read in conjunction with SPD2 and is a material consideration when determining planning applications.
- 10.54 The development exceeds the threshold for affordable housing provision and on this scheme the requirement would be five of the twenty-four units to be affordable (which equates to 20.8%).

- 10.55 Information on the viability of the scheme has been submitted with the application and this has been independently assessed by the District Valuer (DV). The assessment concludes that the scheme is not viable with the full affordable housing requirement however it is viable at a slightly reduced level whereby four on-site affordable units are provided (which equates to 16.6%).
- 10.56 The applicant has however queried some of the assumptions made by the DV around the abnormal costs associated with developing this site and thus the overall conclusions of the viability appraisal in respect of affordable housing are disputed. The construction costs that the developer considers to be necessary for this site - such as specialised grouting, piled foundations and reinforced concrete footings - as well as costs associated with dealing with contamination and mine shafts are not properly reflected in the DV's assessment in the applicant's opinion.
- 10.57 The DV has advised that they require input from a Quantity Surveyor in order to establish whether all of the abnormal costs are reasonable. This will however take time to resolve, with the DV advising that it is likely to be March next year before they have the resources to carry this assessment out.
- 10.58 In the circumstances officers are seeking delegated authority to enable the DV to reappraise the scheme with specific regard to the applicant's abnormal costs and to subsequently allow officers to complete negotiations on the level of affordable housing. It is to be noted that the other planning obligations as detailed below would be unaffected by the reappraisal and it is only the level of affordable housing provision that is to be finalised.

Public Open Space:

- 10.59 The site is over 0.4 ha and therefore triggers the requirement for the provision of public open space. No public open space is specifically being provided within the site and based on the number of dwellings an off-site contribution of £64,400 is required towards provision and facilities in the Meltham area. This money is to be secured via a planning obligation (S106) and this will also need to specify the site(s) where the money would be spent.

Education:

- 10.60 The number of dwellings proposed is below the threshold for an education contribution.

Sustainable travel fund:

- 10.61 Under the previous outline application a financial contribution was secured towards the provision of Metro Cards for the future occupiers of the development. It is considered that a similar contribution should be provided under the current application to enable the development to meet local and national sustainability objectives; the money would be used to fund sustainable travel incentives such as discounted residential Metro Cards,

cycle purchase schemes, car sharing promotion and car club use. The contribution is £10,650 to be secured by S106.

Other Matters

Air quality:

- 10.62 NPPF Paragraph 109 states that “the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution. On small to medium sized new developments this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition.

11.0 CONCLUSION

- 11.1 The principle of development is accepted on this allocated housing site where there is also an extant outline consent. The proposal represents a reduction in the amount of development in comparison to the outline scheme.
- 11.2 The layout, scale and design of the development would be in keeping with the character of the area and would preserve the setting of nearby designated heritage assets. Amendments to the scheme have made the impact on residential amenity acceptable.
- 11.3 The development would not prejudice highway safety and officers are satisfied that the site can be adequately drained.
- 11.4 The development provides benefits in terms of off-site public open space and some localised junction improvements with the potential for some on-site affordable housing.
- 11.5 The development complies with relevant local and national planning policies.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Time limit condition
2. Development in accordance with approved plans
3. Approval of samples of materials
4. Scheme for construction and specification of the access road
5. Scheme for off-site highway works at Colders Lane/Greens End Road junction
6. Construction management plan
7. Condition survey and remedial works to Colders Lane
8. Private parking spaces surfaced in permeable material
9. Surfacing of courtyard for plots 1-3
10. Landscaping scheme for area where attenuation tank is located (based on native plant species)
11. Restriction on windows being formed in the side walls of plots 1, 14 & 22
12. Detailed drainage scheme to be submitted and approved
13. Scheme for bird nesting opportunities
14. Provision of electric vehicle charging points
15. Remediation scheme for contaminated land
16. Intrusive site investigation report and remediation strategy to deal with coal mining legacy

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92254>+

Certificate of Ownership – Certificate A signed.



Originator: Farzana Tabasum

Tel: 01484 221000

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 05-Jan-2017

Subject: Planning Application 2016/92633 Erection of 128 dwellings (with two apartment blocks) including means of access and associated infrastructure Heathfield Lane, Birkenshaw, BD11 2HW

APPLICANT

Mark Jones, Barratt
David Wilson & Moonfleet
Property LLP

DATE VALID

18-Aug-2016

TARGET DATE

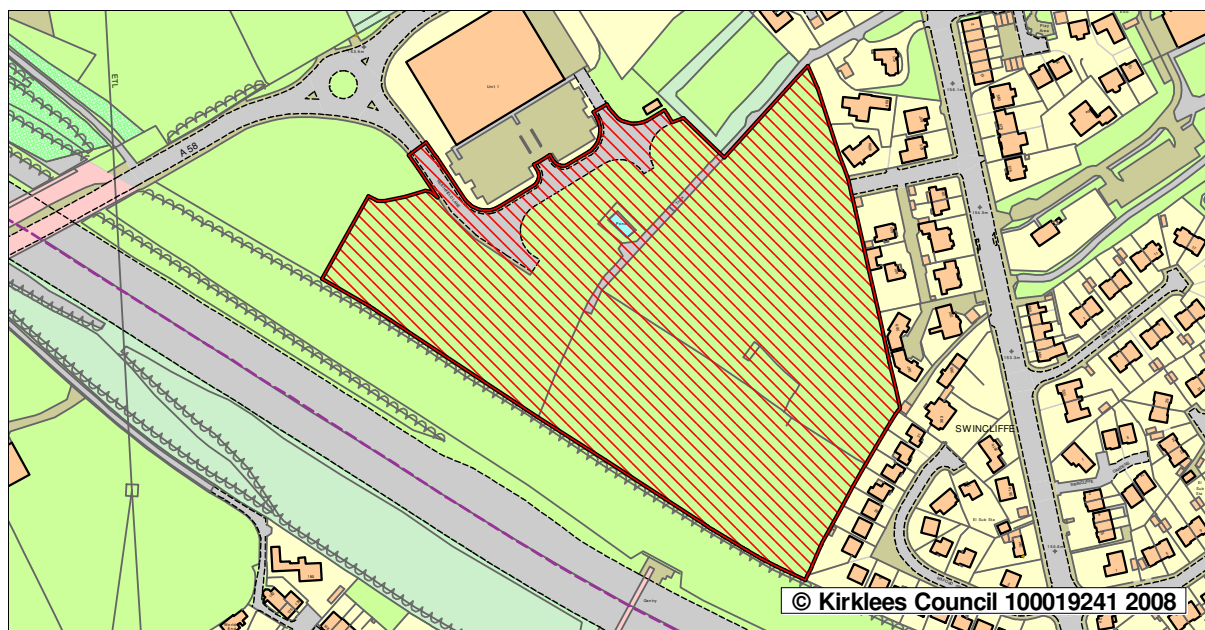
17-Nov-2016

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Birstall and Birkenshaw

Y

Ward Members consulted
(referred to in report)

RECOMMENDATION: POSITION STATEMENT

For Members to note the content of the report and presentation and respond to the questions at the end of each section

1.0 INTRODUCTION:

- 1.1 The application is brought to Strategic Committee as the proposed development would represent a departure from the Council's Unitary Development Plan.
- 1.2 The Council's Officer-Ward Member Communication Protocol provides for the use of Position Statements at Planning Committees. They set out the details of the application, the consultation responses and representations received to date and the main issues with the application. Members of the Committee will be able to comment on the main issues to help inform officers and the applicants. This is not a formal determination, it does not predetermine Councillors and does not create any issues of challenge to a subsequent decision on the application by the Committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located to the south-west of Birkenshaw and is approximately 3.9 hectares in area with a landscape bund of approx. 3m in height to the east and south-east boundary with existing residential dwellings set in a linear form beyond. To the north-west of the site is the 'Park House Healthcare' building, separated from the proposed site by an access road. To the south-west of the site is the M62 motorway which is set within a cutting.
- 2.2 The Swincliffe Bridleway dissects the site in an east to west direction. Where the Bridleway enters the site from the east, it is flanked by mature trees. The Bridleway is cut off by the M62 motorway to the west. Access to the site is from Heathfield Lane, south west of the Park House Healthcare building, which also serves a recently constructed Green King public house/restaurant, lying in the north-west corner above the application site.

3.0 PROPOSAL:

- 3.1 The application is submitted in full for the erection of 128 dwellings.
- 3.2 The proposed development includes a mix of 2 bed apartments (two blocks, three storey in height), 2, 3, and 4 bedroom mews style, semi-detached and detached dwellings with heights ranging from 2 - 3 storey. The submitted layout shows a single point of access from Heathfield Lane.
- 3.3 The proposed layout incorporates two formal areas of Public Open Space. The main area of POS (to the north-west corner of the site) would be overlooked by the proposed apartment blocks, the other area to the eastern boundary would act as a buffer between existing properties to Bradford Road.
- 3.4 Parking is to be provided by a mix of private driveways, forecourt areas and street-side visitor bays. External facing materials are mainly proposed to be brick using a selection of different colours. Roof tiles are proposed to be a mix of grey and red tiles. Street scenes and site section details have been submitted to demonstrate the relationships between the new dwellings and the existing site levels and site features.

4.0 RELEVANT PLANNING HISTORY:

2002/92117 – demolition of farmhouse and outbuildings. Outline application for erection of Class B1 Business and Industrial development – granted June 2005

2005/90758 – erection of office and B1 Light Industrial building - Conditional Full Permission Aug 2005

2006/91735 – erection of three storey B1 Office Block with external car parking – granted November 2008

2011/92862 – Extension to time limit for previous permission 2006/91735 for erection of three storey B1 Office Block with external car parking – granted Jan 2012

2014/92644 – erection of Class A3/A4 amenity restaurant and three manager/ staff apartments, office and storage associated access, car parking and landscaping - Conditional Full Permission Jan 2015

2015/93437 – Non Material Amendment to previous permission 2014/92644 for erection of class A3/A4 amenity restaurant and three manager / staff apartments, office and storage with associated access, car parking and landscaping. Approved 23/11/2015

2015/91123 – Discharge of conditions 13. (highway works) 18. (construction plan) 19. (landscaping) 20. (drainage) 23. (surface water) on previous permission no.2014/92644 for erection of class A3/A4 amenity restaurant and

three manager / staff apartments, office and storage with associated access, car parking and landscaping. Approved 03/08/2015

2015/90919 – Discharge of conditions 3. (Phase II Intrusive Site Investigation Report) and 4. (Remediation Strategy) on previous permission no.2014/92644 for erection of class A3/A4 amenity restaurant and three manager / staff apartments, office and storage with associated access, car parking and landscaping. Approved 14/05/2015

2015/90712 – Discharge of conditions 7. (noise) 8. (air pollution) 9. (plug-in electric vehicles) 10. (artificial lighting) 12. (parking) 22. (drainage) 24. (bridleway) and 25. (parking) on previous permission no. 2014/92644 for erection of class A3/A4 amenity restaurant and three manager / staff apartments, office and storage with associated access, car parking and landscaping. Approved 11/03/2015

2014/92644 – Erection of class A3/A4 amenity restaurant and three manager / staff apartments, office and storage with associated access, car parking and landscaping. Approved 30/01/2015

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application has been the subject of pre application discussions and from the information submitted the applicants have actively carried out public consultation, the evidence of which is submitted formally through a Statement of Community Involvement report. Ward Members have been briefed about the scheme by representatives of the applicant prior to the application being submitted and during the course of the application by the case officer. Negotiations have sought to address drainage, PROW, layout and highway issues. Requests have been made for further noise and air quality assessments to address the concerns raised by Environmental Health Officers.

Schedule of amendments and additional information received:

- Noise impact assessment received 27/09/16
- Amended layout to include apartment blocks & proposed bridleway route received 5/10/16
- Floor & elevation plans for apartments and agreement to amend description to include apartment blocks, received 13/10/16
- Amended Arboricultural Method Statement, received 18/10/16
- Additional cross sections (showing removal of earth mounds) received 29/11/16
- Amended drainage proposals and FRA, received 30/11/16
- Updated air quality assessment & response to Environmental Health Officers on noise and contaminated land issues received 02/12/16
- Revised layout, received 12/12/16
- Additional statement in relation to Starter Homes, received 13/12/16

6.0 PLANNING POLICY:

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).
- 6.2 The application site is allocated under Saved Policy B2 'Land for Business and Industry', and is identified as B14.9 – Swincliffe, Birkenshaw (B1 uses only) including an area allocated as a buffer zone.
- 6.3 The allocation of the application site under the emerging Local Plan is housing with the areas accommodating the existing business units including the Greene King public house/restaurant and a small section of the application site (in the north east part) to be without specific notation.

B2 – sites allocated for business & industry

B3 – Buffer zones within areas allocated for Business & Industry

B4 – Change of use of land and buildings last used for business or industry

BE1 – Design principles

BE2 – Quality of design

BE11 – Materials

BE12 – Space about buildings

EP4 – Noise sensitive development

NE9 – Retention of mature trees

T10 – Highway safety

T19 – parking provision

BE23 – Crime prevention

G6 – Land contamination

T10 – Highway safety

H10 – Affordable housing

H12 – Arrangements for securing affordable housing

H18 – Provision of open space

6.4 Supplementary Planning Guidance / Documents:

K.C. Supplementary Planning Document (SPD2) – 'Affordable Housing'

KMC Policy Guidance: 'Providing for Education Needs Generated by New Housing'

Manual for Streets (2007)

6.5 National Planning Guidance:

'Achieving Sustainable Development'

'Core Planning Principles'

Building a strong, competitive economy (chapter 1)

Requiring good design (chapter 7)

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Statement of Community Involvement:** The Council's '*Statement of Community Involvement*' entitled "Kirklees – the place to grow" was formally adopted in September 2015. It explains how Kirklees Council will work with local communities and stakeholders to develop planning policy documents such as the Kirklees Local Plan or guidance on specific issues). It also explains that involvement in the planning application process is outlined in the Kirklees Development Management Charter adopted in July 2015.
- 7.2** In line with the above the applicant has provided a Statement of Community Involvement (SCI) report. This states that a total of 487 invites were sent out to local residents and the wider community including local businesses in the vicinity of the application site, to engage the local community about the proposals and to gain an understanding of local views towards the proposals. A number of pre application meetings also took place between Officers and agent/applicant.
- 7.3** The SCI refers to an exhibition held at St Paul's Church Community Hall where a total of 61 local residents attended and 19 feedback forms were completed. Respondents mentioned the new supply of homes in the area and the fact that empty land would be brought into use. Some stated a preference for housing over industrial use, welcomed the affordable home provision on the site and recognised the economic benefits including employment. The fact that the houses were two not three storey was also welcomed.
- 7.4 Publicity:**
- 7.5** The Council has advertised the application in the press, by site notices and through neighbour letters on receipt. This is in line with the Councils adopted Statement of Community Involvement. Eleven representations have been received.

The concerns raised relate to:

- Additional traffic, inconsiderate parking & congestion would cause danger to the local residents and make existing traffic concerns worse
- Lack of green open space for public in area
- Further strain on the existing infrastructure from proposed development
- Doctors, dentist and schools in the area already at full capacity
- Disruption from noise and dust concerns to existing residents due to wind direction prevailing towards the west
- Extension to nos. 19 and 23 Milford Grove not shown on plans
- Potential overshadowing/overlooking and loss of light to nos. 21 and 23 Milford Grove from proposed properties, if three storey high, adjacent to these dwellings.

- Too close to existing properties and large dwellings on small plots.
- Existing speed limit between Hunsworth & Birkenshaw should be reviewed given the increase in traffic movement from the development.
- Concerns relating to gaining access for maintenance purposes to garage and hedge from occupiers of no. 403 Bradford Road and intrusion to their home.
- Privately owned gate adjacent to no. 403 not to be used for public and what plans are in place to permanently close off this fence gate.
- Will spoil the village feel and community.

Clarity is also sought on:

- The removal or retention of earth mound between existing and proposed properties.
- Retention of existing stone wall to garden areas of properties on Millford Grove and proposed fence to be on side of field.
- Green spaces to rear of properties on Milford grove and nos. 387, 389 & 401 Bradford Road.
- Overlooking into properties onto Milford Grove, what regulations control this aspect.
- Numbering of house type (346) adjacent to no. 21 and 23 Milford Grove not shown also clarity of house type to plot 79 is required.

- 7.6 Representations have been received from Ward Members Cllrs, Robert Light, Elizabeth Smage and Andrew Palfreeman who object to the principle of residential development on this business and industrial allocated site and to this application being presented to Strategic Planning Committee on the 5th January unless all relevant information has been received, shared with interested parties and made available for public comment, including the removal of the earth mound along the east and south east boundaries.

All three Ward Cllrs consider that the application should not be brought to Committee in any form as they state it is clearly incomplete in terms of details and process.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Environment Agency – no objections

Yorkshire Water - confirmed the amended FRA is satisfactory and raise no objections subject to the inclusion of conditions.

Coal Authority – no objections

Highways England – no objections and state “the travel plan appears to be reasonable in terms of promoting sustainable travel to/from the site. The development is in close proximity to the M62 and located near to an existing noise important area; as such it is respectfully requested this is taken into

consideration when assessing the application to ensure the mitigation offered is sufficient to ensure both noise and air quality impacts are addressed to avoid future complaints from residents”.

K.C Highways Development Management – support subject to contributions and conditions

8.2 Non-statutory:

K.C Public rights of way (PROW) – support subject to conditions

K.C Environmental Services – Significant health concerns to future occupants to proposed dwellings shown adjacent to motorway from Air Quality and noise impact from the motorway.

K.C. Arboricultural Officer – support subject to conditions

K.C Ecology & Biodiversity officer – support subject to conditions

K.C Flood Management and Drainage – support subject to conditions and long term maintenance of surface water drainage system through S106, until formal adoption.

K.C Strategic Housing – An affordable housing contribution is required

K.C Landscape Architects – support principle (see assessment below for details)

K.C. School Organisation & Planning – contributions required

WY Police Architectural Liaison Officer – support subject to conditions

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues (ecology & trees)
- Highway issues
- Drainage, contamination, noise and air quality issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

10.1 Principle of development

10.2 The application site is allocated for Business & Industry on the Unitary Development Plan Proposals maps. The proposal will therefore result in the loss land for allocated for employment purposes.

10.3 Part 1 of the National Planning Policy Framework 'Building a Strong and Competitive Economy' paragraphs 18- 22 are material considerations and in relation to allocated employment sites paragraph 22 states:

"Planning Policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose....Where there is no reasonable prospect of the site being used for the allocated employment use, applications for alternative uses of land and buildings should be treated on their merits having regard to market signals and the relative needs of different land uses to support sustainable local communities."

10.4 Paragraph 215 of the NPPF also states that due weight should be given to relevant policies according to their degree of consistency with the Framework. It further explains that the closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given. With this regard paragraph 216 also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).:

10.5 The applicant acknowledges that the site is allocated for Business and Industry (Policy B2 of the UDP) and was at that time considered suitable for employment use. However the applicant comments that the suitability for such use is also dependent upon the attractiveness to the market.

10.6 The employment land assessment submitted in support of the application advises that the site has been available and marketed for over 12 years. Following allocation of the site for Business and Industry in the UDP, the site owner commissioned for the site to be marked in 2004.

- 10.7 In 2006 Phase 1 of Whitehall 26 was completed with the construction of a new HQ building for Park House Health Care. Planning permission for Phase 2; a B1 office development of upto 18,000 sq ft with flexibility to let units of 3,000 sq ft was granted in 2008. This permission was further extended in 2012.
- 10.8 In January 2015, planning permission was secured for the development of a new pub/restaurant on a prominent part of the wider allocation. It was hoped that the presence of a family pub would provide facilities that would help attract interest in Whitehall 26.
- 10.9 The employment land assessment however suggests that the presence of ancillary services and facilities are unlikely to be the determining factor in an occupier selecting this site over other sites in closer proximity to the motorway, and the limited success of the business park to date would be very unlikely to change. In terms of achievability, the report concludes that as an available site with stub roads and site infrastructure in place, the site should have been taken up for employment development to a greater extent than it has in the last 12 years. Employment development is achievable on the site, as the Park House Health Care facility demonstrates, however, without demand in the market, further development for business and industry is unlikely to be achieved.
- 10.10 It is also worth noting that in the Draft Kirklees Local Plan, the site is proposed in part for housing and is in part without specific notation.
- 10.11 With regard to the allocated buffer zone, the intention of policy B3 of the UDP is to protect the amenity of occupiers of neighbouring properties from land allocated for business and industry and to reduce the impact of industrial development on visual amenity, landscape and wildlife. Given that the nature of development proposed is residential, it is considered that the objectives of policy B3 would not be prejudiced in this case.
- 10.12 Paragraph 49 of the NPPF presumes in favour of sustainable development and indicates that housing policies should not be considered up to date if the Local Planning Authority is unable to demonstrate a 5 year supply of deliverable housing sites. Currently the Council is unable to demonstrate a 5 year supply of deliverable housing land. In this respect recent appeal decisions have confirmed that given the lack of a demonstrable 5 year land supply the Councils housing land supply policies in the UDP are out of date. As such the lack of an adequate land supply in itself is a relevant and material consideration as is the provision of new housing which would help address the shortfall.
- 10.13 It is therefore considered that the site is unlikely to come forward for Business and Industry and as such, having regard to paragraph 22 of the NPPF and the current position in respect of the 5 year supply deliverable housing sites, the principle of residential development is supported.

Are there any comments that Members wish to make in relation to the principle of the proposed development at this stage?

10.14 Urban Design issues (Layout, Scale & Appearance)

- 10.15 Currently the site is vacant and other than for a small area being used as grazing land it largely comprises overgrown scrubland. The application red line boundary includes an area of the primary road from Heathfield Lane, which also serves the existing office development north of the site. The site is surrounded on two sides by predominantly detached residential properties, constructed in a variety of materials. To the boundary with Milford Grove and Bradford Road there is an existing earth mound that is shown to be removed.
- 10.16 The submitted layout demonstrates that a reasonable density of development can be achieved (32 dwellings/ha). The layout incorporates two areas of public open space (POS) with potential for a third area depending upon whether the pumping station is required. The main area of POS (to the north-west corner of the site) would be overlooked by the proposed apartment blocks, providing natural surveillance and will accommodate a 5-a-side grassed pitch with landscaping to the boundary, the other area to the eastern boundary would be informal open space and act as a buffer between the development and existing properties to Bradford Road. The third is shown in the south east corner of the site adjacent to properties along Milford Grove.
- 10.17 The layout takes the form of a traditional estate road with shared accessways and mews courts. The bridleway which passes through the site is accommodated within the layout. However given that the historic route of the bridleway is terminated by the M62, provision is also made within the layout for an alternative route that ties into the section of footpath/bridleway secured to the frontage of the pub/restaurant development and which will then connect Bradford Road to Whitehall Road West and footpath SPE/14/10.
- 10.18 Dwellings proposed onto Heathfield Lane, directly behind the existing employment use are arranged to avoid any links to the shared access road and would be served from the proposed new internal estate road. The location and orientation of dwellings along the east and southern boundaries would be set back from the existing properties forming a linear row of properties. Dwellings to the western boundary are shown to be orientated with the front elevation facing the proposed internal estate road and parking areas with the M62 beyond with rear gardens away from the M62.
- 10.19 The provision of a further pedestrian link from the development to Bradford Road (between nos 403 and 409a Bradford Road) has been considered but has been discounted given that third party land will be required and that objections to the link have been received from existing residents.
- 10.20 Amendments have been secured to provide opportunities for 'green streets' by providing areas of verge that can accommodate tree planting within the layout.

- 10.21 Internally within the site, the layout demonstrates adequate provision of private amenity space, arrangements for bin storage and parking provision for the size of plots/dwellings proposed.
- 10.22 The proposed scale of properties would be two and three storey in height. This would be appropriate to the surrounding dwellings which consist of two and three storey dwellings. Given the separation distances and finished ground levels proposed by the sections provided, officers are of the opinion that scale of development proposed provides a good physical and social relationship within the context of the existing surrounding development.
- 10.23 The proposed external facing materials are predominantly brick with a mixture of red and grey roof tiles. This is considered appropriate given that there is no distinct material prevailing in the area.

Are there any comments that Members wish to make in relation to the layout, scale and appearance of the proposal at this stage?

10.24 Residential Amenity

- 10.25 UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings
- 10.26 The submitted layout meets the requirements of policy BE12 and ensures there would not be any material harm to the amenity of occupiers of neighbouring properties as well as internally within site for the amenities of occupants of the new dwellings. The scale of the properties is such that there would be no detrimental impact to occupiers of the new dwellings internally within the site or to existing neighbouring dwellings given that adequate distance would be achieved between these with appropriate finished land levels, in accordance with the provisions of UDP Policies BE2 and BE12.
- 10.27 The proposals would result in the removal of the existing earth mound between the site and properties along Milford Grove and Bradford Road. As stated above the purpose of the mound (Buffer zone) was to protect the existing residential properties from the allocated site for business and industry and to reduce the impact of industrial development on visual amenity. Given that the nature of development proposed is residential, it is considered that the retention of this buffer zone is no longer required. In addition, the sections provided demonstrate that the proposed finished building heights are comparable to those on Milford Grove and Bradford Road. Subject to the development being completed in accordance with the submitted sections and appropriate boundary treatment to be provided between the existing and proposed plots (to be controlled by condition) Officers consider the impact on the amenities of the existing or future residents would not be unduly compromised.

Are there any comments that Members wish to make in relation to amenity issues at this stage?

10.28 Landscape (Ecology & Tree issues)

10.29 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site.

Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity”. These include the conservation and enhancement of biodiversity in and around developments.

10.30 The Preliminary Ecological Appraisal accompanying the application describes the habitats present as being of low ecological value and concludes that the development is unlikely to result in significant ecological impacts, provided appropriate measures are taken. The Councils Ecology Officer advises that planting can be accepted along part of the boundary provided that, in combination with other appropriate measures, it can be demonstrated that the southern boundary will function as part of the wildlife habitat network. This will need to include information on the lighting design for the scheme which can be controlled by appropriately worded conditions.

10.31 With regards to landscaping, in order to ensure that the proposed development would create an attractive residential environment for future occupants and to mitigate the development from the adjacent residential area more soft landscaping would be required. This can be conditioned to which the applicant is amenable to.

10.32 Impact on protected trees

10.33 UDP Policy NE9 seeks to retain mature trees on development sites. The importance of retaining trees is also highlighted in paragraph 118 of the NPPF which states that “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including . . . the loss of aged or veteran trees . . . unless the need for, and benefits of, the development in that location clearly outweigh the loss”.

10.34 The Council’s Arboricultural Officer has confirmed that the amended layout would not result in any adverse impact to the long term viability of the existing protected trees. Subject to the development being carried out in accordance with the amended Arboricultural Method Statement, the proposals would comply with Policy NE9 of the UDP as well as national guidance in the NPPF.

Are there any comments that Members wish to make in relation to the impact on the above issues at this stage?

10.35 Highway issues

10.36 Policy T10 of the Unitary Development Plan (UDP) sets out the matters against which new development will be assessed in terms of highway safety. Kirklees Highways DM make the following assessment:

- 10.37 This proposal consists of a residential development of some 128 dwellings with 250 associated parking spaces. The application is supported by a Transport Assessment (Paragon Highways, July 2016). The application site lies within the Whitehall 26 Business Park and is accessed directly off the A58 Whitehall Road West. The application site has an extant planning consent for a B1 office development of some 1800sqm.
- 10.38 Direct access to the site is to join with Heathfield Lane which junctions with the A58 Whitehall Road West via a 3-arm roundabout. Heathfield Lane has recently been constructed to an Industrial Estate Road standard of some 7.3m in width with 2m footways either side. The submitted Transport Assessment contains an assessment of the most recent 5 year PIA data (January 2010 – December 2014). Highways Development Management is satisfied that there are no existing accident trends that this development is likely to exacerbate. With regards to the sustainability of the site, it is considered that the site is moderately accessible.
- 10.39 The combined West Yorkshire Authority has been consulted on this proposal and they make the following comments:
- “It is inevitable that on large sites, parts of the site will fall outside the usual 400m standard to access public transport services. We generally take a pragmatic approach to walk distances to take the size of development sites into account. When doing so, we also have to consider the development type and the level and quality of service (frequency and destinations served) at the destination bus stop. In this case parts of the site are within 400m and other parts are not. Bus services can be accessed on both the Whitehall Road and Bradford Road corridor. The Whitehall Road services include the 259 which operates between Brighouse and East Bierley at an hourly frequency. The Bradford Road corridor provides access to more comprehensive bus services providing links to Bradford, Cleckheaton, Dewsbury and Leeds. Highways DM Officers consider that the Bradford Road corridor to be the primary access point for residents using public transport.
- 10.40 The closest bus stops on this corridor (reference 14047,14046) do not have shelters. As part of this scheme, bus shelters and Real Time Passenger Information displays could be provided at these stops (£20,000 per stop) to improve the public transport offer. In order to access these stops, a pedestrian access point needs to be provided to Bradford Road via the access road near to Plot 52. To ensure that sustainable transport can be a realistic alternative to the car, the developer needs to fund a package of sustainable travel measures. We recommend that the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. Leeds City Council has recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This model could be used at this site.

- 10.41 The payment schedule, mechanism and administration of the fund would have to be agreed with Kirklees Council and WYCA and detailed in a planning condition or S106 agreement. As an indication of the cost should the normal Residential Metro Card scheme be applied based on a bus only ticket, the contribution appropriate for this development would be £61,600. This equates to 128 bus only Residential MetroCards.”
- 10.42 The internal layout and estate road for the development have been designed in accordance with the guidelines provided within Manual for Streets, and Highways Development Management is broadly happy with the proposed layout. Notwithstanding the above, it is noted that the submitted Transport Assessment does not contain any swept path analysis vehicle tracking drawings and as such this should be secured by condition. The condition should require that the relevant drawings are submitted that demonstrate that a refuse vehicle up to 11.3m in length can access, egress and turn on site in a safe and efficient manner.
- 10.43 Parking is provided in a mixture of private driveways, forecourt and street-side visitor bays. The parking layouts as proposed are considered acceptable and in accordance with the guidance given within Manual for Streets. The level of proposed parking provision is considered acceptable and is in accordance with the adopted standards as prescribed within the UDP.
- 10.44 A traffic impact assessment has been provided within the submitted Transport Assessment. A classified turning count was undertaken at the junction of Heathfield Lane and Whitehall Road in March 2016 and traffic has been growth using an appropriate TEMPRO growth factor for a design year of 2023. This methodology is supported.
- 10.45 An interrogation of the TRICS database has been used in order to derive an appropriate dataset for predicting the likely trip rates associated with a development of 130 dwellings. The TRICS dataset contains surveys included on Fridays which is considered not to be good practice; however the dataset has been checked and validated as being sufficiently robust and is accepted in this regard. The resultant vehicle trip rates are considered to be marginally on the low side, however, Highways Development Management is satisfied in this regard. Traffic figures from the approved adjacent public house site have been taken into account from that application, and the derived trip rates from the extant office permission are also included within the assessment. This is considered an acceptable approach and is supported in this regard. The assessment concludes that the proposed development would likely generate a lower level of peak hour trips when compared to the extant B1 office permission and as such no further analysis is provided in this regard. This is supported and agreed. In order to assess the operational performance of the 3-arm roundabout junction of Heathfield Lane and the A58 Whitehall Road, and ARCADY (Assessment of Roundabout Capacity and Delay) model has been utilised. Highways Development Management is satisfied with this approach and the model utilised. The results of the operational assessment demonstrate that in the 2022 design year with the public house and extant office development, the junction would operate well within its theoretical

capacity limits with a Maximum Ratio of Flow to Capacity (RFC) of 0.477 with an associated Maximum Queue length (MaxQ) of 0.9 passenger car units (PCUS) of 0.9 occurring on the A58 West arm of the junction during the PM peak hour.

- 10.46 A further assessment has been carried out with the 2022 design year for the residential development included and the results demonstrate that the junction would operate well within its theoretical capacity limits with a RFC of 0.497 with an associated MaxQ of 1.0 PCUS occurring on the A58 East arm of the junction during the PM peak hour”.
- 10.47 To summarise, subject to the suggested conditions and securing the above S106 requirements, it is considered that traffic generated by the proposed development can be safely accommodated within the local highway network and that the proposal would not result in any undue highway safety implications and accord with the above mentioned highway Policies of the UDP and the NPPF. With regards to the request for a pedestrian link this is addressed above in the report.

Are there any comments that Members wish to make in relation to highway safety matters at this stage?

10.48 Drainage Issues

- 10.49 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach.
- 10.50 The site is located in flood zone 1 and due to the size of the site requires the submission of a Flood Risk Assessment. The drainage analysis in the submitted FRA has taken pre planning comments into account and promotes a solution in principle which indicates that the whole of the application site and that of the adjacent sites currently accommodating the Park House Healthcare building and the Green King public house/restaurant has a 9.7l/s discharge restriction approved to a local highway drain. An indicative drainage plan has been submitted indicating that this solution can be accommodated within the proposed layout.
- 10.51 The methodology is to alter the drainage discharge and attenuation tank size for the existing commercial unit and Greene King Pub, (which the Lead Local Flood Officer has no objection to), reducing the discharge from these adjacent sites from 9.7l/s to 5.7l/s to facilitate a 4l/s separate discharge from the residential development. The layout has been amended to take into account and reflect the above at the request of the Lead Local Flood Officer.
- 10.52 With regard to the size of attenuation under the proposed adopted highway areas and indeed the accreditation of the product which comprise such ‘structures’ the Lead Local Flood Officer advises that this could result in requirements not envisaged by the applicant and early dialogue with Highways DC/Section 38/Structures at Kirklees is strongly advised.

10.53 Yorkshire Water has confirmed the amended FRA is satisfactory and raise no objections subject to the inclusion of a conditions.

10.54 Contaminated land

10.55 The applicant has submitted a report by ARP Geotechnical dated September 2015 (Ref: BDWW/54rl) which is a combined Phase 1, Phase 2 contaminated land report and also a remediation strategy. On assessment of the above reports and additional information received on 2nd December Environmental Health Officers consider that the intrusive site surveys have been carried out satisfactorily. The remediation works and validation would need to be conditioned.

10.56 Noise & Air Quality

10.57 UDP Policy EP4 states that: “proposals for noise sensitive developments in proximity to existing sources of noise, or for noise generating uses of land close to existing noise sensitive development, will be considered taking into account the effects of existing or projected noise levels on the occupiers of the existing or proposed noise sensitive development.”

10.58 A noise report has been submitted as part of the planning application in order to establish if there are any constraints to development. The report is based on a number of sound measurements and recommends some mitigation measures. Environmental Health Officers advice these would fail to achieve satisfactory internal or external sound levels in all plots.

10.59 Following discussions with the applicant, more appropriate noise mitigation measures have now been proposed for the properties so that acceptable internal target sound levels will be achieved. These include higher acoustic glazing specification, intermittent extract fans for extract ventilation and trickle ventilators for the dwellings adjacent to the motorway.

10.60 The issue of noise levels to external amenity areas which are likely to exceed recommended levels for the proposed dwellings closest to the motorway remains. Following discussions with the applicant it was agreed that further mitigation measures such as acoustic barriers to the boundary of the site with the motorway and between properties can be provided to help reduce noise levels in the outdoor amenity areas to acceptable levels.

10.61 Turning to Air Quality, the NPPF Paragraph 109 states that “the planning system should contribute to and enhance the natural and local environment by... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability...”

- 10.62 The proposed dwellings shown to be parallel and nearest to the motorway are where modelled air quality levels are expected to exceed the health related annual mean National Air Quality Objectives for Nitrogen Dioxide (NO₂). The high levels of NO₂ at this location are largely related to emissions from vehicles on the nearby motorway. Therefore, in accordance with the West Yorkshire Low Emission Strategy Planning Guidance Document an Air Quality Impact Assessment was requested.
- 10.63 In light of this, the applicant and Environmental Services have agreed to carry out an extended period of monitoring on the development site over a further three months. This will help to more accurately determine annual mean levels of NO₂ at the proposed location of the nearest properties to the motorway. Should the results show that the NO₂ levels have exceeded the air quality objectives and cannot be mitigated against, the applicant has agreed to reconsider the proposed layout, moving the nearest dwellings further away from the pollution source to reduce the risks from poor air quality for the future residents. This would require amendments to the submitted layout.

Are there any comments which Members wish to make in relation to drainage, contamination, noise and air quality issues at this stage?

10.64 Planning obligations

10.65 *Education*

On the basis of the nos. of units proposed an education contribution of £490,051.00 is required to be secured through a S106.

10.66 *Public Open Space*

The site is over 0.4ha and requires a public open space contribution in accordance with Policy H18.

- 10.67 Two areas of POS are shown within the proposed layout. The principal area of POS accommodates surface water attenuation tanks below ground. This area will be laid out with a five-a-side pitch and with landscaping to the perimeter of the site. The second area of POS accommodates informal open space.

- 10.68 Taking the areas POS, the quantum within the layout falls short of the 30sqm per dwelling policy requirement, therefore a financial contribution to improve existing open space off site will be required. The contribution will also include a sum in lieu of equipped provision on site.

- 10.69 Should the proposed pumping station not be required, this land can come forward as an area of POS to meet the open space requirement and the off-site contribution will reduce accordingly. The contribution will be secured by way of a S106 obligation.

10.70 *Affordable Housing*

The emerging affordable housing policy in the Kirklees Local Plan seeks to secure a 20% provision of affordable housing within new housing developments. The Council has recently adopted an interim affordable housing policy to secure a 20% provision and which also includes the provision of starter homes which is a concept introduced by the Government to help to meet the housing needs of first time buyers. The council's draft Local Plan policy seeks 20% of the total number of dwelling with a tenure split of 45-55 in favour of Social Housing.

10.71 The developer has confirmed a willingness to provide 20% of the proposed no of units as affordable. The applicant proposes a starter home package which will offer properties for sale at 20% of open market value, in perpetuity, to be made available to people who at the time of purchasing will be a first time buyer, be at least aged 23 but has not yet reached the age of 40 and occupy the affordable housing unit as their sole or main residence. This offer is considered a positive step forward in the delivery of affordable housing and has several tie-ins with the Council's emerging Local Plan and interim policy position but Members should note it does not accord fully with the draft Local Plan affordable housing policies. The developer's affordable housing offer to create a starter homes model can be seen as an innovative way for the Council to deliver affordable housing. The Government has yet to publish its detailed technical guidance on Affordable Housing so this application is effectively a trail to create a model.

10.72 Heads of Terms for the S106 obligation set out arrangements for the delivery of the starter homes package. It includes a fall-back position whereby should purchasers fail to be identified within 90 working days of the properties being marketed, the developer will be able to dispose of the properties on the open market. The date from the sales and occupancy will also be a useful by product from this exercise so the Council can monitor the success of the scheme and if need be re-use and modify it for future applications were appropriate.

10.73 Through negotiation with Officers, the applicant has agreed to include a further clause that allows for a re appraisal in such circumstances before disposal on the open market and for the level of discount to be increased. This would result in a fewer number of starter homes but with a greater level of discount below OMV. For example the developer would look to cascade the offer as opposed to releasing them on the open market by offering 15% of units at 30% discount and then 10% of units at 40% discount.

10.74 Whilst the enabling Statutory Instrument to set out the specific arrangements for securing Starter Homes has yet to be issued, the starter home proposal offered by the applicant will provide a pilot scheme to trial the approach.

Are there any comments that Members wish to make in relation to the above issues at this stage?

10.75 Representations

10.76 Response to representations not covered in the report:

10.77 Although not shown on the submitted plans an assessment has been made taking into account the extension to nos. 19 and 23 Milford Grove.

10.78 Occupiers of no. 403 Bradford Road raise concerns in relation to access for maintenance purposes to their garage/hedge and the existing privately owned gate on the boundary with the application site and this property. These matters of concern are outside the planning remit and need to be resolved between interested parties. The proposals do not include the creation of new pedestrian links to Bradford Road nor the removal of the privately owned gate.

10.79 Clarity was sought from local residents on the retention of the existing stone wall to garden areas of properties on Millford Grove and proposed fence along this boundary. The submitted plans do not show the stone wall. This may be outside the application site. If this is the case, planning permission does not allow for the removal of structures on third party land. The plans have been amended to show a 2 metre high timber fence along this party boundary.

10.80 Finally for completeness, elevations and floor plans have been provided for all the different house types proposed.

10.81 With regards to the comments in relation to the sharing information and allowing interested parties/members of the public to comment, amended plans and additional information received during the course of the application have been made available on the Councils website and further neighbour letters have been sent out. Site notices advertising receipt of amended plans and additional information will be posted in the New Year giving a further period for comment. Given that it is unlikely that a decision will be made on this application until March/April 2017 (following assessment of further air quality monitoring), interested parties will have sufficient time to review the plans and information and to comment accordingly.

10.82 Other information

10.83 The West Yorkshire Police Liaison Officer has made a number of comments / recommendations. These should be incorporated into the scheme to promote good security, maximise surveillance to publicly accessible areas, the design of front gardens and external door and window specifications along with low level boundary treatment to the front of plots to provide obvious demarcation and avoid potential conflict between neighbours. In light of this, other the doors and windows specifications, the agent is agreeable to a condition to ensure the security measures to meet the secure by design guidance and prevent crime prevention. With regards to external doors and windows, it is accepted these would form part of a Building Regulations application and as such would provide sufficient protection to the future occupants.

10.84 The applicant has requested the following information be included in the report:

“Subject to our application being approved, Virgin Media have put in place measures to deliver fibre to the premise (FTTP) to our development. This will also open up the opportunity to provide this to the residents of Birkenshaw and East Bierley which will be of benefit to existing local residents. FTTP is a 100% fibre connection which offers lightning speeds and significantly improves the performance of internet connections, offering a benefit to local residents”.

Are there any comments that Members wish to make in relation to the above issues at this stage?

11.0 CONCLUSION:

Members are asked to note the contents of this report. Members' comments on the following questions will be helpful in moving the application forward:

- 1. Do Members have any comments on the principle of the development**
- 2. Do Members have any comments in relation to the layout, scale and appearance of the proposal**
- 3. Do Members have any comments in relation to the amenity issues at this stage**
- 4. Do Members have any comments in relation to ecology and the impact of the proposals on trees**
- 5. Do Members have any comments on the proposed highway works/ safety matters at this stage**
- 6. Do Members have any comments in relation to drainage, contamination, noise and air quality matters**
- 7. Do Members have any comments on the planning obligations to be sought**
- 8. Do Members have any comments on the security measures**
- 9. Are there any other matters which Members wish to raise?**

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KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY STRATEGIC PLANNING COMMITTEE

5 JANUARY 2017

Planning Application 2014/92893

Item 10 – Page 13

Erection of 34 dwellings and associated car parking

Land Off, Croft Street, Birkenshaw

Introduction:

Para 1.3 Correction – Members will recall that at the meeting on 1st December...

Recommendation:

Additional conditions:

Before development commences, details of the future provision/repair and maintenance of the retaining wall/structure to the southern boundary of Plots 17-19 shall be submitted for the written approval of the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the approved dwellings on Plots 17-19.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any Order revoking or re-enacting that Order) no development included within Schedule 2 Part 1 Class A1, B and E to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the southern elevation of Plot 19.

Landfill of former quarry site and restore to agricultural land and highway improvements to provide vehicle passing areas**Former quarry, Hall Ing Quarry, Hall Ing Road, Brockholes, Holmfirth****Public/Local Response:**

Members should note that since the publication of the committee report a further objection to the proposal has been received. This raises a number of concerns, some of which have already been addressed in the committee report. Those which were not specifically identified in the committee report are summarised as follows:

The proposed passing places are likely to be used by vehicles as parking areas and cannot therefore be relied upon when HGVs visit the site.

Response: It is proposed to require the submission of a scheme which provides full details of works associated with the formation of the passing places. This scheme would require the provision of advisory signage which would indicate the passing places are not to be used for parking.

Due to the position of the passing places, they will need to be of a sufficient size to allow lorries to pull into in order to allow vehicles travelling in a westerly direction to pass.

Response: The aforementioned scheme would require full construction details to be submitted and approved by the Council.

Operations at the site from 06:30 to 07:00 are likely to disturb the sleep of the objector.

Response: It is proposed to include a planning condition restriction hours of operation at the site to 09:00 to 15:00 hours Monday to Friday.

Appraisal:

Since the publication of the committee report further discussions have taken place with the Council's Highways Development Management team regarding this proposal. In addition to stipulating vehicle routing to and from the site, the HDM team recommend that the proposed S106 agreement should also preclude the use of articulated heavy goods vehicles (HGV) and rigid HGVs with more than three axles and a gross weight exceeding 26 tonnes.

Recommendation:

Members are therefore advised that the recommendation for this proposal has been amended as follows:

“DELEGATE approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by committee) and secure a S106 agreement with the applicant which:

- *Requires the use of a specific route for HGVs travelling to and from the site;*

- *Precludes the use of articulated HGVs travelling to and from the site;*
- *Restricts the size of HGV vehicles travelling to and from the site to rigid three axle HGVs with a maximum gross weight of 26 tonnes*

and, subject to there being no substantive changes to alter this recommendation, to issue a decision notice.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the committee's resolution then the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured: if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers."

Planning Application 2016/92254

Item 14 – Page 73

Erection of 24 dwellings

Land off Colders Lane, Meltham, Holmfirth

Public/Local Response:

Ward councillor Greaves has confirmed an objection to the application on the grounds that "the link road to Wessenden Head that would relieve traffic from Mill Moor Road will not be provided and that the proposed development plan would significantly increase traffic flow in this narrow and congested area". In response to Councillor Greaves' comments, the issue of the link road and the overall impact of the development on the local highway network are addressed within the main report.

As detailed at paragraph 7.4 of the report, the application was re-advertised because the original publicity did not refer to the fact that the development represents a departure from the Unitary Development Plan. This publicity period has now expired and no further representations have been received.

Appraisal:

Drainage issues

Flood risk:

An amended drainage layout plan has been received which has improved flood routing within the site. The site entrance has been lifted to fall towards Colders Lane and additional road gullies provided to catch surface water run-off; this is to reduce the risk to the proposed dwellings in the event that flood water flows down Colders Lane. As a consequence of this the finished floor level of plot 5 has been raised by 200mm. Plots 8 and 9 have also been raised by 150mm and 100mm respectively to better direct surface water run-off between the plots from the end of the private drive.

The amendments have satisfactorily addressed the concerns with flood routing that had been raised by Kirklees Flood Management and Drainage. It is considered that the increase in the floor level of plots 5, 8 and 9 is modest and would not have any significant impact on visual or residential amenity.

The amendments to the drainage scheme have also helped to reduce the risk of flooding to plots 14, 15 and 16.

Culvert diversion:

The route of the existing culverted watercourse that is to be diverted has also been amended. The watercourse will still connect to an existing watercourse within Colders Lane but the diversion has omitted the 90 degree bends that would significantly compromise hydraulic performance (bends are generally about 45 degrees) and the route of the diversion principally runs under the highway and limits the number of plots which it passes through. Good stand-off distances between buildings and the diverted culvert are achieved. The culvert diversion is acceptable in principle subject to a condition requiring a detailed scheme for these works. Restrictions on permitted development rights will also need to be imposed on plots 17, 18 and 19 to protect the diverted culvert in the future.

It is to be noted that the size of the new pipe for the culvert diversion has been increased which helps to reduce flood risk.

Surface water drainage:

As detailed at paragraph 10.43, Yorkshire Water were informed of an earlier change to the surface water drainage scheme which increased the number of properties discharging to the public sewer at the rear of the site. No objections have been received from Yorkshire Water regarding this matter.

The open space within the site where the surface water attenuation tank is located indicates a minimum ground level to provide sufficient cover. For clarity and in the interests of visual amenity it is considered that a condition is necessary requiring details of the maximum finished ground level for this area once the detailed drainage scheme has been designed.

A condition requiring details of temporary drainage during the construction is recommended to protect surrounding properties and local drainage networks.

Boundary treatment to Colders Lane

Changes to the drainage scheme have meant that there is no longer a box culvert to the front of plots 1-5. The presence of the box culvert made it impractical for a stone wall to be formed along this part of the site frontage and so on balance officers accepted a rail fence with planting as the boundary treatment. Given that there is no longer a practical constraint to providing a wall in this location officers are of the opinion that a stone wall should be provided to the front of plots 1-5. The applicant has indicated a willingness to provide a wall. A condition regarding the front boundary treatment is therefore necessary. The height of any wall will need to allow for adequate visibility from the points of access for these plots and its construction will need to take into account the nearby diverted culvert.

Highway issues

An additional condition is recommended regarding the collection of waste given that there are no bin collection points shown on the plans. This is in the interests of amenity and highway safety.

Planning Application 2016/92633 Position Statement Item 15 – Page 91

Erection of 128 dwellings (with two apartment blocks) including means of access and associated infrastructure

Heathfield Lane, Birkenshaw, BD11 2HW

Appraisal:

Noise & Air Quality

Since the publication of the position statement further discussions have taken place with the applicant who has presented an amended layout plan to address the noise and air quality issues. The amended layout includes the boundary layer which denotes where the level of NO₂ is predicted to exceed health related objectives, with the proposed dwellings being set further back, outside of this area. In addition it is also proposed to provide mitigation in the form of an internal ventilation scheme to reduce the risk of poor air quality for the future residents of the dwellings.

Environmental Health Officers have been re-consulted, formal comments are awaited. The amended layout will need to be re-advertised and neighbour letters sent out to allow for a further round of publicity.

The amended layout has resulted in the loss of two units. As such the S106 contributions, in particular the provision of education contributions and starter homes will need to be adjusted to reflect this.

Highway Issues

Paragraph 10.38 should read:

Direct access to the site is to join with Heathfield Lane which junctions with the A58 Whitehall Road West via a 3-arm roundabout. Heathfield Lane has recently been constructed to an Industrial Estate Road standard of some 7.3m in width with 2m footways either side. The submitted Transport Assessment contains an assessment of the most recent 5 year PIA data (January 2010 – December 2014). Highways Development Management is satisfied that there have been no further injury accidents since December 2014 at this location and that there are no existing accident trends that this development is likely to exacerbate. With regards to the sustainability of the site, it is considered that the site is moderately accessible.

Paragraph 10.42 refers to a refuse vehicle up to 11.3m in length. Highways DM officers have confirmed this should refer to a refuse vehicle up to 11.85m in length.

For Clarity

Paragraph no. 10.37 of the position statement states “the application site has an extant planning consent for a B1 office development of some 1800sqm”. The permission referred to is under application 2011/92862, which expired in January 2015.
